

City of Capitola

City Council Meeting Agenda

Tuesday, November 22, 2022 – 7:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Sam Storey
Vice Mayor: Margaux Keiser
Council Members: Jacques Bertrand, Yvette Brooks, Kristen Brown

REVISED

Regular Meeting of the Capitola City Council – 7 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

1. Roll Call and Pledge of Allegiance

Council Members Jacques Bertrand, Yvette Brooks, Kristen Brown, Margaux Keiser, and Mayor Sam Storey.

2. Additions and Deletions to the Agenda

3. Presentations

Presentations are limited to eight minutes.

[A.](#) Staff Introductions

Recommended Action: Introduction of City Clerk Julia Moss.

4. Additional Materials

Additional information submitted to the City after distribution of the agenda packet.

[A.](#) **Item 8A - One public comment email**

5. Oral Communications by Members of the Public

*Please review the Notice of Remote Access for instructions. Oral Communications allows time for members of the Public to address the City Council on any “Consent Item” on tonight’s agenda, or on any topic within the jurisdiction of the City that is not on the “General Government/Public Hearings” section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. **A maximum of 30 minutes** is set aside for Oral Communications.*

6. Staff / City Council Comments

Comments are limited to three minutes.

7. Consent Items

All items listed as “Consent Items” will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government. Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A.** Consider and Approve City Council Meeting Minutes from November 10, 2022 Regular Meeting and November 15, 2022 Special Meeting
Recommended Action: Approve minutes.
- B.** Approval of City Check Registers Dated October 14, October 28, and November 10, 2022.
Recommended Action: Approve check registers.
- C.** Long Term Use Agreement Between City of Capitola and Soquel Union Elementary School District for Jade Street Property
Recommended Action: Authorize the City Manager to sign a Long-Term Use Agreement between the City of Capitola and Soquel Union Elementary School District for the Jade Street Park Property including the Capitola Community Center in substantially similar form, as approved by the City Attorney, as the attached Agreement.
- D.** Environmental Projects Manager Job Description
Recommended Action: Approve changes to the Environmental Projects Manager job description.
- E.** Second Reading of an Ordinance Amending Chapter 15.04 of the Capitola Municipal Code Pertaining to Building and Fire Code
Recommended Action: Pass an Ordinance amending Municipal Code Chapter 15.04, pertaining to building and fire codes.
- F.** Second Reading of an Ordinance Amending Chapter 17 of the Capitola Municipal Code pertaining to Zoning and Amending the Zoning Map and the Coastal Land Use Plan Map
Recommended Action: 1) Pass an Ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map, and 2) Adopt the proposed resolution authorizing submittal to the California Coastal Commission for Certification of amendment to the Local Coastal Program including modifications to the LCP Implementation Plan, Zoning Map, and the Coastal Land Use Plan Map (General Plan Land Use Map).
- G.** Second Reading of an Ordinance Amending Sections 5.36 and 9.61 of the Capitola Municipal Code Pertaining to Cannabis Delivery
Recommended Action: Pass an Ordinance amending Capitola Municipal Code Sections 5.36 and 9.61 allowing cannabis deliveries within the City of Capitola from any authorized licensed retailers physically located within Santa Cruz County.
- H.** Suspend Village Parking Meter and Pay Station Operation for the 2022 Holiday Season
Recommended Action: Authorize the suspension of parking meter and pay station operation to allow free three-hour parking in the Village Parking Meter Zone A (1) from November 24, 2022, through December 25, 2022.
- I.** Award of Contract to American Foam Experts for the City Hall Roof Repair Project in Total Amount Not to Exceed \$58,480 and Determine Project Exempt from CEQA Pursuant to CEQA Guidelines Section 15301
Recommended Action: 1. Accept the lowest responsible bid for the City Hall Roof Repair Project and determine project exempt from CEQA; and 2. Authorize the City Manager to award the

construction contract to the lowest responsible bidder after receipt of the required contract documents, execute contract documents, and approve potential contract changes in aggregate amount not exceeding 10% of the contract award amount.

J. Consider a Contract to Install a Backup Power Generator for the City Hall and Police Department
Recommended Action: Authorize the City Manager to award a contract to Triad Electric for the City Hall and Police Department Backup Generator Project in total amount not to exceed \$197,200, approve potential contract changes in the aggregate amount not exceeding 15% of the contract award amount, and determine the project is exempt from CEQA Pursuant to CEQA Guidelines Section 15303.

K. Consider Update to the Police Officer Association 2021-2024 Memorandum of Understanding
Recommended Action: Authorize the City Manager to sign an updated 2021-2024 Police Officer Association (POA) Memorandum of Understanding (MOU) including negotiated changes.

L. Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing
Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

8. General Government / Public Hearings

All items listed in “General Government / Public Hearings” are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

A. San Jose Avenue Parking Layout Modifications

Recommended Action: Authorize modifications to on-street parking on San Jose Avenue.

B. Authorize a Request for Proposals for the Jade Street Park Universally Accessible Playground Project

Recommended Action: Authorize the Public Works Department to issue a Request for Proposals for the design of a universally accessible playground at Jade Street Park.

C. Receive 2022 Special Event Report and Provide Direction for Recurring 2023 Events

Recommended Action: Receive report, provide direction regarding changes to specific recurring special event permit conditions, and determine if any additional review should be required for any 2023 special events.

9. Adjournment

Notice of In-Person & Remote Access

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010

Other ways to Watch:

- Spectrum Cable Television channel 8
- City of Capitola, California YouTube Channel

To Join Zoom Application or Call in to Zoom:

- Meeting link:
<https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAydz09>
- Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**
- Meeting ID: **833 2817 3113**
- Meeting Passcode: **678550**

To make a remote public comment:

- **Via Zoom Application:** Use participant option to “raise hand”. The moderator will unmute you
- **Via Zoom phone call:** Dial *9 on your phone to “raise your hand”. The moderator will unmute you

Note: Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes “final.” Please be advised that in most instances the decision become “final” upon the City Council’s announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: www.cityofcapitola.org and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24 hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Televised Meetings: City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at www.cityofcapitola.org by clicking on the Home Page link “**Meeting Agendas/Videos.**” Archived meetings can be viewed from the website at any time.

Capitola City Council

Agenda Report

Meeting: November 22, 2022

From: City Clerk

Subject: Staff Introductions



Recommended Action: Introduction of City Clerk Julia Moss.

Background: Julia Moss brings 4 years of experience in municipal government, as well as over a decade of experience in customer service. Prior to accepting this position in Capitola, she worked as a Deputy City Clerk in San Marcos and Oceanside, California. In these positions, she obtained valuable experience in the 2018, 2020, and 2022 elections, as well as overseeing the administration of public records requests and document management and retention.

Julia enjoys interacting with an engaged community and appreciates those who dedicate themselves to public service. She also has a strong background of implementing technology to advance efficiency and transparency for staff and the public.

Julia was born in France but has resided in California for most of her life. She attended college at the University of San Diego, obtaining her Bachelor of Arts degree in Sociology and Communications. She has continued her education through technical training and professional development courses for California Clerks.

Julia grew up in the Santa Cruz Mountains and is currently living in Scotts Valley. She enjoys walking her dog by the beach, baking, and reading.

Approved By: Jamie Goldstein, City Manager

Moss, Julia

From: Josh Fisher <joshfisher831@gmail.com>
Sent: Tuesday, November 22, 2022 11:45 AM
To: City Council
Subject: Outdoor Dining area meeting

Hi Katie,
Thanks for all your help with this. I will do my best to be there at the meeting tonight.

Let it be known in notes or comments for tonight's meeting:

I originally wanted my current square design and had followed all city council rules and regulations based on ALL the meetings we had already had and was ready to move forward with the ALREADY APPROVED PROTOTYPE.

After all the commotion from Capitola Wine Bar in changing the parking and changing the ALREADY APPROVED ANGLED PARKING PARKLET OPTION, I agreed to change my area to match for the better of The Village and to also help the City with parking revenue as the alternate option gained 1 or 2 spaces I believe.

If City Council approves tonight, I will go along with the concept as we have already discussed with Mike Arnone doing the drawings and either have one contractor building all 3 of our areas or each getting there own contractor to build.

However we have NOT finalized the exact dimensions of our respective spots yet but we have a general idea and now with the study complete we can discuss the final footage of all areas and bike location etc. Again, NOT COMPLETED YET!!

If City Council does NOT approve the new concept I will go back to my original design still utilizing the APPROVED PROTOTYPE and most likely using Mike as well or going back to my ALREADY COMPLETED plans. I have a contractor standing by to measure and bid it out after Thanksgiving.

In case none of the other businesses want to move forward after tonight's meeting I am still committed as I was before!! I can and will move forward solo if needed!!

Thanks for all your help. This whole thing got way more complex then it needed to be however we will work through it and complete it nonetheless.

The only other request is to have until March 1st to complete rather than January 1st since we have had to wait almost 2 months now for a final answer.

Thank you Katie and thank you City Council for bearing with us!!

Josh Fisher
Owner-
Left Coast Sausage Worx

Capitola City Council Agenda Report



Meeting: November 22, 2022

From: City Manager Department

Subject: Consider and Approve City Council Meeting Minutes from November 10, 2022 Regular Meeting and November 15, 2022 Special Meeting

Recommended Action: Approve minutes.

Discussion: Attached for Council review and approval are the draft minutes from the regular City Council meeting on November 10, 2022, and the special City Council meeting on November 15, 2022.

Attachments:

1. November 10, 2022
2. November 15, 2022

Report Prepared By: Julia Moss, City Clerk

Reviewed/Approved By: Jamie Goldstein, City Manager

City of Capitola

City Council Meeting Minutes

Thursday, November 10, 2022 – 7:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Sam Storey
Vice Mayor: Margaux Keiser
Council Members: Jacques Bertrand, Yvette Brooks, Kristen Brown

Closed Session – 5:30 PM

Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.

- A.** Conference with Labor Negotiators
(Gov't Code § 54957.6)
Negotiator: Chloé Woodmansee, Assistant to the City Manager
Employee Organization: Police Officers Association
- B.** Public Employee Performance Evaluation
(Gov't Code §54957(b))
City Attorney Performance Evaluation

Regular Meeting of the Capitola City Council – 7 PM

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1. Roll Call and Pledge of Allegiance

In Attendance: Council Members Jacques Bertrand, Yvette Brooks, Kristen Brown, Margaux Keiser, and Mayor Sam Storey.

2. Additions and Deletions to the Agenda - None

3. Report on Closed Session

The City Council met and discussed two items on the Closed Session Agenda and took no reportable actions.

4. Additional Materials

Additional information submitted to the City after distribution of the agenda packet.

The City Council received an updated salary schedule.

5. Oral Communications by Members of the Public - None

6. Staff / City Council Comments - None**7. Consent Items**

All items listed as “Consent Items” will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government. Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

Motion to approve the Consent Calendar made by Council Member Bertrand**Seconded by Council Member Brown****Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown**

- A. Consider the minutes from the October 27, 2022, regular City Council meeting
Recommended Action: Approve minutes.
- B. Lifeguard Job Descriptions
Recommended Action: Approve changes to the Beach Lifeguard/Junior Lifeguard Instructor and Lifeguard Lieutenant/Junior Guard Assistant Coordinator job descriptions.
- C. Update Hourly and Seasonal Salary Schedule
Recommended Action: Adopt the proposed resolution amending the hourly and seasonal Pay Schedule.
- D. Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing
Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

8. General Government / Public Hearings

All items listed in “General Government / Public Hearings” are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A. Consider Request to Fly the “Christian Flag” during the month of December, the month of Easter, and on May 1st, the National Day of Prayer, in Accordance with Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property
Recommended Action: Deny request.

Chloe Woodmansee, Assistant to the City Manager, presented the staff report.

David Campbell, Petitioner, spoke in support of the request.

Mark Schweeny and TJ Welch, residents, both spoke in support of the flag request.

City Attorney Zutler made comments and spoke about the establishment clause, and the Shurtleff vs. Boston case - in that case the flag pole was a public forum. The City of Capitola has a specific policy that states that the City’s flag pole is not a public forum.

Council Comments:

Council Member Bertrand thanked speakers for their comments and acknowledged the role that religion plays in his personal life. He clarified that he doesn't believe in favoring one religion through the use of the flag policy.

Council Member Brown thanked the petitioner for his efforts and thanked the local faith community in Capitola for their work with non-profits.

Council Member Brooks thanked the speakers and agreed with other Council Members in their denial of the request.

Vice-Mayor Keiser thanked the speakers and City Attorney for their comments and reiterated that the flag policy is meant to be inclusive.

Mayor Storey thanked speakers and the petitioner and encouraged the City Council to revisit the flag policy in 2023 and urged all to look for one unifying symbol of the community.

***Motion to deny request made by Council Member Brooks
 Seconded by Vice Mayor Keiser
 Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown***

- B. Consider a Cannabis Delivery Ordinance Amendment
Recommended Action: Introduce, by title only, waiving further reading of the text, an ordinance amending Capitola Municipal Code Sections 5.36 and 9.61 allowing cannabis deliveries within the City of Capitola from any authorized licensed retailers physically located within Santa Cruz County.

Andrew Dally, Police Chief, presented the staff report.

Council Comments:

Council Member Bertrand inquired about previous efforts to ban cannabis deliveries from non-Capitola based retailers, and City Manager Goldstein referenced the original ordinance and subsequent amendments.

Mayor Storey inquired about whether or not sales tax will be determined by delivery location or point of origin, and Police Chief Dally clarified that the point-of-sale location will receive the sales taxes. Mayor Storey also inquired whether the adoption of this ordinance should be contingent on a uniform adoption of other jurisdictions, and City Attorney Zutler clarified that other jurisdictions will be in the process of adoption by the time this ordinance is presented for its second reading.

***Motion to introduce the Ordinance made by Council Member Brown Seconded by Council Member Bertrand
 Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown***

- C. Introduce an Ordinance Amending Chapter 15.04 of the Capitola Municipal Code Pertaining to Building and Fire Code
Recommended Action: Introduce for first reading, by title only, waiving further reading of the text, a proposed ordinance amending Municipal Code Chapter 15.04, pertaining to building and fire codes.

Katie Herlihy, Community Development Director, presented the staff report.

Council Comments: None

***Motion to introduce the Ordinance made by Council Member Brown
 Seconded by Vice Mayor Keiser
 Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown***

D. 2022 Zoning Code Amendments

Recommended Action: 1) Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map, and 2) Adopt the proposed resolution amending the General Plan Land Use Map.

Katie Herlihy, Community Development Director, presented the staff report.

Council Comments:

Council Member Brown inquired about restrictions for cannabis retailer signs, Katie Herlihy confirmed that they will no longer be restricted differently than other retail signs.

Council Member Brooks inquired about second story decks and their contributions to floor area ratio and deck screening.

Mayor Storey recused himself from further discussion due to a conflict of interest.

Peter Wilk, resident, spoke about second story decks and requested that elected officials provide guidance.

Council Member Bertrand thanked Staff and community members for their efforts.

Motion to introduce the Ordinance and adopt the Resolution made by Council Member Brown

Seconded by Council Member Bertrand

Voting Yea: Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown

Abstaining: Mayor Storey

E. Consider a Permanent Local Housing Allocation Resolution

Recommended Action: Adopt proposed resolution authorizing the City Manager to execute the Permanent Local Housing Allocation (PLHA) Program Application with 5-year plan, the PLHA Standard Agreement, and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant award.

Katie Herlihy, Community Development Director, presented the staff report.

Council Comments:

Council Member Bertrand inquired about how funding allocations is determined, and Staff clarified that allocations will be brought to Council for approval.

Motion to adopt the resolution made by Council Member Bertrand

Seconded by Council Member Brooks

Voting Yea: Mayor Storey, Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown

9. Adjournment – The meeting was adjourned at 8:46 PM to a Special City Council Meeting on November 15, 2022, at 2:00 PM.

ATTEST:

Sam Storey, Mayor

Julia Moss, City Clerk

City of Capitola Special City Council Meeting Minutes Tuesday, November 15, 2022 – 2:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Sam Storey
Vice Mayor: Margaux Keiser
Council Members: Jacques Bertrand, Yvette Brooks, Kristen Brown

Closed Session – 2 PM

Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.

1. Roll Call and Pledge of Allegiance

Council Members Jacques Bertrand, Yvette Brooks, Kristen Brown, Margaux Keiser, and Mayor Sam Storey.

2. Closed Session

- A. Conference with Real Property Negotiators
(Gov't Code § 54956.8)
Property: 4400 Jade Street, APN 034-551-02, Capitola, CA
City Negotiator: Jamie Goldstein, City Manager
Negotiating Parties: Soquel Union Elementary School District
Under Negotiation: Terms of Join Use Agreement
- 2. **Report on Closed Session** – The City Council met and discussed one item on the Closed Session Agenda and took no reportable action.
- 3. **Adjournment** – Adjourned at 3:07 PM.

ATTEST:

Sam Storey, Mayor

Julia Moss, City Clerk

City main account checks dated October 28, 2022, numbered 101882 to 101992 totaling \$195,281.73, seven EFTs totaling \$178,944.34, one successor agency check totaling \$165,073.97, one payroll check totaling \$13,332.83, and 96 payroll EFTs totaling \$181,616.11, for a grand total of \$568,507.79, have been reviewed and authorized for distribution by the City Manager.

As of October 28, 2022, the unaudited cash balance is \$6,235,498.07.

CASH POSITION - CITY OF CAPITOLA
October 28, 2022

	10/28/2022
General Fund	\$ (1,642,160.31)
Payroll Payables	\$ 19,005.11
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ 3,759,480.17
Stores Fund	\$ 67,128.84
Information Technology Fund	\$ 300,024.41
Equipment Replacement	\$ 992,379.60
Self-Insurance Liability Fund	\$ (240,384.10)
Workers' Comp. Ins. Fund	\$ 375,078.54
Compensated Absences Fund	\$ 110,886.06
TOTAL UNASSIGNED GENERAL FUNDS	\$ 6,235,498.07

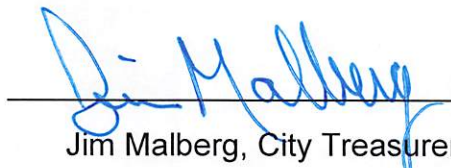
The Emergency Reserve Fund balance is \$1,314,205.54 (not included above).
The PERS Contingency Fund balance is \$974,096.85 (not included above).



 Jamie Goldstein, City Manager

 10/28/22

 Date



 Jim Malberg, City Treasurer

 10/28/22

 Date

City Checks Issued October 28, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101882	10/28/2022			ADAMS ASHBY GROUP INC.	\$1,187.50
	Invoice	Date	Description		Amount
	4533	10/13/2022	September CDBG CV2/3 general admin, reports, and amendment proc 1350 - CDBG Grants		\$1,187.50
101883	10/28/2022			AFLAC	\$1,345.04
	Invoice	Date	Description		Amount
	338203	10/25/2022	October supplemental insurance		\$1,345.04
			1000 - General Fund	\$ 9.60	
			1001 - Payroll Payables	\$1,335.44	
101884	10/28/2022			ALAMEDA COUNTY SHERIFF'S OFFICE	\$2,469.00
	Invoice	Date	Description		Amount
	290131-1022-7520	10/14/2022	Motor class 10/14/22		\$375.00
	290131-1022-7521	10/14/2022	Motor class 10/24-11/4/22		\$2,094.00
101885	10/28/2022			ALLIED UNIVERSAL	\$812.81
	Invoice	Date	Description		Amount
	13396390	11/03/2022	McGregor skate park foot patrol		\$392.06
	13396391	11/03/2022	Esplanade park foot patrol		\$420.75
101886	10/28/2022			ALVAREZ TECHNOLOGY GROUP INC	\$187.50
	Invoice	Date	Description		Amount
	65310	10/17/2022	November antivirus 2211 - ISF - IT		\$187.50
101887	10/28/2022			AMAZON CAPITAL SERVICES	\$870.21
	Invoice	Date	Description		Amount
	1JVK-L37N-YGG6	10/12/2022	Safety meeting supplies		\$26.16
	13DW-DGVY-3C79	10/18/2022	Wheels for shop gate		\$65.35
	171V-71MX-MGKX	10/17/2022	Book		\$87.20
	1JVK-L37N-PY7L	10/11/2022	Dry erase calendar, double side tape		\$41.03
	13QC-XWVQ-DFGH	10/17/2022	Webcam		\$27.24
	1V7V-NMDK-HVTR	10/11/2022	Scansnap document scanner, bluetooth headset		\$623.23
			1000 - General Fund	\$219.74	
			2211 - ISF - IT	\$650.47	
101888	10/28/2022			AT&T/CALNET 3	\$1,202.76
	Invoice	Date	Description		Amount
	000018923982	10/13/2022	October T-1 access		\$1,202.76

City Checks Issued October 28, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101889	10/28/2022			AT&T/CALNET 3	\$221.06
	Invoice	Date	Description		Amount
	000018924650	10/13/2022	October telephone service		\$221.06
			1000 - General Fund	\$167.95	
			2211 - ISF - IT	\$ 53.11	
101890	10/28/2022			AUTOMATION TEST ASSOCIATES	\$40.00
	Invoice	Date	Description		Amount
	22070	10/22/2022	October wharf meter reading		\$40.00
			1311 - Wharf		
101891	10/28/2022			AVENU MUNISERVICES	\$1,870.00
	Invoice	Date	Description		Amount
	INV06-015081	10/04/2022	ACFR principal employers & direct and overlapping debt report		\$1,870.00
101892	10/28/2022			B & B SMALL ENGINE REPAIR	\$93.07
	Invoice	Date	Description		Amount
	507010	10/18/2022	Gearbox grease, hedger sharpen		\$93.07
101893	10/28/2022			BATTERIES PLUS BULBS	\$85.18
	Invoice	Date	Description		Amount
	p56067102	10/17/2022	12V batteries		\$85.18
101894	10/28/2022			BAYSIDE OIL II INC.	\$130.00
	Invoice	Date	Description		Amount
	47857	10/07/2022	Used oil recycling		\$130.00
101895	10/28/2022			BEAR ELECTRICAL SOLUTIONS INC.	\$1,099.90
	Invoice	Date	Description		Amount
	16917	09/28/2022	September traffic signal maintenance services - response		\$453.10
	16918	09/28/2022	September traffic signal maintenance services - routine		\$646.80
			1310 - Gas Tax		
101896	10/28/2022			BECKY ADAMS	\$500.50
	Invoice	Date	Description		Amount
	BA101722	10/17/2022	Instructor payment		\$500.50
101897	10/28/2022			BENEFIT COORDINATORS CORP.	\$5,457.30
	Invoice	Date	Description		Amount
	B06VTR	10/01/2022	October dental & vision insurance		\$5,457.30
			1001 - Payroll Payables		
101898	10/28/2022			BMI	\$391.00
	Invoice	Date	Description		Amount
	10780496	10/01/2022	Annual music licensing		\$391.00

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101899	10/28/2022			BRINKS AWARDS & SIGNS	\$1,158.05
	Invoice	Date	Description		Amount
	86647	08/11/2022	Jr Guard plaques & trophies		\$1,158.05
101900	10/28/2022			CALIFORNIA COAST UNIFORM COMPANY	\$2,950.32
	Invoice	Date	Description		Amount
	9821	10/01/2022	uniform		\$159.90
	9806	10/01/2022	uniform		\$278.93
	9805	10/01/2022	uniform		\$566.53
	9807	10/01/2022	uniform		\$339.27
	9809	10/01/2022	uniform		\$62.00
	9810	10/01/2022	uniform		\$101.32
	9811	10/01/2022	uniform		\$60.00
	9812	10/01/2022	uniform		\$90.00
	9813	10/01/2022	uniform		\$34.00
	9814	10/01/2022	uniform		\$178.19
	9815	10/01/2022	uniform		\$70.00
	78168	10/01/2022	uniform		\$272.28
	9818	10/01/2022	uniform		\$20.00
	9819	10/01/2022	uniform		\$115.49
	9820	10/01/2022	uniform		\$20.00
	9822	10/01/2022	uniform		\$20.00
	9823	10/01/2022	uniform		\$241.47
	9824	10/01/2022	uniform		\$221.47
	9825	10/01/2022	uniform		\$69.00
	9830	10/01/2022	uniform		\$30.47
			1000 - General Fund		
			1300 - SLESF - Supl Law Enfc		
101901	10/28/2022			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,703.00
	Invoice	Date	Description		Amount
	POA102122	10/21/2022	POA & gym dues PPE 10/15/22		\$1,703.00
			1001 - Payroll Payables		
101902	10/28/2022			CAROLYN FLYNN	\$3,552.50
	Invoice	Date	Description		Amount
	CBF-09-2022	10/05/2022	September affordable housing program management		\$3,552.50
			5552 - Cap Hsg Succ - Prog Inc		
101903	10/28/2022			CLEAN BUILDING MAINTENANCE CO.	\$5,576.92
	Invoice	Date	Description		Amount
	30792	09/30/2022	September janitorial services		\$5,576.92
			1000 - General Fund	\$4,787.48	
			1311 - Wharf	\$ 789.44	

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101904	10/28/2022			COAST LOCK & SAFE INC.	\$695.68
	Invoice	Date	Description		Amount
	026285	10/06/2022	Keys		\$275.33
	026054	10/01/2022	Replace locks on tool boxes for truck 859		\$420.35
101905	10/28/2022			CREATIVE SERVICES OF NEW ENGLAND	\$495.95
	Invoice	Date	Description		Amount
	c22-26660	10/19/2022	Junior officer badge stickers		\$495.95
101906	10/28/2022			CSG Consultants Inc.	\$5,005.00
	Invoice	Date	Description		Amount
	B221712	10/03/2022	September building plan review services		\$4,405.00
	46763	10/14/2022	September building inspector services		\$600.00
101907	10/28/2022			DEPARTMENT OF PESTICIDE REGULATION	\$380.00
	Invoice	Date	Description		Amount
	JOQAC100622	10/06/2022	QAC application and exam fees for Jose Ortiz		\$190.00
	GDQAC100122	10/06/2022	QAC application and exam fees for George Duncan		\$190.00
101908	10/28/2022			DONALD W ALLEY	\$11,267.22
	Invoice	Date	Description		Amount
	1022-01	10/17/2022	Soquel Lagoon monitoring		\$11,267.22
101909	10/28/2022			ELEVATOR SERVICE COMPANY INC.	\$806.50
	Invoice	Date	Description		Amount
	39088	10/14/2022	Service call, replaced all door gibs		\$806.50
101910	10/28/2022			ENTENMANN-ROVIN CO.	\$118.09
	Invoice	Date	Description		Amount
	0168700-in	09/29/2022	badge 525		\$118.09
101911	10/28/2022			EQUITABLE	\$2,935.12
	Invoice	Date	Description		Amount
	1357540	10/11/2022	October LTD, STD, life, AD&D insurance		\$2,935.12
			1000 - General Fund	\$ 156.22	
			1001 - Payroll Payables	\$2,778.90	
101912	10/28/2022			EXTREME TOWING	\$302.50
	Invoice	Date	Description		Amount
	018454	10/15/2022	vehicle 141 towed		\$302.50
101913	10/28/2022			FIRST ALARM	\$192.03
	Invoice	Date	Description		Amount
	709976	10/05/2022	evidence battery		\$192.03

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101914	10/28/2022			FLYERS ENERGY LLC	\$4,082.59
	Invoice	Date	Description		Amount
	22-660657	10/14/2022	721 gallons gas		\$3,979.64
	22-625925-2	09/01/2022	Tax/balance due on 84 gallons fuel		\$102.95
101915	10/28/2022			GALLS LLC	\$136.88
	Invoice	Date	Description		Amount
	022163605	09/19/2022	uniform Tactical plate		\$136.88
101916	10/28/2022			GARDAWORLD	\$373.92
	Invoice	Date	Description		Amount
	10711510	10/01/2022	Armored transport Oct 2022		\$373.92
101917	10/28/2022			GRAINGER	\$99.38
	Invoice	Date	Description		Amount
	9469980321	10/06/2022	Gaskets, o-ring		\$99.38
101918	10/28/2022			HOME DEPOT CREDIT SERVICES	\$2,016.85
	Invoice	Date	Description		Amount
	2528272	09/22/2022	Misc tools, rustoleum		\$57.17
	5529406	09/29/2022	Ratchet wrench set, sockets		\$83.85
	1520124	10/03/2022	Tray liners, paint tray, brushes, rollers, pail		\$62.16
	5522801	10/19/2022	Screwdriver		\$8.44
	0013705	10/24/2022	ABS adapter, caution tape		\$52.95
	0636232	10/14/2022	Paint, brushes, nozzle, bucket, neem oil		\$94.01
	5903795	09/09/2022	72"x48" window shade		\$151.51
	1225574	09/13/2022	Window shade (2)		\$287.69
	745017	09/14/2022	Surveyor vests		\$147.48
	2615428	09/02/2022	Bot gauge, bolt/nut, screw, hook & eye		\$11.71
	2633375	09/22/2022	Graffiti coverup paint		\$35.35
	3528161	09/21/2022	Tech maint tester kit, clamps, bits		\$278.96
	4033257	09/20/2022	Aluminum Ferrule & stop sets, key rings		\$33.77
	4516463	08/31/2022	Connector bolt, door levers		\$72.66
	6525891	09/08/2022	Cedar trim, primer		\$76.76
	7034200	09/27/2022	Corner braces		\$40.40
	8034079	09/26/2022	lumber		\$31.76
	8640572	09/06/2022	Coupling, chisel marker		\$13.67
	1515338	08/24/2022	Couplings, caps, markers, hose bib		\$111.46
	2011980	08/23/2022	Telescopic pole, window scrubber, bucket		\$63.12
	5630702	08/30/2022	Blow gun nozzle, pin clips, steel plug, bore hole cover		\$24.54
	6646139	08/29/2022	paint, sealant, mixing container		\$277.43

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101919	10/28/2022			HUMBOLDT PETROLEUM LLC	\$25.50
	Invoice	Date	Description		Amount
	inv-053927	09/30/2022	car wash		\$25.50
101920	10/28/2022			INTERSTATE BATTERY SYSTEM OF SAN JOSE INC	\$154.56
	Invoice	Date	Description		Amount
	120124168	10/11/2022	Battery		\$154.56
101921	10/28/2022			JEANI MITCHELL	\$296.40
	Invoice	Date	Description		Amount
	JM101722	10/17/2022	Instructor payment		\$296.40
101922	10/28/2022			JESSE FRANCHI	\$120.00
	Invoice	Date	Description		Amount
	JF101922	10/19/2022	Pesticide Applicators Prof Assoc webinar registration		\$120.00
101923	10/28/2022			KING'S PAINT AND PAPER INC.	\$24.78
	Invoice	Date	Description		Amount
	A0327384	09/27/2022	Brushes, stain, spray enamel		\$24.78
101924	10/28/2022			LABORMAX STAFFING	\$1,078.32
	Invoice	Date	Description		Amount
	26-252688	10/14/2022	Seasonal labor 10/8-10/14		\$1,078.32
101925	10/28/2022			LAURA ALIOTO	\$175.50
	Invoice	Date	Description		Amount
	LA101722	10/17/2022	Instructor payment		\$175.50
101926	10/28/2022			LEO MORENO	\$954.61
	Invoice	Date	Description		Amount
	LM101522	10/15/2022	SLI training reimbursement		\$954.61
101927	10/28/2022			LEWIS TREE SERVICE INC.	\$1,300.00
	Invoice	Date	Description		Amount
	05885-I	09/02/2022	Roadside landscaping		\$1,300.00
101928	10/28/2022			LINDE GAS & EQUIPMENT INC.	\$237.36
	Invoice	Date	Description		Amount
	31990655	10/22/2022	Acetylene rental		\$237.36
101929	10/28/2022			LIUNA PENSION FUND	\$1,164.80
	Invoice	Date	Description		Amount
	FK1657	10/21/2022	October LIUNA pension dues 1001 - Payroll Payables		\$1,164.80

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101930	10/28/2022			LLOYD'S TIRE AND AUTO	\$382.42
	Invoice	Date	Description		Amount
	212474	10/20/2022	Tires (2)		\$382.42
101931	10/28/2022			LP POLICE	\$8.40
	Invoice	Date	Description		Amount
	922lp31150	09/30/2022	motor vehicle search		\$8.40
101932	10/28/2022			LUXLAUNDER	\$639.02
	Invoice	Date	Description		Amount
	LL093022	10/01/2022	uniform cleaning		\$639.02
101933	10/28/2022			MARIN CONSULTING ASSOCIATES	\$250.00
	Invoice	Date	Description		Amount
	13853	10/11/2022	leadership school		\$250.00
101934	10/28/2022			MASTER CLEANERS	\$772.07
	Invoice	Date	Description		Amount
	MC093022	10/01/2022	uniform cleaning		\$772.07
101935	10/28/2022			MID COUNTY AUTO SUPPLY	\$283.05
	Invoice	Date	Description		Amount
	M-1904730	10/07/2022	Oil, degreaser, cleaning brush, fluid dye		\$108.29
	M-1904773	10/07/2022	Fog lamp		\$25.81
	M-1899744	10/04/2022	Gloves, filter kit, oil		\$148.95
101936	10/28/2022			MISSION LINEN SUPPLY	\$393.52
	Invoice	Date	Description		Amount
	518012710	10/19/2022	Fleet uniform cleaning, towels		\$34.03
	517342518	07/06/2022	Fleet uniform cleaning, towels		\$34.03
	517962888	10/12/2022	Fleet uniform cleaning, towels		\$34.03
	517962889	10/12/2022	Corp yard uniform cleaning, towels		\$97.07
	518012711	10/19/2022	Corp yard uniform cleaning, mats, towels		\$119.36
	517992404	10/17/2022	Recreation towels, mops, matts		\$75.00
101937	10/28/2022			MISSION PRINTERS	\$256.76
	Invoice	Date	Description		Amount
	63329	10/14/2022	Window envelopes (1500) for business license renewals 2210 - ISF - Stores Fund		\$256.76
101938	10/28/2022			MOTOROLA SOLUTIONS INC.	\$1,425.60
	Invoice	Date	Description		Amount
	8230368222	07/01/2022	Crime reports subscription Jun 2022 - Jun 2023		\$1,425.60

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101939	10/28/2022			MV TRANSPORTATION INC.	\$28,651.20
	Invoice	Date	Description		Amount
	120576	10/05/2022	August beach shuttle service		\$14,325.60
	120579	10/05/2022	September beach shuttle service		\$14,325.60
101940	10/28/2022			NORTH BAY FORD	\$534.31
	Invoice	Date	Description		Amount
	286825	10/17/2022	Starter assembly, core		\$534.31
101941	10/28/2022			O'REILLY AUTO PARTS	\$346.52
	Invoice	Date	Description		Amount
	2763-313662	10/17/2022	Air filter, cabin filter		(\$55.81)
	2763-313052	10/14/2022	Air filter, cabin filter, motor oil		\$88.50
	2763-308219	09/20/2022	Heater parts		\$29.26
	2763-312755	10/13/2022	Battery		\$195.95
	2763-312842	10/13/2022	Air filter, cabin filter, oil filter, motor oil		\$88.62
101942	10/28/2022			OUTDOOR SUPPLY HARDWARE	\$912.00
	Invoice	Date	Description		Amount
	G33812	10/20/2022	Duct tape, hex die, hook, belt, brushes, bulk fasteners		\$144.45
	G32275	10/17/2022	Boot lace, chisel		\$14.15
	G29911	10/12/2022	Rags, paint		\$99.88
	G18733	09/22/2022	Screws, chalk		\$121.61
	G22227	09/28/2022	Curb paint		\$186.70
	G26158	10/05/2022	Sandpaper, paint		\$18.18
	G22806	09/29/2022	Socket		\$13.07
	G29637	10/12/2022	Rake		\$35.96
	G02786	09/10/2022	Threadlocker, cleaner		\$32.68
	G14666	10/10/2022	Carpet cleaner		\$90.50
	G14083	10/10/2022	Sand		\$42.44
	G17798	10/10/2022	Graffiti coverup supplies		\$112.38
101943	10/28/2022			PACIFIC GAS & ELECTRIC	\$12,419.06
	Invoice	Date	Description		Amount
	PGE101322-acct 9	10/13/2022	October utilities		\$12,419.06
			1000 - General Fund	\$3,444.30	
			1300 - SLESF - Supl Law Enfc	\$ 39.94	
			1310 - Gas Tax	\$6,175.64	
			1311 - Wharf	\$2,759.18	
101944	10/28/2022			PALACE BUSINESS SOLUTIONS	\$259.78
	Invoice	Date	Description		Amount
	659705-0	10/11/2022	office supplies		\$150.40
	658216-0	09/29/2022	office supplies		\$34.18
	658194-0	09/29/2022	office supplies		\$75.20

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101945	10/28/2022			PAST PERFECT SOFTWARE INC.	\$608.00
	Invoice	Date	Description		Amount
	90622888	10/18/2022	Museum software upgrade and hosting 2211 - ISF - IT		\$608.00
101946	10/28/2022			PET PALS DISCOUNT PET SUPPLIES	\$1,001.33
	Invoice	Date	Description		Amount
	2652230	05/29/2022	K-9 supplies 5/29/22		\$549.94
	2677783	07/21/2022	K-9 supplies 7/21/22		\$200.71
	2700436	09/05/2022	K-9 supplies 9/5/22		\$125.34
	2718629	10/13/2022	K-9 supplies 10/13/22		\$125.34
101947	10/28/2022			R & S ERECTION OF MONTEREY BAY	\$400.00
	Invoice	Date	Description		Amount
	C3098	07/07/2022	Repair rud, roller, bumpers, & panel on roll up door		\$400.00
101948	10/28/2022			RACHEL GARCIA	\$396.38
	Invoice	Date	Description		Amount
	RG102022	10/20/2022	Interview & Interrogation training		\$396.38
101949	10/28/2022			RAY ALLEN MANUFACTURING LLC	\$299.74
	Invoice	Date	Description		Amount
	rinv187558	10/21/2022	Nomad frame k-9 supplies		\$299.74
101950	10/28/2022			ROBERT M PATTERSON	\$150.00
	Invoice	Date	Description		Amount
	RMP092822	09/28/2022	Administrative review		\$150.00
101951	10/28/2022			ROYAL WHOLESALE ELECTRIC	\$67.38
	Invoice	Date	Description		Amount
	7719-1021763	09/29/2022	Gloves, fish tape		\$67.38
101952	10/28/2022			RRM DESIGN GROUP	\$4,169.00
	Invoice	Date	Description		Amount
	2757-01-0922	10/07/2022	Capitola Housing Element Update 1313 - General Plan Update & Maint		\$4,169.00
101953	10/28/2022			SAFE LIFE DEFENSE	\$453.06
	Invoice	Date	Description		Amount
	00879461	10/05/2022	uniform		\$453.06
101954	10/28/2022			SANTA CLARA COUNTY OFFICE OF THE SHERIFF	\$500.00
	Invoice	Date	Description		Amount
	1800082862	09/21/2022	8/24/22 use of range		\$500.00

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101955	10/28/2022			SANTA CRUZ APTOS AUTO TOWING	\$125.00
	Invoice	Date	Description		Amount
	15737	09/29/2022	Wharf ramp tow to storage		\$125.00
101956	10/28/2022			SANTA CRUZ BACKFLOW TESTING & REPAIR	\$491.00
	Invoice	Date	Description		Amount
	82022A	08/20/2022	Annual backflow test & repairs		\$491.00
101957	10/28/2022			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$21,511.00
	Invoice	Date	Description		Amount
	SCCO093022	09/30/2022	September citation processing		\$21,511.00
101958	10/28/2022			SANTA CRUZ COUNTY INFORMATION SERVICES	\$2,665.52
	Invoice	Date	Description		Amount
	SCISD080122	08/01/2022	July 2022 Open Query SCAN		\$633.51
	SCISD090122	09/01/2022	August 2022 Open Query SCAN		\$663.51
	SCISD100122	10/01/2022	Spet 2022 Open Query SCAN charges		\$663.51
	Radio Shop 9.22	10/05/2022	July-Sept 2022 radio shop charges		\$704.99
101959	10/28/2022			SANTA CRUZ FIRE EQUIPMENT CO.	\$821.33
	Invoice	Date	Description		Amount
	109766	10/14/2022	Annual fire extinguisher maintenance - Jade St kitchen		\$50.00
	109765	10/14/2022	Semi-annual fire extinguisher service - Community Center		\$771.33
101960	10/28/2022			SANTA CRUZ MOSQUITO & VECTOR CONTROL	\$116.34
	Invoice	Date	Description		Amount
	03514135-21-23	10/17/2022	FY22/23 mosquito & disease control assessment		\$116.34
101961	10/28/2022			SANTA CRUZ MUNICIPAL UTILITIES	\$365.17
	Invoice	Date	Description		Amount
	SCMU100622	10/06/2022	September water service for medians		\$365.17
101962	10/28/2022			SCOTTS VALLEY FIRE PROTECTION DISTRICT	\$8,088.00
	Invoice	Date	Description		Amount
	2223-1	10/04/2022	22/23 Santa Cruz County Hazmat contribution		\$8,088.00
101963	10/28/2022			SERVPRO OF SANTA CRUZ	\$270.14
	Invoice	Date	Description		Amount
	2404	10/04/2022	bio hazard vehicle cleaning		\$270.14
101964	10/28/2022			SIRCHIE	\$155.09
	Invoice	Date	Description		Amount
	0561094-in	09/21/2022	evidence supplies		\$155.09

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101965	10/28/2022			SOQUEL CREEK WATER DISTRICT	\$19,173.48
	Invoice	Date	Description		Amount
	06-14476-0101022	10/10/2022	06-14476-00 430 Kennedy Drive water service		\$163.43
	08-15299-0101722	10/17/2022	08-15299-00 Monterey Ave. water		\$152.66
	08-15562-0101722	10/17/2022	08-15562-00 Cliff and Fairview water service		\$48.01
	09-15964-0101722	10/17/2022	09-15964-00 Monterey Ave. Esplanade water		\$1,609.56
	42-14952-0100322	10/03/2022	42-14952 Cortez Park irrigation		\$1,054.91
	42-15297-0100322	10/03/2022	42-15297-00 426 Capitola Ave irrigation		\$159.27
	42-15969-0100322	10/03/2022	42-15969-00 Lawn Way irrigation		\$354.20
	42-16122-0100322	10/03/2022	42-16122-00 Esplanade fountain irrigation		\$91.61
	42-10504-0100322	10/03/2022	42-10504-00 Cliff Drive irrigation		\$74.40
	42-11090-1100322	10/03/2022	42-11090-01 Capitola Road irrigation		\$159.27
	42-11467-0100322	10/03/2022	42-11467-00 Jade Street park irrigation		\$8,712.08
	42-11517-0100322	10/03/2022	42-11517-00 41st Avenue irrigation		\$159.27
	42-14404-0100322	10/03/2022	42-14404-00 Monterey Ave. Nobel Gulch Park irrigation		\$633.30
	42-16130-0100322	10/03/2022	42-16130-00 Wharf Road irrigation		\$74.40
	42-16136-0100322	10/03/2022	42-16136-00 1400 Wharf Road irrigation		\$893.51
	42-16407-0100322	10/03/2022	42-16407-00 Bay Ave. irrigation		\$82.23
	13-10919-0100322	10/03/2022	13-10919-00 2000 Wharf Road water service		\$48.01
	42-14431-0100322	10/03/2022	42-14431-00 Monterey Ave irrigation		\$4,554.56
	42-17688-0100322	10/03/2022	42-17688-00 Lawn Way irrigation 2		\$74.40
	42-18238-0100322	10/03/2022	42-18238-00 Capitola Road irrigation		\$74.40
			1000 - General Fund	\$18,279.97	
			1311 - Wharf	\$ 893.51	
101966	10/28/2022			SOUTH BAY REGIONAL TRAINING	\$792.00
	Invoice	Date	Description		Amount
	223167	10/11/2022	Firearms instructor course 9/19-9/30/22		\$792.00
101967	10/28/2022			STAPLES ADVANTAGE	\$418.74
	Invoice	Date	Description		Amount
	3518089011	10/07/2022	office supplies		\$52.20
	3518089013	10/14/2022	office supplies		\$53.77
	8067681078	09/24/2022	office supplies		\$26.41
	8067763464	10/01/2022	office supplies		\$286.36
101968	10/28/2022			SWANK MOTION PICTURES INC.	\$465.00
	Invoice	Date	Description		Amount
	RG 1957619	10/14/2022	Movie licensing - Top Gun Maverick		\$465.00
101969	10/28/2022			T MOBILE	\$193.72
	Invoice	Date	Description		Amount
	TM102122	10/21/2022	October cell phone usage		\$193.72

City Checks Issued October 28, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101970	10/28/2022			THE CHRISTMAS LIGHT PROS OF MONTEREY	\$3,900.00
	Invoice	Date	Description		Amount
	CLP102422	10/24/2022	Purchase of lights for 28 trees in Village 1321 - BIA - Capitola Village-Wharf BIA		\$3,900.00
101971	10/28/2022			THE DREAMING DRUM	\$136.50
	Invoice	Date	Description		Amount
	BS101722	10/17/2022	Instructor payment		\$136.50
101972	10/28/2022			THE EMBLEM AUTHORITY	\$448.00
	Invoice	Date	Description		Amount
	40632	10/19/2022	uniform patches		\$448.00
101973	10/28/2022			THE HOME DEPOT PRO	\$3,432.70
	Invoice	Date	Description		Amount
	701232589	08/11/2022	Copy paper		\$52.32
	710666124	10/06/2022	Industrial paper wipes		\$248.19
	712543529	10/17/2022	Nitrile gloves		\$147.04
	712869676	10/19/2022	Restroom supplies, cleaning supplies		\$2,985.15
101974	10/28/2022			THERESA NELSON	\$204.10
	Invoice	Date	Description		Amount
	TN101222	10/12/2022	Instructor payment		\$204.10
101975	10/28/2022			TPX COMMUNICATIONS	\$1,667.16
	Invoice	Date	Description		Amount
	162921050-0	10/23/2022	October phone service		\$1,667.16
			1000 - General Fund	\$899.07	
			2211 - ISF - IT	\$768.09	
101976	10/28/2022			TRACTOR SUPPLY COMPANY	\$218.49
	Invoice	Date	Description		Amount
	100221644	09/20/2022	Work boots		\$218.49
101977	10/28/2022			UNITED WAY OF SANTA CRUZ COUNTY	\$20.00
	Invoice	Date	Description		Amount
	UW102122	10/21/2022	October United Way contributions		\$20.00
			1001 - Payroll Payables		
101978	10/28/2022			UPEC LIUNA LOCAL 792	\$864.50
	Invoice	Date	Description		Amount
	UPEC103122	10/21/2022	October UPEC dues		\$864.50
			1001 - Payroll Payables		

City Checks Issued October 28, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101979	10/28/2022			US BANK PARS Acct 6746022400	\$365.82
	Invoice	Date	Description		Amount
	PARS102122	10/21/2022	PARS contributions PPE 10/21/22 1001 - Payroll Payables		\$365.82
101980	10/28/2022			VERIZON WIRELESS	\$3,046.02
	Invoice	Date	Description		Amount
	9917869975	10/10/2022	October telephone charges		\$3,046.02
101981	10/28/2022			VITAL RECORDS HOLDING LLC	\$281.55
	Invoice	Date	Description		Amount
	2898606	09/30/2022	September record storage		\$281.55
101982	10/28/2022			WESTERN EXTERMINATOR COMPANY	\$139.60
	Invoice	Date	Description		Amount
	27316260	10/04/2022	October City Hall rodent control		\$69.80
	27316261	10/04/2022	October turnouts rodent control		\$69.80
101983	10/28/2022			BreeAnna Aldridge	\$96.00
	Invoice	Date	Description		Amount
	BA101822	10/18/2022	refund cite 544123981		\$96.00
101984	10/28/2022			Brier Basilico	\$86.00
	Invoice	Date	Description		Amount
	BB102122	10/21/2022	refund cite 900125177		\$86.00
101985	10/28/2022			Charles Lambert	\$320.00
	Invoice	Date	Description		Amount
	CL102122	10/21/2022	Liability claim 2213 - ISF - Self-Insurance Liability		\$320.00
101986	10/28/2022			Geeta Devi	\$96.00
	Invoice	Date	Description		Amount
	GD092722	09/27/2022	Citation 544123835		\$96.00
101987	10/28/2022			John H Bellicitti	\$25.00
	Invoice	Date	Description		Amount
	JB101822	10/18/2022	Refund cite 544123925		\$25.00
101988	10/28/2022			Leah Dibenedetto	\$86.00
	Invoice	Date	Description		Amount
	LD100522	10/05/2022	Citation #200144945		\$86.00

City Checks Issued October 28, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101989	10/28/2022			Mahida Dhruvinsinh	\$86.00
	Invoice	Date	Description		Amount
	MD102022	10/20/2022	Refund city 200144970		\$86.00
101990	10/28/2022			National Testing Network	\$500.00
	Invoice	Date	Description		Amount
	10508	07/01/2022	Annual renewal NTN agreement 6/30/22-6/30/23		\$500.00
101991	10/28/2022			Quang Trinh	\$39.00
	Invoice	Date	Description		Amount
	QT092922	09/29/2022	Refund cite 200144801		\$39.00
101992	10/28/2022			Security crime Prevention Corp.	\$650.00
	Invoice	Date	Description		Amount
	2805	10/02/2022	Telecare-code red		\$650.00
Check Totals:					\$195,281.73
<u>EFT</u>					
1402	10/24/2022			CalPERS Health Insurance	\$59,568.27
	Invoice	Date	Description		Amount
	1002226696	10/21/2022	November health insurance		\$59,568.27
			1000 - General Fund	\$ 3,820.70	
			1001 - Payroll Payables	\$55,747.57	
1403	10/24/2022			CalPERS Member Services Division	\$57,458.28
	Invoice	Date	Description		Amount
	1002226610-3	10/21/2022	PERS contributions PPE 10/15/22		\$57,458.28
			1000 - General Fund	\$ 0.58	
			1001 - Payroll Payables	\$57,457.70	
1404	10/24/2022			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$11,909.54
	Invoice	Date	Description		Amount
	2-100-793-568	10/21/2022	State taxes PPE 10/15/22		\$11,909.54
			1001 - Payroll Payables		
1405	10/24/2022			INTERNAL REVENUE SERVICE	\$40,662.26
	Invoice	Date	Description		Amount
	61547537	10/21/2022	Federal taxes & Medicare PPE 10/15/22		\$40,662.26
			1001 - Payroll Payables		
1406	10/24/2022			STATE DISBURSEMENT UNIT	\$1,575.68
	Invoice	Date	Description		Amount
	41615983	10/21/2022	Employee garnishments PPE 10/15/2022		\$1,575.68
			1001 - Payroll Payables		

City Checks Issued October 28, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1407	10/24/2022			VOYA FINANCIAL	\$7,635.31

Invoice	Date	Description	Amount
VOYA102122	10/21/2022	Employee 457 contributions PPE 10/15/22 1001 - Payroll Payables	\$7,635.31

1408	10/25/2022			WEX HEALTH INC.	\$135.00
	Invoice	Date	Description		Amount
	0001600275-IN	09/30/2022	September COBRA and FSA admin		\$135.00

EFT Totals: \$178,944.34

SA - Successor Agency

Check

5058	10/28/2022			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$165,073.97
	Invoice	Date	Description		Amount
	SA dissolution	10/13/2022	SA dissolution final pay back		\$165,073.97

Main City Totals	Count	Total
Checks	111	\$195,281.73
EFTs	7	\$178,944.34
All	118	\$374,226.07

Payroll Totals

Checks	1	\$13,332.83
EFTs	96	\$181,616.11
All	97	\$194,948.94

SA - Successor Agency Totals

Checks	1	\$165,073.97
EFTs	0	\$0.00
All	1	\$165,073.97

Grand Totals:

Checks	113	\$373,688.53
EFTs	103	\$360,560.45
All	216	\$734,248.98

City main account checks dated October 14, 2022, numbered 101713 to 101805 totaling \$242,559.43, five EFTs totaling \$123,476.02, two payroll checks totaling \$19,222.68, and 92 payroll EFTs totaling \$183,249.66, for a grand total of \$568,507.79, have been reviewed and authorized for distribution by the City Manager.

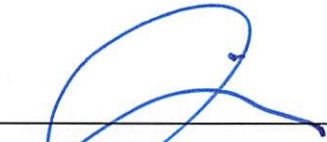
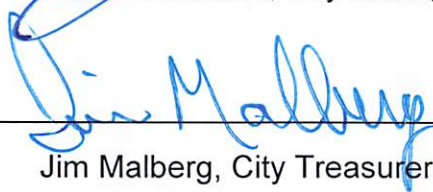
As of October 14, 2022, the unaudited cash balance is \$5,656,030.89.

CASH POSITION - CITY OF CAPITOLA
October 14, 2022

	10/14/2022
General Fund	\$ (2,385,544.93)
Payroll Payables	\$ 177,748.62
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ 3,761,810.17
Stores Fund	\$ 67,385.60
Information Technology Fund	\$ 302,291.58
Equipment Replacement	\$ 992,379.60
Self-Insurance Liability Fund	\$ (240,064.10)
Workers' Comp. Ins. Fund	\$ 375,078.54
Compensated Absences Fund	\$ 110,886.06
TOTAL UNASSIGNED GENERAL FUNDS	\$ 5,656,030.89

The Emergency Reserve Fund balance is \$1,314,205.54 (not included above).

The PERS Contingency Fund balance is \$974,096.85 (not included above).

 Jamie Goldstein, City Manager	10/18/22 Date
 Jim Malberg, City Treasurer	10/17/22 Date

City Checks Issued October 14, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101713	10/05/2022			GINA ENRIQUEZ	\$3,660.80
	Invoice	Date	Description		Amount
	GE092422-2	09/24/2022	Instructor payment		\$3,660.80
101714	10/14/2022			ACE PORTABLE SERVICES	\$503.00
	Invoice	Date	Description		Amount
	185699	09/16/2022	Food Truck Friday portable toilet rental		\$503.00
101715	10/14/2022			ADAMS ASHBY GROUP INC.	\$1,500.00
	Invoice	Date	Description		Amount
	4468	09/19/2022	August CDBG CV2/3 general admin & closeout process		\$750.00
	4469	09/19/2022	August CDBG CV2/3 general admin & closeout process 1350 - CDBG Grants		\$750.00
101716	10/14/2022			ADT SECURITY SERVICES INC.	\$225.21
	Invoice	Date	Description		Amount
	ADT092922	09/29/2022	Corp. yard & museum ADT monitoring		\$225.21
101717	10/14/2022			AGILITY TRIBE LLC	\$1,372.10
	Invoice	Date	Description		Amount
	AT100422	10/04/2022	Agility Boulders afterschool rec club		\$180.00
	SL100922	10/09/2022	Instructor payment - Scott Lappin		\$1,192.10
101718	10/14/2022			AMAZON CAPITAL SERVICES	\$692.48
	Invoice	Date	Description		Amount
	1XXR-GFLD-XW7W	09/22/2022	Portable laptop computer stand, certificate frames		\$75.17
	1VQV-MVN4-C7PH	09/29/2022	Wireless keyboard		\$25.70
	1NKY-XGXJ-CNNG	10/04/2022	Monitor, wireless keyboard & mouse		\$422.01
	1GDY-VVFX-Y91T	10/10/2022	10x15 envelopes refund		(\$56.02)
	1GFK-3DGT-KYQ4	10/04/2022	Safe & Effective Use of Pesticides		\$59.95
	1LY1-MV1M-VYHG	10/04/2022	Work boots - refund		\$165.67
			1000 - General Fund	\$244.77	
			2211 - ISF - IT	\$447.71	
101719	10/14/2022			APTOS LANDSCAPE SUPPLY INC.	\$165.68
	Invoice	Date	Description		Amount
	589534	09/27/2022	Plaster sand		\$165.68
101720	10/14/2022			ARTHUR S. DOVER MD	\$312.00
	Invoice	Date	Description		Amount
	AD100622	10/06/2022	Annual flu shots		\$312.00
101721	10/14/2022			AT&T	\$9.38
	Invoice	Date	Description		Amount
	ATT100122	10/01/2022	October long distance charges		\$9.38
			1000 - General Fund	\$4.62	
			2211 - ISF - IT	\$4.76	

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101722	10/14/2022			AXCIENT	\$31
	Invoice	Date	Description		Amount
	FY22INEFI113659	07/31/2022	July AppAssure storage		\$125.00
	FY22INEFI116173	08/31/2022	August AppAssure storage		\$125.00
	FY22INEFI118685	09/30/2022	September AppAssure storage 2211 - ISF - IT		\$125.00
101723	10/14/2022			B & B SMALL ENGINE REPAIR	\$21.78
	Invoice	Date	Description		Amount
	505910	09/29/2022	Trimmer line		\$21.78
101724	10/14/2022			BAY PHOTO LAB	\$36.52
	Invoice	Date	Description		Amount
	18922478	09/28/2022	Museum print, styrene mounting		\$36.52
101725	10/14/2022			BAYSIDE OIL II INC.	\$464.00
	Invoice	Date	Description		Amount
	47513	09/02/2022	Contaminated waste recycling		\$464.00
101726	10/14/2022			BECKY ADAMS	\$143.00
	Invoice	Date	Description		Amount
	BA101322	10/13/2022	Instructor payment		\$143.00
101727	10/14/2022			BEN NOBLE URBAN AND REGIONAL PLANNING	\$4,280.00
	Invoice	Date	Description		Amount
	1422	10/03/2022	Zoning Code clean up amendments 1313 - General Plan Update & Maint		\$4,280.00
101728	10/14/2022			BUENA VISTA LANDFILL	\$41.68
	Invoice	Date	Description		Amount
	03-02130423	10/04/2022	Treated wood waste		\$41.68
101729	10/14/2022			CA DEPARTMENT OF CONSERVATION	\$292.55
	Invoice	Date	Description		Amount
	CDC093022	09/30/2022	Jul - Sep strong motion & seismic hazard mapping fees		\$292.55
101730	10/14/2022			CALE AMERICA INC.	\$1,883.87
	Invoice	Date	Description		Amount
	171102	09/23/2022	Sept 2022 active meters		\$1,883.87
101731	10/14/2022			CALIFORNIA BUILDING STANDARDS COMMISSION	\$124.20
	Invoice	Date	Description		Amount
	CBSC093022	09/30/2022	Jul - Sep building standards admin fee		\$124.20
101732	10/14/2022			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,703.00
	Invoice	Date	Description		Amount
	POA100722	10/07/2022	POA & gym dues PPE 10/1/22 1001 - Payroll Payables		\$1,703.00
101733	10/14/2022			CDW GOVERNMENT INC.	\$310.26
	Invoice	Date	Description		Amount
	CR86992	09/12/2022	Rugged keyboard 1300 - SLESF - Supl Law Enfc		\$310.26

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101734	10/14/2022			CODE PUBLISHING COMPANY	\$35
	Invoice	Date	Description		Amount
	GC0008727	09/30/2022	Municipal code web update		\$353.75
101735	10/14/2022			COMMUNITY ACTION BOARD	\$728.95
	Invoice	Date	Description		Amount
	CAB092222	09/22/2022	August emergency housing assistance 5552 - Cap Hsg Succ - Prog Income		\$728.95
101736	10/14/2022			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$791.00
	Invoice	Date	Description		Amount
	3161	09/30/2022	August televised meetings		\$791.00
101737	10/14/2022			CRYSTAL SPRINGS WATER CO.	\$468.74
	Invoice	Date	Description		Amount
	CSW093022	09/30/2022	September drinking water		\$468.74
101738	10/14/2022			D & G SANITATION	\$3,441.04
	Invoice	Date	Description		Amount
	293345	09/30/2022	Skate park hand wash station, portable toilets		\$621.13
	293346	09/30/2022	Jade st. park hand wash station rental		\$119.35
	293347	09/30/2022	Cortez park hand wash station		\$119.35
	293349	09/30/2022	Wharf portable toilets		\$1,541.13
	293348	09/30/2022	Lower parking lot portable toilet rental		\$1,040.08
			1000 - General Fund	\$1,899.91	
			1311 - Wharf	\$1,541.13	
101739	10/14/2022			DAVID SCOTT COBABE	\$1,583.40
	Invoice	Date	Description		Amount
	DC101322	10/13/2022	Instructor payment		\$1,583.40
101740	10/14/2022			DEBORAH WU	\$585.00
	Invoice	Date	Description		Amount
	DW092422-2	09/24/2022	Instructor payment		\$585.00
101741	10/14/2022			DELL MARKETING LP	\$17,039.40
	Invoice	Date	Description		Amount
	10619392796	10/04/2022	Office 365 software licenses 2211 - ISF - IT		\$17,039.40
101742	10/14/2022			Division of the State Architect	\$27.60
	Invoice	Date	Description		Amount
	DSA093022	09/30/2022	July - September disability access & education fees		\$27.60
101743	10/14/2022			DOCTORS ON DUTY	\$350.00
	Invoice	Date	Description		Amount
	DOD100422	10/04/2022	New employee testing & exams		\$350.00
101744	10/14/2022			ENVIRONMENTAL INNOVATIONS INC.	\$3,300.00
	Invoice	Date	Description		Amount
	1829	10/05/2022	CalRecycle Annual Report		\$3,300.00

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101745	10/14/2022			EWING IRRIGATION	\$1
	Invoice 17887930	Date 09/27/2022	Description Safari hat		Amount \$19.60
101746	10/14/2022			EXCEEDIO	\$8,370.95
	Invoice 13146	Date 10/01/2022	Description October IT services 2211 - ISF - IT		Amount \$8,370.95
101747	10/14/2022			FLYERS ENERGY LLC	\$6,952.04
	Invoice 22-655516	Date 10/08/2022	Description Diesel exhaust fluid 55 gal		Amount \$316.07
	22-647900	09/28/2022	207 gallons diesel		\$1,244.94
	22-647899	09/28/2022	866 gallons gas		\$5,349.93
	CFS-3177839	09/30/2022	Card processing		\$41.10
101748	10/14/2022			GEORGE H WILSON INC.	\$410.00
	Invoice 20304261	Date 09/27/2022	Description Semi-annual HVAC service		Amount \$410.00
101749	10/14/2022			HANYA FOJACO	\$865.80
	Invoice HF101222	Date 10/12/2022	Description Instructor payment		Amount \$865.80
101750	10/14/2022			HINDERLITER DELLAMAS AND ASSOCIATES	\$7,250.00
	Invoice SIN021519	Date 08/31/2022	Description August TOT/STR admin fees		Amount \$1,250.00
	SIN022054	09/30/2022	September services for Cannabis Mgt Program		\$6,000.00
101751	10/14/2022			HO KUK MU SUL CORPORATION	\$154.44
	Invoice HKMSC101222	Date 10/12/2022	Description Instructor payment		Amount \$154.44
101752	10/14/2022			HOME DEPOT CREDIT SERVICES	\$1,747.92
	Invoice 5620022	Date 09/29/2022	Description Motor oil (3)		Amount \$50.95
	7642832	09/27/2022	Misc tools, insoles		\$81.67
	6627020	09/28/2022	Masking film, tape, hub flap disc, gloves		\$76.90
	9614759	10/05/2022	Ferrule/stop set, wire, toggle bolt		\$21.82
	0011299	10/04/2022	Paint rollers		\$38.79
	9520462	10/05/2022	Markers, toilet repair kit, flush valve		\$79.88
	9520528	10/05/2022	ABS cleanout plug, coupling		\$38.31
	1514719	10/03/2022	Wallpaper stripper tools & supplies		\$100.35
	1643537	10/03/2022	Duct tape, paint, paint supplies		\$101.63
	5625875	09/19/2022	Strap tie, wire rope, spray paint		\$246.21
	3613385	08/22/2022	Door seal, faucet, spring door close, utility pull		\$149.64
	6642986	09/28/2022	Lamp strip light, safety walk		\$205.41
	8010285	09/26/2022	Lumber		\$34.30
	5620008	09/29/2022	Paint supplies, disinfectant spray, hub flap discs, safety walk		\$196.85
	8626750	09/26/2022	Paint supplies		\$17.09
	4033175	09/20/2022	Discs, lumber		\$140.81
	1634825	10/03/2022	Action hoe		\$27.23
	7283497	09/27/2022	Plant food, polish, neem oil, tape, bucket, plants		\$85.05
	1520090	10/03/2022	Screwdrivers, flashlights, picks		\$86.79
	8204136	09/26/2022	Refund lumber		(\$31.76)
			1000 - General Fund	\$1,598.28	
			1311 - Wharf	\$ 149.64	

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101753	10/14/2022			HOPE REHABILITATION SERVICES	\$3,000.00
	Invoice	Date	Description		Amount
	S174049	09/30/2022	September crew litter abatement & street cleaning		\$3,000.00
101754	10/14/2022			HYDROSCIENCE ENGINEERS INC.	\$1,680.00
	Invoice	Date	Description		Amount
	331018007	10/03/2022	Stormwater review services #2021-0022		\$1,680.00
101755	10/14/2022			INTERSTATE BATTERY SYSTEM OF SAN JOSE INC	\$276.39
	Invoice	Date	Description		Amount
	120123737	09/19/2022	Batteries (2)		\$276.39
101756	10/14/2022			JACKIE YEUNG	\$274.34
	Invoice	Date	Description		Amount
	JY092422	09/24/2022	Homicide School Monterey (wk 1 & 2)		\$274.34
101757	10/14/2022			JEANI MITCHELL	\$111.15
	Invoice	Date	Description		Amount
	JM101022	10/10/2022	Instructor payment		\$111.15
101758	10/14/2022			KBA Document Solutions LLC	\$6.50
	Invoice	Date	Description		Amount
	55Y1312373	10/04/2022	City Hall copier usage charges 2211 - ISF - IT		\$6.50
101759	10/14/2022			KIMLEY HORN AND ASSOCIATES INC	\$960.00
	Invoice	Date	Description		Amount
	22280819	08/31/2022	Capitola Rd striping 1308 - SB1 Road Maint & Rehat \$480.00 1309 - RTC Streets \$480.00		\$960.00
101760	10/14/2022			KOSMONT COMPANIES	\$6,168.50
	Invoice	Date	Description		Amount
	2207.2-002	08/31/2022	Monarch Cove BOV #21-0267		\$6,168.50
101761	10/14/2022			LABORMAX STAFFING	\$3,586.77
	Invoice	Date	Description		Amount
	26-248665	09/30/2022	Seasonal labor 9/25-9/30		\$2,447.26
	26-250646	10/07/2022	Seasonal labor 10/1-10/7		\$1,139.51
101762	10/14/2022			LAURA ALIOTO	\$1,950.00
	Invoice	Date	Description		Amount
	LA100922	10/09/2022	Instructor payment		\$585.00
	LA101322	10/13/2022	Instructor payment		\$1,365.00
101763	10/14/2022			LC ACTION POLICE SUPPLY LTD	\$334.03
	Invoice	Date	Description		Amount
	443830	09/21/2022	Less lethal supplies 1300 - SLESF - Supl Law Enfc		\$334.03
101764	10/14/2022			LEO MORENO	\$849.92
	Invoice	Date	Description		Amount
	LM091722	09/17/2022	SLI training reimbursement		\$849.92

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Check Number	Invoice Number	Invoice		Payee Name	Transaction	
		Date	Description		Am	Item 7 B.
101765	10/14/2022			LEWIS TREE SERVICE INC.	\$3,84	
	Invoice	Date	Description		Amount	
	05680-I	10/05/2022	Remove cypress trees (2) from Jade St park		\$3,848.00	
101766	10/14/2022			MICHAEL G LEW		\$187.20
	Invoice	Date	Description		Amount	
	ML100922	10/09/2022	Instructor payment		\$187.20	
101767	10/14/2022			MICHELLE DAVEY-OUSE		\$243.75
	Invoice	Date	Description		Amount	
	MDO101522	10/15/2022	Instructor payment		\$243.75	
101768	10/14/2022			MID COUNTY AUTO SUPPLY		\$66.41
	Invoice	Date	Description		Amount	
	M-1901472	10/05/2022	A/T filter kits, plugs, dura block,		\$66.41	
101769	10/14/2022			MISSION LINEN SUPPLY		\$359.49
	Invoice	Date	Description		Amount	
	517859269	09/28/2022	Fleet uniform cleaning, towels		\$34.03	
	517886699	10/03/2022	Recreation towels, mops, mats		\$75.00	
	517915399	10/05/2022	Fleet uniform cleaning, towels		\$34.03	
	517915400	10/05/2022	Corp yard uniforms, towels, mats		\$119.36	
	517859270	09/28/2022	Shop uniform cleaning, towels		\$97.07	
101770	10/14/2022			MOTOROLA SOLUTIONS INC.		\$300.82
	Invoice	Date	Description		Amount	
	1411001089	09/17/2022	May & June cloud storage 2211 - ISF - IT		\$300.82	
101771	10/14/2022			NATALIE XILONZOCHILT		\$295.00
	Invoice	Date	Description		Amount	
	NX100422	10/04/2022	Post Records School attendance 10/17-10/21 - meal advance		\$295.00	
101772	10/14/2022			NICHOLE BRYANT LEBLOND		\$163.90
	Invoice	Date	Description		Amount	
	NB100522	10/05/2022	Reimbursement for Costco afterschool snack food		\$163.90	
101773	10/14/2022			NOAH SHERIN		\$1,137.53
	Invoice	Date	Description		Amount	
	NS090222	09/02/2022	Basic traffic investigation training reimbursement		\$1,137.53	
101774	10/14/2022			NUZ Inc.		\$1,243.00
	Invoice	Date	Description		Amount	
	56108	08/09/2022	Open studios advertisement		\$1,243.00	
101775	10/14/2022			O'REILLY AUTO PARTS		\$447.61
	Invoice	Date	Description		Amount	
	2763-307411	09/16/2022	Drive key		\$9.27	
	2763-309648	09/27/2022	Ignition coil		\$60.20	
	2763-309258	09/25/2022	Water pump		\$31.16	
	2763-308899	09/23/2022	Cop coil		\$79.64	
	2763-310204	09/30/2022	Brake master cylinder		\$177.50	
	2763-311296	10/05/2022	Central valve		\$89.84	

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101776	10/14/2022			OUTDOOR SUPPLY HARDWARE	\$30
	Invoice	Date	Description		Amount
	G23068	09/30/2022	Wire scratch brush, bulk fasteners		\$42.84
	G18202-tax	09/21/2022	Sales tax omitted from payment 9/30		\$3.36
	G26919	10/07/2022	Sanding belts, paint, copper coupling, bulk fastener, misc suppl		\$156.56
	G25341	10/04/2022	No parking signs		\$17.42
	G27636	10/08/2022	Spray paint		\$33.09
	G25416	10/04/2022	Pruner bypass		\$14.16
	G23056	09/30/2022	Bulk fasteners		\$23.81
	G21506	09/27/2022	Bulk fastener		\$10.03
101777	10/14/2022			PRINTING SYSTEMS INC	\$223.96
	Invoice	Date	Description		Amount
	225181	09/29/2022	Business license envelopes		\$223.96
101778	10/14/2022			RACHEL GARCIA	\$503.10
	Invoice	Date	Description		Amount
	RG093022	09/30/2022	Firearms Instructor school travel reimbursement		\$503.10
101779	10/14/2022			RACHEL TATE	\$295.00
	Invoice	Date	Description		Amount
	RT100422	10/04/2022	Post Records School attendance 10/17-10/21 - meal advance		\$295.00
101780	10/14/2022			RRM DESIGN GROUP	\$700.00
	Invoice	Date	Description		Amount
	1783-03-0822	09/20/2022	#22-0244 Capitola Rd design peer review		\$700.00
101781	10/14/2022			SAN LORENZO LUMBER	\$528.21
	Invoice	Date	Description		Amount
	55-0759784	10/04/2022	Lumber		\$30.65
	55-0759755	10/04/2022	Cleaner, sprayer, tread		\$113.68
	55-0757317	09/22/2022	Primer, brush, bucket, rust remover, sanding disc		\$186.55
	55-0756518	09/20/2022	Cover stain		\$32.34
	55-0756724	09/20/2022	Lumber		\$164.99
101782	10/14/2022			SANTA CLARA VALLEY HEALTH & HOSPITAL SYSTEI	\$1,429.00
	Invoice	Date	Description		Amount
	22C00878	07/19/2022	SART test for case 22c-00878		\$1,429.00
101783	10/14/2022			SANTA CRUZ AUTO PARTS INC.	\$165.83
	Invoice	Date	Description		Amount
	14508-453048	10/01/2022	Oil filters, wiper blades		\$165.83
101784	10/14/2022			SANTA CRUZ COUNTY ANIMAL SHELTER	\$24,147.60
	Invoice	Date	Description		Amount
	22-23-2CA	09/27/2022	Quarterly animal services contribution		\$24,147.60
101785	10/14/2022			SANTA CRUZ COUNTY DEPT OF PUBLIC WORKS	\$60,449.16
	Invoice	Date	Description		Amount
	SCC100422	10/04/2022	Household hazardous waste program		\$43,559.00
	ZONEV-20220385	10/04/2022	Zone V pass through payment		\$459.36
	ZONEV-20220415	09/30/2022	Zone V pass through payment		\$856.80
	SCC092122	09/21/2022	Zone 5 Master Plan Update		\$15,574.00

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101786	10/14/2022			SANTA CRUZ LIVE SCAN INC.	\$12
	Invoice	Date	Description		Amount
	2225	10/01/2022	New hire live scans (4)		\$120.00
101787	10/14/2022			SANTA CRUZ REGIONAL 911	\$27,978.00
	Invoice	Date	Description		Amount
	SCR091522-2	09/15/2022	First half capital/debt 22/23		\$27,978.00
101788	10/14/2022			SANTA CRUZ SENTINEL	\$771.20
	Invoice	Date	Description		Amount
	0001351679	09/26/2022	September legal notices		\$771.20
101789	10/14/2022			SHANTA SHENOY	\$555.75
	Invoice	Date	Description		Amount
	SS101222	10/12/2022	Instructor payment		\$555.75
101790	10/14/2022			SOQUEL CREEK WATER DISTRICT	\$39.66
	Invoice	Date	Description		Amount
	34-18508-0092622	09/26/2022	34-18508-00 1510 McGregor Drive water service		\$39.66
101791	10/14/2022			SPECTRUM BUSINESS	\$3,899.54
	Invoice	Date	Description		Amount
	0000178100122	10/01/2022	October internet service		\$3,899.54
			1000 - General Fund	\$1,712.80	
			2211 - ISF - IT	\$2,186.74	
101792	10/14/2022			STAPLES ADVANTAGE	\$105.97
	Invoice	Date	Description		Amount
	8067604930	09/17/2022	office supplies		\$105.97
101793	10/14/2022			SWANK MOTION PICTURES INC.	\$990.00
	Invoice	Date	Description		Amount
	1950746	09/29/2022	Movie licensing		\$990.00
101794	10/14/2022			THE HOME DEPOT PRO	\$1,389.67
	Invoice	Date	Description		Amount
	710145251	10/04/2022	Restroom supplies, cleaning supplies		\$1,389.67
101795	10/14/2022			TODD HANSON	\$2,668.00
	Invoice	Date	Description		Amount
	2023-00000377	10/01/2022	October BIA marketing, website management, media boost		\$2,668.00
			1321 - BIA - Capitola Village-Wharf BIA		
101796	10/14/2022			UNITED STATES LIABILITY INSURANCE COMPANY	\$1,743.00
	Invoice	Date	Description		Amount
	NBP1557440-2023	09/21/2022	BIA insurance		\$1,743.00
			1321 - BIA - Capitola Village-Wharf BIA		
101797	10/14/2022			US BANK EQUIPMENT FINANCE	\$205.61
	Invoice	Date	Description		Amount
	483988176	10/03/2022	Recreation copier lease		\$205.61
101798	10/14/2022			US BANK EQUIPMENT FINANCE	\$503.26
	Invoice	Date	Description		Amount
	484074281	10/05/2022	PD copier lease & fees		\$503.26

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
101799	10/14/2022			US BANK EQUIPMENT FINANCE	\$34
	Invoice	Date	Description		Amount
	483532347	09/28/2022	City Hall copier lease 2210 - ISF - Stores Fund		\$343.91
101800	10/14/2022			US BANK EQUIPMENT FINANCE	\$174.40
	Invoice	Date	Description		Amount
	483213211	09/24/2022	City Hall copier lease 2210 - ISF - Stores Fund		\$174.40
101801	10/14/2022			US BANK PARS Acct 6746022400	\$287.07
	Invoice	Date	Description		Amount
	PARS100722	10/07/2022	PARS contributions PPE 10/1/22 1001 - Payroll Payables		\$287.07
101802	10/14/2022			WELLS FARGO BANK	\$9,603.11
	Invoice	Date	Description		Amount
	WF100322	10/03/2022	September credit card charges 1000 - General Fund \$8,371.03 1300 - SLESF - Supl Law Enfc \$ 491.14 2211 - ISF - IT \$ 740.94		\$9,603.11
101803	10/14/2022			WEST MARINE PRODUCTS INC	\$1,434.44
	Invoice	Date	Description		Amount
	9442210	10/01/2022	Buoys (2)		\$1,434.44
101804	10/14/2022			CALIFORNIA STATE CONTROLLER'S OFFICE	\$40.04
	Invoice	Date	Description		Amount
	995034-20221003	10/03/2022	Interest for late reporting of escheated checks		\$40.04
101805	10/14/2022			Salvatore Sardina	\$917.22
	Invoice	Date	Description		Amount
	2023-00000360	09/23/2022	Refund for cancelled permit #2022-0103 1000 - General Fund \$754.52 1313 - General Plan Update & M \$140.00 1317 - Technology Fee Fund \$ 22.70		\$917.22
Check Totals:					\$242,559.43
<u>EFT</u>					
1397	10/11/2022			CalPERS Member Services Division	\$56,577.76
	Invoice	Date	Description		Amount
	1002216520-3	10/07/2022	PERS contributions PPE 10/1/22 1000 - General Fund (\$ 0.35) 1001 - Payroll Payables \$56,578.11		\$56,577.76
1398	10/11/2022			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$9,598.08
	Invoice	Date	Description		Amount
	1-841-454-944	10/07/2022	State taxes PPE 10/1/22 1001 - Payroll Payables		\$9,598.08

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1399	10/11/2022			INTERNAL REVENUE SERVICE	\$32,243.11
	Invoice	Date	Description		Amount
	94031880	10/07/2022	Federal taxes & Medicare PPE 10/1/22 1001 - Payroll Payables		\$32,243.11
1400	10/11/2022			STATE DISBURSEMENT UNIT	\$1,575.68
	Invoice	Date	Description		Amount
	41460748	10/07/2022	Employee garnishments PPE 10/1/22 1001 - Payroll Payables		\$1,575.68
1401	10/11/2022			VOYA FINANCIAL	\$23,481.39
	Invoice	Date	Description		Amount
	VOYA100722	10/07/2022	Employee 457 contributions PPE 10/1/22 1001 - Payroll Payables		\$23,481.39

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Type EFT Totals:

\$123,476.02

Main City Totals

	Count	Total
Checks	93	\$242,559.43
EFTs	5	\$123,476.02
All	98	\$366,035.45

Payroll Totals

	Count	Total
Checks	2	\$19,222.68
EFTs	92	\$183,249.66
All	94	\$202,472.34

Grand Totals:

	Count	Total
Checks	95	\$261,782.11
EFTs	97	\$306,725.68
All	192	\$568,507.79


City main account checks dated November 10, 2022, numbered 102091 to 102188 totaling \$190,042.49, six EFTs totaling \$113,769.65, and 92 payroll EFTs totaling \$175,879.23, for a grand total of \$479,691.37, have been reviewed and authorized for distribution by the City Manager. City main account checks numbered 101993 to 102090 were voided/renumbered due to a printing error.

As of November 10, 2022, the unaudited cash balance is \$5,933,026.75.

**CASH POSITION - CITY OF CAPITOLA
November 10, 2022**

	11/10/2022
General Fund	\$ (1,964,786.79)
Payroll Payables	\$ 45,858.57
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ 3,759,480.17
Stores Fund	\$ 65,521.99
Information Technology Fund	\$ 294,932.96
Equipment Replacement	\$ 992,379.60
Self-Insurance Liability Fund	\$ (240,384.10)
Workers' Comp. Ins. Fund	\$ 375,078.54
Compensated Absences Fund	\$ 110,886.06
TOTAL UNASSIGNED GENERAL FUNDS	\$ 5,933,026.75

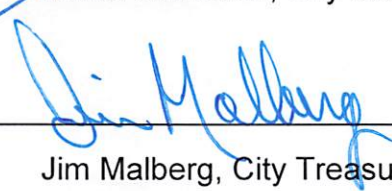
The Emergency Reserve Fund balance is \$1,314,205.54 (not included above).
The PERS Contingency Fund balance is \$904,274.68 (not included above).



 Jamie Goldstein, City Manager

11/17/22

 Date



 Jim Malberg, City Treasurer

11/16/22

 Date

City Checks Issued November 10, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102091	11/10/2022			ABACHERLI FENCE CO.	\$300.00
	Invoice	Date	Description		Amount
	8763	11/01/2022	Fence repair		\$300.00
102092	11/10/2022			ABC SUPPLY CO INC - MBA 742	\$127.12
	Invoice	Date	Description		Amount
	42358760	10/31/2022	Bait shop supplies 1311 - Wharf		\$127.12
102093	11/10/2022			ADT SECURITY SERVICES INC.	\$225.21
	Invoice	Date	Description		Amount
	ADT102922	10/29/2022	Corp. yard & museum ADT monitoring		\$225.21
102094	11/10/2022			AIMEE FITZGERALD	\$354.90
	Invoice	Date	Description		Amount
	AiF102422	10/24/2022	Instructor payment		\$354.90
102095	11/10/2022			ALEX FERBER	\$390.00
	Invoice	Date	Description		Amount
	AF102422	10/24/2022	Instructor payment		\$390.00
102096	11/10/2022			ALLIED UNIVERSAL	\$379.42
	Invoice	Date	Description		Amount
	13396375	11/03/2022	Jade Street Park Nov 2022 foot patrol		\$379.42
102097	11/10/2022			AMAZON CAPITAL SERVICES	\$719.66
	Invoice	Date	Description		Amount
	1YHL-R344-7DFL	10/24/2022	Deep root feeder, lockout tags, lockout device		\$148.09
	1NLP-44W1-3NT9	10/24/2022	Hose/gasket fittings		\$40.32
	1VQL-MKHY-NMV4	10/29/2022	Work shoes for Gabe Cuzick		\$103.54
	167T-WRHY-XM4T	10/27/2022	Halloween party favors		\$52.27
	1LHM-RF1H-FXL3	10/22/2022	Keyboard (3), mouse (2), document holder,		\$373.38
	1J71-KPGJ-J7PV	10/11/2022	Ice cup trays		\$22.88
	1F71-G3X1-6WC3	10/24/2022	Mouse pad		\$7.51
	1PCC-QHPL-1GHM	11/02/2022	Wireless keyboard		\$37.06
	1DTY-MFKT-3TW4	11/04/2022	Return keyboard		(\$65.39)
			1000 - General Fund	\$374.61	
			2211 - ISF - IT	\$345.05	
102098	11/10/2022			AQUA NATURAL SOLUTIONS	\$1,208.27
	Invoice	Date	Description		Amount
	5038	10/31/2022	Wharf microbe lift blend and sludge away 1311 - Wharf		\$1,208.27
102099	11/10/2022			AT&T	\$9.38
	Invoice	Date	Description		Amount
	ATT110122	11/01/2022	November long distance charges		\$9.38
			1000 - General Fund	(\$0.14)	
			2211 - ISF - IT	\$9.52	
102100	11/10/2022			B & B SMALL ENGINE REPAIR	\$305.19
	Invoice	Date	Description		Amount
	507516	10/27/2022	Hedge trimmer		\$305.19
102101	11/10/2022			BAY PHOTO LAB	\$141.89
	Invoice	Date	Description		Amount
	18932400-1	11/01/2022	Prints for Jesberg retirement gift		\$141.89

City Checks Issued November 10, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102102	11/10/2022			BECKY ADAMS	\$452.87
	Invoice	Date	Description		Amount
	BA101722-2	11/03/2022	Instructor payment		\$452.87
102103	11/10/2022			BIOBAG AMERICAS INC.	\$2,578.00
	Invoice	Date	Description		Amount
	INV494307	10/27/2022	Dog waste bags		\$2,578.00
102104	11/10/2022			BROWNELLS INC.	\$312.76
	Invoice	Date	Description		Amount
	2022410515510	10/11/2022	range supplies		\$312.76
102105	11/10/2022			BURKE WILLIAMS AND SORENSEN LLP	\$55,680.00
	Invoice	Date	Description		Amount
	289576	08/30/2022	July code enforcement		\$870.00
	289577	08/30/2022	July litigation		\$319.00
	289578	08/30/2022	July planning legal services		\$848.00
	289575	08/30/2022	July city attorney services		\$12,335.00
	292281	10/27/2022	September city attorney services		\$14,559.00
	292280	10/27/2022	September labor and employment legal services		\$1,134.00
	292282	10/27/2022	September code enforcement		\$206.50
	292283	10/27/2022	September planning legal services		\$972.00
	292284	10/27/2022	September police legal services		\$297.00
	292285	10/27/2022	September BHR lawsuit		\$2,094.50
	292286	10/27/2022	September fee issues		\$324.50
	291162	09/30/2022	August city attorney services		\$11,501.00
	291161	09/30/2022	August labor and employment legal services		\$1,131.00
	291164	09/30/2022	August planning legal services		\$7,870.50
	291165	09/30/2022	August Steinbruner v. CCC legal services		\$87.00
	291163	09/30/2022	August code enforcement		\$1,131.00
102106	11/10/2022			CADILLAC DESIGNS INC.	\$58.60
	Invoice	Date	Description		Amount
	10082	10/31/2022	Upcoming movies print		\$58.60
102107	11/10/2022			CAPITOLA PEACE OFFICERS ASSOCIATION	\$940.50
	Invoice	Date	Description		Amount
	POA110422	11/04/2022	POA & gym dues PPE 10/29/22 1001 - Payroll Payables		\$940.50
102108	11/10/2022			CAPITOLA-SOQUEL CHAMBER OF COMMERCE	\$11,160.45
	Invoice	Date	Description		Amount
	CSCC103122	10/31/2022	July - September TOT 1305 - Restricted TOT		\$11,160.45
102109	11/10/2022			CAROLYN FLYNN	\$1,015.00
	Invoice	Date	Description		Amount
	CBF-10-2022	11/04/2022	October affordable housing program management 5552 - Cap Hsg Succ - Program Income		\$1,015.00
102110	11/10/2022			CLEAN BUILDING MAINTENANCE CO.	\$5,576.92
	Invoice	Date	Description		Amount
	30997	10/31/2022	October janitorial services 1000 - General Fund 1311 - Wharf	\$4,787.48 \$ 789.44	\$5,576.92
102111	11/10/2022			COAST LOCK & SAFE INC.	\$23.22
	Invoice	Date	Description		Amount
	026320	10/27/2022	Keys		\$23.22

City Checks Issued November 10, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102112	11/10/2022			COLLEGE OF THE SEQUOIAS	\$150.00
	Invoice	Date	Description		Amount
	COS110122	11/01/2022	Interview and Interrogation class		\$150.00
102113	11/10/2022			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$904.00
	Invoice	Date	Description		Amount
	3174	10/25/2022	September televised meetings		\$904.00
102114	11/10/2022			CRYSTAL SPRINGS WATER CO.	\$256.75
	Invoice	Date	Description		Amount
	CSW103122	10/31/2022	October drinking water		\$256.75
102115	11/10/2022			CYNTHIA KASKEY	\$260.00
	Invoice	Date	Description		Amount
	CK102422	10/24/2022	Instructor payment		\$260.00
102116	11/10/2022			D & G SANITATION	\$1,621.79
	Invoice	Date	Description		Amount
	294101	10/31/2022	Skate park hand wash station, portable toilets		\$621.13
	294102	10/31/2022	Jade st. park hand wash station rental		\$42.35
	294103	10/31/2022	Cortez park hand wash station		\$42.35
	294105	10/31/2022	Wharf portable toilets		\$546.88
	294104	10/31/2022	Lower parking lot portable toilet rental		\$369.08
			1000 - General Fund	\$1,074.91	
			1311 - Wharf	\$ 546.88	
102117	11/10/2022			DELL MARKETING LP	\$328.05
	Invoice	Date	Description		Amount
	524064787	09/20/2022	PowerEdge R630 upgrades & extensions 2211 - ISF - IT		\$328.05
102118	11/10/2022			DEPARTMENT OF MOTOR VEHICLES	\$10.00
	Invoice	Date	Description		Amount
	4DT4763	11/03/2022	Registration for 4DT4763		\$10.00
102119	11/10/2022			DIXON AND SON INC.	\$2,294.10
	Invoice	Date	Description		Amount
	240498	10/25/2022	New tire for CAT loader		\$2,294.10
102120	11/10/2022			DUDEK	\$6,523.75
	Invoice	Date	Description		Amount
	14156	08/19/2022	Environmental review 720 Hill St #21-0122		\$6,523.75
102121	11/10/2022			EWING IRRIGATION	\$365.55
	Invoice	Date	Description		Amount
	18133241	10/28/2022	Push broom, rake handle		\$90.44
	18104114	10/25/2022	PVC couplings		\$23.72
	18101216	10/24/2022	Repair coupling, PVC ell, PVC saw, PVC pipe		\$251.39
102122	11/10/2022			FERGUSON ENTERPRISES LLC #795	\$433.94
	Invoice	Date	Description		Amount
	0214360	10/07/2022	Urinal, installation supplies		\$433.94
102123	11/10/2022			FLYERS ENERGY LLC	\$5,317.70
	Invoice	Date	Description		Amount
	22-671460	10/27/2022	258 gallons diesel		\$1,578.66
	22-671461	10/27/2022	698 gallons gasoline		\$3,739.04

City Checks Issued November 10, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102124	11/10/2022			GALLS LLC	\$69.19
	Invoice	Date	Description		Amount
	022322729	10/06/2022	uniform		\$69.19
102125	11/10/2022			GARDAWORLD	\$421.84
	Invoice	Date	Description		Amount
	10714861	11/01/2022	Armored transport Nov 2022		\$376.78
	20543367	09/30/2022	Excess time		\$45.06
102126	11/10/2022			GEORGE McMENAMIN	\$1,443.75
	Invoice	Date	Description		Amount
	GM110422	11/04/2022	Bay St & Peery Park riparian restoration		\$1,443.75
102127	11/10/2022			GINA ENRIQUEZ	\$4,035.20
	Invoice	Date	Description		Amount
	GE102422	10/24/2022	Instructor payment		\$4,035.20
102128	11/10/2022			GRAINGER	\$318.70
	Invoice	Date	Description		Amount
	9484998118	10/19/2022	OHSA training manual, first aid station		\$318.70
102129	11/10/2022			HINDERLITER DELLAMAS AND ASSOCIATES	\$1,250.00
	Invoice	Date	Description		Amount
	SIN022436	09/30/2022	September TOT and STR admin fees		\$1,250.00
102130	11/10/2022			HOME DEPOT CREDIT SERVICES	\$1,652.40
	Invoice	Date	Description		Amount
	1525038	11/02/2022	Toilet tank lever		\$12.28
	5616974	10/19/2022	Wall base, adhesive, scrapers, misc supplies		\$100.32
	3617275	10/21/2022	Bell wire		\$14.86
	2636002	10/12/2022	Paint, adhesive, rollers		\$202.34
	3523077	10/21/2022	Commercial wrap, LED prismatic wrap		\$363.86
	0224454	10/24/2022	Refund commercial wrap, LED prismatic wrap		(\$264.71)
	8520724	10/06/2022	Paint, trap snake 25 ft		\$124.84
	9637797	10/25/2022	Container lid, wall lantern, hardware		\$101.57
	0637674	10/24/2022	Paint, gloss, adhesive roller, brush, spring link		\$176.72
	7011648	10/07/2022	scraper, paint supplies, paint		\$164.10
	9033257	10/25/2022	wall texture repair paint, joint tape		\$111.51
	520328	10/04/2022	Reflective safety walk		\$207.68
	6522613	10/18/2022	Epoxy rollers, adhesive applicator, screws, pencils, tape measur		\$93.38
	7522431	10/17/2022	joint tape, pail, key rings, key, key tags		\$81.05
	7645095	10/17/2022	Lumber, misc supplies		\$162.60
102131	11/10/2022			HUMBOLDT PETROLEUM LLC	\$144.50
	Invoice	Date	Description		Amount
	inv-054614	10/15/2022	carwash		\$59.50
	inv-056917	10/31/2022	carwash		\$85.00
102132	11/10/2022			HYDROSCIENCE ENGINEERS INC.	\$5,935.00
	Invoice	Date	Description		Amount
	331019003	11/01/2022	Stormwater review services #2002-0224		\$5,935.00
102133	11/10/2022			INTERSTATE TRAFFIC CONTROL PRODUCTS	\$5,661.75
	Invoice	Date	Description		Amount
	253404	10/17/2022	Street paint		\$5,661.75

City Checks Issued November 10, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102134	11/10/2022			KBA Document Solutions LLC	\$880.57
	Invoice	Date	Description		Amount
	55Y1318627	10/28/2022	Monthly copier usage charges		\$865.57
	55Y1321268	11/07/2022	Shipping fees 2211 - ISF - IT		\$15.00
102135	11/10/2022			LABORMAX STAFFING	\$1,361.29
	Invoice	Date	Description		Amount
	26-256631	10/28/2022	10/25 - 10/28 seasonal labor		\$986.55
	26-258520	11/03/2022	10/29-11/3 seasonal labor		\$374.74
102136	11/10/2022			LC ACTION POLICE SUPPLY LTD	\$1,955.73
	Invoice	Date	Description		Amount
	445199	10/27/2022	range supplies		\$1,955.73
102137	11/10/2022			LINDE GAS & EQUIPMENT INC.	\$292.04
	Invoice	Date	Description		Amount
	3210216	10/27/2022	Acetylene rental		\$292.04
102138	11/10/2022			LINDSAY MITCHELL JOHNSON	\$162.50
	Invoice	Date	Description		Amount
	LJ102422	10/24/2022	Instructor payment		\$162.50
102139	11/10/2022			LP POLICE	\$500.00
	Invoice	Date	Description		Amount
	1022LP31150	10/31/2022	Semi annual contract		\$500.00
102140	11/10/2022			MICHELE FAIA	\$318.50
	Invoice	Date	Description		Amount
	MF10242022	10/24/2022	Instructor payment		\$318.50
102141	11/10/2022			MID COUNTY AUTO SUPPLY	\$258.83
	Invoice	Date	Description		Amount
	M-1936281	11/03/2022	Brake shoes, brake drum, hardware kit		\$258.83
102142	11/10/2022			MISSION LINEN SUPPLY	\$284.49
	Invoice	Date	Description		Amount
	518098118	11/02/2022	Fleet towels, uniform cleaning		\$34.03
	518054692	10/26/2022	Fleet towels, uniform cleaning		\$34.03
	518098119	11/02/2022	Corp. Yard linen service		\$119.36
	518054693	10/26/2022	Corp. Yard linen service		\$97.07
102143	11/10/2022			MISSION PRINTERS	\$220.17
	Invoice	Date	Description		Amount
	63419	11/04/2022	Window envelopes (500) for BIA notices 2210 - ISF - Stores Fund		\$220.17
102144	11/10/2022			NATALIE XILONZOCHILT	\$33.02
	Invoice	Date	Description		Amount
	NX102122	10/21/2022	POST basic records training		\$33.02
102145	11/10/2022			NIELS KISLING	\$331.50
	Invoice	Date	Description		Amount
	NK103022	10/30/2022	Museum fundraising remittance envelopes		\$331.50
102146	11/10/2022			NORTH BAY FORD	\$853.62
	Invoice	Date	Description		Amount
	287009	11/02/2022	Alternator, core		\$531.12
	363577	10/20/2022	Installation of BCM 2011 Ford F250SD		\$322.50

City Checks Issued November 10, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102147	11/10/2022			O'REILLY AUTO PARTS	\$169.91
	Invoice	Date	Description		Amount
	2763-316400	10/31/2022	ABS sensor, cleaner, fabric paint		\$94.80
	2763-316919	11/03/2022	Crank sensor		\$75.11
102148	11/10/2022			OUTDOOR SUPPLY HARDWARE	\$564.57
	Invoice	Date	Description		Amount
	G40844	11/02/2022	Succulents, tank lever		\$40.28
	G40941	11/02/2022	Terro ant bait		\$22.86
	G35891	10/24/2022	Paint brushes, pail lid, container, paint		\$48.95
	G35973	11/03/2022	Ratchet, hex key		\$16.87
	G30188	10/13/2022	Graffiti coverup supplies		\$26.89
	G29145	10/11/2022	Gorilla glue, spray adhesive, construction adhesive		\$36.70
	G26914	10/07/2022	Test pipe tee		\$18.52
	G25062	10/03/2022	Top soil, rustoleum, blower service kit		\$72.96
	G26690	10/06/2022	Security cable, braided steel, paint		\$85.82
	G33545	10/19/2022	Paint, rustoleum, acetone thinner, top soil		\$112.15
	G33830	10/20/2022	3/4in countersinks		\$25.06
	G33929	10/20/2022	paint, plymetal screw, air freshener spray		\$48.80
	G34300	10/21/2022	Rustoleum		\$8.71
			1000 - General Fund	\$539.51	
			1311 - Wharf	\$ 25.06	
102149	11/10/2022			PALACE BUSINESS SOLUTIONS	\$1,624.00
	Invoice	Date	Description		Amount
	662474-0	11/02/2022	office supplies		\$72.15
	661160-0	10/24/2022	office supplies		\$104.80
	661704-0	10/27/2022	office supplies		\$42.13
	661729-0	09/27/2022	office supplies		\$206.41
	660583-0	10/18/2022	Pens, address labels, pen refills		\$75.45
	662970-0	11/07/2022	office supplies		\$225.79
	661666-0	10/26/2022	Batteries, note pads, board, label maker, wipes, misc supplies		\$355.89
	C661807-0	10/27/2022	Return letter opener, sign, wipes, label maker, sign duraframe		(\$146.14)
	661809-0	10/27/2022	Label maker, wipes, sign duraframe, letter opener, sharpener		\$132.36
	661666-1	10/28/2022	Drawer organizer		\$6.53
	662117-0	10/31/2022	Calendars, planner		\$314.28
	662176-0	11/01/2022	Sheet protectors, wall clock, calculator, desk organizer, labels		\$114.41
	662840-0	11/07/2022	Heater, masking tape		\$73.35
	662176-1	11/02/2022	Scissors, markers, pencils		\$46.59
			1000 - General Fund	\$726.73	
			2210 - ISF - Stores Fund	\$897.27	
102150	11/10/2022			PEAK COMMUNICATIONS	\$1,680.52
	Invoice	Date	Description		Amount
	101122A	10/11/2022	Completion of cable adds, moves, and changes		\$1,680.52
			2211 - ISF - IT		
102151	11/10/2022			PET PALS DISCOUNT PET SUPPLIES	\$1,437.29
	Invoice	Date	Description		Amount
	2729466	11/04/2022	K-9 supplies 11/4/22		\$1,437.29
102152	11/10/2022			PHOENIX GROUP INFORMATION SYSTEMS	\$13,581.55
	Invoice	Date	Description		Amount
	000180	07/01/2022	Mobile printer for parking		\$861.03
	000236	07/01/2022	case for printer		\$427.40
	092022070	10/17/2022	Sept 2022		\$12,293.12

City Checks Issued November 10, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102153	11/10/2022			PK SAFETY SUPPLY	\$347.68
	Invoice	Date	Description		Amount
	463141	10/28/2022	Safety glasses, gloves		\$128.37
	463196	10/28/2022	Safety glasses		\$219.31
102154	11/10/2022			PPD MULTIMEDIA INC.	\$1,134.16
	Invoice	Date	Description		Amount
	00031540	11/03/2022	BIA banner design & printing 1321 - BIA - Capitola Village-Wharf BIA		\$1,134.16
102155	11/10/2022			ROBERT M PATTERSON	\$50.00
	Invoice	Date	Description		Amount
	RMP110322	11/03/2022	Administrative review Oct 2022		\$50.00
102156	11/10/2022			SAFE LIFE DEFENSE LLC	\$417.24
	Invoice	Date	Description		Amount
	226818	10/06/2022	uniform		\$417.24
102157	11/10/2022			SAN LORENZO LUMBER	\$120.22
	Invoice	Date	Description		Amount
	55-0766536	11/01/2022	Hammer, primer-sealer		\$120.22
102158	11/10/2022			SANTA CRUZ AUTO PARTS INC.	\$241.91
	Invoice	Date	Description		Amount
	14508-454818	10/24/2022	Epoxy		\$177.12
	14508-454688	10/22/2022	Oil filters, wiper blades		\$64.79
102159	11/10/2022			SANTA CRUZ BACKFLOW TESTING & REPAIR	\$558.00
	Invoice	Date	Description		Amount
	102722J	10/27/2022	Annual backflow test & repairs		\$558.00
102160	11/10/2022			SANTA CRUZ COUNTY DEPT OF PUBLIC WORKS	\$41.68
	Invoice	Date	Description		Amount
	4355743557	10/31/2022	Treated wood waste		\$41.68
102161	11/10/2022			SANTA CRUZ COUNTY INFORMATION SERVICES	\$237.00
	Invoice	Date	Description		Amount
	CSISD101422	11/14/2022	Radio repair vehicle 121		\$237.00
102162	11/10/2022			SANTA CRUZ COUNTY TAX COLLECTOR	\$7,032.50
	Invoice	Date	Description		Amount
	2085893	11/03/2022	Esplanade sanitation district charges		\$7,032.50
102163	11/10/2022			SANTA CRUZ COUNTY TAX COLLECTOR	\$436.20
	Invoice	Date	Description		Amount
	2086652	11/03/2022	Library sanitation district charges		\$436.20
102164	11/10/2022			SANTA CRUZ COUNTY TAX COLLECTOR	\$839.17
	Invoice	Date	Description		Amount
	2084976	11/03/2022	City Hall sanitation district charges		\$839.17
102165	11/10/2022			SANTA CRUZ COUNTY TAX COLLECTOR	\$766.72
	Invoice	Date	Description		Amount
	2086260	11/03/2022	Wharf sanitation district charges 1311 - Wharf		\$766.72
102166	11/10/2022			SANTA CRUZ LIVE SCAN INC.	\$30.00
	Invoice	Date	Description		Amount
	2270	11/01/2022	New hire live scan		\$30.00

City Checks Issued November 10, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102167	11/10/2022			SANTA CRUZ SENTINEL	\$1,286.40
	Invoice	Date	Description		Amount
	0001355058	10/31/2022	October legal ads		\$1,286.40
102168	11/10/2022			SOQUEL CREEK WATER DISTRICT	\$15,455.48
	Invoice	Date	Description		Amount
	10-16315-0102422	10/24/2022	10-16315-00 504 Beulah Dr. water		\$52.21
	10-16316-0102422	10/24/2022	10-16316-00 426 Capitola Ave. water		\$108.29
	10-16317-0102422	10/24/2022	10-16317-00 420 Capitola Ave. water		\$299.95
	42-14952-0103122	10/31/2022	42-14952 Cortez Park irrigation		\$632.76
	42-15297-0103122	10/31/2022	42-15297-00 426 Capitola Ave irrigation		\$149.27
	42-15969-0103122	10/31/2022	42-15969-00 Lawn Way irrigation		\$299.57
	42-16122-0103122	10/31/2022	42-16122-00 Esplanade fountain irrigation		\$74.89
	42-10504-0103122	10/31/2022	42-10504-00 Cliff Drive irrigation		\$64.40
	42-11090-0103122	10/31/2022	42-11090-01 Capitola Road irrigation		\$149.27
	42-11467-0103122	10/31/2022	42-11467-00 Jade Street park irrigation		\$6,994.18
	42-11517-0103122	10/31/2022	42-11517-00 41st Avenue irrigation		\$149.27
	42-14404-0103122	10/31/2022	42-14404-00 Monterey Ave. Nobel Gulch Park irrigation		\$623.72
	42-16130-0103122	10/31/2022	42-16130-00 Wharf Road irrigation		\$64.40
	42-16136-0103122	10/31/2022	42-16136-00 1400 Wharf Road irrigation		\$730.32
	42-16407-0103122	10/31/2022	42-16407-00 Bay Ave. irrigation		\$72.09
	13-10919-0103122	10/31/2022	13-10919-00 2000 Wharf Road water service		\$48.01
	34-18508-0103122	10/31/2022	34-18508-00 1510 McGregor Drive water service		\$38.68
	42-14431-0103122	10/31/2022	42-14431-00 Monterey Ave irrigation		\$4,775.40
	42-17688-0103122	10/31/2022	42-17688-00 Lawn Way irrigation 2		\$64.40
	42-18238-0103122	10/31/2022	42-18238-00 Capitola Road irrigation		\$64.40
			1000 - General Fund	\$14,725.16	
			1311 - Wharf	\$ 730.32	
102169	11/10/2022			SPECTRUM BUSINESS	\$3,899.54
	Invoice	Date	Description		Amount
	0000178110122	11/01/2022	November internet service		\$3,899.54
			1000 - General Fund	\$1,712.80	
			2211 - ISF - IT	\$2,186.74	
102170	11/10/2022			SUMMIT UNIFORMS	\$411.25
	Invoice	Date	Description		Amount
	82849	10/07/2022	uniform		\$411.25
102171	11/10/2022			SWANK MOTION PICTURES INC.	\$495.00
	Invoice	Date	Description		Amount
	RG3268365	10/17/2022	Monsters Inc DVD usage		\$495.00
102172	11/10/2022			THE HOME DEPOT PRO	\$1,572.33
	Invoice	Date	Description		Amount
	714569555	10/28/2022	Restroom supplies, cleaning supplies		\$1,572.33
102173	11/10/2022			THERESA NELSON	\$126.75
	Invoice	Date	Description		Amount
	TN102422	10/24/2022	Instructor payment		\$126.75
102174	11/10/2022			TODD HANSON	\$2,668.00
	Invoice	Date	Description		Amount
	00024-2	11/03/2022	November BIA marketing, website management, media boost		\$2,668.00
			1321 - BIA - Capitola Village-Wharf BIA		
102175	11/10/2022			TRANSPORTATION ALLIANCE BANK INC.	\$872.55
	Invoice	Date	Description		Amount
	673616	10/25/2022	Sweeper pub-blended filaments		\$872.55
			1310 - Gas Tax		

City Checks Issued November 10, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102176	11/10/2022			UPS	\$16.44
	Invoice	Date	Description		Amount
	0000954791392	09/24/2022	shipping		(\$0.05)
	00000954791412	10/08/2022	shipping		\$16.49
102177	11/10/2022			US BANK EQUIPMENT FINANCE	\$315.01
	Invoice	Date	Description		Amount
	485937288	11/03/2022	City Hall & Recreation copier leases 2210 - ISF - Stores Fund		\$315.01
102178	11/10/2022			US BANK EQUIPMENT FINANCE	\$174.40
	Invoice	Date	Description		Amount
	485601025	10/29/2022	City Hall copier leases 2210 - ISF - Stores Fund		\$174.40
102179	11/10/2022			US BANK PARS Acct 6746022400	\$352.94
	Invoice	Date	Description		Amount
	PARS110422	11/04/2022	PARS contributions PPE 10/29/22 1001 - Payroll Payables		\$352.94
102180	11/10/2022			WATSON FINE ART CONSERVATION	\$165.96
	Invoice	Date	Description		Amount
	785318	09/09/2022	Wall board mural framing and restoration		\$165.96
102181	11/10/2022			WATSONVILLE BLUEPRINT	\$7.10
	Invoice	Date	Description		Amount
	108354	10/26/2022	Geologic haz map 1313 - General Plan Update & Maint		\$7.10
102182	11/10/2022			WITMER TYSON IMPORTS INC.	\$1,500.00
	Invoice	Date	Description		Amount
	T14663	10/28/2022	Sept K-9 training		\$750.00
	T14664	11/07/2022	K-9 October training		\$750.00
102183	11/10/2022			Barbic Roofing	\$275.28
	Invoice	Date	Description		Amount
	BR102522	10/25/2022	Permit refund 1000 - General Fund \$214.66 1313 - General Plan Update & M \$ 50.00 1317 - Technology Fee Fund \$ 10.62		\$275.28
102184	11/10/2022			Becky Steinbruner	\$102.00
	Invoice	Date	Description		Amount
	BS101922	10/19/2022	Refund security deposit		\$102.00
102185	11/10/2022			CJ's Plumbing	\$72.00
	Invoice	Date	Description		Amount
	CJP102522	10/25/2022	cite 200138769		\$72.00
102186	11/10/2022			Deborah Hartman, Admin for Estate of B.D. Boone	\$8.16
	Invoice	Date	Description		Amount
	Boone103122	10/31/2022	Refund of overpayment for loan 4425 Clares #53 5552 - Cap Hsg Succ - Program Income		\$8.16
102187	11/10/2022			England Jesse	\$36.00
	Invoice	Date	Description		Amount
	EJ102522	10/25/2022	citation 500125055		\$36.00

City Checks Issued November 10, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102188	11/10/2022			Megan McElroy, THE, LISTENING	\$110.00
	Invoice MM102522	Date 10/25/2022	Description Refund class fees		Amount \$110.00

Check Totals: \$190,042.49

<u>EFT</u>					
1409	11/07/2022			CalPERS Member Services Division	\$56,626.38
	Invoice 1002236019-22	Date 11/04/2022	Description PERS contributions PPE 10/29/22		Amount \$56,626.38
			1000 - General Fund (\$ 0.36)		
			1001 - Payroll Payables	\$56,626.74	
1410	11/07/2022			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$11,055.49
	Invoice 1-464-473-824	Date 11/04/2022	Description State taxes PPE 10/29/22		Amount \$11,055.49
			1001 - Payroll Payables		
1411	11/07/2022			INTERNAL REVENUE SERVICE	\$36,413.29
	Invoice 83053185	Date 11/04/2022	Description Federal taxes & Medicare PPE 10/29/22		Amount \$36,413.29
			1001 - Payroll Payables		
1412	11/07/2022			STATE DISBURSEMENT UNIT	\$1,575.68
	Invoice 41788701	Date 11/04/2022	Description Employee garnishments PPE 10/29/22		Amount \$1,575.68
			1001 - Payroll Payables		
1413	11/07/2022			VOYA FINANCIAL	\$7,419.99
	Invoice VOYA110422	Date 11/04/2022	Description Employee 457 contributions PPE 10/29/22		Amount \$7,419.99
			1001 - Payroll Payables		
1414	11/07/2022			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$678.82
	Invoice 1-683-511-520	Date 11/04/2022	Description State tax penalty & interest		Amount \$678.82

EFT Totals: \$113,769.65

Main City Totals	Count	Total
Checks	98	\$190,042.49
EFTs	6	\$113,769.65
All	104	\$303,812.14

Payroll Totals	Count	Total
Checks	0	\$0.00
EFTs	92	\$175,879.23
All	92	\$175,879.23

Grand Totals:	Count	Total
Checks	98	\$190,042.49
EFTs	98	\$289,648.88
All	196	\$479,691.37

Capitola City Council

Agenda Report

Meeting: November 22, 2022

From: Finance Department

Subject: Approval of City Check Registers Dated October 14, October 28, and November 10, 2022.



Recommended Action: Approve check registers.

Account: City Main				
Date	Starting Check #	Ending Check #	Payment Count	Amount
10/14/2022	101713	101805	98	\$ 366,035.45
10/28/2022	101882	101992	118	\$ 374,226.07
11/10/2022	102091	102188	104	\$ 303,812.14

The main account check register dated September 30, 2022, ended with check #101712. Checks numbered 101806 to 101881 were voided/renumbered due to printing errors. Checks numbered 101993 to 102090 were voided/renumbered due to printing errors.

Account: Payroll				
Date	Starting Check/EFT #	Ending Check/EFT #	Payment Count	Amount
10/14/2022	5807	5808	94	\$ 202,472.34
10/28/2022	5809	5809	97	\$ 194,948.94
11/10/2022	20724	20815	92	\$ 175,879.23

The payroll account check register dated September 30, 2022, ended with EFT #20535.

Following is a list of payments issued for more than \$10,000 and descriptions of the expenditures:

Check/EFT	Issued to	Dept	Description	Amount
5807	Employee		Final check 10/7/22	\$ 17,316.90
101741	Dell Marketing LP	CM	Office 365 software license	\$ 17,039.40
101784	SCCo Animal Shelter	PD	Quarterly animal services contribution	\$ 24,147.60
101785	SCCo Dept of Public Works	PW/CDD	Household hazardous waste program, Zone V pass through, Zone V master plan update	\$ 60,449.16
101787	Santa Cruz Regional 911	PD	First half capital/debt 22/23	\$ 27,978.00
1397	CalPERS Member Services Division	CM	PERS contributions PPE 10/1/22	\$ 56,577.76
1399	Internal Revenue Service	CM	Federal taxes & Medicare PPE 10/1/22	\$ 32,243.11
1401	VOYA Financial	CM	Employee 457 contributions	\$ 23,481.39

			PPE 10/1/22	
101908	Donald W Alley	PW	Soquel Lagoon monitoring	\$ 11,267.22
101939	MV Transportation Inc	PW	August & September beach shuttle service	\$ 28,651.20
101943	Pacific Gas & Electric	PW	October utilities	\$ 12,419.06
101957	SCCo Auditor-Controller	Fin	September citation processing	\$ 21,511.00
101965	Soquel Creek Water District	PW	September water service	\$ 19,173.48
1402	CalPERS Health Insurance	CM	November health insurance	\$ 59,568.27
1403	CalPERS Member Services Division	CM	PERS contributions PPE 10/15/22	\$ 57,458.28
1404	Employment Development Department	CM	State taxes PPE 10/15/22	\$ 11,909.54
1405	Internal Revenue Service	CM	Federal taxes & Medicare PPE 10/15/22	\$ 40,662.26
5809	Employee		Final check 10/28/22	\$ 13,332.83
102105	Burke Williams & Sorensen LLP	CM	July, August, & September legal services	\$ 55,680.00
102108	Capitola-Soquel Chamber of Commerce	Fin	July – September TOT	\$ 11,160.45
102152	Phoenix Group Information Systems	PD	Mobile printer & case for parking, Sept 2022 processing	\$ 13,581.55
102168	Soquel Creek Water District	PW	November water service	\$ 15,455.48
1409	CalPERS Member Services Division	CM	PERS contributions PPE 10/29/22	\$ 56,626.38
1410	Employment Development Department	CM	State taxes PPE 10/29/22	\$ 11,055.49
1411	Internal Revenue Service	CM	Federal taxes & Medicare PPE 10/29/22	\$ 36,413.29

Attachments:

1. 10-14-22 Check Register
2. 10-28-22 Check Register
3. 11-10-22 Check Register

Report Prepared By: Leda Laidlaw-Hunter, Accountant I

Reviewed By: Julia Moss, City Clerk and Jim Malberg, Finance Director

Approved By: Jamie Goldstein, City Manager

Capitola City Council

Agenda Report



Meeting: November 22, 2022

From: City Manager Department

Subject: Long Term Use Agreement Between City of Capitola and Soquel Union Elementary School District for Jade Street Property

Recommended Action: Authorize the City Manager to sign a Long-Term Use Agreement between the City of Capitola and Soquel Union Elementary School District for the Jade Street Park Property including the Capitola Community Center in substantially similar form, as approved by the City Attorney, as the attached Agreement.

Background: In 1982 the City of Capitola entered a 50-year lease with Soquel Union Elementary School District (District) for the Jade Street Park property. Following execution of the lease the City built the Capitola Community Center on the property. Now with the Community Center nearing 40 years old, the facility needs reinvestment to continue to serve the community.

Over the last decade, the City and District have engaged in a number of collaborative projects including establishing the after-school program at New Brighton Middle School and the transfer of the New Brighton gymnasium property from the City to the District.

In an effort to continue to grow the positive working relationship between the City and District and ensure that the City maintains a long-term interest in the property prior to making investments in significant maintenance efforts, the parties recently began negotiating a new Long Term Use Agreement for the property.

Discussion: The proposed Long Term Use Agreement establishes the City, and public's, right to continue to use the park and community center through 2052. The proposed agreement requires the City to complete certain specific infrastructure improvements to the Community Center within four years. Should the District require the property for school purposes prior the 2052, the agreement provides that the District must provide the City at least two years notice, and reimburse the City for the depreciated amount of those specific infrastructure improvements.

Completion of this agreement would help ensure that the community of Capitola and District residents will be able to continue to use and enjoy Jade Street Park and the Capitola Community Center for another 30 years.

Fiscal Impact: The agreement obligates the City to continue to maintain Jade Street Park; those costs have been incorporated into the City's annual budget since the 1980s. The agreement also obligates the City to complete certain specific infrastructure projects at the Community Center over the next four years; staff estimates the cost for those improvements will likely total \$720,000. Staff will propose options to fund those improvements at future budget hearings.

Attachments:

1. Long Term Use Agreement

Report Prepared By: Report Prepared By: Jamie Goldstein, City Manager

Reviewed By: Julia Moss, City Clerk, Sam Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

**LONG TERM USE AGREEMENT
BETWEEN
CITY OF CAPITOLA
AND
SOQUEL UNION ELEMENTARY SCHOOL DISTRICT**

THIS LONG TERM USE AGREEMENT (“Agreement”) is entered into effective _____, 20__ (“Effective Date”), by and between the City of Capitola (“City”) and the Soquel Union Elementary School District (“District”). City and District are sometimes hereinafter referred to collectively as the “Parties” or each individually as a “Party.”

RECITALS

- A. Pursuant to Education Code sections 38130, *et seq.* (“Civic Center Act”), the management, direction, and control of school facilities are vested in the District’s Board of Trustees (“Board”), and the Board may provide for the use of school facilities as a civic center where such use is consistent with school purposes and does not interfere with the regular conduct of schoolwork.
- B. The District is the fee owner of that certain real property located at 4510 Jade Street in the City of Capitola, California, with Assessor’s Parcel Number (“APN”) 34-551-02, also known as the Jade Street Property (the “Property”), as more particularly depicted in **Exhibit A-1**, attached hereto and incorporated herein by this reference.
- C. The Property includes Opal Cliffs School (“School Site”), owned and operated by the District, identified as “*Opal Cliffs School*” in **Exhibit A-2**.
- D. With the exception of the School Site, the Property is currently not in use by the District.
- E. On March 26, 1982, the District leased the Property to the City pursuant to a written Lease Agreement (“Lease”) for the exclusive purpose of establishing, developing, and maintaining a public recreational park.
- F. Following execution of the Lease, the City constructed a community center (“Community Center”), identified as “*Community Center*” in **Exhibit A-2**. In addition, the Property includes public tennis courts (“Tennis Courts”), playing fields (“Playing Fields”), and restrooms (“Restrooms”) (collectively, the “Park Facilities”).
- G. On January 8, 1985, the Parties entered into an Amendment to the Lease amending the District’s termination notice requirements. On November 25, 1986,

the Parties entered into a further Amendment to the Lease, in which the District expressly reserved the right to terminate the Lease by giving the City written notice twelve months in advance of termination when the District required the Property for a public school building. The District gave such advance notice of termination to the City on July 26, 2000.

- H. In a Conditional Judgment of Ejectment (“Judgment”) filed April 14, 2003, in the matter of *Soquel Union School District v. City of Capitola*, Case No. CV 141712 (“2001 Lawsuit”), the Santa Cruz County Superior Court determined, among other things, that the Lease was terminated on July 26, 2001, subject to the right of the City to remain in possession of the Property during the remainder of the term of the original Lease or until the District is ready to commence use of the Property, with all necessary approvals. The Court retained jurisdiction for the limited purpose of determining when the District is entitled to possession of the Property, including determination of any disputes about access reasonably necessary to obtain approvals or financing.
- I. On May 26, 2010, the City filed a lawsuit against the District, challenging the District’s adoption of a mitigated negative declaration under the California Environmental Quality Act (“CEQA”) with regard to the District’s Public Works Plan (“PWP”) for the Property (“CEQA Lawsuit”).
- J. In August 2010, the Parties entered into a settlement agreement with regard to the CEQA Lawsuit (“Settlement Agreement”) in which the Parties agreed to compromise and settle the CEQA challenge with regard to Phase One of the PWP (consisting of construction of the current Opal Cliffs School), and to defer any CEQA challenge by the City with respect to Phase Two of the PWP. The Settlement Agreement provided, among other things: (1) that the landlord/tenant relationship between the City and District created by the Lease was terminated; and (2) that the District acknowledged the City’s right to possession of the Property for public recreational purposes for the remaining term of the terminated Lease (expiring March 25, 2032) and subject to the terms of the Judgment and any consistent terms of the terminated Lease.
- K. In 1986, the City entered into a sublease, expiring on September 1, 2032, with Trade Winds Resident Association, Inc. (“Trade Winds”) for a portion of the Property, identified as “*Lot currently ‘sub-leased’ by City to Tradewinds*” in **Exhibit A-2**. In the 2001 Lawsuit, the Court ruled that this sublease is valid. The District does not contest that determination.
- L. With the exception of the School Site, the City has continued to use and occupy the Property, subject to the terms of the Judgment and consistent with terms of the terminated Lease.
- M. The City now desires to make certain improvements to the Community Center (the “Community Center Improvements”) for the benefit of the community at

large, including but not limited to District students and families, and further desires to enter into a new agreement with the District permitting the City to continue to use and occupy that portion of the Property, excluding the School Site, including the Park Facilities (hereinafter the “Premises”) until June 30, 2052.

- N. The District, recognizing that the City’s proposed Community Center Improvements and continued operation of the Premises as a public recreational park are of benefit to the community at large, including but not limited to District students and families, is hereby willing to grant the City continued use and occupation of the Premises through June 30, 2052, subject to the terms and conditions set forth in this Agreement.
- O. It is the desire and intent of the Parties that, except as expressly set forth hereunder, nothing in this Agreement shall modify, supersede, alter, replace, or revise the Judgment or any other ruling, order, or decision by the Court in the 2001 Lawsuit or any of the terms and conditions set forth in the Settlement Agreement.

NOW, THEREFORE, in consideration of the mutual promises set forth below, the City and the District agree as follows:

- 1. Grant of Use. The District hereby grants to the City and the City hereby accepts from the District the grant of use of the Premises for use as a public recreational park under the terms and conditions set forth in this Agreement. The City shall use the Premises only as public recreational park and for no other purposes without the District’s prior written consent. This grant of use includes use of all current improvements on the Premises, as shown in **Exhibit A-2**.
- 2. Term; Renewal. This Agreement shall commence on the Effective Date and terminate on June 30, 2052, subject to its earlier termination as provided hereunder (“Term”). The Parties may, by mutual written agreement, renew this Agreement for up to two (2) additional ten (10) year terms (each a “Renewal Term”). There shall be no “holding over” by City with regard to the Premises without the District’s express prior written consent. Title to the Premises shall, at all times during the Term and any Renewal Term thereof, remain vested in the District.
- 3. Termination.
 - a. This Agreement may be terminated by either Party at any time for cause. “Cause” shall consist of a breach of any material provision of this Agreement, and the failure of the breaching Party to cure the breach within thirty (30) days of being notified of the breach, provided that if the breach cannot reasonably be cured within said thirty (30) day period, the breaching Party will not be in default under this Agreement if the breaching Party commences to cure the breach within the thirty (30) day

period and diligently prosecutes the same to completion. Upon expiration of the applicable cure period, the non-breaching Party may terminate the Agreement.

- b. Regardless of any other term or condition of this Agreement, the District retains and reserves the right to terminate this Agreement, at any time, by giving written notice to the City of its intention to so terminate this Agreement at least twenty four (24) months in advance, should the District, in its sole and absolute discretion, determine that the Premises are needed for school purposes. Following the issuance of written notice of termination to the City, the District, its consultants, representatives, and agents shall have the right, upon twenty-four (24) hours' notice to the City, to access the Premises for the purpose of conducting any and all testing and inspections the District determines are necessary or as required by state and federal law for the use of the Premises for public school purposes.
 - c. In the event that the District exercises its termination rights under Section 3(b), it shall fairly compensate the City for a percentage of the total costs of construction of the Community Center Infrastructure Improvements, as defined hereunder and set forth in **Exhibit B** attached hereto and incorporated herein by this reference. The percentage of such compensation to be paid to the City shall be dependent on the effective date of the District's termination and shall be calculated as set forth in **Exhibit C** attached hereto and incorporated herein by this reference, except that no compensation shall be paid to City unless and until City has completed all of the Community Center Infrastructure Improvements as listed in **Exhibit B**.
 - d. Upon termination or expiration of this Agreement for any reason, the District shall have the right to retain, at no cost to District, all buildings and fixtures then located on the Premises, ("Improvements"), including but not limited to the Community Center Infrastructure Improvements, constructed or installed on the Premises or in or at the Park Facilities, that District deems appropriate for its use. The City shall remove all other buildings, fixtures, equipment, and personal property from the Premises within ninety (90) days of such termination date and surrender the Premises to the District in accordance with Section 4 hereunder. All such buildings, fixtures, equipment, and personal property not so removed within such ninety (90) day period shall be deemed abandoned by the City and the District may dispose of them for its own benefit in whatever way it deems appropriate.
4. Surrender of Premises. Upon termination or expiration of this Agreement for any reason, the City shall surrender the Premises to the District in good order, condition, and repair, and free and clear of all liens, claims, and encumbrances. Said condition shall be similar to that existing as of the Effective Date, excepting

reasonable wear and tear and any Improvements constructed or installed by the City subsequent to the Effective Date. Upon surrender of the Premises, the City shall have no further right to use the Premises or Park Facilities beyond that enjoyed by any other entity or organization in compliance with the District's general policies and procedures applicable to same.

5. Annual Use Fee. In recognition of the recreational opportunities and other benefits made available to members of the public and the community, including District students and families, through the City's operation and maintenance of the Premises as a public recreational park, the City shall pay to the District the total amount of One Hundred Dollars (\$100.00) for each year of the Term of this Agreement, as an annual use fee ("Annual Use Fee"), which amount shall be payable upon execution of this Agreement and annually invoiced by the District thereafter on each anniversary of the Effective Date. The District reserves the right to increase the Annual Use Fee for any Renewal Terms hereof.

6. Compliance with Law; Limitations Upon Use.
 - a. The City shall comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements regarding the use and occupation of the Premises, as well as all current and future orders, laws, and recommendations issued by an applicable government agency (including the California Department of Public Health, the Santa Cruz County Health Officer, and the state and federal governments) related to COVID-19 or any other public health emergency, that are applicable to the City's use of the Premises, including but not limited to those related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities ("Law").

 - b. The City shall not cause the Premises to be used, occupied, or improved in any manner or for any purpose that is in any way in violation of any Law or that will constitute waste, nuisance, or unreasonable annoyance to residents in the surrounding area, interfere with the educational program or activities at the School Site, or jeopardize the safety of the students and staff at the School Site.

 - c. If any license, permit, or other governmental authorization is required for the City's use of the Premises, the City shall procure and maintain same to the extent required by Law.

 - d. Without limitation of the City's other indemnification obligations set forth in this Agreement, the City shall indemnify, defend and hold the District free and harmless from any and all liability, loss, damages, fines, penalties, claims, and actions resulting from the City's failure to comply with and perform the requirements of this Section, except to the extent that

any such liability is caused by the sole negligence or willful misconduct of the District or any person or entity under its explicit direction or control. Upon request, the City shall provide copies of all licenses, permits, or approvals which the District may require to verify that the City is in compliance with the requirements of this Section.

- e. The City shall be solely and completely responsible for the safety of all persons and property associated with the City's use and occupation of the Premises. The City and the City Parties (as defined hereunder) shall fully comply with all state, federal, and other laws, rules, regulations, and orders related to safety. All materials, equipment, and supplies provided by the City when using the Premises shall fully conform to all applicable Law.
7. Use of Premises Granted on "As Is" Basis. The Parties acknowledge that the City is already in possession of the Premises as of the Effective Date. The District provides, and the City accepts, the Premises in its "AS IS" condition. The District shall not be required to make, construct, or remove any Improvements to the Premises during the Term of this Agreement or any Renewal Terms thereof. Furthermore, the District makes no representations or warranties regarding the fitness or suitability of the Premises for the City's intended use of same.
 8. Landscaping. City shall water, weed, mow, trim and maintain lawns, shrubs, trees, and plantings as necessary to maintain the Premises as a public recreational park. City may also remove trees in compliance with City regulations and may plant new trees, shrubs, and other plants as appropriate for a public recreational park.
 9. Maintenance and Repairs. The City, at its own cost and expense, shall maintain the Premises in a safe and clean condition and free from rubbish and litter at all times. The term "maintain" shall be defined as routine, regular, or necessary maintenance, including but not limited to: (1) daily removal of all trash and debris from the Premises, including all parking areas, driveways, sidewalks, and walkways; (2) daily cleaning of Restrooms; and (3) other maintenance necessary to maintain the Premises in a condition suitable for use as public recreational park. The City shall be solely responsible, at its own cost and expense, for any and all maintenance, repair, replacement, and upkeep for the Premises, including but not limited to the following systems, equipment or elements: heating, ventilating and air conditioning system ("HVAC"), plumbing, sewer and water lines, interior and exterior lighting, interior and exterior fixtures, interior walls, ceilings, floors and flooring, windows, interior and exterior doors, signage, walkways, parking lot, and any foundation or exterior surface on which the Park Facilities or other Improvements are placed. The District shall have no obligation whatsoever for any maintenance, repair, replacement, or upkeep for the Premises, or any related costs or expenses.

10. Utilities. The City shall be solely responsible for and shall pay all charges for water, sewer, gas, electricity, telephone and internet service, garbage disposal costs, and any other utility used or consumed by the City at the Premises, including those utilities and water costs necessary for maintaining the landscaping at the Premises. The City shall comply with all present and future water conservation programs required by federal, state, or local laws.

11. Parking. Parking of cars by City employees, agents, contractors, licensees and invitees, including the public, shall be confined to those parking spaces in the parking lot identified as “Lot currently ‘sub-leased’ by Tradewinds to City” in **Exhibit A-2**. Parking spaces designated for the City’s use are to be used for parking operable motor vehicles only. Parking of trailers, boats, campers, or trucks, other than pick-up trucks, on the Premises shall be prohibited. Overnight parking shall be prohibited, with the exception of City-owned vehicles. School Site staff and visitors shall have priority for parking spaces in the asphalt lot between the Community Center and the School Site while school is in session. The District has the right to reserve parking spaces in this lot for School staff and visitors as needed.

12. Improvements. The City shall not construct or cause to be constructed on the Premises any Improvements without the express prior written consent of the District. Notwithstanding the foregoing, the Parties understand and agree that the City, at its sole cost and expense, may install drinking fountains, signage, fencing, and benches consistent with the use of the Premises as a public park (“Exempt Improvements”). The City may replace the current play structure with equipment of comparable quality and utility. Further, the Parties understand and agree that the City, at its sole cost and expense, intends to make those certain Community Center Infrastructure Improvements and Community Center Ancillary Improvements (together, the “Community Center Improvements”) as listed in **Exhibit B** and pursuant to those requirements set forth in this Section 12 and Section 13 hereunder. In regard to all Improvements, including but not limited to the Community Center Improvements, the District and City agree as follows:
 - a. The City shall be solely responsible for the costs and expenses of all Improvements, including but not limited to the costs of planning, permitting, design, engineering, architectural services, inspections, and construction. The District shall not be required to pay any of the costs or contribute any labor, supplies, or equipment necessary for the City’s completion of Improvements.

 - b. Prior to commencing construction of any Improvements, excepting Exempt Improvements, the City shall provide the District’s Superintendent or designee with copies of drawings, plans, and specifications for the proposed Improvement(s) for the District’s review and approval, which approval shall not be unreasonably delayed, conditioned, or withheld. Each such submission shall include the estimated cost for the proposed Improvement(s) as set forth in the contract

awarded by the City for construction of the proposed Improvement(s) and the dates for commencement and completion of the proposed Improvements and shall identify those Improvements that require the approval of local and state governmental agencies. If the District does not either object or provide written approval to the proposed plans and specifications within forty-five (45) days of receipt, the plans and specifications shall be deemed approved.

- c. All Improvements shall be subject to all state and local site, zoning, use permits, and design review and other required approvals (“Governmental Approvals”). The City acknowledges that it assumes full responsibility for securing and maintaining all such permits and required Governmental Approvals, and for the costs and expenses incurred in securing and maintaining same. At no cost or expense to the District, the District shall reasonably cooperate with the City in good faith, as necessary for the City to secure Governmental Approvals.
- d. All contracts for construction of the Improvements shall provide for compliance with all applicable law regarding the construction of public works projects, including but not limited to, the payment of prevailing wages.
- e. Scheduling of construction of Improvements, excepting Exempt Improvements, shall be coordinated with and agreed to in advance by the District in order to minimize disruptions or interference with school operations or activities at the School Site to the maximum extent feasible.
- f. Prior to commencing any Improvements, the City shall install protective fencing, barriers, and warning signs, at all work sites and take other protective measures as necessary to ensure public safety, as required by law. Such protective measures shall remain in place until completion of Improvements.
- g. Upon commencement of construction of any Improvements, excepting Exempt Improvements, the City shall cause the work to be diligently pursued to completion in accordance with the schedule for completion agreed to by the Parties, subject to unavoidable delays caused by weather, supply shortages, strikes, or acts of nature.
- h. All work on Improvements shall be performed in a sound and workmanlike manner, in compliance with applicable laws and building codes, and in conformance with the plans and specifications approved by the District.
- i. The District or the District’s agents shall have a continuing right at all times during the period that Improvements are being constructed on the

Premises to enter the Premises and to inspect the work, provided that such entries and inspections do not unreasonably interfere with the progress of the construction.

- j. Within fifteen (15) days after completion of construction of any Improvements on the Premises, excepting Exempt Improvements, the City shall deliver to the District a written notice of completion and a full and complete set of as-built plans or the Improvements so completed.
- k. In addition to and without limitation of the City's other indemnification obligations as set forth in this Agreement, the City shall defend, indemnify, and hold harmless the District and the District Parties (as that term is defined hereunder) for any and all claims, liabilities, or damages arising out of or in any way relating to the planning, development, construction, or installation of any and all Improvements, except for those claims, liabilities, or damages arising from the sole negligence or willful misconduct of the District or any person or entity under the District's direction or control.

13. Community Center Improvements. In addition to those requirements set forth in Section 12, the Parties agree to the following with regard to the Community Center Improvements as listed in **Exhibit B**:

- a. The City shall complete all Community Center Infrastructure Improvements listed in **Exhibit B** within forty eight (48) months of the Effective Date (the "Completion Date"), unless the Parties otherwise mutually agree in writing to a different timeline for such completion.
- b. Upon completion of each of the Community Center Infrastructure Improvements listed in **Exhibit B**, the City shall provide the District with detailed invoices verifying the costs and expenses reasonably and actually incurred by the City in completing each such Community Center Infrastructure Improvement. Such invoices shall be compared to and reconciled with the estimated costs of the Community Center Infrastructure Improvements listed in **Exhibit B** and the Community Center Reimbursement Schedule at **Exhibit C**. Receipt of invoices verifying all such costs and expenses incurred by the City in the construction of the Community Center Infrastructure Improvements shall be a precondition to the District's payment of any compensation to the City as a result of the District's early termination of this Agreement pursuant to Sections 3(b) and 3(c), above. The City shall only be compensated for such verified costs and expenses.
- c. In the event the City fails to timely complete the Community Center Infrastructure Improvements by the Completion Date, and the Parties have not otherwise mutually agreed in writing to a different timeline for such

completion, this Agreement shall terminate on March 25, 2032, unless otherwise extended by mutual written agreement of the Parties.

14. District Use of Community Center. The Parties agree that the District shall have the use of the Community Center for six (6) days of each year during the Term of this Agreement and any Renewal Terms thereof. The District shall coordinate and schedule such use in advance with the City. The City shall use its best efforts to accommodate the District's requested dates of use. Prior to use of the Community Center, the District shall submit a facility use agreement as required by the City for City approval and shall provide proof of insurance as may be required by the City.

15. Right of Entry and Inspection. The District and its officers, agents, and employees shall have the right to enter the Premises at any reasonable time for the purpose of inspecting the same. Except in cases of emergency, the District shall provide the City with notice at least one (1) business day in advance of any District entry and inspection.

16. Liens and Claims. The City shall promptly pay in full all costs associated with the City's use of the Premises or Park Facilities, and any equipment, furnishings, furniture, trade fixtures or other items for the Premises or Park Facilities that the City shall cause to be delivered to the Premises or Park Facilities and shall timely pay in full all persons who perform labor for the City's use of the Premises or Park Facilities. If any mechanics' or materialmen's liens or any other liens or claims for any work done or items furnished at the City's request are filed against the Premises or Park Facilities, the City shall promptly remove the liens and claims at the City's own expense. If the City fails to remove the liens or claims and any judgment is entered thereon or thereunder, the City shall pay that judgment. Should the City fail, neglect, or refuse to remove any such liens or claims or to pay any judgment, the District shall have the right to pay any amount required to release any such liens or claims, or to defend any actions brought on the liens or claims and to pay any judgment entered on the liens or claims, and the City shall be liable to the District for all costs, damages, reasonable attorneys' fees, and any amounts expended in defending any proceedings or in the payment of any of said liens or claims or any judgment obtained therefor. The District may record, post, and maintain upon the Premises or Park Facilities a notice of non-responsibility. The City shall not encumber by any security instrument, all or a part of the City's interest under this Agreement without the prior written consent of the District, and upon such terms and conditions as the District may require.

17. Assignment and Subleases.
 - a. Assignment. Neither Party may assign or transfer any of its obligations, rights, or duties under this Agreement without the prior written consent of the other Party. Any assignment or transfer made without such written

consent shall be void, and at the option of the non-assigning Party, shall immediately terminate this Agreement.

- b. Subleases. Except as set forth in Section 17(c) below, the City may not sublease the Premises or any portion thereof, including but not limited to the Park Facilities, without the District’s express prior written consent, which consent may be withheld in District’s sole and absolute - discretion. In the event the District provides express prior written consent to any such sublease (each an “Approved Sublease”), the City shall pay to District fifty percent (50%) of any revenues obtained by the City pursuant to each Approved Sublease entered into by the City subsequent to the Effective Date of this Agreement (the “District’s Revenue Share”). The initial payment of the District’s Revenue Share, as well as a copy of each fully executed Approved Sublease, shall be due to the District within thirty (30) calendar days of actual receipt by the City of the first payment to the City under any Approved Sublease for these purposes. In the event that an Approved Sublease expires or terminates, the City’s obligation to pay the District’s Revenue Share for such sublease shall automatically terminate upon the date of such expiration or termination. With the exception of the Trade Winds Sublease, as described in Section 17(c) below, upon termination or expiration of this Agreement, all Approved Subleases shall automatically expire.

- c. Trade Winds Sublease. The District hereby grants consent to the City for its sublease to Trade Winds (the “Trade Winds Sublease”) of that portion of the Premises identified as *“Lot currently ‘sub-leased’ by City to Tradewinds”* in **Exhibit A-2** (“Trade Winds Sublease Area”). The Parties agree that the current Trade Winds Sublease shall terminate as of September 1, 2032, and that no renewal or extension thereof shall be permitted without the District’s express prior written consent. The Parties agree that the District has no duties or obligations under the current Trade Winds Sublease, and that the City alone shall be responsible for such duties and obligations. If the District, in its sole and absolute discretion, declines to grant its prior written consent for renewal of the Trade Winds Sublease, the City shall be responsible for ensuring that Trade Winds vacates and surrenders the Trade Winds Sublease Area as of September 1, 2032 (or as of the expiration date under an extension or renewal that has been granted by the District). Without limitation of the City’s other indemnification obligations set forth in this Agreement, the City shall indemnify, defend, and hold the District and the District Parties (as defined hereunder) harmless from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description resulting from or related to the Trade Winds Sublease and any delay or refusal of Trade Winds to vacate and surrender the Trade Winds Sublease Area, but excepting injury,

death or damage arising from the sole negligence or willful misconduct of District. Upon any renewal or extension, the Trade Winds Sublease shall be subject to Section 17(b), above.

18. Dangerous and/or Hazardous Conditions. The City shall assume full and sole responsibility for repairing and remediating any dangerous and/or hazardous conditions occurring at or on the Premises that may pose a risk of injury to the public. The City shall fully repair and remediate any such dangerous and/or hazardous condition on the Premises within ten (10) business days of its identification and in the most effective and efficient means possible with the least disruption to school operations at the School Site; provided that if, because of the nature of such dangerous and/or hazardous condition, such repair or remediation cannot be completed within such ten (10) day period, the City shall commence performance within such ten (10) day period, and thereafter diligently prosecute the same to completion. Further, the City shall take steps necessary to ensure the safety of the public until such repair or remediation is completed, including without limitation the installation of fencing, barriers, or warning signs and any other protective measures at the site of the dangerous and/or hazardous condition, as appropriate under the circumstances. Without limitation of the City's other indemnification obligations set forth in this Agreement, the City shall indemnify, defend, and hold the District free and harmless from any and all liability, loss, damages, fines, penalties, claims, and actions resulting from the City's failure to comply with and perform the requirements of this Section, except to the extent that any such liability is caused by the sole negligence or willful misconduct of the District or any person or entity under its explicit direction or control. The City's failure to comply with its obligations under this Section may, at the District's discretion, result in termination of this Agreement pursuant to Section 3(a).
19. Hazardous Materials. The City shall not use, maintain, or keep any Hazardous Materials, other than ordinary cleaning supplies and waste at, in or on the Premises without the District's prior written approval. The term "Hazardous Materials" as used in this Agreement shall mean any products, substances, chemical, material or waste whose presence, nature, quantity and/or intensity of existence, use, manufacture, disposal, transportation, spill, release or effect, either by itself or in combination with other materials expected to be on the Premises, is either (a) potentially injurious to the public health, safety or welfare and environment of the Premises, (b) regulated or monitored by any governmental authority, or (c) a basis for liability of City or District to any governmental agency or third party under any applicable statute or common law theory. Hazardous Materials shall include, but not be limited to, hydrocarbons, MTBE, petroleum, gasoline, crude oil, or any products, by-products, or fractions thereof. Willful or negligent breach of the City's obligations under this Section may, at the District's discretion, result in termination of this Agreement pursuant to Section 3(a). The City shall promptly give notice to the District of any Hazardous Materials dispersal or spill, or Hazardous Materials claim, of which it is or becomes aware.

Without limitation of the City's other indemnification obligations set forth in this Agreement, the City shall indemnify, defend, and hold the District and District Parties (as defined hereunder) harmless from any and all claims, costs, damages, penalties or liabilities arising out of the City's use or release of any Hazardous Materials at, in or on the Premises, except to the extent that any such liability is caused by the sole negligence or willful misconduct of the District or any person or entity under its direction or control. The City shall be solely responsible for investigation and remediation expenses related to the abatement of asbestos and other Hazardous Materials that may be required as a result of any Improvements, repairs, replacement, or remediation to the Premises undertaken by the City.

20. Damage/Destruction.

- a. Should the Premises be damaged or destroyed by fire or any cause not the fault of the City or the City Parties (as defined hereunder), including any person on or about the Premises with the express or implied consent of the City, the City shall have, as its sole options, the right to either: (1) repair and restore said Premises, at the City's sole cost and expense, to a condition similar to that existing as of the date of damage or destruction, excepting reasonable wear and tear; or (2) terminate this Agreement pursuant to Section 3(a) by giving District written notice of such termination, and surrender the Premises pursuant to Section 4.
- b. Should the Premises be damaged or destroyed by fire or any cause that is the fault of the City or the City Parties (as defined hereunder), or the fault of any person on or about the Premises with the express or implied consent of the City, the District may, in its sole discretion terminate this Agreement pursuant to Section 3(a) and the City shall surrender the Premises in accordance with Section 4. If the District does not, in its sole discretion, exercise its termination rights, this Agreement shall remain in full force and effect and the City shall repair and restore said Premises, at the City's sole cost and expense, to a condition similar to that existing as of the date of such damage or destruction, excepting reasonable wear and tear.

21. Signage; Cooperation and Public Communications.

- a. The Parties shall mutually agree on the design, content, and location of a park sign located on the Premises; however, the Parties agree that the City has the right, in its sole discretion, to post signage regarding park rules, regulations, public safety, and other public information of its choosing on the Premises. Upon expiration or termination of this Agreement, the City shall remove all signage posted by the City and shall restore the Premises to the condition existing prior to installation of the signage to the District's reasonable satisfaction. All such signage shall be subject to compliance with all applicable laws at the City's sole cost.

- b. The Parties understand and agree that the District’s grant of use and occupation of the Premises under this Agreement is intended to strengthen the continuing partnership between the City and the District with regard to the recreational and other opportunities made available to the public and community, including District students and families, through the City’s operation and management of the Premises as a public recreational park. To that end, the Parties agree to cooperate in promoting their partnership in announcements and public communications concerning the Premises, in signage placed thereon by the Parties, and as the Parties may otherwise agree. At the District’s request, such announcements, public communications, and signage shall identify the District as the owner of the Premises.

22. Taxes and Assessments. Pursuant to Revenue and Taxation Code section 107.6, the City is hereby advised that by entering into this Agreement, a possessory interest subject to taxation may be created and that a property interest may be subject to property taxation if created, and that the Party in whom the possessory interest is vested may be subject to property taxes levied on the interest. All assessments assessed against or attributable to the Premises, any improvements or personal property placed upon the Premises by the City, at the inception date of this Agreement and assessed or falling due during the Term of this Agreement or any Renewal Terms thereof, shall be paid by the City. If the City fails to pay any taxes or assessments for which the City is responsible, before delinquency, the District shall have the option to pay such taxes or assessments and hold the City liable for indemnification of all such payments.

23. Indemnification; Limitation of Liability.

- a. Without limitation of the City’s other indemnification obligations set forth in this Agreement, the City shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the “District Parties”), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the “Claims”), including but not limited to Claims for injury to or death of persons or damage to property or delay directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of the City, or its agents, contractors, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the “City Parties”) in the performance of or failure to perform the City’s obligations under this Agreement, including, but not limited to the City’s use and occupation of the Premises, any work performed on the Premises or materials furnished to the Premises at the request of the City, or any

persons or entities acting for or on behalf of the City, or breach of any of the representations or warranties contained in this Agreement by the City; except, however, the foregoing indemnification shall not apply to the extent that any such Claims arise as a result of the sole negligence or willful misconduct or omissions of the District or any person or entity under its direction or control. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this Section.

- b. No individual employed by, or any elected or appointed official of, the District or the City will be personally liable in any manner or to any extent under or in connection with this Agreement. The City and the District and their respective successors and assigns hereby waive any and all such personal liability. Notwithstanding anything stated herein to the contrary, neither the District nor the City shall be liable for any special, consequential, indirect or incidental damages, including but not limited to lost profits in connection with this Agreement.
- c. This Section 23 and all other indemnification provisions set forth in this Agreement including but not limited to those in Sections 6, 12, 17, 18, and 19, shall survive expiration or termination of this Agreement for any reason.

24. Insurance.

- a. Coverage Required. The City shall, at its own cost and expense, secure and maintain at all times during the Term of this Agreement and any Renewal Terms thereof, with insurance companies acceptable to the District, the following insurance policies covering the Premises:
 - i. Public liability insurance for bodily injury, personal injury, and property damage, and including products and completed operation and non-owned and hired automobile coverage, with liability limits of not less than Two Million Dollars (\$2,000,000) per occurrence, and Four Million Dollars (\$4,000,000) in the aggregate. Such policy shall specifically state: "Coverage does not contain limitations of coverage or exclusions for molestation, sexual abuse, child abuse, or child endangerment." Such policy shall not contain any exclusions and/or limitations of coverage for mental, physical, emotional and/or sexual abuse, including molestation.
 - ii. Automobile liability insurance for bodily injury, personal injury and property damage for vehicles owned, non-owned, or hired, with policy limits or not less than One Million Dollars (\$1,000,000) combined single limit.

iii. Property insurance for the Premises plus the value of the inventoried contents thereof, in an amount no less than One Million Dollars (\$1,000,000) for the first year of the Term of this Agreement, which amount shall be adjusted annually by the percentage of change in the value of the Premises and the contents thereof. The Premises shall be insured on a replacement cost basis without regard for depreciation.

b. Insurance Provisions. Each of the policies required under this Section shall:

- i. name the District as an additional insured and be provided on an occurrence basis;
- ii. state that such policy is primary, and non-contributing with any other insurance carried by the District;
- iii. state that the naming of an additional insured shall not negate any right the additional insured would have had as claimant under the policy if not so named; and
- iv. state that not less than 30 calendar days written notice shall be given to the District before the cancellation or reduction of coverage or amount of such policy.

c. A certificate of insurance for each of the policies required under this Section shall be delivered to the District upon request. Each such certificate shall set forth the limits, coverage, and other provisions required under this Section.

25. Worker's Compensation Insurance and Employer's Liability Insurance. The City shall maintain statutory Worker's Compensation insurance, including Employer's Liability for coverage for no less than One Million Dollars (\$1,000,000) per accident, disease, and annual aggregate. A certificate of insurance verifying that the City has such insurance in force shall be delivered to the District upon request.

26. District Insurance. At all times during the Term of this Agreement or any Renewal Terms hereof, the District shall maintain first party property insurance for the Premises. The City shall not do or permit anything to be done in or about the Premises nor bring or keep anything therein which will in any way increase the typical insurance rate for public parks or affect any property insurance or other insurance upon the Premises, (unless the District gives its prior approval and the City pays any increased premium as a result of such use or acts), or cause a cancellation of any insurance policy covering the Premises, nor shall the City sell

or permit to be kept, used, or sold in or about the Premises any articles which may be prohibited by a standard form policy of property insurance.

27. Amendment of Settlement Agreement.

The Parties hereby agree to amend the Settlement Agreement to remove Paragraph 5 in its entirety and replace it to read as follows, and to seek court approval of such amendment of the Settlement Agreement as the District, in its sole and absolute discretion, determines to be necessary:

- 5. The City shall have the right to legally challenge the District’s compliance with the laws, rules, and regulations referenced in paragraph 4 solely with respect to Phase Two in accordance with any procedures set forth in said laws, rules, and regulations for asserting legal challenges. Notwithstanding the foregoing, the City hereby unconditionally waives its right to challenge the MND referenced in Recital D, as currently drafted, solely as to Phase Two should the District purport to rely on the MND for CEQA compliance relative to Phase Two implementation. The City does not waive its right to challenge any addendum, supplement or modification to the MND as to Phase Two should the District purport to rely on information not contained in the 2008 MND for CEQA compliance relative to Phase Two implementation.

28. Resolution of Disputes. In the event of a dispute between the Parties concerning this Agreement or the rights and duties of either Party under this Agreement, the Parties shall first attempt to resolve the dispute informally. If the Parties cannot reach a resolution, they shall attempt in good faith to settle the dispute through non-binding mediation. The Parties shall agree upon and select a mediator and share equally the costs and fees of mediation. Each party shall bear its own legal fees and costs. If the Parties are unable to resolve the dispute through non-binding mediation, each Party may pursue its legal rights and remedies through any other legally permissible means, but neither Party may pursue any such legal remedy unless and until the Parties have engaged in at least one session of non-binding mediation.

29. Review. The City and the District will meet regularly, and not less than annually, to review the Parties’ use of the Premises, and any necessary changes to such use, and to determine if mutually accepted revisions should be made to this Agreement.

30. Notices. All notices, certificates, or other communications hereunder shall be deemed given when personally delivered or mailed by certified mail, postage prepaid, to the Parties at the addresses set forth below:

To District:

Soquel Union Elementary School District
 620 Monterey Avenue
 Capitola, CA 95010
 Attn: Superintendent

To City:
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 Attn: City Manager

31. Miscellaneous Provisions.

- a. Amendment. This Agreement may be amended only in writing signed by both the City and the District. The Capitola City Council and the District Board of Trustees must approve this Agreement and any amendments or modifications thereto before any amendments and/or modifications become effective.
- b. Applicable Law. This Agreement shall be governed by and interpreted under the laws of the State of California applicable to instruments, persons, transactions and subject matter which have legal contacts and relationships exclusively within the State of California. Any action or proceeding seeking any relief under or with respect to this Agreement shall be brought solely in the Superior Court of the State of California for Santa Cruz County.
- c. Severability. If any provision of this Agreement is held invalid, void or unenforceable by a court of competent jurisdiction, but the remainder of the Agreement can be enforced without failure of material consideration to any Party, then this Agreement shall not be affected and it shall remain in full force and effect, unless amended or modified by mutual consent of the Parties; provided, however, that if the invalidity or unenforceability of any provision of this Agreement results in a material failure of consideration, then the Party adversely affected thereby shall have the right in its sole discretion to terminate this Agreement upon providing written notice of such termination to the other Party.
- d. Successors and Assigns. The terms and provisions of this Agreement shall extend to and be binding upon and inure to the benefit of the successors and permitted assigns of the respective Parties.
- e. No Property Interest Created. This Agreement does not create any interest for the City in the Premises, or any property owned or maintained by the District and is not coupled with any property interest or other interest.

- f. Waiver. No waiver of default in any of the terms, covenants, or conditions in this Agreement shall be a waiver of any subsequent default of the same or any other terms, covenants or conditions herein contained.
- g. Future Assurances. Each of the Parties agrees to execute such further documents and take such further actions as may be reasonably necessary or appropriate to effectuate the terms of this Agreement.
- h. Execution in Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original of the Agreement. Facsimile signature pages transmitted to other Parties to this Agreement shall be deemed equivalent to original signatures on counterparts.
- i. Warranty of Authority. Each of the persons signing this Agreement represents and warrants that such person has been duly authorized to sign this Agreement on behalf of the Party indicated, and each of the Parties by signing this Agreement warrants and represents that such Party is legally authorized and entitled to enter into this Agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective officers thereunto duly authorized as of the latest date written below.

CITY OF CAPITOLA

**SOQUEL UNION
ELEMENTARY SCHOOL
DISTRICT**

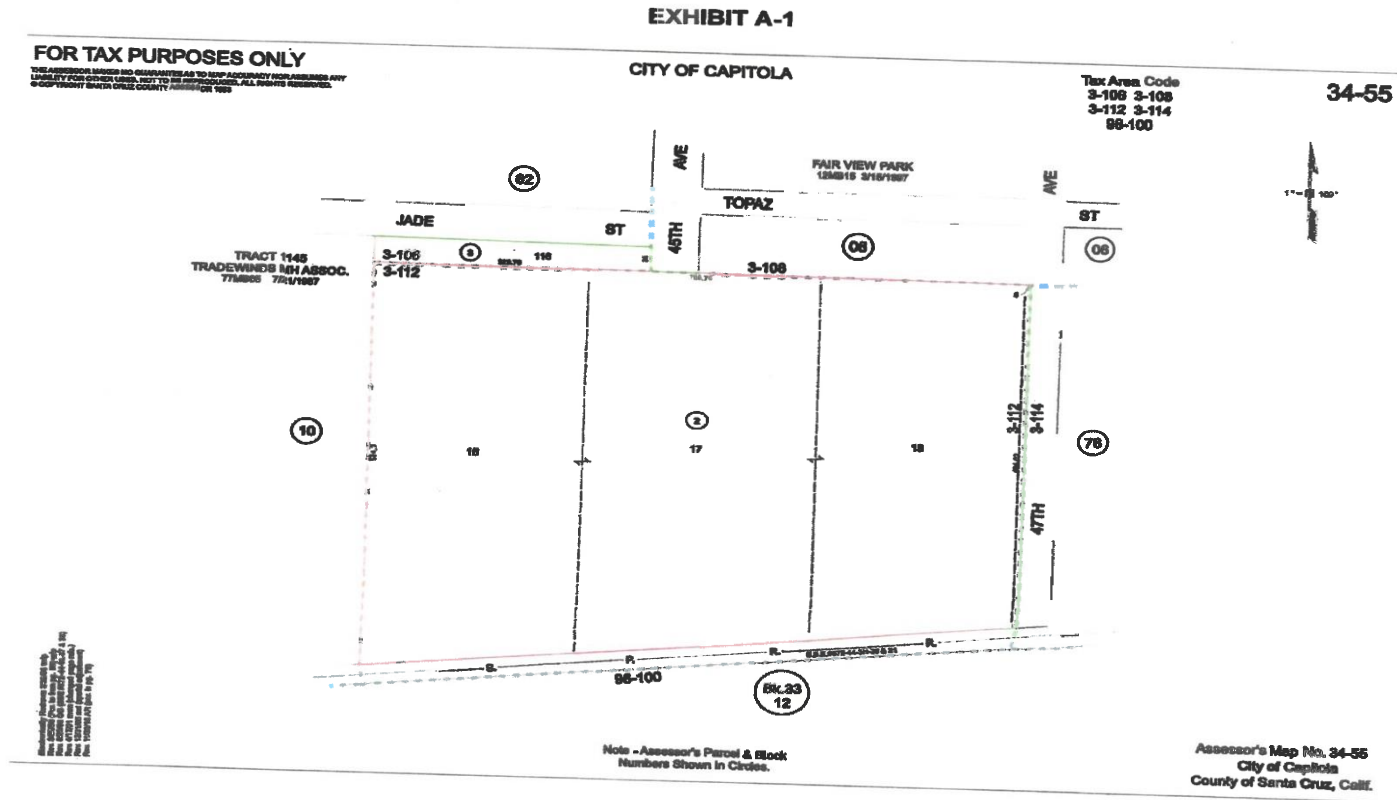
By: Jamie Goldstein
City Manager

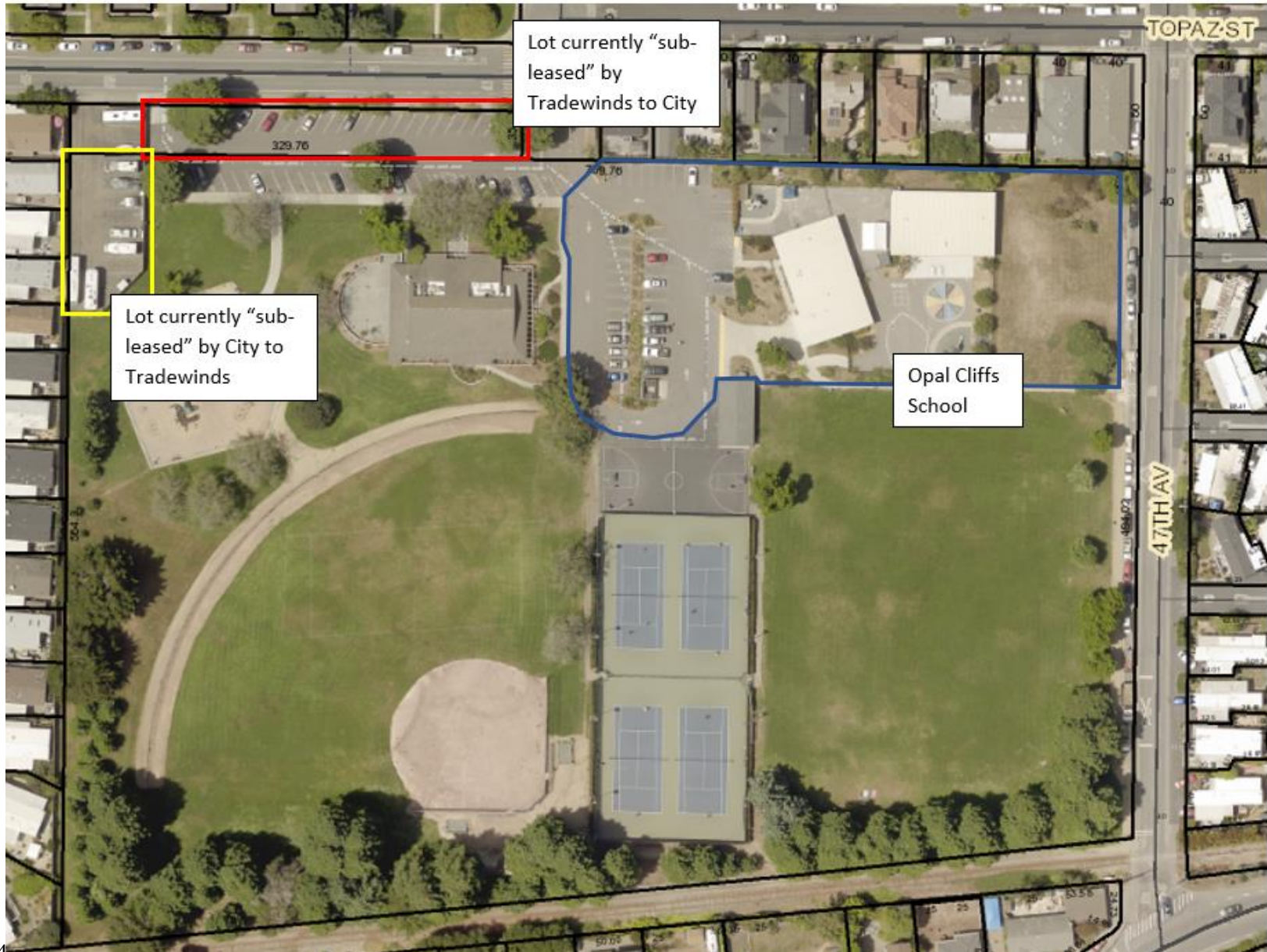
By: Scott Turnbull
Superintendent

_____, 20__

_____, 20__

EXHIBIT A ASSESSOR'S PARCEL MAP (EXHBIT A-1) AND AERIAL PHOTO OF PROPERTY (EXHBIT A-2)





Lot currently "sub-leased" by Tradewinds to City

Lot currently "sub-leased" by City to Tradewinds

Opal Cliffs School

TOPAZ ST

47TH AV

EXHIBIT B

**PROJECTED COSTS FOR JADE STREET COMMUNITY CENTER
INFRASTRUCTURE AND ANCILLARY IMPROVEMENTS AS OF
NOVEMBER 2022**

INFRASTRUCTURE IMPROVEMENTS	
Item	Cost Est
Exterior siding/roof/paint	\$ 120,000
Interior ADA – add single user restroom	\$ 210,000
Plumbing	\$ 240,000
HVAC	\$ 84,000
ADA Improvements	\$ 66,000
Total Infrastructure	\$ 720,000
ANCILLARY IMPROVEMENTS	
Item	Cost Est
Interior renovation (offices, closets, etc..)	\$ 50,000
Flooring	\$ 50,000
Partitions	\$ 125,000
Kitchen renovation	\$ 150,000
Replace doors/windows	\$ 250,000
Electrical upgrades (exterior power and interior service)	\$ 50,000
Restroom renovations	\$ 50,000
Total Other Projects	\$ 725,000
Total planned improvements	\$ 1,445,000
Design costs	\$ 216,750
Total planned building investment	\$ 1,661,750
Universal Design Outdoor Play Structure - site improvements	\$ 1,000,000
Total planned site investment	\$ 2,661,750

EXHIBIT C

COMMUNITY CENTER INFRASTRUCTURE IMPROVEMENTS REIMBURSEMENT SCHEDULE

Upon early termination of this Agreement by District pursuant to Section 3(b), District shall reimburse City for a percentage of the costs of the Community Center Infrastructure Improvements set forth in **Exhibit B** in accordance with the following Schedule, provided that: (1) the City has timely completed all of the Community Center Infrastructure Improvements listed in **Exhibit B** and in accordance with Sections 12 and 13 of the Agreement; and (2) the City has provided District with detailed invoices verifying the costs of each completed Community Center Infrastructure Improvement along with a full and complete set of as-built plans for all such completed Community Center Infrastructure Improvements. The City shall only be reimbursed for such verified costs.

2025	100%	\$720,000
2026	95%	\$684,000
2027	90%	\$648,000
2028	85%	\$612,000
2029	80%	\$576,000
2030	75%	\$540,000
2031	70%	\$504,000
2032	65%	\$468,000
2033	60%	\$432,000
2034	55%	\$396,000
2035	50%	\$360,000
2036	45%	\$324,000
2037	40%	\$288,000
2038	35%	\$252,000
2039	30%	\$216,000
2040	25%	\$180,000
2041	20%	\$144,000
2042	15%	\$108,000
2043	10%	\$72,000
2044	5%	\$36,000
2045	0%	\$0

Capitola City Council

Agenda Report

Meeting: November 22, 2022

From: Public Works Department

Subject: Environmental Projects Manager Job Description



Recommended Action: Approve changes to the Environmental Projects Manager job description.

Background: The City Council approves job descriptions for all City job classifications. Any job description changes to classifications in employee groups also need to be reviewed by the appropriate employee group.

In anticipation of the upcoming vacancy of the Environmental Projects Manager position in December, staff evaluated the responsibilities of this classification within the Public Works Department to best meet current and future needs of the City.

Discussion: The Environmental Projects Manager is a professional public service role in the Public Works Department that plans, organizes, and manages a variety of environmental programs to ensure City's compliance with Federal, State, and local environmental laws and regulations. The attached job description, last updated in 2014, is proposed to be update to reflect the essential functions and duties in relation to current practices and programs and in consideration of the recently updated Development Services Technician job description.

The Environmental Projects Manager classification is included in the Mid-Management bargaining unit and the proposed changes have been reviewed by the bargaining unit.

Fiscal Impact: Revision of the job description will have no fiscal impact.

Attachments:

1. Amended Environmental Projects Manager Job Description - redlined
2. Amended Environmental Projects Manager Job Description - clean version

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager

CITY OF CAPITOLA ENVIRONMENTAL PROJECTS MANAGER

DEFINITION

Under the general direction and oversight of the Public Works Director, the Environmental Projects Manager plans, organizes, and manages a variety of environmental programs to ensure City's compliance with Federal, State, and local environmental laws and regulations related to stormwater, waste, greenhouse gas, and other environmental issues; acts as Staff Liaison with various commissions, advisory boards, and outside agencies engaged in issues related to waste management, clean water, sustainability, and the environment; and provides complex and responsible support to management in areas of expertise; and performs other duties as assigned.

SUPERVISION RECEIVED AND EXERCISED

- Receives executive direction from the Public Works Director.
- May exercise functional and technical supervision over assigned staff.
- Bargaining Unit: Mid-Management – FLSA Exempt

DISTINGUISHING CHARACTERISTICS

The *Environmental Projects Manager* is a professional-level classification responsible for a variety of environmental programs and projects in support of City services and operational activities. The incumbent oversees daily program operations, reporting, and evaluation, and assists in reviewing the work performance of contractors.

ESSENTIAL DUTIES & RESPONSIBILITIES *(May include, but are not limited to:)*

Coordinates and oversees the daily functions, operations, and activities of the City's environmental programs and initiatives such as the stormwater and waste management programs, Soquel Creek Management plan, and riparian conservation and enhancement, and coordinates with other agencies on programs related regional environmental programs.

Develops and implements City programs, including those involving stormwater quality, watershed and water resource management, City Climate Action Plan; develops and implements and evaluates goals, objectives, policies and priorities for assigned projects and service areas; ensures that established goals and priorities are achieved.

Stays current with, interprets and applies federal, state and local regulations, codes and ordinances related to area of assignment, such as the Clean Water Act, Permitting for Soquel Creek Management Plan, California Environmental Quality Act, federal and California Endangered Species Acts, the National Environment Protection Act, National Pollutant Discharge Elimination System Program (NPDES), and other regulations related to groundwater and wastewater, storm water quality, and waste management.

Develops and maintains environmental monitoring and reporting programs; notes compliance violations and assists with remediation efforts; conducts field studies; may coordinate the performance of a variety of laboratory and field chemical, biological and bacteriological analyses to determine compliance with state and federal agency requirements; performs statistical analyses; adheres to quality assurance programs for all monitoring including laboratory analysis and instrumentation as well as field methods and instrumentation.

Prepares, organizes and maintains comprehensive databases, records and technical reports, correspondence, requests for proposals, contracts for professional services, brochures, advertisements, posters, and other materials; develops educational materials; writes and monitors grants. Compiles statistics; organizes and analyzes data.

Serves as staff liaison to the City's Commission on the Environment; acts as liaison with government officials, businesses, private landowners, the public and other City staff; provides public outreach and education; makes presentations; serves as a technical resource; responds to questions and inquiries; coordinates pertinent information, resources and work teams necessary for accomplishing tasks; works closely with other departments and outside groups and agencies to coordinate plans for proposed projects and to respond to their concerns. May coordinate the work of volunteers and

interns.

Participates in the development of policies and procedures; recommends programs, projects and work assignments to higher level personnel; assists in the development or revision of policies, ordinances and codes relating to assigned duties; implements those policies and procedures.

Participates in the review of environmental, building and planning documents, environmental monitoring reports, biological assessments, environmental impact reports and permit applications.

MINIMUM QUALIFICATIONS

Knowledge:

- Principles, practices, and techniques of sustainability, conservation, source reduction, pollution prevention, energy efficiency, climate protection, recycling, stormwater and waste management, air quality, permitting, compliance, and enforcement in a public agency setting.
- Applicable federal and state laws, codes, and regulations.
- Environmental research, field survey protocols, and statistical evaluation principles and methods.
- Methods and techniques of data collection, research, report preparation, writing, and presentation.
- Office practices, methods and equipment, including using a computer for word processing and spreadsheets.
- Principles and practices of program development, administration, and evaluation.
- Principles and practices of project management, budget development and administration, contract management, and record keeping.
- Principles and practices for management of projects, contracts, grants, and technical records.

Abilities:

- Oversee, plan, organize, conduct, coordinate, and implement projects and programs.
- Learn more complex principles, practices, techniques, and regulations pertaining to assigned duties.
- Interpret, explain, apply, and ensure compliance with State, Federal and local laws, rules, regulations, policies, and procedures.
- Data collection, qualitative and quantitative analysis, and making appropriate recommendations.
- Analyze and interpret large sets of laboratory, field, and/or statistical data.
- Perform mathematical calculations.
- Conduct research projects, evaluate alternatives, make sound recommendations, and prepare effective technical staff reports.
- Read and interpret maps, sketches, drawings, specifications and technical manuals.
- Adjust standard operating procedures to improve effectiveness and comply with regulatory changes as appropriate.
- Participate in the establishment of section, division, and/or department goals, objectives and methods for evaluating achievement and performance levels.
- Assist with budget development and monitoring.
- Plan, organize, and direct work of assigned staff.
- Communicate clearly and concisely, both orally and in writing.
- Follow written and oral directions.
- Work independently, as well as in a team context.
- Observe safety principles and work in a safe manner.
- Establish and maintain effective working relationships with representatives of community organizations, private landowners, state, federal, and local agencies and associations, City staff, the general public and other stakeholders.
- May safely and effectively operate the tools and equipment used in environmental fieldwork, sampling and/or laboratory testing and analysis.
- May calibrate and maintain environmental sampling and monitoring equipment.

- May collect a variety of samples in the field.

OTHER REQUIREMENTS

Willingness to work occasional evenings and weekends, as assigned. Willingness to attend off-site meetings and training sessions, such as basic health and safety training related to hazardous materials and waste, as required.

REQUIRED EDUCATION AND EXPERIENCE

Any combination of education and experience that provides the above knowledge, skills, and abilities combined with any required licenses or certificates is qualifying. A typical way to obtain the required qualifications is to possess the equivalent of the following:

1. Bachelor's degree in engineering, environmental science, environmental studies, planning or a related field; or
2. Two years of experience in the coordination of environmental programs, environmental compliance programs, or related areas.
3. Possession and continued maintenance of a valid California class C driver's license and a safe driving record.

DESIRABLE QUALIFICATIONS

For Storm Water, California State Water Resource Control Board approved training as defined by the California Storm Water Quality Association (CASQA) for individuals intending to become Qualified SWPPP Practitioners (QSP), or Qualified SWPPP Developers (QSD)

ENVIRONMENTAL AND WORKING CONDITIONS

Position requires sitting, standing, walking on level, uneven and slippery surfaces, reaching, twisting, turning, kneeling, bending, stooping, squatting, crouching, grasping and making repetitive hand movements in the performance of daily duties. The position also requires near, far and color vision when collecting and analyzing samples. The need to lift, carry, and push tools, equipment and supplies weighing 25 pounds is also required. Additionally, the incumbent may be exposed to biohazards and a variety of working conditions, including mechanical, electrical and water - related hazards, loud noises when collecting samples and performing field inspections and surveys. The incumbent may work in adverse weather conditions, including wet, heat and cold, when collecting samples or performing inspections. The incumbent may use cleaning and lubricating chemicals or work in an environment that may involve exposure to fumes, dust and air contaminants. The nature of the work also requires the incumbent to climb ladders and steep slopes. The incumbent may be required to occasionally work evenings and weekends. Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Orig: 5/30/13; Rev. 3/13/14, 11/22/22

CITY OF CAPITOLA ENVIRONMENTAL PROJECTS MANAGER

DEFINITION

Under the general direction and oversight of the Public Works Director, the Environmental Projects Manager plans, organizes, and manages a variety of environmental programs to ensure City's compliance with Federal, State, and local environmental laws and regulations related to stormwater, waste, greenhouse gas, and other environmental issues; acts as Staff Liaison with various commissions, advisory boards, and outside agencies engaged in issues related to waste management, clean water, sustainability, and the environment; and provides complex and responsible support to management in areas of expertise; and performs other duties as assigned. ~~oversees, monitors, coordinates and manages one or more environmental programs in support of City services and operational activities, such as the storm water program, Soquel Creek Management plan, riparian conservation and enhancement projects, and coordinates with other agencies on programs related to drinking water, and wastewater programs. This position will also manage Public Works improvement projects as directed, collect samples, perform inspections and field and laboratory tests and analysis. Further duties will include performing research and analysis, writing reports, grants, correspondence and a variety of other materials; developing, implementing and administering programs; performing public outreach regarding assigned programs; and performing other related duties as assigned.~~

SUPERVISION RECEIVED AND EXERCISED

- Receives executive direction from the Public Works Director.
- May exercise functional and technical supervision over assigned staff.
- Bargaining Unit: Mid-Management – FLSA Exempt

DISTINGUISHING CHARACTERISTICS

The ***Environmental Projects Manager*** is a professional-journey-level classification responsible for a variety of environmental programs and projects in support of City services and operational activities. The incumbent oversees daily program operations, reporting, and evaluation, and assists in reviewing the work performance of contractors.

ESSENTIAL DUTIES & RESPONSIBILITIES *(May include, but are not limited to:)*

Coordinates and oversees the daily functions, operations, and activities of the City's environmental programs and initiatives~~Manages, oversees, monitors, conducts and coordinates one or more environmental programs and Public Works projects in support of City services and operational activities,~~ such as the storm-water and waste management programs, Soquel Creek Management plan, and riparian conservation and enhancement ~~project~~, and coordinates with other agencies on programs related ~~to drinking water, and wastewater~~regional environmental programs.

Develops and implements City programs, including those involving storm-water quality, watershed and water resource management, City Climate Action Plan; develops and implements and evaluates goals, objectives, policies and priorities for assigned projects and service areas; ensures that established goals and priorities are achieved.

Stays current with, interprets and applies federal, state and local regulations, codes and ordinances related to area of assignment, such as the Clean Water Act, Permitting for Soquel Creek Management Plan, California Environmental Quality Act, federal and California Endangered Species Acts, the National Environment Protection Act, National Pollutant Discharge Elimination System Program (NPDES), and other regulations related to groundwater and wastewater, storm water quality, and waste management.

Develops and maintains environmental monitoring and reporting programs; notes compliance violations and assists with remediation efforts; conducts field studies; may coordinate the performance of a variety of laboratory and field chemical, biological and bacteriological analyses to determine compliance with state and federal agency requirements; performs statistical analyses; adheres to quality assurance programs for all monitoring including laboratory analysis and instrumentation as well as field methods and instrumentation.

Prepares, organizes and maintains comprehensive databases, records and technical reports, correspondence, requests for proposals, contracts for professional services, brochures, advertisements, posters, and other materials; develops educational materials; writes and monitors grants. Compiles statistics; organizes and analyzes data.

Serves as staff liaison to the City's Commission on the Environment; ~~a~~Acts as liaison with government officials, businesses, private landowners, the public and other City staff; provides public outreach and education; makes presentations; serves as a technical resource; responds to questions and inquiries; coordinates pertinent information, resources and work teams necessary for accomplishing tasks; works closely with other departments and outside groups and agencies to coordinate plans for proposed projects and to respond to their concerns. May coordinate the work of volunteers and interns.

Participates in the development of policies and procedures; recommends programs, projects and work assignments to higher level personnel; assists in the development or revision of policies, ordinances and codes relating to assigned duties; implements those policies and procedures.

Participates in the review of environmental, building and planning documents, environmental monitoring reports, biological assessments, environmental impact reports and permit applications.

MINIMUM QUALIFICATIONS

Knowledge:

- Principles, practices, and techniques of sustainability, conservation, source reduction, pollution prevention, energy efficiency, climate protection, recycling, stormwater and waste management, air quality, permitting, compliance, and enforcement in a public agency setting.~~Principles,— practices, and terminology of environmental programs related to the area of assignment.~~
- Applicable federal and state laws, codes, and regulations.
- ~~Natural resource management.~~
- Environmental research, field survey protocols, and statistical evaluation principles and methods.
- ~~Basic statistics.~~
- Methods and techniques of data collection, research, report preparation, writing, and presentation.
- ~~Methods and techniques for record keeping and report preparation and writing.~~
- Office practices, methods and equipment, including using a computer for word processing and spreadsheets.
- ~~Principles and practices of program development, administration, and evaluation.~~
- ~~Nonpoint source water pollution and erosion control/sedimentation best management practices.~~
- The following apply for all positions except for those assigned to Water Resources:
- Principles and practices of project management, budget development and administration, contract management, and record keeping.
- ~~Methods and techniques of budget development and monitoring.~~
- Principles and practices for management of projects, contracts, grants, and technical records.
- ~~Grant writing and administration.~~

Abilities:

- Oversee, plan, organize, conduct, coordinate, and implement projects and programs.
- Learn more complex principles, practices, techniques, and regulations pertaining to assigned duties.
- Implement~~Interpret~~, explain, and apply applicable laws, codes, and regulations., and ensure compliance with State, Federal and local laws, rules, regulations, policies, and procedures.
- Data collection, qualitative and quantitative analysis, and making appropriate recommendations.
- Analyze and interpret large sets of laboratory, field, and/or statistical data.
- Perform mathematical calculations.
- Conduct research projects, evaluate alternatives, make sound recommendations, and prepare

effective technical staff reports.

- ~~Write and compile effective technical and administrative reports.~~
- ~~Read, interpret, and record data accurately.~~
- Read and interpret maps, sketches, drawings, specifications and technical manuals.
- Adjust standard operating procedures to improve effectiveness and comply with regulatory changes as appropriate.
- Participate in the establishment of section, division, and/or department goals, objectives and methods for evaluating achievement and performance levels.
- Assist with budget development and monitoring.
- Plan, organize, and direct work of assigned staff.
- Communicate clearly and concisely, both orally and in writing.
- Follow written and oral directions.
- Work independently, as well as in a team context.
- Observe safety principles and work in a safe manner.
- Establish and maintain effective working relationships with representatives of community organizations, private landowners, state, federal, and local agencies and associations, City staff, the general public and other stakeholders.
- May safely and effectively operate the tools and equipment used in environmental fieldwork, sampling and/or laboratory testing and analysis.
- May calibrate and maintain environmental sampling and monitoring equipment.
- May collect a variety of samples in the field.

OTHER REQUIREMENTS

Willingness to work occasional evenings and weekends, as assigned. Willingness to attend off-site meetings and training sessions, such as basic health and safety training related to hazardous materials and waste, as required.

REQUIRED EDUCATION AND EXPERIENCE

Any combination of education and experience that provides the above knowledge, skills, and abilities combined with any required licenses or certificates is qualifying. A typical way to obtain the required qualifications is to possess the equivalent of the following:

1. Bachelor's degree in engineering, environmental science, environmental studies, planning or a related field; or
2. Two years of experience in the coordination of environmental programs, environmental compliance programs, or related areas.
3. Possession and continued maintenance of a valid California class C driver's license and a safe driving record.

DESIRABLE QUALIFICATIONS

For Storm Water, California State Water Resource Control Board approved training as defined by the California Storm Water Quality Association (CASQA) for individuals intending to become Qualified SWPPP Practitioners (QSP), or Qualified SWPPP Developers (QSD)

ENVIRONMENTAL AND WORKING CONDITIONS

Position requires sitting, standing, walking on level, uneven and slippery surfaces, reaching, twisting, turning, kneeling, bending, stooping, squatting, crouching, grasping and making repetitive hand movements in the performance of daily duties. The position also requires near, far and color vision when collecting and analyzing samples. The need to lift, carry, and push tools, equipment and supplies weighing 25 pounds is also required. Additionally, the incumbent may be exposed to biohazards and a variety of working conditions, including mechanical, electrical and water - related hazards, loud noises when collecting samples and performing field inspections and surveys. The incumbent may work in adverse weather conditions, including wet, heat and cold, when collecting samples or performing inspections. The incumbent may use cleaning and lubricating chemicals or work in an environment that may involve exposure to fumes, dust and air contaminants. The nature of the work also requires the incumbent to climb ladders and steep slopes. The incumbent may be

required to occasionally work evenings and weekends. Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Orig: 5/30/13; Rev. 3/13/14

Capitola City Council

Agenda Report



Meeting: November 22, 2022

From: Community Development Department

Subject: Second Reading of an Ordinance Amending Chapter 15.04 of the Capitola Municipal Code Pertaining to Building and Fire Code

Recommended Action: Pass an Ordinance amending Municipal Code Chapter 15.04, pertaining to building and fire codes.

Background: The State of California has adopted new editions of the California Building Codes, which take effect throughout the state on January 1, 2023. The proposed Ordinance amends Municipal Code Title 15 to adopt the most current version of the California Building Codes as required by California State Health and Safety Code Section 18541.5.

On November 11, 2022, the City Council unanimously approved the first reading of the draft ordinance to amend Municipal Code Chapter 15.04.

Discussion: The City of Capitola must amend Title 15 of the Capitola Municipal Code approximately every three years to incorporate the most recent editions of State building codes that have been adopted by the California Building Standards Commission. The California Building Standards Commission adopted new model codes which will go into effect on January 1, 2023.

Unlike previous Building Code cycle amendments, there are no significant differences between the 2019 version and the updated 2022 California Building Code. Minor notable code changes are highlighted below.

- a. The significant amendment to the Building, Residential, Mechanical and Plumbing Codes, includes keeping the existing code language for permit expiration.
- b. Deletion of concrete construction standards which had been carried over from previous code adoptions. These construction standards are replaced by current code language.
- c. Adoption of the 2022 California Fire Code as amended and adopted by the Central Fire Protection District.
- d. Swimming Pool Safety Act - This law is mandatory, not optional for local adoption. To align with the California Building Codes, Chapter 31, Appendix AX section numbers were reformatted to reflect the numbering used in HSC 115920 through 115929.

Staff recommends City Council adopt the State Codes as the governing Code for this cycle as the City is obligated to apply State Building and Fire Codes and because the State's standards are tailored to the geographic, climatic, and topographic conditions found in California.

Fiscal Impact: None

Attachments:

1. Draft Ordinance
2. State of CA 2022 Title 24 Code Changes

Report Prepared By: Robin Woodman, Building Official

Reviewed By: Chloé Woodmansee, Assistant to the City Manager; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

DRAFT ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING CHAPTER 15.04 OF THE CAPITOLA MUNICIPAL CODE
PERTAINING TO ADOPTION OF CALIFORNIA BUILDING CODES**

THE CITY COUNCIL OF THE CITY OF CAPITOLA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 15.04 is amended to be titled Building and Fire Codes

SECTION 2. Section 15.04.010 of the Capitola Municipal Code is amended to read as follows:

15.04.010 Adoption of California Building Codes. The City of Capitola adopts the following Codes or designated portions thereof:

A. The California Building Code and appendices, ~~2019~~ 2022 edition, which edition incorporates the International Building Code, ~~2018~~ 2021 edition as published by the International Code Council and includes the Historic, Existing Building, and International Property Maintenance Codes.

B. The California Electrical Code, ~~2019~~ 2022 edition, which incorporates the ~~2018~~ 2021 National Electrical Code as published by the National Fire Protection Association, NFPA 70.

C. The California Mechanical Code, ~~2019~~ 2022 edition, which incorporates the ~~2018~~ 2021 Uniform Mechanical Code as published by the Association of Plumbing and Mechanical Officials.

D. The California Plumbing Code, ~~2019~~ 2022 edition, which incorporates the ~~2018~~ 2021 edition of the Uniform Plumbing Code.

E. The California Fire Code, ~~2019~~ 2022 edition as amended by the Central Fire Protection District Fire Code, ~~2018~~ 2021 edition.

F. The California Residential Code, ~~2019~~ 2022 edition, which incorporates the International Residential Code, ~~2018~~ 2021 edition.

G. The ~~2019~~ 2022 California Referenced Standards Code.

H. The California Energy Code, ~~2019~~ 2022 edition.

I. The California Green Building Standards Code, ~~2019~~ 2022 edition.

J. The California Administrative Code, ~~2019~~ 2022 edition.

K. The California Historical Building Code, ~~2019~~ 2022 edition.

L. The California Existing Building Code, ~~2019~~ 2022 edition, which incorporates the International Existing Building Code, ~~2019~~ 2022 edition.

The International Building Codes may be used as an alternative to the California Codes, when submitted, reviewed, and approved by the City's Building Official.

SECTION 3. Section 15.04.050 Modifications to the California Building Code.

- ~~A.~~ The following local geologic conditions justify modifications to California Building Standards Code as detailed in subsection B:

Geological – The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the usability of buildings, degraded the life-safety of building occupants, and increased the cost of rehabilitation of the structures.

- ~~B.~~ The following modifications apply to the California Building Code:

Section 105.5.1 [Permit] Expiration

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- ~~C.~~

~~1805.3.1. Concrete floors in all residential occupancies shall be protected from moisture penetration by a bed of at least three inches of clean rock, not less than 3/8 inch nor more than 1 inch in diameter. Dam proofing consisting of not less than 10-mil polyethylene with joints lapped not less than 12 inches, a vapor barrier that meets or exceeds ASTM E-1745 Standards, or other approved methods or materials shall be installed beneath the slab. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.~~

Section 1905.1.8. Amends ACI 318 section 22.10.1 of ACI 318 that allows the use of plain concrete in residential structures assigned to seismic design category D, E or F to read:

22.10. Plain concrete in structures assigned to seismic design category C, D, E or F.

22.10.1. Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4

are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

SECTION 4. The following changes and modifications are hereby made to the California Residential Code as referenced below:

(A) CRC R105.5 shall be amended to read:

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~R506.2.3. Concrete floors in all residential occupancies shall be protected from moisture penetration by a bed of at least three inches of clean rock, not less than 3/8 inch nor more than 1 inch in diameter. Damp-proofing consisting of not less than 10-mil polyethylene with joints lapped not less than 12 inches, a vapor barrier that meets or exceeds ASTM E-1745 Standards, or other approved methods or materials shall be installed beneath the slab. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.~~

R403.1.3. Seismic reinforcing.

- a) Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2 (1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.
- b) In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.
- c) In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.
- d) In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the “e” footnote notation in the title of Table R602.10., after the four footnotes currently shown, to read:

TABLE R602.10.1.3(3)^{a,b,c,d,e}

- e) R602.10.4.4. Limits on methods GB and PCP. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

SECTION 5 The following modification is made to the California Mechanical Code.

(A) Section 104.4.3 is deleted and replaced with the following:

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 104.4.3.1 is Deleted

SECTION 6

(A) The following modification is made to the California Plumbing Code.

Section 104.4.3 is deleted and replaced with the following:

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 104.4.3.1 is Deleted

SECTION 7. This Ordinance shall take effect and be in full force thirty (30) days after its final adoption by the City Council.

This Ordinance was introduced on the 10th day of November, 2022, and was passed and adopted by the City Council of the City of Capitola on the 22nd day of November, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Sam Storey, Mayor

ATTEST:

Julia Moss, City Clerk

Capitola City Council

Agenda Report



Meeting: November 22, 2022

From: Community Development Department

Subject: Second Reading of an Ordinance Amending Chapter 17 of the Capitola Municipal Code pertaining to Zoning and Amending the Zoning Map and the Coastal Land Use Plan Map

Recommended Action: 1) Pass an Ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map, and 2) Adopt the proposed resolution authorizing submittal to the California Coastal Commission for Certification of amendment to the Local Coastal Program including modifications to the LCP Implementation Plan, Zoning Map, and the Coastal Land Use Plan Map (General Plan Land Use Map).

Background: In 2020, the City of Capitola adopted a comprehensive Zoning Code update that applied to areas outside of the coastal zone. In 2021, the Coastal Commission certified the Zoning Code resulting in the updated code applying in the coastal zone.

However, that approval specifically excluded all sections relating to the proposed Monarch Cove Inn policy changes to convert the property from the Visitor Serving zone to a Single-Family base zone with a Visitor Serving Overlay. During the hearing, several Coastal Commissioners were receptive to the request to change the zoning, and no Commissioners declared opposition. The Coastal staff maintained their position and noted loss of Visitor Serving resources, iconic views, and lack of replacement resources as justification for maintaining the property as Visitor Serving. Ultimately, discussion concluded in advising the Monarch Cove Inn owner and the City of Capitola to bring the proposal back before the Coastal Commission as a separate item for consideration.

Since the updated Zoning Code was adopted, staff has identified several necessary amendments. Some amendments are needed to correct drafting errors and resolve ambiguities without substantive changes. Other changes are proposed to improve code organization or address new issues that have arisen since the updated code was adopted. Also, the prior amendments related to the Monarch Cove Inn are being resubmitted with additional economic analysis, as requested by Coastal Commission staff.

On October 20, 2022, and November 3, 2022, the Planning Commission held public hearings for the zoning code amendments.

On November 11, 2022, the City Council unanimously approved the first reading of the ordinance.

Discussion: The proposed amendments include edits to the following Zoning Code chapters:

- 17.16: Residential Zoning Districts
- 17.20: Mixed Use Zoning Districts
- 17.24: Commercial and Industrial Zoning Districts
- 17.28: Visitor Serving Overlay Zone
- 17.30 Visitor Serving District – Monarch Cove Inn
- 17.48: Height, Setbacks, and Floor Area
- 17.72: Landscaping
- 17.74: Accessory Dwelling Units
- 17.76: Parking and Loading
- 17.80: Signs
- 17.96: Supplemental Standards
- 17.20: Design Permits
- 17.36: Minor Modifications

- 17.160: Glossary

The proposed ordinance is Attachment 1. The ordinance will not take effect in the Coastal Zone until certified by the California Coastal Commission. A resolution authorizing submittal to the California Coastal Commission for certification is included as Attachment 2. When submitting a certification application to Coastal Commission, analysis of how the amendment is in conformity with and adequate to carry out the certified Land Use Plan must be included. Attachment 4 is the LCP consistency analysis.

Environmental Determination: Categorically Exempt under Section 15061(b)(3)

Fiscal Impact: None.

Attachments:

1. Proposed Ordinance & Exhibit
2. Resolution to Authorize Submittal to California Coastal Commission
3. General Plan Land Use Map amendment
4. LCP Consistency Analysis

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CAPITOLA TO ADOPT AMENDMENTS TO
MUNICIPAL CODE TITLE 17 (ZONING)

WHEREAS, on October 12, 2020 the City of Capitola adopted a comprehensive Zoning Code update that applied to areas outside of the coastal zone; and

WHEREAS, on April 15, 2021 the Coastal Commission certified the Zoning Code resulting in the updated code applying throughout the city, including in the coastal zone; and

WHEREAS, on April 15, 2021 the Coastal Commission did not certify proposed amendments to the Zoning Code and Zoning Map to change the Monarch Cove Inn property from a Visitor Serving base zone to R-1 Single-Family Residential base zone with a Visitor Serving overlay zone;

WHEREAS, on April 15, 2021 the Coastal Commission advised the Monarch Cove Inn owner and the City of Capitola to bring the proposed Monarch Cove Inn amendments back before the Coastal Commission as a separate item for consideration;

WHEREAS, since the updated Zoning Code was adopted and certified by the Coastal Commission, City staff has identified a number of needed amendments to the Zoning Code to correct drafting errors, resolve ambiguities, improve code organization, and address new issues that have arisen since the updated code was adopted; and

WHEREAS, at duly notice public hearings on October 20 and November 3, 2022, the Planning Commission reviewed the proposed Zoning Code amendments, including the proposed Monarch Cove amendments; and

WHEREAS, on November 3, 2022, the Planning Commission recommended to the City Council adoption of the proposed Zoning Code amendment; and

WHEREAS, the City Council adopted Resolution No. ___ - 2022 to amend the General Plan Land Use Map to change the Monarch Cove Inn land use designation from Visitor Serving to Single-Family Residential with Visitor Serving Overlay.

BE IT ORDAINED by the City of Capitola as follows:

Section 1: The above findings are adopted and incorporated herein.

Section 2: Title 17 (Zoning) of the Capitola Municipal Code is amended as set forth in Attachment 1, attached hereto and incorporated herein by this reference.

Section 3: The official Zoning Map of the City of Capitola is amended as set forth in Attachment 2.

Section 4: Environmental Review.

The City Council finds and determines that enactment of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Sections 15061(b)(3), the common sense exception that

CEQA applies only to projects which have the potential for causing a significant effect on the environment and 15183, projects consistent with a community plan, general plan or zoning.

Section 5: Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption except that it will not take effect within the coastal zone until certified by the California Coastal Commission. This Ordinance shall be transmitted to the California Coastal Commission and shall take effect in the coastal zone immediately upon certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the Ordinance adopted by the City is legally adequate.

Section 6: Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 7: Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the 10th day of November, 2022, and was adopted at a regular meeting of the City Council 22nd day of November, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sam Storey, Mayor

Attest: _____
Julia Moss, City Clerk

Chapter 17.16

RESIDENTIAL ZONING DISTRICTS

Sections:

- 17.16.010 Purpose of the residential zoning districts.
- 17.16.020 Land use regulations.
- 17.16.030 Development standards.

17.16.010 Purpose of the residential zoning districts.

A. General. The purpose of the residential zoning districts is to support attractive, safe, and friendly neighborhoods consistent with Capitola’s intimate small-town feel and coastal village charm. Development within the residential zoning districts will feature high-quality design that enhances the visual character of the community. The mass, scale, and design of new homes shall be compatible with existing homes in neighborhoods and carefully designed to minimize impacts to existing homes. Residential zoning districts contain a range of housing types and community facilities to support diverse and complete neighborhoods with a high quality of life for residents.

B. Specific.

1. Residential Single-Family (R-1) Zoning District. The purpose of the R-1 zoning district is to protect and enhance the unique qualities of individual neighborhoods in Capitola. The R-1 zoning district allows for variation in development standards based on the existing development patterns within these neighborhoods. New development will respect the existing scale, density, and character of neighborhoods to strengthen Capitola’s unique sense of place.

2. Residential Multifamily (RM) Zoning District. The purpose of the RM zoning district is to accommodate a range of housing types to serve all Capitola residents. The RM zoning district allows single-family and multifamily housing at higher densities to maintain and increase the supply of affordable housing choices. Housing in the RM zoning district will be carefully designed to enhance Capitola’s unique identity and to minimize impacts on adjacent land uses and structures. The RM zone is divided into three subzones (RM-L, RM-M, and RM-H) allowing for a range of permitted residential densities.

3. Mobile Home Park (MH) Zoning District. The MH zone provides areas for exclusive development of mobile home parks. Mobile home parks provide a valuable source of affordable housing serving Capitola’s lower-income and senior residents.

17.16.020 Land use regulations.

A. Permitted Land Uses. Table 17.16-1 identifies land uses permitted in the residential zoning districts.

Table 17.16-1: Permitted Land Uses in the Residential Zoning Districts

Key		Zoning District			Additional Regulations
		R-1	RM	MH	
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Residential Uses					
	Duplex Homes	–	P	–	

Key		Zoning District			Additional Regulations
		R-1	RM	MH	
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
-	Use not allowed				
	Elderly and Long-Term Care	-	C	-	
	Group Housing	-	P	-	
	Mobile Home Parks	-	C	P [1]	Chapter 17.100
	Multifamily Dwellings	-	P	-	
	Residential Care Facilities, Small	P	P	C [2]	
	Residential Care Facilities, Large	C	C	C [2]	Section 17.96.080
	Accessory Dwelling Units	A/C	A/C [4]	-	Chapter 17.74
	Single-Family Dwellings	P	P	C [2]	
Public and Quasi-Public Uses					
	Community Assembly	C	C	C	
	Day Care Centers	C	C	C	
	Home Day Care, Large	M	M	M	Section 17.96.070
	Home Day Care, Small	P	P	P	
	Parks and Recreational Facilities	-	C	C	
	Public Pathways and Coastal Accessways	C	C	C	
	Schools, Public or Private	-	C	C	
Commercial Uses					
	Bed and Breakfast	C	C	-	
	Vacation Rentals	See Section 17.40.030			
Transportation, Communication, and Utility Uses					
	Utilities, Major	C	C	C	
	Utilities, Minor	P	P	P	
	Wireless Communications Facilities	See Chapter 17.104			
Other Uses					
	Accessory Uses and Structures	P [3]	P [3]	P [3]	Chapter 17.52
	Home Occupation	A	A	A	Section 17.96.040
	Temporary Uses and Structures	M	M	-	Section 17.96.180
	Urban Agriculture				

Key		Zoning District			Additional Regulations
		R-1	RM	MH	
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
-	Use not allowed				
	Home Gardens	P	P	P	
	Community Gardens	M	M	M	
	Urban Farms	C	C	C	

Notes:

- [1] May include offices incidental and necessary to conduct a mobile home park use.
- [2] Permitted on the mobile home park parcel or on a separate parcel of no less than five thousand square feet.
- [3] An accessory structure that exceeds the development standards of Chapter 17.52 requires a conditional use permit.
- ~~[4] Permitted only when there is one single family dwelling on the parcel.~~

B. Additional Permits. In addition to permits identified in Table 17.16-1, development projects in the residential zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone) independent of and in addition to any other required permit or approval.

17.16.030 Development standards.

A. General Standards – Single-Family and Multifamily Zoning Districts. Table 17.16-2 identifies development standards that apply in the R-1 and RM zoning districts.

Table 17.16-2: Development Standards in the R-1 and RM Zoning Districts

	R-1	RM	Additional Standards
Site Requirements			
Parcel Area, Minimum [1]	5,000 sq. ft.	N/A	
Parcel Width, Minimum [1]	30 ft.	N/A	
Parcel Depth, Minimum [1]	80 ft.	N/A	
Floor Area Ratio, Maximum	See Section 17.16.030(B)(1)	N/A	Section 17.16.030(B) Section 17.48.040
Building Coverage, Maximum	N/A	40%	
Open Space	N/A	Section 17.16.030(C)(2)	
Parcel Area per Unit, Minimum	N/A	RM-L: 4,400 sq. ft. RM-M: 2,900 sq. ft. RM-H: 2,200 sq. ft.	
Parking and Loading	See Chapter 17.76		
Structure Requirements			

	R-1	RM	Additional Standards
Setbacks, Minimum			Sections 17.48.030(B)(2) through (6)
Front	Ground floor: 15 ft. Garage: 20 ft. Second story: 20 ft.	Main structure: 15 ft. Garage: 20 ft.	Section 17.16.030(B)(2) Section 17.16.030(B)(5) Garage Setback: Section 17.16.030(B)(4)
Rear	20% of parcel depth; 25 ft. max.	15% of parcel depth	Section 17.16.030(B)(5)
Interior Side	Ground floor: 10% of parcel width [2]; 3 ft. min.; 7 ft. max. Second story: 15% of parcel width	10% of parcel width [2]	Sections 17.16.030(B)(5) and (6)
Street Side, Corner Lots	10 ft.	10 ft.	Section 17.16.030(B)(5)
Height, Maximum	25 ft.	RM-L: 30 ft. RM-M: 30 ft. RM-H: 35 ft.	Sections 17.16.030(B)(7) and (8) Section 17.48.020
Accessory Structures	See Chapter 17.52		

Notes:

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of June 9, 2021. See Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

[2] Regardless of parcel width, in no case shall the minimum required interior side ground setback be less than 3 feet or greater is 7 feet.

B. Additional Standards in the R-1 Zoning District. The following additional standards apply in the R-1 zoning district:

1. Floor Area Ratio. Table 17.16-3 identifies the maximum permitted floor area ratio (FAR) in the R-1 zoning district. See Section 17.48.040(B) for floor area calculations.

Table 17.16-3: Maximum Floor Area Ratio in the R-1 Zoning District

Lot Size	Maximum FAR
2,650 sq. ft. or less	0.58
2,651 to 3,250 sq. ft.	0.57
3,251 to 3,500 sq. ft.	0.56
3,501 to 3,750 sq. ft.	0.55
3,751 to 4,000 sq. ft.	0.54
4,001 to 4,250 sq. ft.	0.53
4,251 to 4,500 sq. ft.	0.52
4,501 to 4,750 sq. ft.	0.51
4,751 to 5,000 sq. ft.	0.50
5,001 to 6,000 sq. ft.	0.49
More than 6,000 sq. ft.	0.48

2. Front Setbacks in Riverview Terrace. Within the areas shown in Figure 17.16-1, the planning commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within one hundred feet on the same side of the street. The reduced front setback shall in all cases be no less than ten feet.

Figure 17.16-1: Riverview Terrace





3. Wharf Road Reduced Setback. For properties on the east side of Wharf Road from 1820 Wharf Road to 1930 Wharf Road, the planning commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within one hundred feet on the same side of the street.

4. Garage Setbacks.

a. Attached garages shall be set back a minimum of five feet behind the front or street side building wall of the primary structure. The planning commission may reduce this minimum setback to three feet in sidewalk exempt areas.

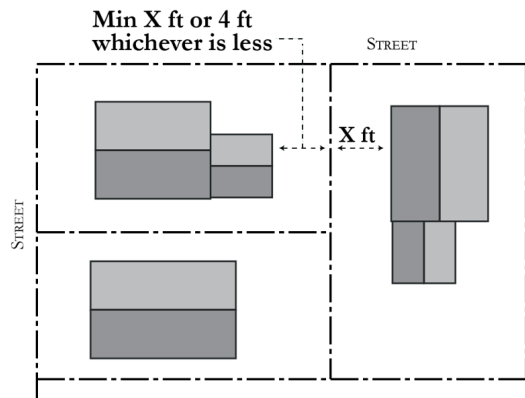
b. Required setbacks for detached garages are identified in Chapter 17.52 (Accessory Structures and Uses).

5. Corner Lots.

a. The minimum rear setback for reverse corner lots shall be the minimum interior side yard of the adjacent property, but no less than four feet. See Figure 17.16-2.

b. On a corner lot, the front line of the lot is ordinarily construed as the least dimension of the parcel facing the street. The community development director has the discretion to determine the location of the front yard based on existing conditions and functions.

Figure 17.16-2: Reverse Corner Lot Rear Setback

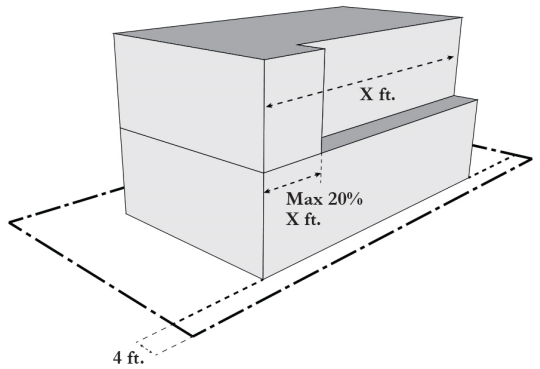


6. Second-Story Setback Exceptions. Second-story additions must comply with increased setback requirements in Table 17.16-2, except in the following cases:

a. For lots thirty feet wide or less, the minimum interior side setback for a second story is the same as the ground floor.

b. Up to twenty percent of the length of an upper-story wall may be constructed at the same setback as the first-floor wall if the first-floor wall is at least four feet from the side property line. See Figure 17.16-3.

Figure 17.16-3: Second-Story Setback Exception



7. Height Exceptions. A maximum height of up to twenty-seven feet in the R-1 zoning district is allowed in the following circumstances:

- a. Additions to historic structures that are designed to match the roof pitch of the historic structure within the area of new addition.
- b. Parcels greater than six thousand square feet in size.
- c. Parcels with a width sixty feet or more.
- d. Parcels with an average slope of twenty-five percent or greater.
- e. When the plate height of structure does not exceed twenty-two feet.

8. Landscaping. See Section 17.72.050(A) for residential landscape requirements.

9. Mini-Bar/Convenience Areas.

a. A single-family home may contain one mini-bar/convenience area in addition to a kitchen, subject to the following standards:

- i. Fixtures shall be limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches.
- ii. No gas line or two-hundred-twenty-volt electric service is permitted within the area.
- iii. Only one such area is permitted within a property in addition to the kitchen.
- iv. The mini-bar/convenience area may be located ~~within inside the home~~ or outside of the home ~~as part of an outdoor kitchen~~. If located ~~within inside~~ the home, internal access to the area shall be maintained within the dwelling. A mini-bar/convenience area is permitted in addition to an outdoor kitchen.

b. The requirements in subsection (B)(9)(a) of this section shall not limit the establishment of an accessory dwelling unit in conformance with Chapter 17.74 (Accessory Dwelling Units).

10. Outdoor Kitchens. On a lot occupied by a single-family home, an outdoor kitchen is permitted in addition to an indoor kitchen. Outdoor kitchens shall comply with the following standards:

- a. The kitchen may include gas, electric and plumbing.

b. Electric service may not be 220 volts.

c. Drain size may not exceed that allowed for a mini-bar.

d. The kitchen may project into the rear setback area as provided in Table 17.48-3.

11. Second Story Decks and Balconies.

a. An upper floor deck in excess of 150 square feet is included in the floor area ratio calculation.

b. A second story deck or balcony may not face an interior side parcel line abutting a lot with a single-family dwelling.

c. A second story deck or balcony must comply with the following minimum parcel line setback requirements:

i. Rear: 25 percent of lot depth.

ii. Front: 20 feet

iii. Interior and street side: 10 feet

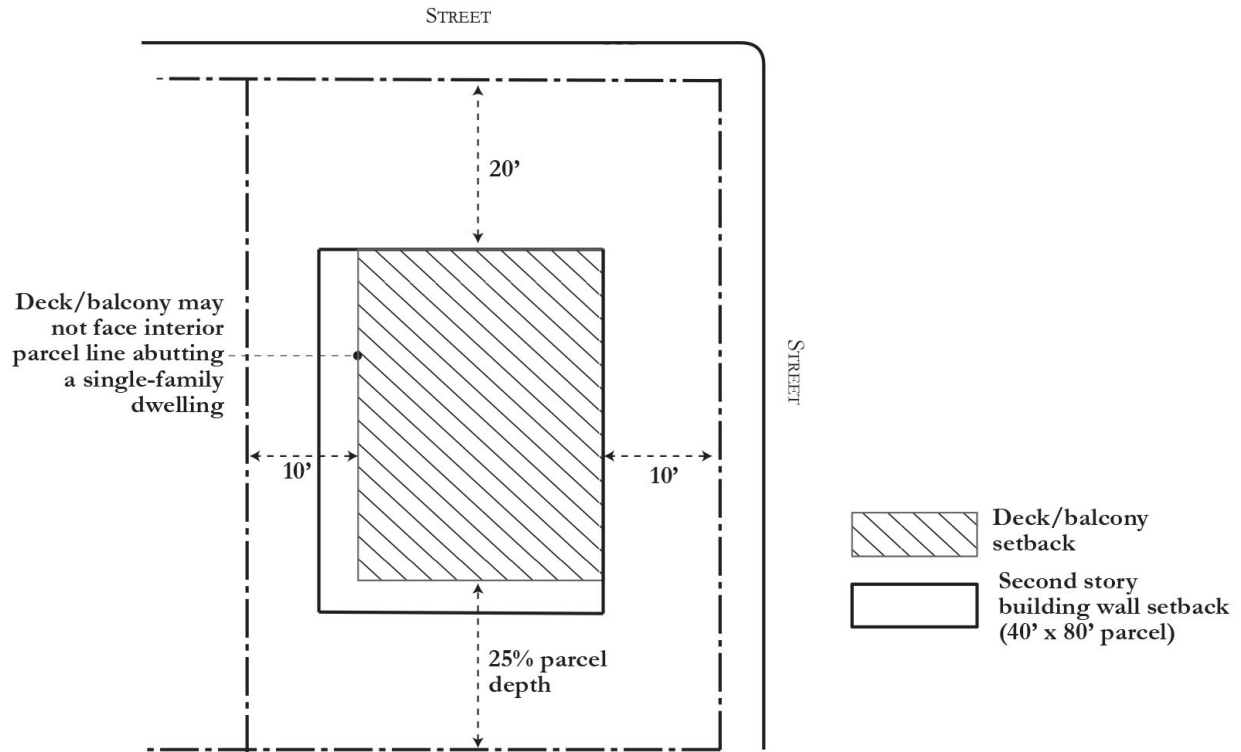
d. A permanent privacy screen (e.g., opaque glass) is required for rear deck along the railing parallel to the interior side property line facing a single-family dwelling

e. A second story deck or balcony may not project further than 6 feet from the exterior building wall to which it is attached.

f. Roof decks are prohibited in the R-1 zoning district.

g. The elevation of a freestanding deck or platform not attached to a building may not exceed 35 inches above the adjoining grade.

Figure 17.16-3a: R-1 Second-Story Decks and Balconies



C. Additional Standards for RM Zoning Districts. The following additional standards apply in the RM zoning district:

1. Single-Family Dwellings. Single-family dwellings in RM zoning districts shall comply with the development standards that apply in the R-1 zoning district.
2. Open Space. Common and private open space in the RM zoning district shall be provided as shown in Table 17.16-4 and Figure 17.16-4.

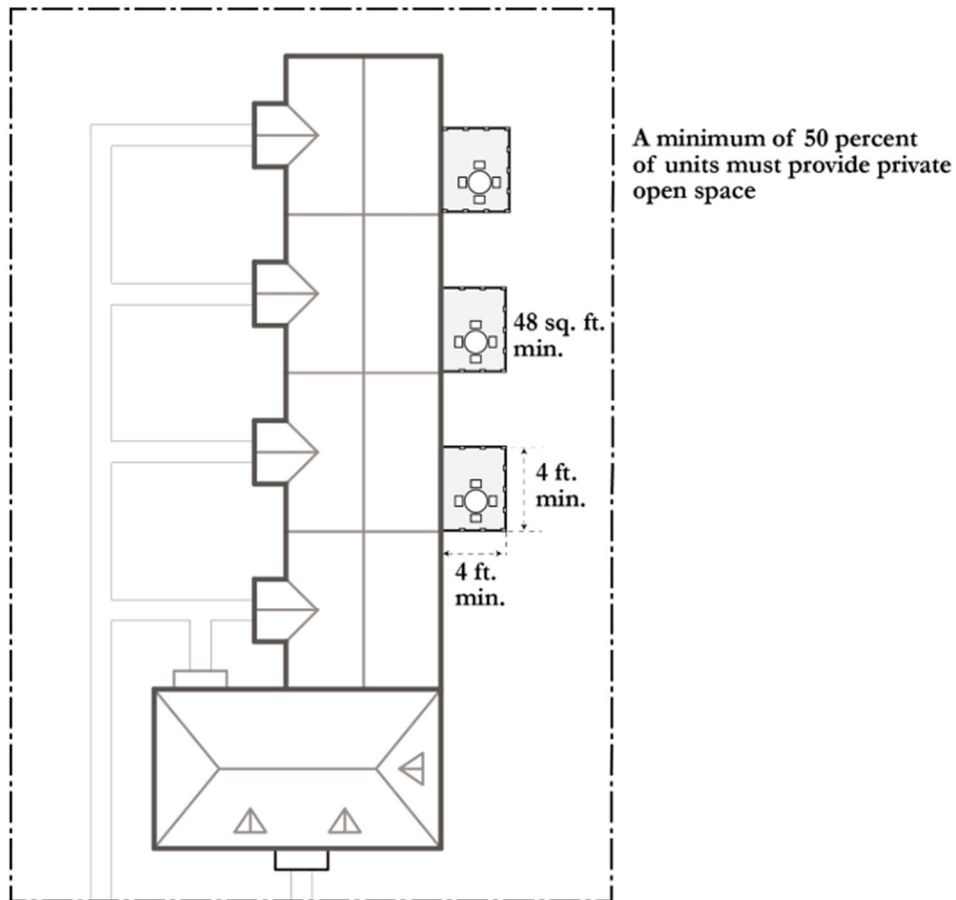
Table 17.16-4: Usable Open Space in RM Zoning District

Common Open Space [1]	
Minimum area (percent of site area)	15% [2] [3]
Minimum horizontal dimension	15 ft.
Private Open Space [4]	
Minimum percentage of units with private open space	50%
Minimum area (for individual unit)	48 sq. ft.
Minimum horizontal dimension	4 ft.

Notes:

- [1] Common open space shall be fully landscaped and accessible to all residents.
- [2] ~~Roof terraces and roof gardens may provide up to fifty percent of the required common open space area if the planning commission finds that roof terraces and roof gardens provide quality open space for residents and minimize noise, privacy and other potential impacts on neighboring properties. See Section 17.16.030.C.4 for requirements that apply to rooftop decks used as common open space.~~
- [3] The planning commission may allow reduced common open space to a minimum of ten percent for projects less than one acre in size or for projects that provide additional private open space equal to or greater than the amount of reduced common open space.
- [4] Private open space may include screened terraces, decks, balconies, and other similar areas.

Figure 17.16-4: Private Open Space



3. Landscaping. See Section 17.72.050(A) for residential landscape requirements.

4. Upper-Level Decks and Balconies.

a. For parcels that abut the R-1 zoning district, second story decks and balconies must comply with the standards in Sections 17.16.030.B.10 (Second Story Decks and Balconies) and 17.82.080.B.5 (Neighbor Privacy)

b. Roof decks must comply with the following standards:

- i. Roof decks are not permitted on parcels that abut the R-1 zoning district.
- ii. Roof decks require a Design Permit.

iii. Roof decks may provide up to 50 percent of the minimum required common open space specified in Section 17.16.030.C.2.

iii. Where permitted, a roof deck must be setback at least 5 feet from the building wall closest to the property line.

iv. Railings to accommodate a roof deck may project 42 inches above the maximum building height in cases where the roof deck provides open space for residents.

v. Other than as needed to provide for roof access, no permanent structure that has a solid roof and/or is enclosed on two or more sides may be placed on or attached to a roof deck. Fully transparent glass wind barriers are allowed.

vi. Roof decks may not be placed on building features that project above the maximum building height permitted in the zoning district.

D. Standards for the MH Zoning District. Table 17.16-5 identifies development standards that apply in the mobile home park (MH) zoning district.

Table 17.16-5: MH Zoning District Development Standards

		Additional Standards
Site Area [1]	5 acres [2]	
Residential Density, Maximum	20 units per acre	
Setbacks [3]		17.48.030
Front	15 ft.	
Interior Side	10 ft.	
Exterior Side	10 ft.	
Rear	20 ft.	

Notes:

[1] Applies to overall mobile home park area, not sites for individual units.

[2] For vacant property rezoned to MH, the minimum lot area is five acres. For existing mobile home parks, the minimum parcel size is five acres or the existing parcel size, whichever is less.

[3] Applies only to the perimeter of the mobile home park, not to sites and structures within the interior of the park.

Chapter 17.20

MIXED USE ZONING DISTRICTS

Sections:

- 17.20.010 Purpose of the mixed use zoning districts.
- 17.20.020 Land use regulations.
- 17.20.030 Development standards – Mixed use village zoning district.
- 17.20.040 Development standards – Mixed use neighborhood zoning district.

17.20.010 Purpose of the mixed use zoning districts.

A. General. The purpose of the mixed use zoning districts is to provide for active and inviting destinations in Capitola with a diversity of residential and commercial land uses. In the mixed use zoning districts, development shall support a lively, pedestrian-friendly public realm with inviting storefronts facing the sidewalk. A diversity of local and independent businesses, recreational amenities, and public spaces balances the needs of residents and visitors. New development shall respect Capitola’s history and reflect its unique coastal village character. The diversity of land uses, pedestrian-friendly development, and general level of activity in the mixed use zoning districts shall support a range of transportation choices, including walking, biking, and transit.

B. Specific.

1. Mixed Use, Village (MU-V) Zoning District. The purpose of the MU-V zoning district is to preserve and enhance Capitola Village as the heart of the community. A diversity of commercial, residential, and recreational uses in the MU-V zoning district serve both visitors and residents. Land uses and development shall enhance the vitality of the Village while maintaining a high quality of life for residents. A fine-grain mix of retail, restaurants, services, and recreational amenities in the MU-V zoning district provides a walkable environment, caters to all ages, and supports year-round activity during the day and night.

2. Mixed Use, Neighborhood (MU-N) Zoning District. The purpose of the MU-N zoning district is to allow for neighborhood-serving mixed use areas that enhance residents’ quality of life. The MU-N zoning district contains an eclectic mix of retail, restaurants, and services for residents and visitors. A range of housing types close to nonresidential uses increases housing choices and supports a walkable community. Development in the MU-N zoning district will be carefully designed to complement its surroundings and minimize impacts on neighboring properties. Land uses will strengthen connections between destinations in Capitola, including the Village, Bay Avenue, and 41st Avenue. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.20.020 Land use regulations.

A. Permitted Land Uses. Table 17.20-1 identifies land uses permitted in the mixed use zoning districts.

Table 17.20-1: Permitted Land Uses in the Mixed Use Zoning Districts

Key		Zoning District		Additional Regulations
		MU-V	MU-N	
P	Permitted Use			
A	Administrative Permit required			
M	Minor Use Permit required			
C	Conditional Use Permit required			
-	Use not allowed			
Residential Uses				Section 17.20.020(B), (C) and (E)
	Duplex Homes	-/P [1]	P	

Key		Zoning District		Additional Regulations
		MU-V	MU-N	
P	Permitted Use			
A	Administrative Permit required			
M	Minor Use Permit required			
C	Conditional Use Permit required			
-	Use not allowed			
Elderly and Long-Term Care		C [2] [6]	C	
Group Housing		C [2] [6]	C	
Multifamily Dwellings		-/P [1] [6]	C	
Residential Care Facilities, Small and Large		See Section 17.20.020(F)		
Residential Care Facilities, Large		C [2] [6]	C	Section 17.96.080
Residential Mixed Use		See Sections 17.20.020(D) and (E) [6]	C	
Accessory Dwelling Units		A -	A/ C	Chapter 17.74
Single-Family Dwellings		-/P [1]	P	
Public and Quasi-Public Uses				
Community Assembly		C	C	
Cultural Institutions		C	C	
Day Care Centers		M	M	
Government Offices		P/C [4]	M [5]	
Home Day Care, Large		M	M	Section 17.96.070
Home Day Care, Small		P	P	
Medical Offices and Clinics		-	M [5]	
Parks and Recreational Facilities		C	C	
Public Pathways and Coastal Accessways		C	C	
Public Safety Facilities		C	C	
Schools, Public or Private		-	C	
Commercial Uses				Section 17.20.020(E)
Alcoholic Beverage Sales		C	C	
Banks and Financial Institutions		C	P/C [3] [5]	
Commercial Entertainment and Recreation		C	C	
Eating and Drinking Places				
Bars and Lounges		C	C	
Restaurants and Cafes		C	C	

Key		Zoning District		Additional Regulations
		MU-V	MU-N	
P	Permitted Use			
A	Administrative Permit required			
M	Minor Use Permit required			
C	Conditional Use Permit required			
-	Use not allowed			
Take-Out Food and Beverage		M	M	
Gas and Service Stations		-	-	
Lodging				
Bed and Breakfast		C	C	
Hotels and Motels		C	C	
Personal Services		P	P/C [3] [5]	
Professional Offices		P/C [4]	M [5]	
Retail		P	P/C [3] [5]	
Vacation Rental		See Section 17.40.030		
Transportation, Communication, and Utility Uses				
Utilities, Major		C	C	
Utilities, Minor		P	P	
Wireless Communications Facilities		See Chapter 17.104		
Other Uses				
Accessory Uses and Structures		See Chapter 17.52		Chapter 17.52
Home Occupations		A	A	Section 17.96.040
Permanent Outdoor Display (Accessory Use)		-	C	Section 17.96.100
Temporary Uses and Structures		See Section 17.96.180		
Urban Agriculture				
Home Gardens		P	P	
Community Gardens		M	M	
Urban Farms		C	C	

Notes:

[1] Allowed only in the village residential (-VR) overlay zone. Exclusively residential uses are not allowed outside of the -VR overlay zone.

[2] Allowed only on the second or third story of a mixed use development outside of the -VR overlay zone. Allowed on any story in the -VR overlay zone.

[3] Larger than three thousand square feet requires a conditional use permit.

[4] Second-floor uses permitted by right. Ground-floor uses require a conditional use permit. Prohibited third floor and above.

[5] Conditional use permit required for parcels fronting Capitola Road.

[6] Residential uses are prohibited on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10).

B. Village Residential Overlay. Pursuant to Section 17.40.040 (Village residential (-VR) overlay zone), only residential uses are permitted in the -VR overlay zone. The village residential (-VR) overlay zone applies to the following areas within the MU-V zoning district as shown on the zoning map: Six Sisters, Venetian Court, Lawn Way, and portions of Wharf Road, Riverview Avenue, Cliff Drive, Cherry Avenue, San Jose Avenue, Park Place, and California Avenue.

C. Ground-Floor Conversions to Residential. Existing ground-floor commercial uses in the MU-V zoning district may not be converted to a residential use unless located in the village residential (-VR) overlay zone.

D. Residential Mixed Use in the MU-V Zoning District.

1. If a proposed residential mixed use project in the MU-V zoning district contains any use that requires a conditional use permit, the entire project, including the residential use, requires a conditional use permit.
2. If a proposed residential use replaces an existing upper-floor commercial use, the residential use is allowed by right.

E. Third-Story Uses in the MU-V Zoning District. Permitted land uses within the third story of an existing or new building in the MU-V zoning district are limited to residential and hotel uses only.

F. Residential Care Facilities. Residential care facilities shall be allowed with the permits required for dwellings of the same type within the applicable zoning district. For example, a residential care facility in a detached single-family home requires the same permits and is subject to the same use regulations as a detached single-family home. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.20.030 Development standards – Mixed use village zoning district.

A. General. Table 17.20-2 identifies development standards that apply in the mixed use village (MU-V) zoning district.

Table 17.20-2: Development Standards in the Mixed Use Village (MU-V) Zoning District

	MU-V	Additional Standards
Site Requirements		
Floor Area Ratio, Maximum	2.0	Section 17.20.030(C) Section 17.48.040 Chapter 17.88
Parking and Loading	See Chapter 17.76	
Structure Requirements		
Setbacks		
Front	Min: 0 ft. Max: 15 ft.	Section 17.20.030(D)
Rear	None [1]	
Interior Side	None	
Street Side	Min: 0 ft. Max: 15 ft.	
Height, Maximum	27 ft.	Section 17.20.030(B) and (C) Section 17.48.020 Chapter 17.88

	MU-V	Additional Standards
Accessory Structures	See Chapter 17.52	

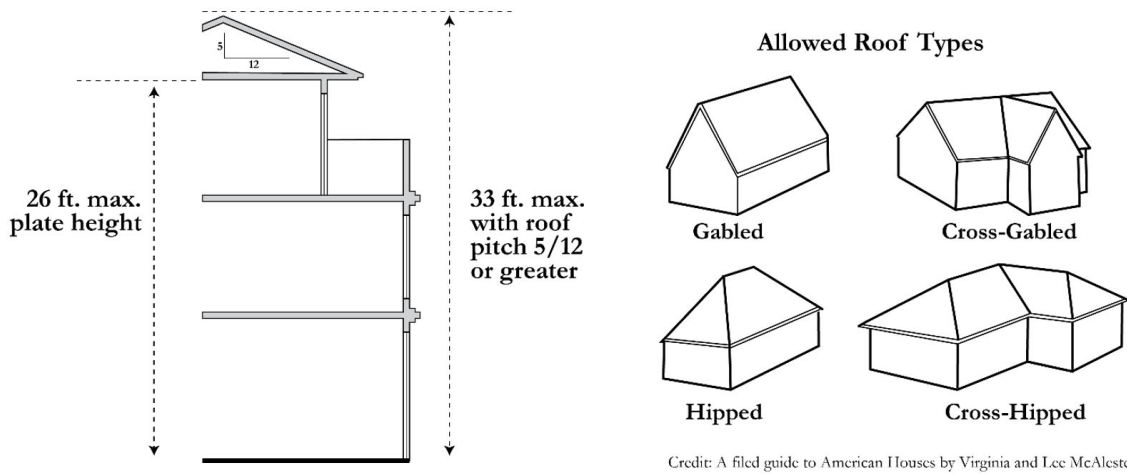
Note:

[1] Twenty percent of lot depth for residential use on parcel.

B. Height Exceptions. The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:

1. Up to thirty-three feet for gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of twenty-six feet. There shall be no breaks in the roof slope for doors and decks. Exterior doors and decks above the twenty-six-foot plate height are prohibited. See Figure 17.20-1.
2. The thirty-three feet includes the maximum height of projections for nonhabitable decorative features and structures identified in Section 17.48.020(B) (Height Exceptions).

Figure 17.20-1: Increased Height in the MU-V Zoning District



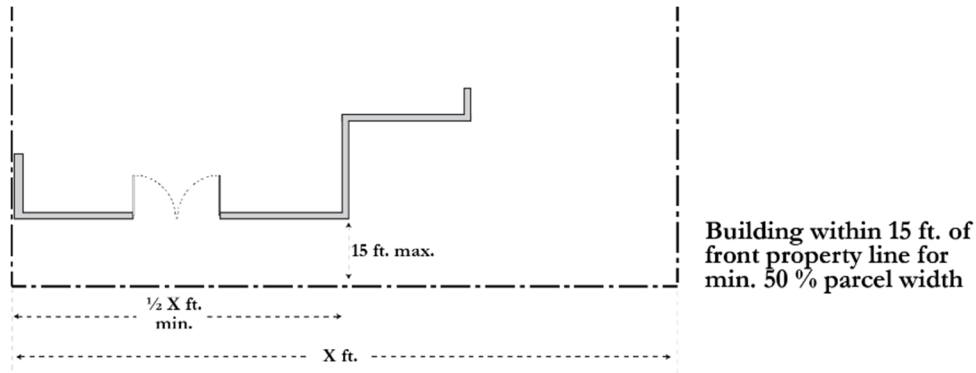
Credit: A filed guide to American Houses by Virginia and Lee McAlester

C. Increased Floor Area and Height for the Capitola Theater Site. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.20-2 for the Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10). These exceptions are intended to facilitate the development of a new hotel in the Capitola Village consistent with the general plan/land use plan.

D. Setbacks in the MU-V Zoning District. The following setback standards apply to all new structures in the MU-V zoning district:

1. Building should be constructed within fifteen feet of the front property line for a minimum of fifty percent of the parcel's linear street frontage. See Figure 17.20-2. The planning commission may modify or waive this requirement upon finding that:
 - a. Compliance with the build-to width requirement would render the proposed project infeasible;
 - b. The project incorporates a front-facing courtyard or public seating area; or
 - c. An alternative site design would result in an enhanced pedestrian experience.

Figure 17.20-2: Build-To Line – MU-V Zoning District



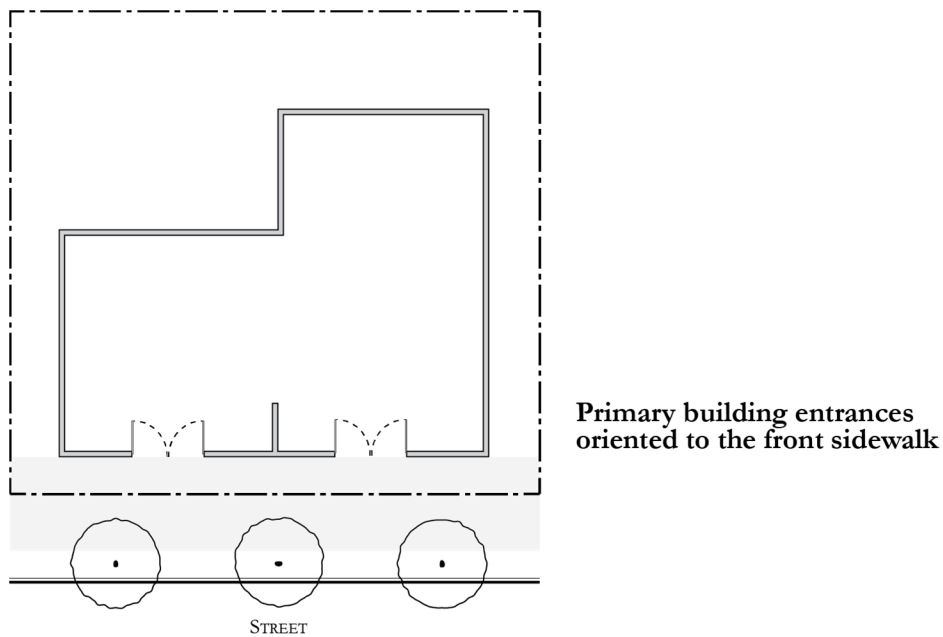
2. Front setback areas shall be pedestrian oriented and contain semi-public amenities such as courtyards or outdoor seating areas.

3. Structures shall be set back a minimum of ten feet from the property line on the northerly side of the first two hundred fifty feet of Cliff Drive, west of the intersection of Wharf Road.

E. General Design Standards. The following standards apply to all new buildings and area of new additions within the MU-V zoning districts, excluding the village residential overlay:

1. Building Orientation. Buildings should be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. See Figure 17.20-3.

Figure 17.20-3: Building Orientation

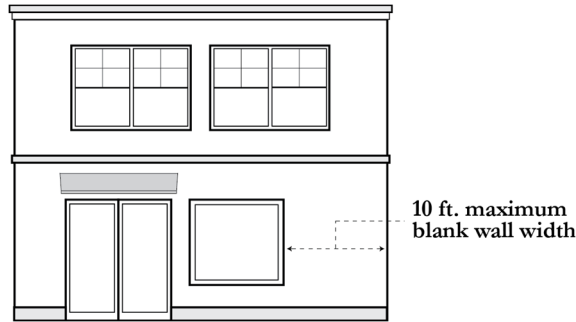


2. Blank Walls. The maximum length of an unarticulated/blank building wall fronting a public street shall be ten feet. See Figure 17.20-4. Building articulation may be provided by:

- a. Doors, windows, and other building openings;
- b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;

- c. Varying wall planes, heights or contrasting materials; and
- d. Awnings, canopies or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

Figure 17.20-4: Blank Wall Limitations



3. Storefront Width. The maximum building/storefront width shall be twenty-five feet. See Figure 17.20-5. Larger buildings shall be broken down into a pedestrian-scale rhythm with differentiated storefront design every twenty-five feet.

Figure 17.20-5: Storefront Width



4. Ground-Floor Building Transparency.

- a. The ground-floor street-facing building walls of nonresidential uses shall provide transparent windows or doors with views into the building for a minimum of sixty-five percent of the building frontage located between two and one-half and seven feet above the sidewalk. See Figure 17.20-6. Windows or doors area shall be transparent to allow views into the building.

Figure 17.20-6: Storefront Transparency



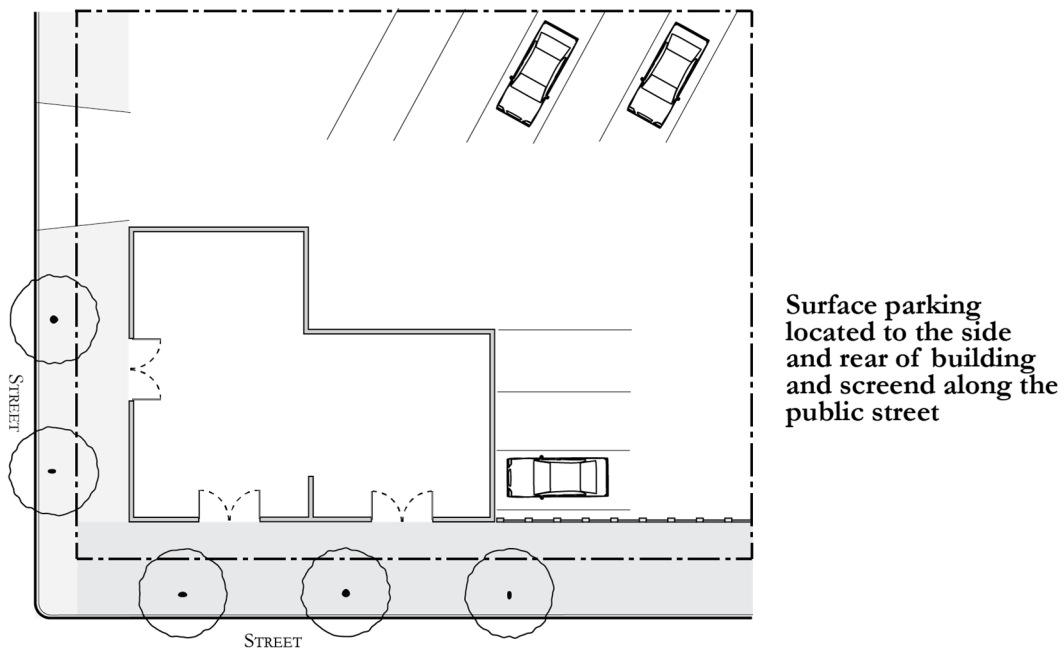
b. Exceptions to this transparency requirement may be allowed with a design permit if the planning commission finds that:

- i. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; and
- ii. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

5. Parking Location and Buffers.

- a. Surface parking shall be located to the rear or side of buildings. Surface parking may not be located between a building and a street-facing property line. See Figure 17.20-7.
- b. Surface parking adjacent to a street-facing property line shall be screened along the public right-of-way with a decorative wall, hedge, trellis, and/or landscaping at least three feet in height or maximum allowed pursuant to line of sight requirements in Section 17.96.050.
- c. Loading areas shall be located to the side and rear of buildings, and shall be sufficiently screened from the public right-of-way, as determined by the community development director.

Figure 17.20-7: Parking Location



6. Driveways and Curb Cuts.

a. The maximum width of a new driveway crossing a public sidewalk may not exceed forty percent of the parcel width or twenty feet, whichever is less. The community development director may approve an exception to this standard in the case of shared or joint use of driveways and parking lots.

b. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the community development director. Considerations for determination include separation between curb cuts, displaced parking, and sight lines.

7. Paved Site Areas.

a. The materials, colors, textures, and other design features of on-site paved areas, including courtyards, walkways, and patios, shall complement and enhance the overall design character of development on the site.

b. The use of asphalt for on-site paving is prohibited, except when used for parking areas and vehicle circulation.

8. Garbage and Recycling. Facilities for garbage and recycling shall be screened from public right-of-way and either designed into the architecture of the primary building or enclosed in an accessory structure located to the side and/or rear of the primary building.

9. Landscaping. See Section 17.72.050(B).

10. Roof Decks. Roof decks are prohibited in the MU-V zoning district.

17.20.040 Development standards – Mixed use neighborhood zoning district.

A. General. Table 17.20-3 identifies development standards that apply in the mixed use neighborhood (MU-N) zoning district.

Table 17.20-3: Development Standards in the Mixed Use Neighborhood Zoning District

	Zoning District	Additional Standards
	MU-N	
Site Requirements		
Parcel Area, Minimum [1]	3,200 sq. ft.	
Parcel Width, Minimum [1]	40 ft.	
Parcel Depth, Minimum [1]	80 ft.	
Floor Area Ratio, Maximum	1.0	Section 17.48.040
Parking and Loading	See Chapter 17.76	
Structure Requirements		
Setbacks		
Front	Min: 0 ft. from property line or 10 ft. from curb, whichever is greater [3] [4] Max: 25 ft.	Section 17.20.040(C)

	Zoning District	Additional Standards
	MU-N	
Rear	10 ft. min. from property line [2] [3] [4]	
Interior Side	10% of lot width [3] [4]	
Street Side	Min: 0 ft. from property line or 10 ft. from curb, whichever is greater [3] Max: 25 ft.	
Height, Maximum	27 ft.	Section 17.20.040(D)
Accessory Structures	See Chapter 17.52	

Notes:

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of June 9, 2021. See Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

[2] Twenty percent of lot depth for residential use on parcel.

[3] The planning commission may approve reduced front, side, and rear setback requirements for properties fronting Capitola Avenue north of the trestle up to and including 431 Capitola Avenue.

[4] The planning commission may reduce front, side, and rear setbacks when a parcel is surrounded by commercial properties.

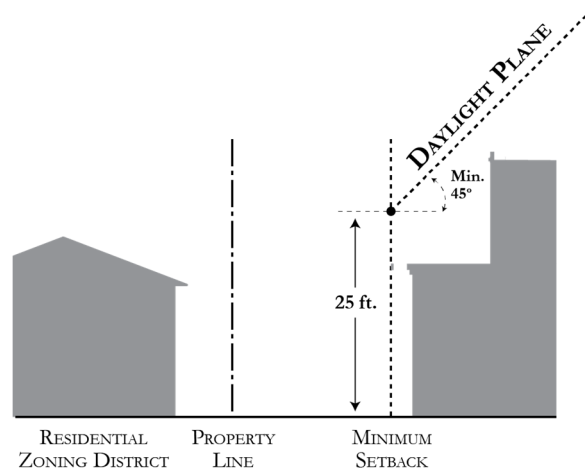
B. Building Orientation.

1. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk.
2. The planning commission may grant an exception to the requirement in subsection (B)(1) of this section upon finding that unique conditions on the site require an alternative building orientation and that the proposed project would maintain a pedestrian-friendly and active street frontage to the greatest extent possible.

C. Setbacks in the MU-N Zoning District. Front setback areas in the MU-N zoning district not used for vehicle parking or circulation shall be pedestrian oriented and shall be either landscaped or contain semi-public amenities such as courtyards or outdoor seating areas.

D. Residential Transitions – Daylight Plane. When a property abuts a residential zoning district, no structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.20-8.

Figure 17.20-8: Residential Transitions – Daylight Plane



E. Parking Location and Buffers. Surface parking shall be located to the rear or side of buildings where possible. When parking is located between a building and a street-facing property line, the parking shall be either:

1. Screened along the street with a decorative wall, hedge, trellis, and/or landscaping at least three feet in height; or
2. Designed to minimize visual impacts and support a pedestrian-friendly environment to the greatest extent possible as determined by the planning commission.

F. Driveways and Curb Cuts.

1. The maximum width of new driveways crossing a public sidewalk may not exceed forty percent of the parcel width or twenty feet, whichever is less. The community development director may approve exceptions to these standards in the case of shared or joint use of driveways and parking lots.
2. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the community development director. Considerations for determination include adequate separation between curb cuts, displaced parking, and sight lines.

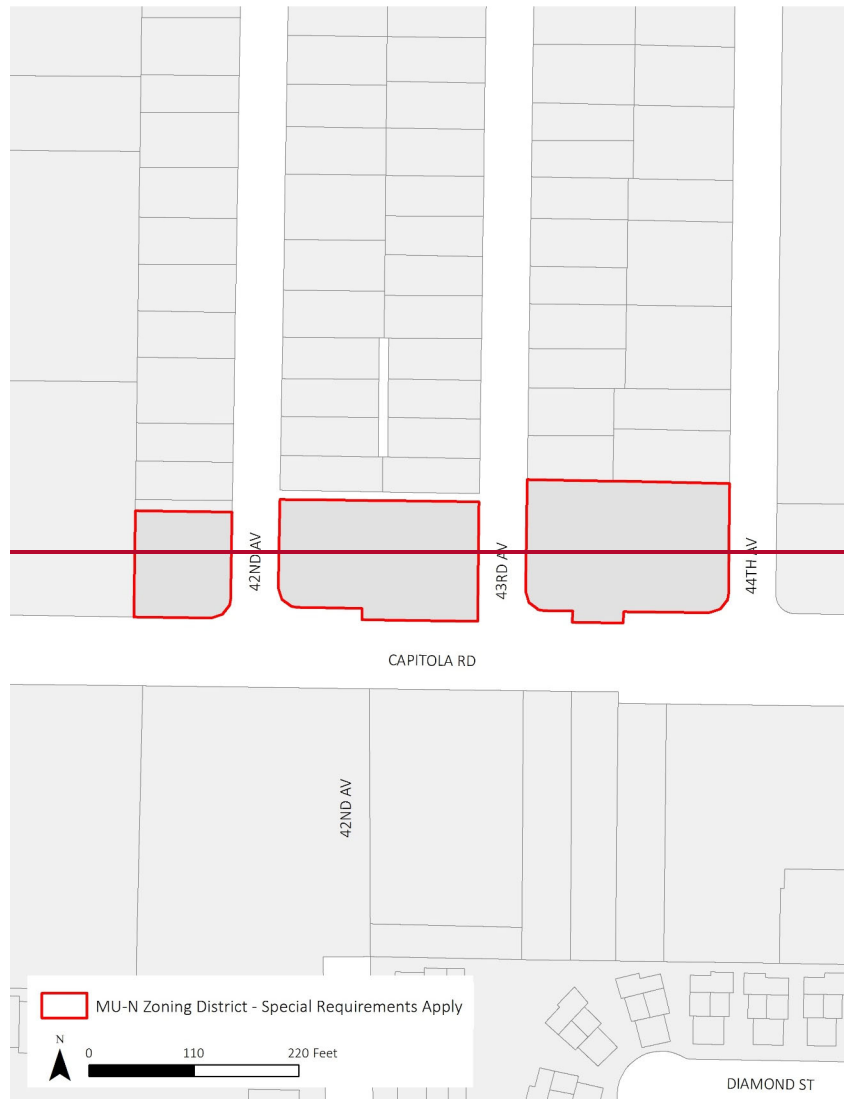
G. Landscaping. See Section 17.72.050(B).

H. Capitola Road. The following standards apply to new primary buildings constructed in the MU-N zoning district fronting the north side of Capitola Road between 41st Avenue and 45th Avenue as shown in Figure 17.20-9. These standards do not apply to alterations or expansions to existing buildings.

1. Buildings shall feature a gabled or hipped roof with a minimum 5:12 roof pitch.
2. Buildings shall be set back from the curb or street edge in a manner that allows for a minimum ten-foot sidewalk along the property frontage.

I. Roof Decks. Roof decks in the MU-N zoning district require a design permit. Roof decks must comply with standards in Section 17.16.030.C.4. b.

Figure 17.20-9: Capitola Road MU-N Subject to Special Standards





(Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.24

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sections:

- 17.24.010 Purpose of the commercial and industrial zoning districts.
- 17.24.020 Land use regulations.
- 17.24.030 Development standards.
- 17.24.040 Residential mixed use development in commercial zoning districts.

17.24.010 Purpose of the commercial and industrial zoning districts.

A. Community Commercial (C-C) Zoning District. The purpose of the C-C zoning district is to provide areas for a variety of commercial uses serving Capitola residents and visitors. The C-C zoning district allows for retail, restaurants, and services that meet the daily needs of the community. The scale, intensity, and design of development in the C-C zoning district shall be compatible with adjacent neighborhoods and contribute to Capitola’s unique coastal village character. Interspersed residential and office uses in the C-C zoning district shall support a diverse local economy and range of housing choices.

B. Regional Commercial (C-R) Zoning District. The purpose of the C-R zoning district is to provide areas for commercial uses that serve regional shoppers as well as Capitola residents, workers, and visitors. The C-R zoning district will maintain a critical mass of retail and service uses that maintain 41st Avenue as a successful retail destination. Office, medical, and residential uses will be restricted to protect the long-term economic vitality of the corridor. Incremental redevelopment of underutilized properties in the C-R zoning district will enhance the corridor as a pedestrian-friendly shopping destination that enhances Capitola’s unique identity and quality of life.

C. Industrial (I) Zoning District. The purpose of the I zoning district is to provide an area for heavy commercial and light industrial uses in Capitola. The I zoning district allows for nonresidential uses which are desired in the community but could be incompatible with land uses in other zoning districts. The I zoning district shall continue to accommodate businesses that contribute to a diverse economy, provide local jobs, and serve the needs of residents and other businesses in Capitola.

17.24.020 Land use regulations.

A. Permitted Land Uses. Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts. The city council may approve a use not listed in Table 17.24-1 after receiving a recommendation from the planning commission and finding the use to be consistent with the general plan and the purpose of the zoning district.

Table 17.24-1: Permitted Land Uses in Commercial and Industrial Zoning Districts

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
-	Use not allowed				
Residential Uses					
Single-Family Dwellings		-	-	-	
Multifamily Dwellings		C [9]	C [9]	-	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
-	Use not allowed				
Residential Mixed Use		C	C [7]	-	Section 17.24.040
<u>Accessory Dwelling Unit</u>		<u>A</u>	<u>A</u>	<u>-</u>	<u>Chapter 17.74</u>
Public and Quasi-Public Uses					
Colleges and Trade Schools		C	C	C	
Community Assembly		C	C	-	
Cultural Institutions		C	C	-	
Day Care Centers		C	C	-	
Emergency Shelters		-	-	P	Section 17.96.030
Government Offices		See 17.24.020(C)		C	
<u>Home Day Care</u>		<u>P</u>	<u>P</u>	<u>P</u>	
Medical Offices and Clinics		See 17.24.020(C)		-	
Public Paths and Coastal Accessways		C	C	C	
Public Safety Facilities		C	C	C	
Commercial Uses					
Alcoholic Beverage Sales		C	C	C	
Banks		P [2]	P [2]	-	
<u>Car Wash</u>		<u>C</u>	<u>C</u>	<u>-</u>	
Financial Institutions		P [2]	P [2]	-	Section 17.24.020(C)
Business Services		P [2]	P [2]	P	
Commercial Entertainment and Recreation		M	M	-	
Drive-Through Facilities		-	C [4]	-	
Eating and Drinking Establishments					
Bars and Lounges		C	C	C	
Mobile Food Vendors		-	A [6]/C	A [6]/C	
Restaurants and Cafes		M [2]	M [2]	C	
Take-Out Food and Beverage		M [2]	M [2]	-	
-Food Preparation		M [2]	-	P	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Gas and Service Stations		C	C	–	
Liquor Stores		C	C	–	
Lodging					
Bed and Breakfast		C	–	–	
Hotel		C	C	–	
Maintenance and Repair Services		M	C	P	
Personal Services		P [1]	P [1]	–	
Professional Offices		See 17.24.020(C)		P	
Salvage and Wrecking		–	–	P	
Self-Storage		C	–	C	Section 17.96.140
Retail		P [11]	P [11]	–	
Retail Cannabis Establishment			C [10]		Section 17.24.020(D)
Vehicle Repair		C	C	P	
Vehicle Sales and Rental		C [5]	C [5]	–	
Vehicle Sales Display Room [8]		P	P	–	
Wholesaling		–	M [3]	P	
Heavy Commercial and Industrial Uses					
Construction and Material Yards		–	–	P	
Custom Manufacturing		M	M	P	
Light Manufacturing		–	–	P	
Warehousing and Distribution		–	–	P	
Transportation, Communication, and Utility Uses					
Utilities, Major		–	C	C	
Utilities, Minor		P	P	P	
Recycling Collection Facilities		C	C	C	Section 17.96.130
Wireless Communications Facilities		See Chapter 17.104			
Other Uses					

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Accessory Uses		See Chapter 17.52			
Home Occupations		A	A	–	Section 17.96.040
Permanent Outdoor Display		C	C	C	Section 17.96.100
Temporary Uses		See Section 17.96.180			
Urban Agriculture					
Home Garden		P	P	–	
Community Garden		M	M	–	
Urban Farm		C	C	–	

Notes:

- [1] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires minor use permit.
- [2] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires conditional use permit.
- [3] Without stock. Storage of merchandise limited to samples only.
- [4] Prohibited within one hundred feet of a residential zoning district or residential use including residential properties outside the city limits. Distance is measured from any site feature designed and/or used to provide drive-through service (e.g., vehicle aisle, menu board, lighting) to the property of the residential district or use.
- [5] Majority of vehicles for sale must be new.
- [6] Mobile food vendors in one location ~~two~~ four times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an administrative permit in accordance with Chapter 9.36. Mobile food vendors in one location more than two times per year require a conditional use permit.
- [7] Residential uses are prohibited on the first story.
- [8] Maximum five thousand square feet.
- [9] Allowed only as a part of a mixed use project integrated with commercial structures located on the same development site.
- [10] Requires cannabis retail license (Chapter 9.61) and compliance with subsection D of this section.
- [11] A retail use 20,000 square feet or more requires a Conditional Use Permit.

B. Additional Permits. In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone), independent of and in addition to any other required permit or approval.

C. Office Uses in the C-C and C-R Zoning Districts.

1. New Office Uses. In the C-C and C-R zoning districts, permits required for new office uses and conversions of nonoffice space to office use are shown in Table 17.24-2. Offices include professional, medical, financial institutions and governmental offices.

2. Existing Office Uses. Within office buildings utilized exclusively for office uses as of June 9, 2021, office uses may continue to occupy ground-floor tenant spaces. Within such office buildings, a new tenant is not subject to the permit requirements in Table 17.24-2 until such time that the building is redeveloped or all office space in the ground-floor level is converted to a nonoffice use.

Table 17.24-2: Permitted New Office Uses in the C-C and C-R Zoning Districts

Key			
P	Permitted Use		
A	Administrative Permit required		
M	Minor Use Permit required		
C	Conditional Use Permit required		
–	Use not allowed	C-C Zoning District	C-R Zoning District
Location and Size of Office Use			
Ground floor, less than 5,000 sq. ft.		P	–
Ground floor, 5,000 sq. ft. or more		C	–
Upper floor above a ground floor		P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is set back from the front facade.		P	–

D. Retail Cannabis in the C-R Zoning District. A retail cannabis establishment in the C-R zoning district must be in compliance with the following standards:

1. Permit Requirements.

a. Cannabis Retail License. Prior to conditional use permit application, an applicant shall obtain a potential retail cannabis license from the city, as outlined in Chapter 5.36.

b. Conditional Use Permit. A retail cannabis establishment must obtain a conditional use permit from the planning commission. The retail cannabis establishment shall be in compliance with the following standards:

i. Distance from Schools and Churches. Retail cannabis establishments are not permitted within a path of travel of one thousand feet from any schools and churches. The path of travel shall be measured following the shortest path of travel along a public right-of-way from the property line of the proposed retail cannabis establishment parcel to the church or school.

ii. Distance Between Retail Cannabis Establishments. A retail cannabis establishment shall not be located within a path of travel of five hundred feet of another retail cannabis establishment. Path of travel is measured from the retail establishment suite on a multi-tenant property or the structure for a single-tenant property.

iii. Independent Access. A retail cannabis establishment shall have an independent exterior entrance that is not shared with any other business or residence.

~~iv. Signs. Notwithstanding other sections of the code for signs, a retail cannabis establishment shall be limited to one exterior building sign per business location to identify the business as a retail cannabis~~

~~establishment in compliance with the following standards:~~

- ~~(A) Sign may include only the name of business and one green cross.~~
- ~~(B) Sign area maximum of fifteen square feet, or one square foot per linear frontage of the business; whichever is less.~~
- ~~(C) Sign may not have any reference, through symbols or language, to cannabis with the exception of one green cross.~~
- ~~(D) Sign shall not be directly illuminated except during operating hours.~~
- ~~(E) Sign shall otherwise be subject to planning commission review through a sign permit application in accordance with Chapter 17.132.~~

17.24.030 Development standards.

A. General. Table 17.24-3 identifies development standards that apply in the commercial and industrial zoning districts.

Table 17.24-3: Development Standards in Commercial and Industrial Zoning Districts

	C-C	C-R	I	Additional Standards
Site Requirements				
Parcel Area, Minimum	5,000 sq. ft.			
Parcel Width, Minimum	50 ft.			
Parcel Depth, Minimum	100 ft.			
Floor Area Ratio, Maximum	1.0	1.5	0.5	Section 17.24.030(D) Chapter 17.88
Structure Requirements				
Setbacks, Minimum				
Front	See Section 17.24.030(C)		0 ft.	
Rear	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Interior Side	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Street Side	See Section 17.24.030(C)		0 ft.	
Height, Maximum	40 ft.	40 ft.	30 ft.	Section 17.24.030(D) and (E) Chapter 17.88
Landscaped Open Space, Minimum	5%			Table 17.72-1
Parking and Loading	See Chapter 17.76			

B. C-C Zoning District Fronting Capitola Road. The following requirements apply to C-C parcels fronting the south side of Capitola Road between 41st Avenue and 45th Avenue as shown in Figure 17.24-1:

1. Maximum height: thirty-five feet.
2. Minimum rear setback: forty feet.
3. Enhanced Application Review. A proposed project with a height greater than two stories shall comply with

the following enhanced application review procedures:

a. Conceptual Review.

- i. Prior to consideration of a formal application, the planning commission and city council shall provide conceptual review of a proposed project in accordance with Chapter 17.114 (Conceptual Review).

Figure 17.24-1: Parcels Fronting Capitola Road Between 41st Avenue and 45th Avenue



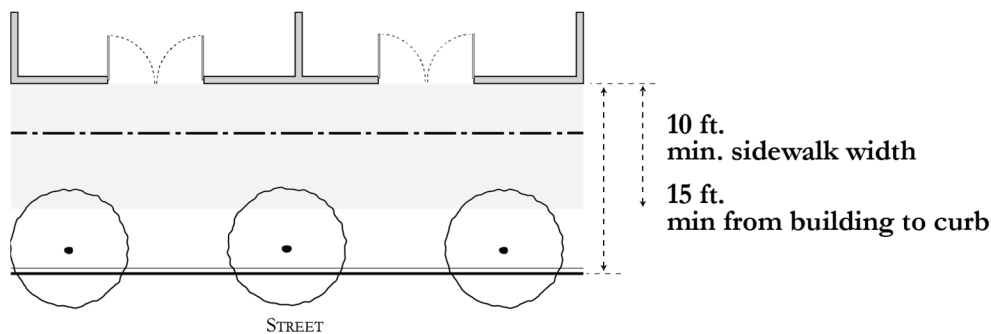
- ii. Before planning commission and city council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
 - iii. When reviewed by the planning commission and city council, the applicant shall demonstrate how the project design addresses public input received at the community workshop, as appropriate.
- b. City Council Action. Following conceptual review, the planning commission shall serve as the recommending body and the city council shall serve as the review authority and take final action on the application.
- c. Findings. To approve the application, the city council shall make all of the following findings in addition to findings for the required permits:
- i. The project satisfies applicable design review criteria in Section 17.120.070 (Design review criteria).
 - ii. On-site parking, points of ingress/egress, and internal vehicle accessways are located and designed to minimize parking and traffic impacts on neighboring residential areas to the greatest extent possible.
 - iii. The project incorporates rear yard setbacks and upper-story setbacks as needed to maintain adequate light and air for abutting residential uses.

- iv. The height and intensity of development is compatible with the scale and character of neighboring residential areas.
- v. The project incorporates design features to support a safe and welcoming pedestrian environment. Potential features may include, but are not limited to, enhanced sidewalks along the property frontage, internal pedestrian walkways, outdoor public gathering places, unique landscaping treatments, and active ground-floor uses fronting the street.

C. Front and Street Side Setbacks in the C-R and C-C Zoning Districts. In the C-R and C-C zoning districts, buildings shall be set back from the front and street side property line so that:

- 1. The building is at least fifteen feet from the curb or street edge; and
- 2. Building placement allows for a minimum ten-foot sidewalk along the property frontage. See Figure 17.24-2.

Figure 17.24-2: Front and Street Side Setbacks in the C-R and C-C Zoning Districts

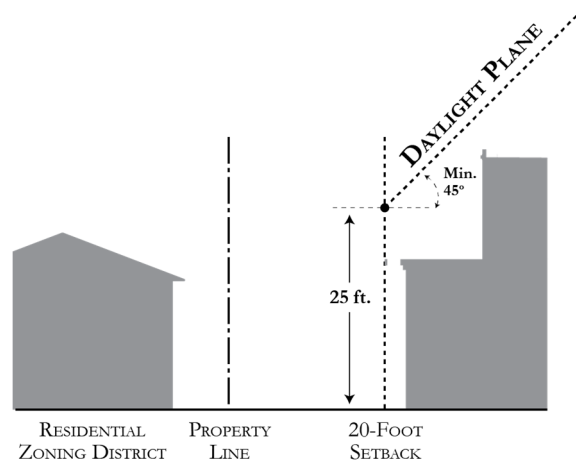


D. Increased Floor Area and Height in C-C and C-R Zoning Districts. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These exceptions are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan.

E. Residential Transition Standards. Where a commercial or industrial zoning district abuts a residential zoning district, the following standards apply:

- 1. Setbacks. The minimum setback from the residential property line shall be fifteen feet for interior side yards and twenty feet for rear yards. For lots less than one hundred feet wide, the planning commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.
- 2. Daylight Plane. No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.24-3.

Figure 17.24-3: Residential Transitions – Daylight Plane



3. Landscaping. A landscaped planting area, extending a minimum of ten feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of fifteen feet.

4. Loading. Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading shall be provided from the commercial frontage rather than from areas adjacent to residential uses.

F. Capitola Mall Redevelopment. While the Capitola Mall site has been zoned regional commercial (C-R) as part of the zoning code update, it is expected that major redevelopment of the mall property may require a rezone, planned development, specific plan, development agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.

G. Landscaping. See Section 17.72.050(B) for nonresidential landscape requirements.

H. Roof Decks. Roof decks that provide common open space for residents in the commercial zoning district require a Design Permit. Roof decks must comply with standards in Section 17.16.030.C.4.b.

17.24.040 Residential mixed use development in commercial zoning districts.

A. Purpose and Applicability. This section establishes design standards for mixed use development with housing above ground-floor commercial uses in the community commercial (C-C) and regional commercial (C-R) zoning districts. These standards are intended to promote successful mixed use development that is pedestrian-friendly and contributes to the vitality of commercial districts in Capitola.

B. Standards.

1. Ground-Floor Uses. Ground-floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.

2. Building Placement. Buildings shall be placed near the edge of the sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.

3. Building Orientation. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The planning commission may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be

oriented towards surface parking.

4. Blank Walls. The length of an unarticulated/blank building wall shall not exceed ten feet. Architectural articulation should have a similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. Building articulation may be provided by:

- a. Doors, windows, and other building openings;
- b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;
- c. Varying wall planes, heights or contrasting materials and colors; and
- d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

5. Storefront Width. The width of a single building/storefront shall not exceed fifty feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual storefront widths of twenty-five to fifty feet.

6. Ground-Floor Building Transparency. The ground-floor street-facing building walls of nonresidential uses shall provide transparent windows or doors with views into the building for a minimum of sixty-five percent of the building frontage located between two and one-half and seven feet above the sidewalk. See Figure 17.24-4. Windows or doors area shall be transparent to allow views into the building. Exceptions to this transparency requirement may be allowed if the planning commission finds that:

- a. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; or
- b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

Figure 17.24-4: Storefront Transparency



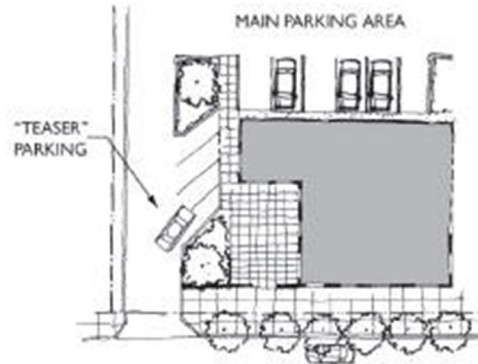
7. Retail Depth. Ground-floor commercial space shall have a depth of at least forty-five feet or two-thirds of the parcel depth, whichever is less. Where possible, sixty-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The planning commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.

8. Ground-Floor Height. Ground-floor commercial space shall have a minimum floor-to-floor height of fifteen feet. Where possible, eighteen-foot floor-to-floor heights are encouraged.

9. Parking Location. No more than ten percent of off-street retail parking may be provided along the side of retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking. See Figure 17.24-5.

10. Driveways and Curb Cuts. Pedestrian and vehicle conflicts shall be minimized by limiting the number of curb cuts to two per block and the width of curb cuts to twenty-four feet where feasible. To the extent possible, curb cuts shall be designed so pedestrian curb ramps are limited and pathways remain level as they cross the vehicle route.

Figure 17.24-5: Residential Mixed Use – Teaser Parking



Small amounts of "teaser" parking can act as a visual cue to direct drivers to additional parking out of view.

Chapter 17.28

VISITOR SERVING OVERLAY ZONE

Sections:

- 17.28.010 Purpose of the visitor serving overlay zone.
- 17.28.020 Land use regulations.
- 17.28.030 Development standards.

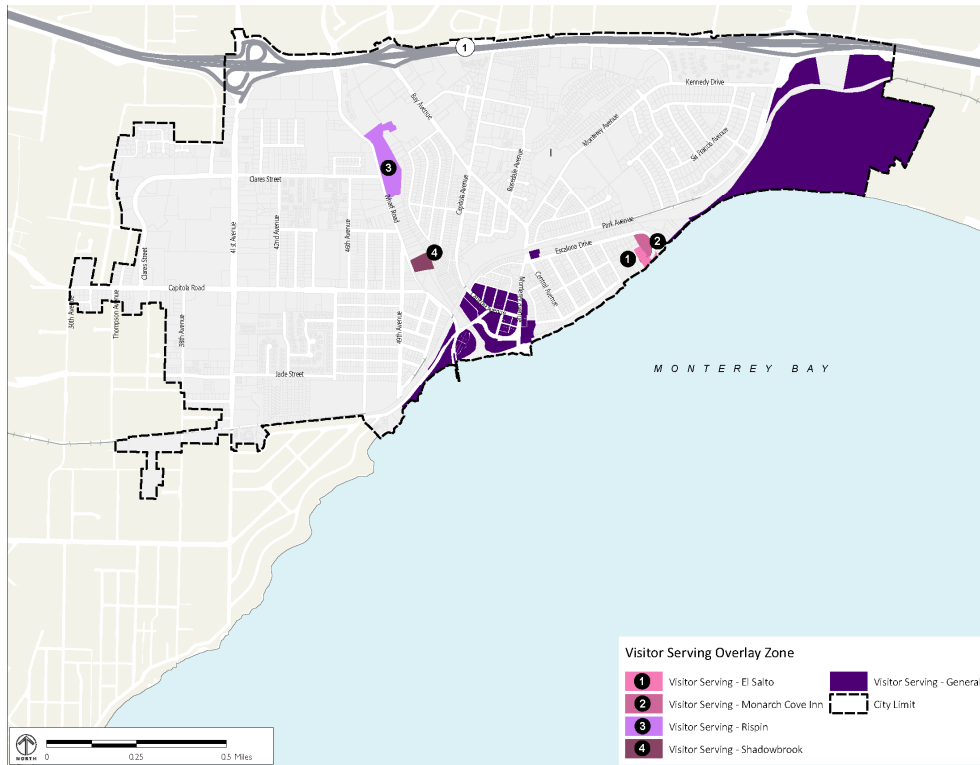
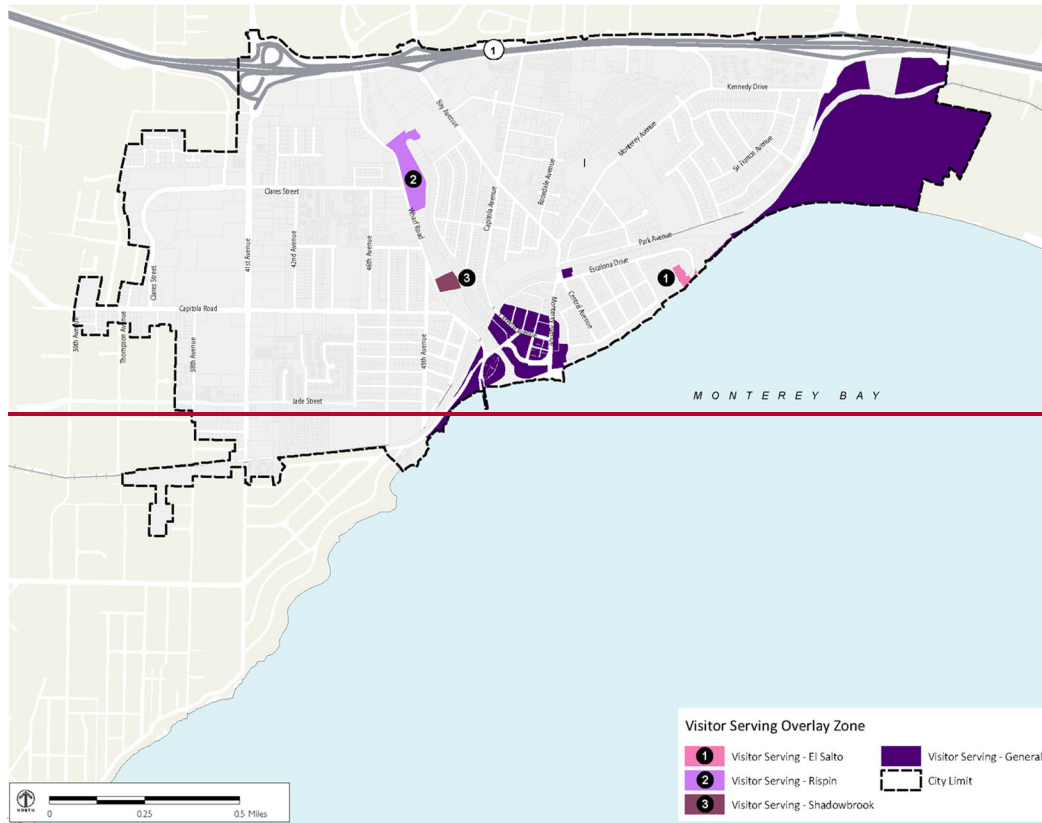
17.28.010 Purpose of the visitor serving overlay zone.

A. General. The purpose of the visitor serving (-VS) overlay zone is to provide the visiting public with a range of opportunities to enjoy Capitola's coastal location. The -VS overlay zone accommodates a range of visitor serving uses including overnight accommodations, dining establishments, and active and passive recreational facilities. Specific permitted uses depend on the resources present on the site and the surrounding land use and environmental context. The -VS overlay zone implements policies to maintain and enhance visitor serving uses in Capitola consistent with the general plan and local coastal program (LCP).

B. Visitor Serving Overlay Subzones. The -VS overlay zone is divided into subzones (see Figure 17.28-1) with unique land use and development standards:

1. Visitor Serving – Rispin (VS-R). Applies to the Rispin site (APNs 035-371-01 and 035-371-02).
2. Visitor Serving – Shadowbrook (VS-SB). Applies to the Shadowbrook site (APN 035-111-04).
3. Visitor Serving - Monarch Cove Inn (VS-MC). Applies to the Monarch Cove Inn site (APN 036-143-31 & 036-142-27) and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels.
- ~~43.~~ Visitor Serving – El Salto (VS-ES). Applies to the El Salto site (APN 036-143-35).
54. Visitor Serving – General (VS-G). Applies to all other parcels with a visitor serving subzone overlay designation. The -VS zoning overlay designation on the Inn at Depot Hill site (APNs 036-121-38 and 036-121-33) acts as both the base zoning district and an overlay district (i.e., the permitted land uses identified in Table 17.28-1 are the only permitted land uses allowable on the site and the applicable land use regulations and development standards are limited to those identified in this chapter).

Figure 17.28-1: Visitor Serving Districts



(Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.28.020 Land use regulations.

A. Permitted Land Uses. Table 17.28-1 identifies land uses permitted in the -VS overlay subzones.

Table 17.28-1: Permitted Land Uses in the Visitor Serving Overlay Zone

Key P Permitted Use M Minor Use Permit required C Conditional Use Permit required – Use not allowed	-VS Subzones					Additional Regulations
	VS-G	VS-R	VS-SB	VS-MC	VS-ES	
Residential Uses						
Employee Housing	C [1]	–	–	=	–	
Multifamily Dwellings	C [2][11]	–	–	=	C [2]	
One Caretaker Unit for On-Site Security	C	C	C	C	C	
Single-Family Dwellings	C [3][11]	–	–	C [3][12]	C [3]	
Public and Quasi-Public Uses						
Community Assembly	C	C	–	=	–	
Cultural Institutions	C	C	–	=	–	
Day Care Centers	C	–	–	=	–	
Habitat Restoration and Habitat Interpretive Facilities	C	C	C	C	–	
Parks and Recreational Facilities	C	C	–	=	–	
Public Parking Lots	C	C	–	=	–	
Public Paths and Coastal Accessways	C	C	C	C	C	
Public Safety Facilities	C	–	–	=	–	
Public Wharfs	C	–	–	=	–	
Schools, Public or Private	–	–	–	=	–	
Commercial Uses						
Business Establishments that Provide Commercial Places of Amusement or Recreation, Live Entertainment, or Service of Alcoholic Beverages	C [4]	C [4]	C	=	–	
Business Establishments that Sell or Dispense Alcoholic Beverages for On-Site Consumption	C	C	C	C	–	
Restaurants						
Full Service	C [5]	C [5]	C [5]	=	–	
Lodging						
Hotels, Inns, Bed and Breakfast, and Hostels	C	C	–	C	C	
Campgrounds [6]	C	–	–	=	–	

Recreational Vehicle Parks	C	-	-	=	-	
Vacation Rentals	-	-	-	<u>C</u>	-	
Utilities, Major	C	C	C	<u>C</u>	C	
Utilities, Minor	P	P	P	<u>P</u>	P	
Wireless Communications Facilities	See Chapter 17.104					
Other Uses						
Access Roadways	C	C	C	<u>C</u>	C	
Accessory Structures and Uses, New	C [7]	C	C	<u>C</u>	C	
Accessory Structures and Uses Established Prior to Primary Use or Structure	C	C	-	<u>C</u>	-	
Change of Visitor Serving Commercial Uses within a Structure	C [8]	-	-	=	-	
Food Service Accessory to a Lodging Use [9]	C	C	-	<u>C</u>	C	
Home Occupations	C	-	-	=	-	Section 17.96.040
Expansion of a Legal Nonconforming Use within an Existing Structure	C	-	-	=	-	
Legal Nonconforming Use Changed to a Use of a Similar or More Restricted Nature	C	-	-	=	-	
Live Entertainment	C	C	C	=	-	
Offices Accessory to Visitor Serving Use	C	C	C	<u>C</u>	-	
Parking Areas to Serve the Primary Use	C	C	C	<u>C</u>	C	
Retail Accessory to a Visitor Serving Use	C	C	-	<u>C</u>	-	
Temporary Assemblages of People, such as Festivals, Fairs, and Community Events	C [10]	C [10]	C [10]	<u>C [13]</u>	-	
Weddings	C	C	C	<u>C</u>	-	

Notes:

- [1] Permitted only as an accessory use.
- [2] Multifamily dwellings shall comply with development standards in the multifamily residential, medium density (RM-M) zoning district.
- [3] Single-family dwellings shall comply with development standards in the single-family residential (R-1) zoning district.
- [4] May not be located within two hundred feet of the boundary of a residential zoning district.
- [5] Drive-up and car service is not allowed.
- [6] May include moderate intensity recreational uses, including tent platforms, cabins, parks, stables, bicycle paths, restrooms, and interpretive facilities.
- [7] Intensification of the primary use is not allowed.
- [8] The new use may not change the nature or intensity of the commercial use of the structure.
- [9] Permitted only to serve guests of the lodging use.
- [10] Events may not exceed ten days and may not involve construction of permanent facilities.

[11] Prohibited on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) and the Inn at Depot Hill (APNs 036-121-38 and 036-121-33).

[12] Allowed in conjunction with overnight accommodation use (at least one on property) or grant of public access to a viewpoint.
 [13] Limited to a single two-day or less event per year.

B. Civic Uses in the VS-R Overlay Subzone. The planning commission may allow additional civic uses in the VS-R overlay subzone beyond those specifically identified in Table 17.28-1 if the planning commission finds the additional civic use to be consistent with the purpose of the VS-R overlay subzone and compatible with existing uses present on the site. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.28.030 Development standards.

A. General. Table 17.28-2 identifies development standards that apply in the -VS overlay zone outside of the mixed use village (MU-V) zoning district.

Table 17.28-2: Development Standards in the Visitor Serving Zoning Districts

	-VS Overlay Zone	Additional Standards
Parcel Area, Minimum	5,000 sq. ft.	
Impervious Surface, Maximum	VS-R: 25% VS-SB, VS-MC and VS-ES: 50% [1] VS-G: No maximum	
Floor Area Ratio, Maximum	0.25	
Setbacks, Minimum	See Section 17.28.030(B)	
Height, Maximum	30 ft.	Section 17.28.030(C)

Note:

[1] In the VS-SB overlay subzone, the impervious surface requirement applies to the parcel located directly adjacent to Soquel Creek. In the VS-ES overlay subzone, the impervious surface calculation excludes the portion of parcel 036-142-28 located outside of the Monarch Cove Inn.

B. Setbacks. The following setback requirements apply in the -VS overlay zone:

1. The planning commission may require front, side and rear setbacks through the design review process to provide adequate light and air, ensure sufficient distance between adjoining uses to minimize any incompatibility, and to promote excellence of development. Where a side or rear yard abuts residential property, a setback of at least ten feet shall be provided.
2. Front and exterior side yards shall not be used for required parking facilities.
3. For the visitor serving El Salto parcels located adjacent to the bluff top, new development shall adhere to the setback and development provision provided in the LCP natural hazards policies and in Chapter 17.68 (GH Geologic Hazards District).
4. To protect the waters and riparian habitat of Soquel Creek, new development on the Shadowbrook Restaurant and Rispin parcels shall adhere to the LCP natural systems policies and Chapter 17.64 (Environmentally Sensitive Habitat Areas).

C. Height Exceptions. With a recommendation from the planning commission, the city council may approve additional height up to a maximum of thirty-six feet in the -VS overlay zone outside of the MU-V zoning district when all of the following findings can be made:

1. The proposed development and design is compatible with existing land uses in surrounding areas, the general plan, and the LCP.

2. Streets and thoroughfares are suitable and adequate to serve the proposed development.
3. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings, or open space.
4. Major public views of the shoreline, as identified in Capitola's local coastal program, are not blocked by the proposed development.

D. Landscaping. See Table 17.72-2 in Chapter 17.72 (Landscaping) for minimum required landscaping requirements for visitor serving properties.

E. Lighting. In addition to outdoor lighting standards in Section 17.96.110 (Outdoor lighting), the following lighting requirements apply in the -VS overlay zone:

1. All exterior lighting shall be minimized, unobtrusive, down-directed and shielded using the best available dark skies technology, harmonious with the local area, and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled and that light spill, sky glow and glare impacts are minimized.
2. Lighting of natural areas (such as creeks, riparian areas, the beach, etc.) shall be prohibited past the minimum amount that might be necessary for public safety purposes, except when temporarily permitted in conjunction with a temporary event.
3. The location, type and wattage of exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use.

F. Coastal Development Permit. If a proposed development is located in the coastal zone, it may require a coastal development permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval). (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.30

VISITOR SERVING DISTRICT – MONARCH COVE INN

Sections:

- 17.30.010 Applicability.
- 17.30.020 Purpose.
- 17.30.030 Architectural and site approval.
- 17.30.040 Conditionally permitted uses – Monarch Cove Inn.
- 17.30.050 Accessory uses.
- 17.30.060 Height.
- 17.30.070 Lot area.
- 17.30.080 Lot coverage.
- 17.30.090 Yards.
- 17.30.100 Parking.
- 17.30.110 Loading areas.
- 17.30.120 Landscaping and lighting.

17.30.010 Applicability.

The regulations set forth in this chapter apply to the Monarch Cove Inn parcels. (Res. 4223, 2021)

17.30.020 Purpose.

The purpose of the V-S district is to accommodate the visiting public with a range of opportunities to enjoy the city of Capitola’s coastal location. (Res. 4223, 2021)

17.30.030 Architectural and site approval.

A design permit shall be secured for the establishment and conduct of any conditional or accessory use in a V-S district as provided in Chapter 17.120. (Res. 4223, 2021)

17.30.040 Conditionally permitted uses – Monarch Cove Inn.

The following are the conditionally permitted uses allowed on the Monarch Cove Inn parcels and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels:

- A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;
- B. Hotels, motels, hostels, inns; bed and breakfast lodging;
- C. Food service related to lodging;
- D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;
- E. Accessory structures and uses established prior to establishment of main use or structure;
- F. Habitat restoration; habitat interpretive facility;
- G. Live entertainment;
- H. Public paths;
- I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;
- J. Weddings;
- K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;

L. Other visitor serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;

M. Offices and limited retail use, accessory to visitor serving uses;

N. One caretaker unit for the purpose of providing on-site security;

O. Access roadway;

P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor serving use within the three parcels;

Q. Nonfamily residential use during the off-season months (November through April). (Res. 4223, 2021)

17.30.050 Accessory uses.

The following are accessory uses permitted in a V-S district:

A. Signs complying with the applicable regulations set forth in the sign ordinance;

B. Accessory uses and buildings customarily appurtenant to a permitted use. (Res. 4223, 2021)

17.30.060 Height.

No structures shall exceed thirty feet in height. Exceptions up to thirty-six feet in height may be granted subject to approval by the city council upon the recommendation of the planning commission when the following findings can be made:

A. The proposed development and design are compatible with existing land uses of surrounding areas and the general plan;

B. Streets and thoroughfares are suitable and adequate to serve the proposed development;

C. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings or open space;

D. Major public views are not blocked by the proposed development. (Res. 4223, 2021)

17.30.070 Lot area.

The minimum lot area required shall be five thousand square feet. (Res. 4223, 2021)

17.30.080 Lot coverage.

There shall be no specific maximum lot coverage set except as follows:

A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, notwithstanding that all parking may be provided within a structure(s);

B. Front yard and open space requirements shall be satisfied;

C. For the Monarch Cove Inn parcels, the allowable impervious site coverage (e.g., buildings, paving, decks, etc.) is fifty percent. (Res. 4223, 2021)

17.30.090 Yards.

A. Front, side and rear yard setbacks may be required through design permit approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development. Where a side or rear yard abuts residential property a setback of at least ten feet shall be provided.

B. Front yards and corner lot side yards shall not be used for required parking facilities.

C. For the Monarch Cove Inn parcels located adjacent to the bluff top, new development shall adhere to the setback and development provisions provided in the LUP's natural hazards policies and in certified zoning Chapter 17.68 (GH Geologic Hazards District). (Res. 4223, 2021)

17.30.100 Parking.

Parking standards shall be as provided in Chapter 17.76. (Res. 4223, 2021)

17.30.110 Loading areas.

Loading areas shall be as provided in Chapter 17.76. (Res. 4223, 2021)

17.30.120 Landscaping ~~and lighting.~~

See Section 17.72.050(C) for minimum required landscaped areas.

~~A minimum of five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. For the visitor serving Monarch Cove Inn parcels, fifty percent of the parcels shall consist of landscaped or open space areas. The planting of invasive plant species is prohibited.~~

17.30.130 Lighting

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use. (Res. 4223, 2021)

Chapter 17.30

VISITOR SERVING DISTRICT – MONARCH COVE INN

Sections:

~~17.30.010 – Applicability:~~

~~17.30.020 – Purpose:~~

~~17.30.030 – Architectural and site approval:~~

~~17.30.040 – Conditionally permitted uses – Monarch Cove Inn:~~

~~17.30.050 – Accessory uses:~~

~~17.30.060 – Height:~~

~~17.30.070 – Lot area:~~

~~17.30.080 – Lot coverage:~~

~~17.30.090 – Yards:~~

~~17.30.100 – Parking:~~

~~17.30.110 – Loading areas:~~

~~17.30.120 – Landscaping and lighting:~~

17.30.010 – Applicability:

~~The regulations set forth in this chapter apply to the Monarch Cove Inn parcels. (Res. 4223, 2021)~~

17.30.020 – Purpose:

~~The purpose of the V-S district is to accommodate the visiting public with a range of opportunities to enjoy the city of Capitola's coastal location. (Res. 4223, 2021)~~

17.30.030 – Architectural and site approval:

~~A design permit shall be secured for the establishment and conduct of any conditional or accessory use in a V-S district as provided in Chapter 17.120. (Res. 4223, 2021)~~

17.30.040 – Conditionally permitted uses – Monarch Cove Inn:

~~The following are the conditionally permitted uses allowed on the Monarch Cove Inn parcels and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels:~~

~~A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;~~

~~B. Hotels, motels, hostels, inns; bed and breakfast lodging;~~

~~C. Food service related to lodging;~~

~~D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;~~

~~E. Accessory structures and uses established prior to establishment of main use or structure;~~

~~F. Habitat restoration; habitat interpretive facility;~~

~~G. Live entertainment;~~

~~H. Public paths;~~

~~I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;~~

~~J. Weddings;~~

~~K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;~~

~~L. Other visitor serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;~~

~~M. Offices and limited retail use, accessory to visitor serving uses;~~

~~N. One caretaker unit for the purpose of providing on-site security;~~

~~O. Access roadway;~~

~~P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor serving use within the three parcels;~~

~~Q. Nonfamily residential use during the off-season months (November through April). (Res. 4223, 2021)~~

17.30.050 — Accessory uses.

The following are accessory uses permitted in a V-S district:

A. Signs complying with the applicable regulations set forth in the sign ordinance;

B. Accessory uses and buildings customarily appurtenant to a permitted use. (Res. 4223, 2021)

17.30.060 — Height.

No structures shall exceed thirty feet in height. Exceptions up to thirty six feet in height may be granted subject to approval by the city council upon the recommendation of the planning commission when the following findings can be made:

A. The proposed development and design are compatible with existing land uses of surrounding areas and the general plan;

B. Streets and thoroughfares are suitable and adequate to serve the proposed development;

C. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings or open space;

D. Major public views are not blocked by the proposed development. (Res. 4223, 2021)

17.30.070 — Lot area.

The minimum lot area required shall be five thousand square feet. (Res. 4223, 2021)

17.30.080 — Lot coverage.

There shall be no specific maximum lot coverage set except as follows:

A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, notwithstanding that all parking may be provided within a structure(s);

B. Front yard and open space requirements shall be satisfied;

C. For the Monarch Cove Inn parcels, the allowable impervious site coverage (e.g., buildings, paving, decks, etc.) is fifty percent. (Res. 4223, 2021)

17.30.090 — Yards.

A. Front, side and rear yard setbacks may be required through design permit approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development. Where a side or rear yard abuts residential property a setback of at least ten feet shall be provided;

B. Front yards and corner lot side yards shall not be used for required parking facilities;

~~C. For the Monarch Cove Inn parcels located adjacent to the bluff top, new development shall adhere to the setback and development provisions provided in the LUP's natural hazards policies and in certified zoning Chapter 17.68 (GH Geologic Hazards District). (Res. 4223, 2021)~~

~~**17.30.100 — Parking:**~~

~~Parking standards shall be as provided in Chapter 17.76. (Res. 4223, 2021)~~

~~**17.30.110 — Loading areas:**~~

~~Loading areas shall be as provided in Chapter 17.76. (Res. 4223, 2021)~~

~~**17.30.120 — Landscaping and lighting:**~~

~~A minimum of five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. For the visitor serving Monarch Cove Inn parcels, fifty percent of the parcels shall consist of landscaped or open space areas. The planting of invasive plant species is prohibited. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use. (Res. 4223, 2021)~~

Chapter 17.48

HEIGHT, SETBACKS, AND FLOOR AREA

Sections:

- 17.48.010 Purpose.
- 17.48.020 Height measurement and exceptions.
- 17.48.030 Setback measurement and exceptions.
- 17.48.040 Floor area and floor area ratio.

17.48.010 Purpose.

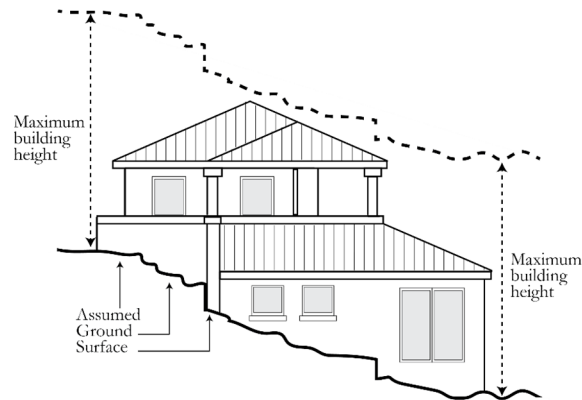
This chapter establishes rules for the measurement of height, setbacks, and floor area, and permitted exceptions to height and setback requirements.

17.48.020 Height measurement and exceptions.

A. Measurement of Height.

1. The height of a building is measured as the vertical distance from the assumed ground surface to the highest point of the building.
2. “Assumed ground surface” means a line on the exterior wall of a building that connects the points where the perimeter of the wall meets the finished grade. See Figure 17.48-1.
3. If grading or fill on a property within five years of an application increases the height of the assumed ground surface, height shall be measured using an estimation of the assumed ground surface as it existed prior to the grading or fill.

Figure 17.48-1: Measurement of Maximum Permitted Building Height



B. Height Exceptions. Buildings may exceed the maximum permitted height in the applicable zoning district as shown in Table 17.48-1. These exceptions may not be combined with any other height exceptions, including but not limited to allowances for additional height in the MU-V zone or for historic structures.

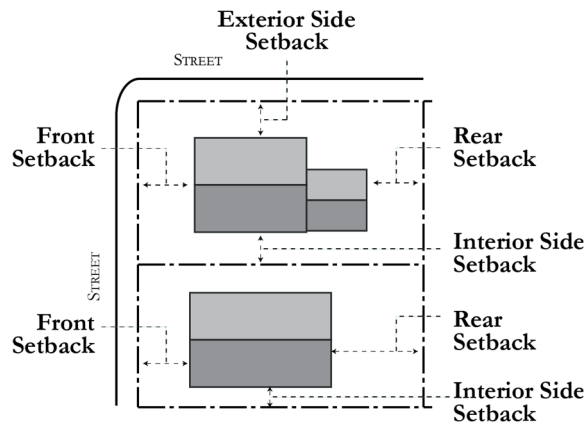
Table 17.48-1: Allowed Projections Above Height Limits

Structures Allowed Above Height Limit	Maximum Coverage	Maximum Projection Above Height Limit
Nonhabitable decorative features including spires, belfries, cupolas, domes and other similar architectural elements	10% of roof area	3 ft. in the R-1 zoning district; 6 ft. elsewhere
Skylights	20% of roof area	1 ft.
Chimneys not over 6 feet in width	10% of roof area	3 ft. in R-1 zoning district; 6 ft. elsewhere
Flagpoles not over 8 inches in diameter	N/A	3 ft. in R-1 zoning district; 6 ft. elsewhere
Photovoltaic panels and thermal recovery systems	No restriction; subject to California Building Code	4 ft.
Building-mounted telecommunications facilities	See Chapter 17.104	

17.48.030 Setback measurement and exceptions.

A. Setback Measurement. Setbacks from property lines shall be measured as the distance between the property line and the nearest point of the structure along a line at a right angle to the property line. See Figure 17.48-2. Required property line setback areas shall be free and clear of structures except as specified in subsections (D) and (E) of this section.

Figure 17.48-2: Setback Measurement



Note: See specific zoning district for required minimum setback.

B. Yards. When unique circumstances exist, the community development director has the authority to determine the lot configuration (i.e., designation of front, side, and rear property lines) based on existing conditions and function of the lot.

C. Projections over Property Lines. Structures may not extend beyond a property line or into the public right-of-way, except when allowed with an encroachment permit.

D. Projections into Required Setback. Features of the primary structure on a lot may project into required setback areas as shown in Table 17.48-2, subject to the requirements of the building code. See Chapter 17.52 (Accessory Structures and Uses) for setback requirements that apply to accessory structures. New projections into setbacks associated with ESHA are limited to the exceptions of Section 17.64.030(F) (Setback Exceptions on Developed Lots).

Table 17.48-2: Allowed Projections into Required Setbacks

	Maximum Projection into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
Roof Projections					
Cornices, eaves, canopies, and similar roof projections	4 ft.	4 ft.	2 ft.	2 ft.	All: 3 ft.
Building Wall Projections					
Bay windows, balconies , sills, fireplaces, chimneys, and similar wall projections [1]	2 ft.	2 ft.	2 ft.	2 ft.	All: 3 ft.
<u>Outdoor showers, including privacy screens</u>	<u>0 ft.</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>0 ft.</u>	<u>Interior Side and Rear: 3 ft.</u>
<u>Basement light wells</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>All: 3 ft.</u>
<u>Pergolas attached to a building wall</u>	<u>5 ft.</u>	<u>No max</u>	<u>No max</u>	<u>4 ft.</u>	<u>Front: 10 ft.</u> <u>Exterior Side and Rear: 5 ft.</u> <u>Interior Side: 3 ft.</u>
Entry Features					
Stairways and fire escapes or similar features	Not allowed	4 ft.	No max	Not allowed	Front: Not allowed Exterior Side: Not allowed Interior Side: 3 ft. Rear: 5 ft.
At-grade flatwork such as concrete paving and patios	No max	No max	No max	No max	All: No min
Landing places, patios, and decks 18 inches or less above grade	No max	No max	No max	No max	Front and Exterior Side: 5 ft. Interior Side and Rear: 3 ft.
Open and unenclosed entry porches and decks 19 to 30 inches above grade	4 ft.	6 ft.	1/2 of required setback	4 ft.	Front: 10 ft. Exterior Side and Rear: 5 ft. Interior Side: 3 ft.
Covered entry porch and decks 19 to 30 inches above grade including roof and roof overhang	5 ft.	Not applicable	Not applicable	4 ft.	Front: 10 ft. Exterior side: 5 ft. Interior Side and Rear: Not applicable
Wheelchair ramps and similar features for the disabled	No max	No max	No max	No max	All: No min

Note:

[1] Projecting bay window may not exceed sixty percent of the width of the wall in which it is located.

E. Allowed Encroachments in Setback Areas and yards. The following accessory structures and site improvements may project into required setback areas and yards as shown in Table 17.48-3, subject to the requirements of the building code. See Section 17.160.020.Y for definition of “yards” as used in this section. New encroachments into setbacks and yards associated with specific coastal resource issues (e.g., ESHA setbacks, coastal hazard setbacks, etc.) are limited to the exceptions of Section 17.64.030(F) (Setback Exceptions on Developed Lots).

Table 17.48-3: Allowed Encroachments into Required Setbacks

	Maximum Projection into Setback <u>and Yard</u>				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
Decorative Site Features					
Trellis structure up to 10 ft. in height open on all sides; Up to two arbors up to 10 ft. in height with a minimum of 2 open sides utilized over a walkway	No max	No max	No max	No max	All: No min
Trellis structure up to 10 ft. in height open on at least 3 sides, and the walls of the structure are at least 50 percent transparent	Not allowed	No max	No max	Not allowed	Rear and Interior Side: No min Front and Exterior Side: Not allowed
Planter boxes and masonry planters with a maximum height of 42 inches	No max	No max	No max	No max	All: No min
Decorative ornamental features up to a maximum height of 6 ft. which does not enclose the perimeter of the property	No max	No max	No max	No max	All: No min
Entertainment Features					
Hot tubs	Not allowed	No max	Not allowed	Not allowed	Rear: 2 ft. All Other: Not allowed
Pools	Not allowed	No max	Not allowed	Not allowed	Rear: 5 ft. All Other: Not allowed
Fire pits up to 30 inches in height	No max	No max	No max	No max	All: 5 ft.
Pergolas up to 10 ft. in height and open on all sides	Not allowed	No max	No max	Not allowed	Rear and Interior Side: 3 ft. Front and Exterior Side: Not allowed
Outdoor kitchens. The kitchen may include gas, electric and plumbing, except electric service may not be 220 volts and drain size may not exceed that allowed for a mini bar. Includes pizza ovens.	Not allowed	No max	Not allowed	Not allowed	Rear: 5 ft.
Other Structures and Equipment					
Children's play equipment, movable dog house, and similar movable objects	No max	No max	No max	No max	All: No min
Rain harvest tanks that do not exceed 8 ft. in height	Not allowed	No max	No max	No max	Front: Not allowed All Other: No min
Backup electricity generators	Not allowed	5 ft.	Not allowed	Not Allowed	Rear: No min
Screened mechanical equipment including hot water heaters and air conditioning units	Not allowed	No max	No max	Not allowed	Rear and Interior Side: 3 ft. Front and Exterior Side: Not allowed

F. Encroachments in the Public Right-of-Way.

1. A privately installed structure may encroach into the public right-of-way only when the encroachment is authorized by the public works director or planning commission as provided in Chapter 12.56 (Privately Installed Improvements on Public Property or Easements).
2. In the coastal zone, a privately installed structure encroaching into the public right-of-way may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval), with the additional findings that the encroachment does not restrict lateral and vertical public coastal access, does not obstruct public coastal views, and does not impact ESHA, as identified in the local coastal program. To the extent the encroachment is allowed, all encroachments shall be revocable.

G. Building Separation. Separation between two or more buildings shall be as required by the California Building Code. This requirement applies to buildings on a single lot and buildings on adjacent lots.

H. Basements. Basements are subject to the same property line setback requirements as the ground floor.

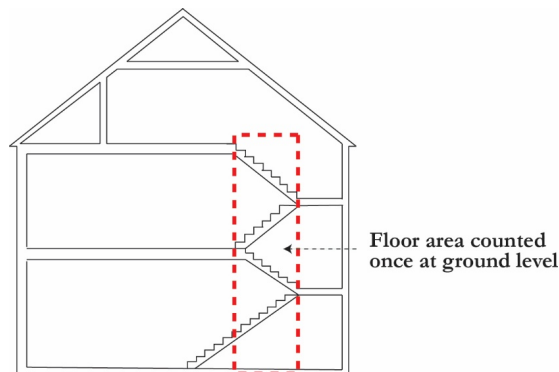
17.48.040 Floor area and floor area ratio.

A. Floor Area Defined. "Floor area" means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls.

B. Floor Area Calculation.

1. Floor area includes all interior area below a roof and within:
 - a. The outer surface of the exterior walls; or
 - b. The centerlines of party walls separating buildings or portions thereof; or
 - c. All area within the roof line of a carport.
2. Floor area includes the entire area in all enclosed structures without deduction for features such as interior walls or storage areas.
3. In the case of a multistory building with covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features is counted only once at the floor level of their greatest area of horizontal extent. See Figure 17.48-3.

Figure 17.48-3: FAR Measurement for Stairways



4. Interior area of a building with a floor-to-ceiling height of greater than sixteen feet is counted twice in the floor area calculation.
5. The following features are included in the floor area calculation:
 - a. All upper-floor area greater than four feet in height, measured between the bottom of the upper floor and the top of the ceiling.
 - b. All accessory structures other than a single building one hundred twenty square feet or less, ten feet or less in height, and without plumbing fixtures.
 - c. Carports.
 - d. Upper floor decks in excess of 150 square feet.
6. For all uses, the following features are excluded from the floor area calculation:

- a. Covered or uncovered first-story decks and patios.
- b. TrellisesPergolas, porte-cocheres not more than ten feet in height, and similar outdoor space which is open on at least three sides, not including carports.
- c. Upper floor decks 150 square feet or less.
- d. Bay windows, chimneys, and other similar wall projections.
- e. Up to two hundred fifty square feet of an enclosed garage on a lot two thousand five hundred eighty-six square feet or less.
- f. On a lot between two thousand five hundred eighty-six and three thousand eighteen square feet with an enclosed garage, up to the difference between the maximum allowed floor area and one thousand seven hundred fifty square feet.
- g. Underground parking garages not visible from a public street.
- h. Basements when all walls are below grade and not visible. Basements are included in calculations of required on-site parking to serve the use.

7. For nonresidential uses, the following features are excluded from the floor area calculation:

- a. Outdoor improvements such as patios, decks, courtyards, outdoor dining areas, and other areas used by customers and employees. These features are included in calculations of required on-site parking to serve the use.
- b. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.
- c. Quasi-public seating areas located in a privately owned shopping center which are open to all of the patrons of all of the businesses of the shopping center and which consist of a seating area or similar area where there are tables, chairs, benches or landscaping or other similar amenities.

C. Floor Area Ratio.

- 1. Floor area ratio (FAR) is calculated by dividing the total floor area of all buildings on a site as defined in subsection B of this section (Floor Area Calculation) by the net parcel area.
- 2. Net parcel area excludes: (a) any recorded easements to allow others to use the surface of the property for access to an adjacent property or other similar use, and (b) any area under the high water mark that extends into a waterway.

Chapter 17.52
ACCESSORY STRUCTURES AND USES

Sections:

- 17.52.010 Purpose and applicability.
- 17.52.020 Accessory structures.
- 17.52.030 Accessory uses.

17.52.010 Purpose and applicability.

This chapter establishes requirements for accessory structures and uses in residential and nonresidential zoning districts. These requirements do not apply to accessory dwelling units, including two-story accessory dwelling units above a detached garage, which are addressed in Chapter 17.74 (Accessory Dwelling Units). (Ord. 1043 § 2 (Att. 2), 2020)

17.52.020 Accessory structures.

A. All Accessory Structures. The following requirements apply to accessory structures in all zoning districts:

1. Accessory structures shall be clearly incidental and subordinate to the primary structure on the same lot.
2. Accessory structures may not be located on a separate lot from the primary use to which it is incidental and subordinate.
3. A minor design permit is required for garages, sheds and other enclosed buildings with one or more of the following characteristics: an enclosed area of over one hundred twenty square feet, a height of over ten feet, or plumbing fixtures per Section 17.120.030(A).
4. Accessory structures attached to a primary structure are considered a part of the primary structure and shall comply with all standards applicable to the primary structure.
5. Accessory structures may not be designed or used as a bedroom, sleeping area, and/or kitchen, except for accessory dwelling units consistent with Chapter 17.74 (Accessory Dwelling Units) and outdoor kitchens.
6. In the coastal zone, accessory structures shall be sited and designed so that they do not extend into setbacks associated with coastal resource issues (e.g., ESHA setbacks and coastal hazard setbacks). A proposed accessory structure that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for approval).

B. Accessory Structures in Residential Zoning Districts.

1. Development Standards. Accessory structures in residential zoning districts shall comply with the development standards in Table 17.52-1 and in Figure 17.52-1.

Table 17.52-1: Accessory Structure Standards in Residential Zoning Districts

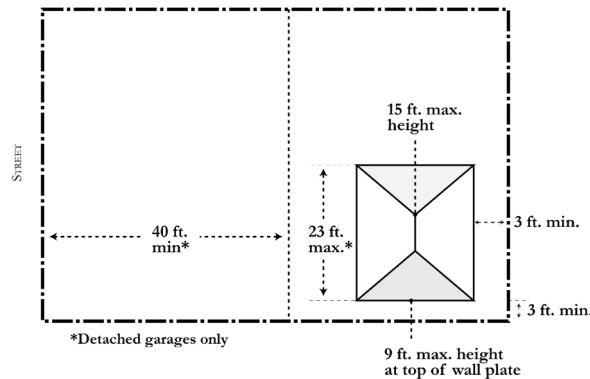
	Single-Family Residential Zoning Districts	Multifamily Residential Zoning Districts	Additional Standards
Height, Maximum			
Structure	15 ft. [1]	15 ft.	Section 17.52.020(B)(2)
Top of Wall Plate	9 ft.	9 ft.	
Width, Maximum	23 ft. for detached garages; None for other accessory structures	None	

	Single-Family Residential Zoning Districts	Multifamily Residential Zoning Districts	Additional Standards
Setbacks, Minimum			Section 17.52.020(B)(3)
Front	40 ft. for detached garages; Same as primary structure for other accessory structures	Same as primary structure	
Interior Side	3 ft.	3 ft.	
Street Side	Same as primary structure	3 ft.	
Rear	3 ft.	3 ft.	

Note:

[1] Accessory structures less than eight feet from a rear or interior side property line may not exceed twelve feet in height.

Figure 17.52-1: Detached Garage Standards in Residential Zoning Districts



2. Height Exception. The planning commission may approve an exception to allow additional height of an accessory structure if necessary to match the architectural style of the existing primary structure.

3. Setback Exceptions. One accessory structure permanently attached to the ground is allowed in required side and rear setback areas if the structure is less than ten feet in height, has one hundred twenty square feet or less of enclosed area, and has no plumbing. One additional accessory structure is allowed in required side and rear setback areas with an administrative permit.

4. Driveway Standards. The placement of detached garages shall allow for the design and location of driveways consistent with Chapter 17.76 (Parking and Loading).

5. Nonconforming Garages. An existing detached garage in a residential single-family zoning district that does not comply with development standards in Table 17.52-1 is legal nonconforming and may be repaired, renovated, or replaced; provided, that the nonconformity is not increased or exacerbated.

6. Yards. An accessory structure may not be located within a front or exterior side yard except as specified in 17.48.030.E (Allowed Encroachment in Setback Areas and Yards).

C. Accessory Structures in Nonresidential Zones. Accessory structures in nonresidential zoning districts are subject to the same development standards (e.g., height and setbacks) as primary structures in the applicable zoning district. Accessory structures should be located to the side or rear of buildings and screened from public view. (Ord. 1043 § 2 (Att. 2), 2020)

17.52.030 Accessory uses.

A. Residential Accessory Uses. The following requirements apply to accessory uses in residential zoning districts:

1. Accessory uses shall be located on the same parcel as a residence and shall be clearly incidental and subordinate to the residence.
2. Accessory uses shall not change the character of the residential use. Examples of permitted accessory uses include home occupations and personal property sales (i.e., garage or yard sales).

B. Nonresidential Accessory Uses. The following requirements apply to accessory uses in nonresidential zoning districts:

1. Accessory uses shall be a part of and clearly incidental and subordinate to the primary use to which it relates.
2. Accessory uses shall be located on the same parcel as the primary use to which it is incidental and subordinate, within the structure.
3. Accessory uses shall be customarily associated with the primary use to which it is incidental and subordinate. Examples of common nonresidential accessory uses include ATMs, vending machines, newsstands, and personal service establishments (e.g., child day care, food services) intended to serve employees or customers and that are not visible from public streets.
4. All exterior vending machines require a conditional use permit.
5. Accessory uses may not necessitate an increase in required number of parking spaces. (Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.72
LANDSCAPING

Sections:

- 17.72.010 Purpose.
- 17.72.020 Applicability.
- 17.72.030 Water efficient landscape design and installation ordinance.
- 17.72.040 Landscape plans.
- 17.72.050 Required landscape areas.
- 17.72.060 Landscape standards.
- 17.72.070 Landscape maintenance.

17.72.010 Purpose.

This chapter establishes landscaping standards to enhance the aesthetic appearance of developed areas in Capitola and to promote the efficient use of water resources.

17.72.020 Applicability.

A. Multifamily and Nonresidential Projects. The following multifamily and nonresidential projects shall comply with all requirements of this chapter:

1. Construction of new structures.
2. Additions that increase the floor area of a multifamily or nonresidential structure by three thousand square feet or more.

B. Single-Family Residential Projects.

1. New single-family homes shall comply with all requirements of this chapter.
2. If existing landscaping is disturbed or new landscaping is added as part of a remodel or addition to an existing single-family home that requires a design permit, the new landscaping shall comply with the standards in Section 17.72.060 (Landscape standards). The city will evaluate compliance with these standards based on the plans and materials submitted as part of the design permit application. Submittal of a landscape plan for the entire site in accordance with Section 17.72.040 (Landscape plans) is not required.

C. Coastal Development Permit. A proposed development that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).

17.72.030 Water efficient landscape design and installation ordinance.

In addition to the requirements of this chapter, all applicable development in Capitola shall also comply with the applicable water provider's (i.e., the city of Santa Cruz water department or Soquel Creek Water District) landscape water use efficiency ordinance. If conflicts occur between the applicable water provider's landscape water use efficiency ordinance and the zoning code, the more restrictive policy to conserve water shall control.

17.72.040 Landscape plans.

A. Landscape Plan Required. Projects subject to the requirements of this chapter shall submit a landscape plan as part of planning permit applications (e.g., design permit/coastal development permit applications) and subsequent building permit applications.

B. Required Contents. Landscape plans shall include the following features and information:

1. Site boundaries.
2. Existing conditions on the property, including contours and existing structures.

3. Structures immediately adjacent to the property.
4. New structures and improvements proposed as part of the development project.
5. Existing landscaping, trees, and vegetation to be retained specifying plant location, species, and size. Details of all existing trees shall also include tree diameter measured forty-eight inches above existing grade and outer limit of tree canopy and a label identifying if the tree will remain or be removed.
6. New landscaping proposed as part of the development project specifying plant location, species, and size.
7. Irrigation plan specifying the location, type, and size of all components of the irrigation system.
8. Proposed grading.
9. Additional information as determined by the community development department to demonstrate compliance with the requirements of this chapter.

C. Review and Approval. The community development department shall review all landscape plans to verify compliance with this chapter. Landscape plans shall be approved by the review authority responsible for approving the planning permits required for the proposed project.

D. Changes to Approved Landscape Plans.

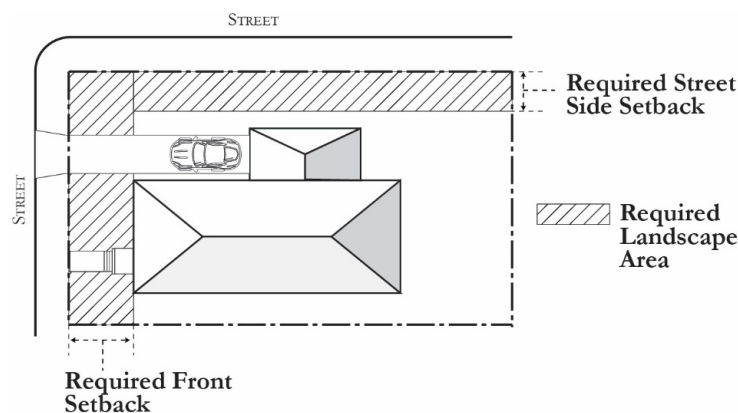
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.
2. The community development director may approve minor modifications to a landscape plan previously approved by the planning commission. Minor modifications are defined as changes to a landscape plan that do not alter the general design character of the landscaped area or alter a feature of the landscaped area specifically required by the planning commission.

17.72.050 Required landscape areas.

A. Residential Zoning Districts.

1. All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained. See Figure 17.72-1.
2. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass with related natural features, such as rock, stone, or mulch; and may include patios, courtyards, and outdoor dining areas. Artificial grass may be used within required landscaping areas. Decorative hardscape featuring pervious materials is permitted within required landscaping areas when combined with natural vegetation.

Figure 17.72-1: Required Landscape Area in R-1 Zoning District



B. Nonresidential Zoning Districts.

1. Except in the I zoning district, all required front and street side setback areas shall be landscaped, excluding areas required for access to the property and public or quasi-public open space such as courtyards and outdoor seating.
2. The minimum landscaped area on a site is shown in Table 17.72-1.
3. In the MU-V and MU-N zoning districts, up to seventy-five percent of the minimum landscaped area may be occupied by outdoor dining areas, courtyards, and other similar quasi-public areas with planning commission approval. Hardscape areas counting towards landscaping requirements must contain aboveground planters and other similar features that incorporate greenery and plantings into the space design. In all other zoning districts these areas may not count toward landscaping requirements.

Table 17.72-1: Minimum Landscaped Area in Nonresidential Zoning Districts

Zoning Districts	Minimum Landscaped Area
MU-V, MU-N, C-R, C-C, CF, I	5%
P/OS, PD, -VS	As determined by the permit approval process

C. Visitor Serving Properties. Minimum required landscaping for ~~certain~~ visitor serving properties are shown in Table 17.72-2. Minimum landscaping requirements are intended to ensure harmony with adjacent development in accordance with architectural and site approval standards.

Table 17.72-2: Minimum Landscaped Area for Visitor Serving Properties

Property	Minimum Landscaped Area
Rispin site	75% as either landscaped areas in developed areas of the site, or unlandscaped natural areas in areas subject to conservation easements
Shadowbrook restaurant parcel and visitor serving El Salto and Monarch Cove parcels	50% landscaped area or undeveloped open space
<u>All other visitor serving properties</u>	<u>5%</u>

17.72.055 Parking Lot Landscaping

A. General Standards. All landscaping within parking lots shall comply with the requirements of Chapter 17.72 (Landscaping) in addition to the standards within this section.

B. Landscaping Defined. Except as otherwise specified in this section, parking lot landscaping and landscaped areas shall consist of plant materials, including any combination of trees, shrubs, and ground cover.

C. Interior Landscaping. All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than fifteen spaces, the minimum amount of interior landscaping is specified in Table 17.76-5. "Interior landscaping" is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

Table 17.76-5: Minimum Required Parking Lot Landscaping

<u>Number of Required Parking Spaces</u>	<u>Percent of Surface Parking Area to Be Landscaped</u>
<u>16 to 30</u>	<u>10%</u>
<u>31 to 60</u>	<u>15%</u>
<u>Over 60</u>	<u>20%</u>

D. Shade Trees.

1. One shade tree shall be provided for every five parking spaces in a parking lot.
2. Shade trees shall be a minimum twenty-four-inch box in size and shall provide a minimum thirty-foot canopy at maturity.
3. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city-recommended list of canopy tree species.
4. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21st. The arrangement should approximate nearly fifty percent shade coverage.
5. The planning commission may grant an exception to the required tree plantings if the fifty percent shade coverage exists within the parking lot.

E. Concrete Curbs.

1. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of four inches high by four inches deep.
2. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory storm water drainage standards.

F. Parking Space Landscaping. A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.

G. Timing. Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.

H. Green Parking Exemptions. Parking lots that incorporate solar panels, bioswales, and other similar green features into the parking lot design are eligible for reduced parking lot landscaping requirements with planning commission approval of a design permit.

I. Exceptions. The planning commission may grant an exception to the parking lot landscaping requirements in this section with the approval of a design permit upon finding that:

1. Full compliance with the requirement is infeasible or undesirable;
2. The project complies with the requirement to the greatest extent possible; and
3. The project incorporates other features to compensate for the exception and create a high-quality design environment.

17.72.060 Landscape standards.

A. General Standards. The following standards apply pursuant to Section 17.72.020 within all zoning districts:

1. Plant Selection. A minimum of ninety percent of plants and trees shall be drought-tolerant as defined by the

Water Use Classification of Landscape Species (WUCOLS). Native plants adapted to the local climate are preferred.

2. Plant Selection Along Blufftop, Beach, or ESHA. Native plants adapted to the local climate shall be required within fifty feet of the blufftop edge, the beach, or ESHA. See Chapter 17.64 (Environmentally Sensitive Habitat Areas) for habitat requirements.

3. Storm Water Management. The landscape plan shall incorporate storm water management controls in compliance with the Regional State Water Resources Control Board.

4. Turf Lawns.

a. Turf areas shall be limited to twenty-five percent of the landscaped area. The planning commission may approve larger areas if the lawn area provides functional open space.

b. Drought-tolerant grass species shall be used exclusively.

c. Turf shall not be used on berms, slopes, or median islands where runoff is a problem.

5. Slopes. Turf and high water use plants shall not be planted on berms and slopes greater than twenty-five percent.

6. Plant Groupings. Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).

7. Water Features. Decorative water features (e.g., fountains, ponds, waterfalls) must be approved by the planning commission and shall have recirculating water systems. Automatic fill valves are not recommended for use within water features.

8. Watering Times. Watering shall be limited to between eight p.m. and ten a.m.

9. Public Safety. Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation or safety and do not conflict with overhead lights, or utility lines.

B. Irrigation and Water Efficiency. Irrigation systems shall be designed to avoid runoff, low head drainage, overspray, and other similar conditions where water flows outside of landscaped areas. Irrigation systems shall feature the following equipment:

1. Irrigation systems shall meet a minimum irrigation efficiency standard of the applicable water provider.

2. Separate landscape water meters for landscape areas exceeding ten thousand square feet for single-family residential uses and five thousand square feet for all other uses.

3. Irrigation controllers capable of percent adjustment, multiple programming, and rain sensor.

4. Overhead sprays shall have a precipitation rate of no more than three-quarters of an inch per hour.

5. Separate valves and circuits based on water use and sun exposure. Separate valves for turf and nonturf and berm areas are required.

6. Sprinkler heads and emitters selected for proper area coverage, application rate, operation pressure, adjustment capability, and ease of maintenance.

7. Rain-sensing override devices are required for all irrigation systems.

8. Drip or bubble irrigation is required for all trees. Bubblers should not exceed a flow rate of one and one-half gallons per minute.

9. State-approved backflow prevention devices shall be installed on all irrigation systems.

C. Timing of Installation. Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy.

17.72.070 Landscape maintenance.

The following landscape maintenance requirements apply to multifamily and nonresidential properties:

A. General. Landscape areas shall be maintained in a neat and healthful condition at all times.

B. Mulch. Mulch shall be periodically added to the soil surface in all landscape areas.

C. Replacement of Dead or Dying Plants. Plants that are dead or severely damaged or diseased shall be replaced by the property owner.

D. Removal of Landscaping. Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed. Trees may only be removed and/or replaced in accordance with the city's tree ordinance, Chapter 12.12.

E. Irrigation Systems. Irrigation systems shall be maintained in a fully functional manner as approved by the city and required by this chapter. Watering schedules should be adjusted periodically to reflect seasonal variations.

Chapter 17.74

ACCESSORY DWELLING UNITS

Sections:

- 17.74.010 Purpose.
- 17.74.020 Definitions.
- 17.74.030 Permitting process.
- 17.74.040 General requirements.
- 17.74.050 Units subject to limited standards.
- 17.74.060 Units subject to full review standards.
- 17.74.070 Units requiring a design permit.
- 17.74.080 Development standards.
- 17.74.090 Objective design standards.
- 17.74.100 Deviation from standards.
- 17.74.110 Findings.
- 17.74.120 Deed restrictions.
- 17.74.130 Incentives.

17.74.010 Purpose.

A. This chapter establishes standards for the location and construction of accessory dwelling units (ADUs) consistent with Government Code Sections 65852.2 through 65852.22. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

B. It is the City's intent for the chapter to be consistent with state law as it is amendment from time to time. In case of conflict between this chapter and state law, state law governs unless local variation is permitted.

17.74.020 Definitions.

Terms used in this chapter are defined as follows:

A. "Accessory dwelling unit" means a self-contained living unit located on the same parcel as a primary dwelling unit.

B. "Attached accessory dwelling unit" means an accessory dwelling unit that:

1. Shares at least one common wall with the primary dwelling unit; and
2. Is not fully contained within the existing space of the primary dwelling unit.

C. "Detached accessory dwelling unit" means an accessory dwelling unit that does not share a common wall with the primary dwelling unit and is not an internal accessory dwelling unit.

D. "Internal accessory dwelling unit" means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.

E. "Junior accessory dwelling unit" means an accessory dwelling unit no more than five hundred square feet in size and contained entirely within a single-family residence. For purposes of this definition, attached garages and other enclosed uses within the residence are considered a part of a single-family residence.

F. "Two-story attached accessory dwelling unit" means an attached accessory dwelling unit that is configured as either:

1. Two stories of living space attached to an existing primary dwelling unit; or
2. Second-story living space above a ground-floor garage or living space in an existing primary dwelling unit.

G. “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either:

1. Two stories of living space in a single accessory dwelling unit; or
2. Second-story living space above a ground-floor garage or other accessory structure.

17.74.030 Permitting process.

A. When Consistent with Standards.

1. Except when a design permit is specifically required by this chapter, an accessory dwelling unit that complies with all standards in this chapter shall be approved ministerially with an administrative permit. No discretionary review or public hearing is required. A building permit application may be submitted concurrently with the administrative permit application.

2. If an existing single-family or multifamily dwelling exists on the parcel upon which an accessory dwelling unit is proposed, the City shall either approve or deny ~~act on~~ an application to create an accessory dwelling unit within sixty days from the date the city receives a completed application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay.

3. If the city denies an application for an accessory dwelling unit, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

~~a. The city has acted on the application if it:~~

~~i. Approves or denies the building permit for the accessory dwelling unit;~~

~~ii. Informs the applicant in writing that changes to the proposed project are necessary to comply with this chapter; or~~

~~iii. Determines that the accessory dwelling unit does not qualify for ministerial approval.~~

4b. If the accessory dwelling unit application is submitted with a permit application to create a new single-family or multifamily dwelling on the parcel, the city may delay ~~acting approving or denying on~~ the accessory dwelling unit application until the city ~~acts on~~ approves or denies the permit application for the new single-family dwelling. The accessory dwelling unit shall be considered without discretionary review or hearing.

5. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

B. Two-Story Units. A two-story accessory dwelling unit (attached or detached) greater than sixteen feet in height requires planning commission approval of a design permit. To approve the design permit, the planning commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) unless the planning commission allows a deviation through the design permit process.

C. When Deviating from Standards. An accessory unit that deviates from any standard in Section 17.74.080 (Development standards) or 17.74.090 (Objective design standards) may be allowed with planning commission approval of a design permit. See Section 17.74.100 (Deviation from standards).

D. When Dependent on Separate Construction. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory dwelling unit (“separate construction”) and is not proposed as part of a permit application to create a new single-family dwelling on the parcel, the city shall either:

1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or
2. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures as the separate construction.

E. Within Coastal Zone.

1. A proposed accessory dwelling unit that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).
2. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that a public hearing for a CDP application for an accessory dwelling unit shall not be required.

F. Historic Resources.

1. If a design permit is required for an accessory dwelling unit on a property with a historic resource, the proposed project is subject to the requirements in Chapter 17.84 (Historic Preservation). Third-party review of the proposed project may be required as provided in Chapter 17.84.
2. Compliance with Chapter 17.84 is not required for accessory dwelling units approved ministerially with an administrative permit.

G. Correction of Violations The City shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

H. Unpermitted Accessory Dwelling Units.

1. Except as provided in Paragraph 2 below, the City shall not deny a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018 due to either of the following:

(a) The accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(b) The accessory dwelling unit does not comply with Government Section 65852.2 or this chapter.

2. The City may deny a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018 if the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

3. This subsection shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

17.74.040 General requirements.

The following requirements apply to all accessory dwelling units:

A. Where Allowed. An accessory dwelling unit is permitted:

1. In any zoning district where single-family or multifamily dwellings are a permitted use; and
2. On any parcel with an existing or proposed single-family or multifamily dwelling.

B. Maximum Number per Parcel. Not more than one accessory dwelling unit is allowed per parcel except as allowed by Sections 17.74.050(B) (One-Story Detached Accessory Dwelling Units Eight Hundred Square Feet or Less), 17.74.050(C) (Nonlivable Multifamily Space), and 17.74.050(D) (Detached Accessory Dwelling Units on Multifamily Parcels).

C. Residential Mixed Use. If one dwelling unit is on a parcel with a nonresidential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more dwelling units are on a parcel with a nonresidential use, the dwelling units are considered a multifamily dwelling.

D. Utility Connections. Utility connection requirements shall be subject to state law and the serving utility district. Establishing an accessory dwelling unit in conformance with this chapter does not require placing existing overhead utility lines underground.

E. Fire Sprinklers. The city shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence under the current fire code. Establishing an accessory dwelling unit does not require installing fire sprinklers in the existing primary dwelling.

F. Vacation Rentals Prohibited. Accessory dwelling units may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).

G. Separate Sale from Primary Dwelling. An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling.

H. Guaranteed Allowance. Maximum building coverage, floor area ratio, and private open space standards in Section 17.74.080 (Development standards) shall not prohibit an accessory dwelling unit with up to eight hundred square feet of floor area, up to sixteen feet in height, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards. The guaranteed allowance of eight hundred square feet of floor area is in addition to the maximum floor area of a property.

I. Converting and Replacing Existing Structures.

1. An internal accessory dwelling unit may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.
2. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.
3. If any portion of an existing structure crosses a property line, the structure may not be converted to or replaced with an accessory dwelling unit. For an existing structure within four feet of a property line, the applicant must submit a survey demonstrating that the structure does not cross the property line.

J. Manufactured Homes and Mobile Units.

1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant to California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:

- a. Provide a minimum of three hundred twenty square feet of floor area;
- b. Be built on a permanent chassis;
- c. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and
- d. Include the plumbing, heating, air conditioning, and electrical systems contained within the home.

2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are

prohibited as accessory dwelling units.

3. A prefabricated or modular home is allowed as an accessory dwelling unit.

K. Junior Accessory Dwelling Units.

1. General. Junior accessory dwelling units shall comply with all standards in this chapter unless otherwise indicated.

2. Occupancy. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property.

3. Sanitation Facilities.

a. -A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the primary dwelling.

b. If a junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

4. Kitchen. A junior accessory dwelling unit must include, at a minimum:

a. A cooking facility with appliances; and

b. At least three linear feet of food preparation counter space and three linear feet of cabinet space.

L. Multifamily Homeowners Associations. If a multifamily dwelling is located in a development with a homeowners' association (HOA), an application for an accessory dwelling unit must:

1. Be signed by an authorized officer of the HOA; and

2. Include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required.

17.74.050 Units subject to limited standards.

The city shall ministerially approve an application for a building permit within a residential or mixed use zoning district to create the following types of accessory dwelling units. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) do not apply to these types of accessory dwelling units.

A. Internal Accessory Dwelling Units. One internal accessory dwelling unit or junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:

1. The internal accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the second story of ~~the-an~~ existing accessory structure shall be limited to accommodating ingress and egress.

2. The unit has exterior access from the proposed or existing single-family dwelling.

3. The side and rear setbacks are sufficient for fire and safety.

4. The junior accessory dwelling unit complies with Government Code Section 65852.22.

B. One-Story Detached Accessory Dwelling Units Eight Hundred Square Feet or Less. One detached ~~new~~

~~construction~~, accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection A of this section (Internal Accessory Dwelling Units). The accessory dwelling unit must comply with the following:

1. Minimum rear and side setbacks: four feet.
2. Maximum floor area: eight hundred square feet.
3. Maximum height: sixteen feet.

C. Nonlivable Multifamily Space. One or more internal accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:

1. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to a maximum of twenty-five percent of the existing multifamily dwelling units; and
2. Each unit shall comply with state building standards for dwellings.

D. Detached Accessory Dwelling Units on Multifamily Parcels.

1. -Not more than two detached accessory dwelling units that are located on a parcel that has an existing or proposed multifamily dwelling, subject to the following:

- a1. Maximum height: ~~sixteen~~ eighteen feet.
- b2. Minimum rear and side setbacks: four feet.

2. If the existing multifamily dwelling has a rear or side setback of less than four feet, the City shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this paragraph.

17.74.060 Units subject to full review standards.

The city shall ministerially approve an application for a building permit to create the following types of accessory dwelling units:

- A. One-Story Attached Accessory Dwelling Units. A one-story attached accessory dwelling unit in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).
- B. One-Story Detached Accessory Dwelling Units Between Eight Hundred and One Thousand Two Hundred Square Feet. A one-story detached accessory dwelling unit with a floor area between eight hundred and one thousand two hundred square feet in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

17.74.070 Units requiring a design permit.

The following types of accessory dwelling units require planning commission approval of a design permit:

- A. Two-Story Accessory Dwelling Units. A two-story attached or detached accessory dwelling unit greater than sixteen feet in height in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).
- B. Accessory Dwelling Units Deviating from Standards. Any accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

17.74.080 Development standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. General. Table 17.74-1 shows development standards that apply to accessory dwelling units.

Table 17.74-1: Development Standards

ADU Type/Location	Standard
Unit Size, Maximum	
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	No maximum
Junior ADU	500 sq. ft.
Floor Area Ratio, Maximum [1]	As required by zoning district [2]
Setbacks, Minimum [3,4]	
Front	Same as primary dwelling [5]
Interior Side, 1st and 2nd Story	4 ft.
Exterior Side, 1st and 2nd Story	4 ft.
Rear, 1st and 2nd Story	4 ft.
Building Coverage, Maximum	
R-M zoning district	40% [2]
All other zoning districts	No maximum
Height, Maximum [3]	
Attached ADU	25 ft. Height of primary residence or maximum permitted in zoning district, whichever is less
One-story Detached ADU, one-story on lot with existing or proposed single-family dwelling	16 ft.
One-story detached ADU on lot with existing or proposed multi-family and multi-story dwelling	18 ft.
Detached ADU, two-story [6]	22 ft.
Private Open Space, Minimum [7]	48 sq. ft. [2]

Notes:

[1] Calculated as the total floor area ratio on the site, including both the primary dwelling and accessory dwelling unit. An applicant may request simultaneous approval of a new internal accessory dwelling unit and an addition to the primary residence as part of a single application.

[2] Standard may not prohibit an accessory dwelling unit with at least eight hundred square feet of floor area. See Section 17.74.040(H) (Guaranteed Allowance).

[3] Setback and height standards apply only to attached and detached accessory dwelling units. Standards do not apply to internal or junior accessory dwelling units.

[4] See also Section 17.74.040(I) (Converting and Replacing Existing Structures) for setback exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure.

[5] See also subsection B of this section (Front Setbacks).

[6] A two-story detached accessory dwelling unit greater than sixteen feet in height requires a design permit.

[7] Private open space may include screened terraces, decks, balconies, and other similar areas.

B. Front Setbacks.

1. Any increased front setback requirement that applies to a garage associated with a primary dwelling unit also applies to a garage that serves an accessory dwelling unit.

2. In the R-1 zoning district, front setback exceptions in Riverview Terrace and on Wharf Road as allowed in Section 17.16.030(B) apply to accessory dwelling units.
3. In the mixed use zoning districts, minimum front setbacks in Chapter 17.20 (Mixed Use Zoning Districts) apply to accessory dwelling units. Maximum setbacks or build-to requirements do not apply.

C. Parking.

1. All Areas. The following parking provisions apply to accessory dwelling units in all areas in Capitola:

- a. Required Parking in Addition to Primary Residence. Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary residence.

- b. Tandem Spaces. Required off-street parking may be provided as tandem parking on an existing driveway.

- c. Within Setback Areas.

- i. Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.

- ii. A parking space in a required front setback area shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement. The paving strips shall be no wider than two and one-half feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.

- d. Alley-Accessed Parking. Parking accessed from an alley shall maintain a twenty-four-foot back-out area, which may include the alley.

2. Outside of Coastal Zone and in Cliffwood Heights. The following parking provisions apply only to accessory dwelling units outside of the coastal zone and in the Cliffwood Heights neighborhood as shown in Figure 17.74-1.

- a. No additional parking is required for an internal or junior accessory dwelling unit. The floor area of an internal or junior accessory dwelling unit shall not be included in the parking calculation for the primary residence.

- b. One off-street parking space is required for an attached or detached accessory dwelling unit, except as provided in subsection (C)(2)(c) of this section.

- c. No off-street parking is required for an accessory dwelling unit in the following cases:

- i. The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 65852.2(j)(10).

- ii. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the city council.

- iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

- iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

- v. When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

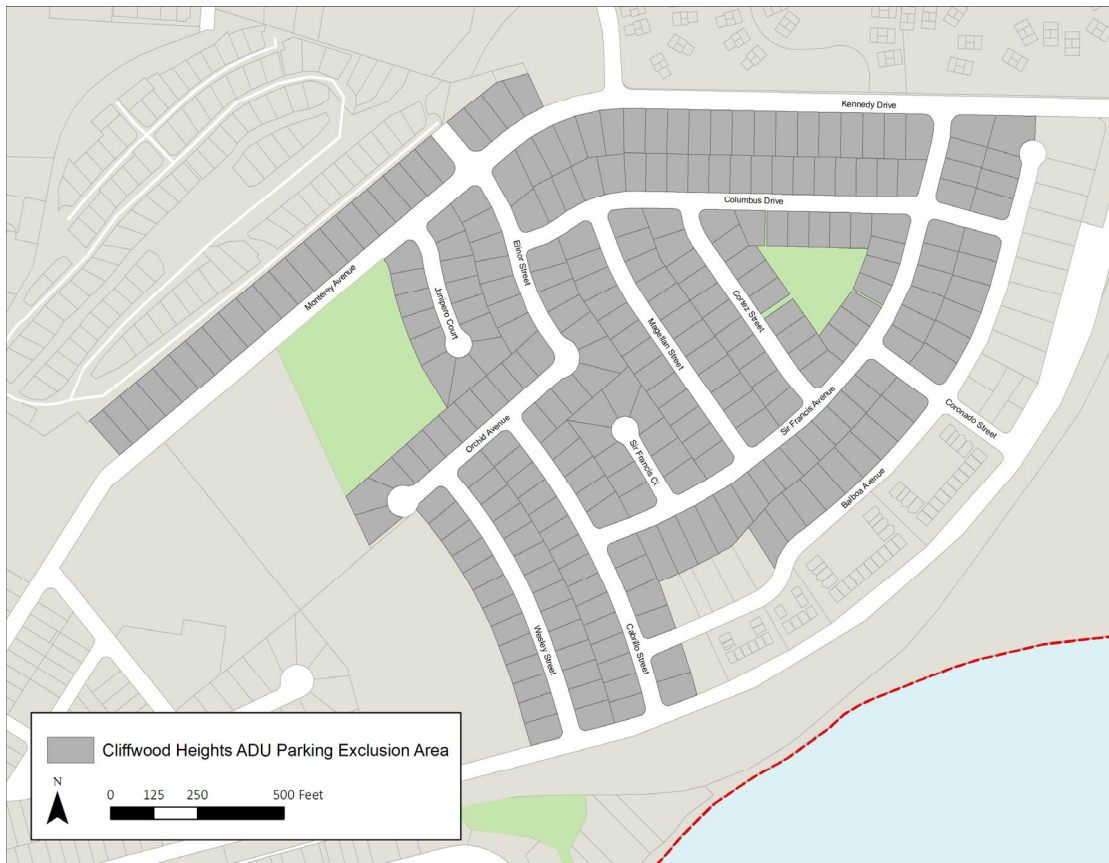
- d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction

of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.

3. Within Coastal Zone and Outside Cliffwood Heights. The following parking provisions apply only to accessory dwelling units in the coastal zone and outside of the Cliffwood Heights neighborhood as shown in Figure 17.74-1 in accordance with the city’s adopted local coastal program.

- a. One off-street parking space is required for any type of accessory dwelling unit except as provided in subsection (C)(3)(b) of this section.
- b. Where the primary residence is served by four or more existing off-street parking spaces, including spaces in a tandem configuration, no off-street parking is required for the accessory dwelling unit.
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are required for the demolished or converted parking structure. Replacement parking space(s) may be covered or uncovered. Replacement parking does not satisfy the one off-street parking requirement for the accessory dwelling unit in subsection (C)(3)(a) of this section.

Figure 17.74-1: Cliffwood Heights ADU Parking Exclusion Area



17.74.090 Objective design standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the

front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
 - a. A six-foot solid fence on the property line; or
 - b. Clerestory or opaque windows for all windows facing the adjacent property.
2. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

C. Second-Story Decks and Balconies. Second-story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the planning commission through the design permit approval process.

D. Architectural Details. Table 17.74-2 shows architectural detail standards for accessory dwelling units.

Table 17.74-2: Architectural Detail Standards

	Non-Historic Property [1]		Historic Property [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber cement, or board and batten siding or shingles [3]	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a nonreflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or nonreflective standing seam metal [3]
Roof Pitch	No requirement	4:12 or greater [6]	No requirement	4:12 or greater [6]

Notes:

[1] "Historic property" means a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

[2] Standard does not apply to secondary and accent materials.

[3] "Same as primary dwelling" means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.

[4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.

[5] Bathroom windows may be horizontally oriented.

[6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.

E. Building Additions to Historic Structures. A building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least eighteen inches from the parallel side or rear building wall to distinguish it from the historic structure.

17.74.100 Deviation from standards.

A. When Allowed. The planning commission may approve an accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

B. Permit Required. Deviations allowed under this section require planning commission approval of a design permit. A variance is not required. To approve the design permit, the planning commission must make the findings in Section 17.74.110 (Findings).

17.74.110 Findings.

A. When Required. The planning commission must make the findings in this section to approve a design permit for:

1. Two-story attached or detached accessory dwelling units greater than sixteen feet in height; and
2. Accessory dwelling units that deviate from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

B. Findings. To approve the design permit, the planning commission shall find that:

1. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
4. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.
5. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.
6. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
7. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
8. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.
9. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.
10. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

17.74.120 Deed restrictions.

A. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

1. The accessory dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).
2. The accessory dwelling unit may not be sold separately from the primary dwelling.
3. For junior accessory dwelling units, restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.

B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the accessory dwelling unit.

C. The deed restriction shall lapse upon removal of the accessory dwelling unit.

17.74.130 Incentives.

A. Fee Waivers for Affordable Units.

1. The city may waive development fees for accessory dwelling units that will be rented at levels affordable to low- or very low-income households.
2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low- or very low-income levels prior to issuance of a building permit.
3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual Consumer Price Index increase commencing with the date of application for building permit.

B. Historic Properties. The planning commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a historic resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the planning commission shall approve a design permit and find that the exception is necessary to preserve the architectural character of the primary residence.

Chapter 17.76
PARKING AND LOADING

Sections:

- 17.76.010 Purpose.
- 17.76.020 Applicability.
- 17.76.030 Required parking spaces.
- 17.76.040 General requirements.
- 17.76.050 On-site parking alternatives.
- 17.76.060 Parking design and development standards.
- 17.76.070 Parking lot landscaping.
- 17.76.080 Bicycle parking.
- 17.76.090 Visitor serving parking.
- 17.76.100 On-site loading.

17.76.010 Purpose.

This chapter establishes on-site parking and loading requirements in order to:

- A. Provide a sufficient number of on-site parking spaces for all land uses.
- B. Provide for functional on-site parking areas that are safe for vehicles and pedestrians.
- C. Ensure that parking areas are well-designed and contribute to a high-quality design environment in Capitola.
- D. Allow for flexibility in on-site parking requirements to support a multi-modal transportation system and sustainable development pattern.
- E. Ensure that on-site parking areas do not adversely impact land uses on neighboring properties.

17.76.020 Applicability.

This chapter establishes parking requirements for three development scenarios: establishment of new structures and uses, replacement of existing uses, and expansion and enlargement of existing structures and uses.

A. New Structures and Uses. On-site parking and loading as required by this chapter shall be provided any time a new structure is constructed or a new land use is established.

B. Replacing Existing Uses.

1. Mixed Use Village Zoning District.

a. Where an existing residential use is changed to a commercial use in the mixed use village (MU-V) zoning district, parking shall be provided for the full amount required by the new use. No space credit for the previous use may be granted.

b. In all other changes of use in the mixed use village (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

2. Other Zoning Districts. Where an existing use is changed to a new use outside of the mixed use village (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

C. Expansions and Enlargements.

1. Nonresidential Use.

a. Where an existing structure with a nonresidential use is expanded or enlarged, additional parking is required to serve only the expanded or enlarged area, except as allowed by subsection (C)(1)(b) of this section.

b. Within the mixed use village (MU-V) zoning district, an eating and drinking establishment may expand by up to twenty percent of the existing floor area of the business without providing additional parking. Permitted expansions include modification of the internal building layout to enlarge the dining area, additions to the size of the business within an existing building footprint, and new outdoor dining areas. This provision applies only to a single expansion of floor area. Subsequent expansions must provide additional parking.

2. Residential Use. For an existing structure with a residential use, the full amount of parking to serve the use is required when the floor area is increased by more than ten percent.

17.76.030 Required parking spaces.

A. Mixed Use Village Zoning District. All land uses in the mixed use village (MU-V) zoning district shall provide the minimum number of on-site parking spaces as specified in Table 17.76-1. Required parking for uses not listed in Table 17.76-1 shall be the same as required for land uses in other zoning districts as shown in Table 17.76-2.

Table 17.76-1: Required On-Site Parking in the Mixed Use Village Zoning District

Land Uses	Number of Required Parking Spaces
	Mixed Use Village (MU-V)
Retail	1 per 240 sq. ft.
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining and/or drinking; 1 per 240 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining and/or drinking; 1 per 240 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 240 sq. ft.
Personal Services	1 per 240 sq. ft.
Hotels	
With more than 20 guest rooms	As determined by a parking demand study [1]
With 20 or fewer guest rooms	1 per guest room plus additional spaces as required by the planning commission

Note:

[1] The parking demand study shall be paid for by the applicant, contracted by the city, and approved by the planning commission. In the coastal zone, in all cases, hotel development shall provide adequate parking as determined by the planning commission.

B. Other Zoning Districts. Land uses in zoning districts other than the mixed use village zoning district shall provide a minimum number of on-site parking spaces as specified in Table 17.76-2.

Table 17.76-2: Required On-Site Parking in Other Zoning Districts

Land Uses	Number of Required Parking Spaces
Residential Land Uses	

Land Uses	Number of Required Parking Spaces
Duplex Homes	2 per unit, 1 covered
Elderly and Long-Term Care	1 per 6 beds plus 1 per 300 sq. ft. of office and other nonresidential areas
Group Housing (includes single-room occupancy)	1 per unit plus 1 guest space per 6 units
Mobile Home Parks	1 per unit plus 1 per office and 1 guest space per 10 units
Multifamily Dwellings	2.5 per unit, 1 covered
Residential Care Facilities, Small	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas
Residential Care Facilities, Large	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas
Accessory Dwelling Units	See Chapter 17.74 (Accessory Dwelling Units)
Single-Family Dwellings	1,500 sq. ft. or less: 2 per unit 1,501 – 2,000 sq. ft.: 2 per unit, 1 covered 2,001 – 2,600 sq. ft.: 3 per unit, 1 covered 2,601 sq. ft. or more: 4 per unit, 1 covered
Public and Quasi-Public Land Uses	
Community Assembly	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Cultural Institutions	As determined by a parking demand study
Day Care Centers	1 per 400 sq. ft. of floor area used for daycare and 1 per employee
Government Offices	1 per 300 sq. ft.
Home Day Care, Large	1 per each nonresident employee
Home Day Care, Small	None beyond minimum for residential use
Medical Offices and Clinics	1 per 300 sq. ft.
Parks and Recreational Facilities	As determined by a parking demand study
Public Safety Facilities	As determined by a parking demand study
Schools, Public or Private	2 per classroom
Commercial Land Uses	
Banks and Financial Institutions	1 per 300 sq. ft.
Business Services	1 per 300 sq. ft.
Commercial Entertainment and Recreation	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining and/or drinking 1 per 300 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining and/or drinking 1 per 300 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 300 sq. ft. of gross floor area
Food Preparation	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office area
Gas and Service Stations	2 for gas station plus 1 per 100 sq. ft. of retail and as required for vehicle repair
Lodging	

Land Uses	Number of Required Parking Spaces
Bed and Breakfast	1 per guest room plus parking required for residential use
Hotel	1 per guest room plus 1 per 300 sq. ft. of office
Maintenance and Repair Services	1 per 600 sq. ft.
Personal Services	1 per 300 sq. ft.
Professional Offices	1 per 300 sq. ft.
Salvage and Wrecking	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of outdoor use area
Self-Storage	1 per 5,000 sq. ft.
Retail	1 per 300 sq. ft. of customer area
Vehicle Repair	1 per 500 sq. ft. of nonservice bay floor area plus 2 per service bay
Vehicle Sales and Rental	1 per 300 sq. ft. for offices plus 1 per 1,000 sq. ft. of display area and requirements for vehicle repair where applicable
Wholesale	1 per 5,000 sq. ft.
Heavy Commercial and Industrial Land Uses	
Construction and Material Yards	1 per 2,500 sq. ft.
Custom Manufacturing	1 per 2,000 sq. ft., plus 1 per 300 sq. ft. of office
Light Manufacturing	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office
Warehouse, Distribution, and Storage Facilities	1 per 1,500 sq. ft.
Transportation, Communication, and Utility Uses	
Utilities, Major	As determined by a parking demand study
Utilities, Minor	None
Recycling Collection Facilities	1 per 1,000 sq. ft. of floor area
Wireless Communications Facilities	None
Other Uses	
Accessory Uses	Same as primary use
Home Occupation	None beyond requirement for residence
Quasi-Public Seating Areas	None
Temporary Uses	As determined by review authority
Urban Agriculture	
Home Gardens	None beyond requirement for residence
Community Gardens	None
Urban Farms	As determined by a parking demand study

C. Calculation of Required Spaces.

1. Floor Area. Where a parking requirement is a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated. The floor area of a use shall be calculated as described in Section

17.48.040 (Floor area and floor area ratio). Floor area for the area of the required parking space (i.e., ten feet by twenty feet) and up to one hundred twenty-five square feet of ancillary space within garages and other parking facilities are not included in the calculation of floor area for the purpose of determining on-site parking requirements.

2. Employees. Where a parking requirement is stated as a ratio of parking spaces to employees, the number of employees is based on the largest shift that occurs in a typical week.

3. Seats. Where a parking requirement is stated as a ratio of parking spaces to seats, each twenty-four inches of bench-type seating at maximum seating capacity is counted as one seat.

4. Fractional Spaces. In determining the number of required parking, fractions of spaces over one-half shall be rounded up to the next whole number.

D. Unlisted Uses. The parking requirement for land uses not listed in Tables 17.76-1 and 17.76-2 shall be determined by the community development director based on the requirement for the most comparable similar use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

E. Sites with Multiple Uses. Where more than one land use is conducted on a site, the minimum number of required on-site parking spaces shall be the sum of the number of parking spaces required for each individual use.

F. Additional Required Parking. The planning commission may require more on-site parking than required by Tables 17.76-1 and 17.76-2 if the planning commission determines that additional parking is needed to serve the proposed use and to minimize adverse impacts on neighboring properties.

17.76.040 General requirements.

A. Availability and Use of Spaces.

1. In all zoning districts, required parking spaces shall be permanently available and maintained to provide parking for the use they are intended to serve.

2. Owners, lessees, tenants, or persons having control of the operation of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.

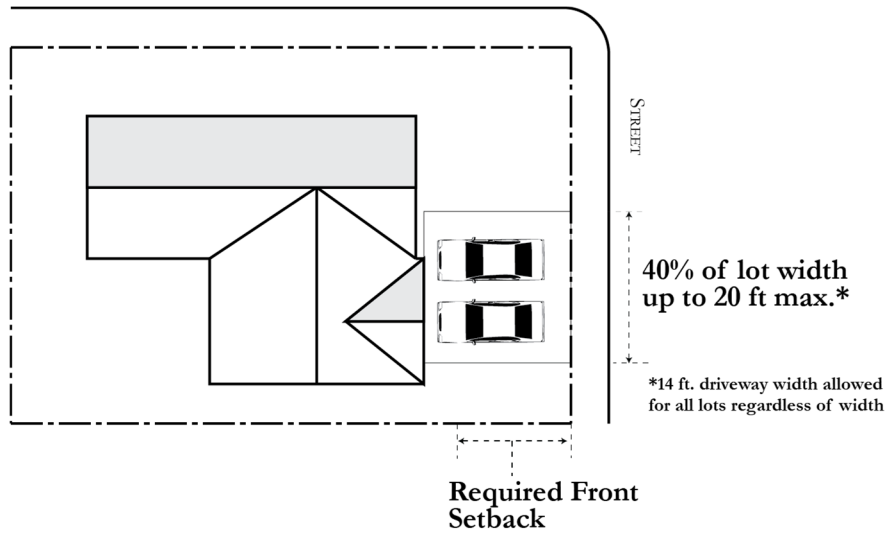
3. A conditional use permit is required to designate parking spaces for exclusive use by an individual tenant within an integrated commercial complex.

4. Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, advertising, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the zoning code.

B. Parking in Front and Exterior Side Setback Areas.

1. R-1 Zoning District. In the R-1 zoning district, the width of a parking space in the required front or exterior side setback area may not exceed forty percent of lot width up to a maximum of twenty feet, except that all lots may have a parking space of up to fourteen feet in width regardless of lot width. See Figure 17.76-1. The planning commission may allow a larger parking area within the required front and exterior side setback areas with a design permit if the larger parking area incorporates design features, such as impervious materials and enhanced landscaping, which minimize visual impacts to the neighborhood.

Figure 17.76-1: Parking in Front Setback Area in R-1 Zoning District



2. Other Zoning Districts.

a. In all zoning districts other than the R-1 zoning district, required parking spaces may not be located within required front or exterior side setback areas.

b. In the mixed use village zoning district, parking may be located adjacent to the street-facing property line in accordance with Section 17.20.030(E)(5) (Parking Location and Buffers).

c. In the mixed use neighborhood zoning district, parking may be located in the front or exterior side setback area if approved by the planning commission in accordance with Section 17.20.040(E) (Parking Location and Buffers).

C. Location of Parking.

1. All Zoning Districts. Required parking spaces may not be located within any public or private right-of-way unless located in a sidewalk exempt area and if an encroachment permit is granted.

2. R-1 Zoning District. Required parking spaces in the R-1 zoning district shall be on the same parcel as the use that they serve.

3. MU-V Zoning District. Required parking in the MU-V district for new development and intensified uses shall be provided in compliance with the following:

a. The planning commission may approve on-site parking as follows:

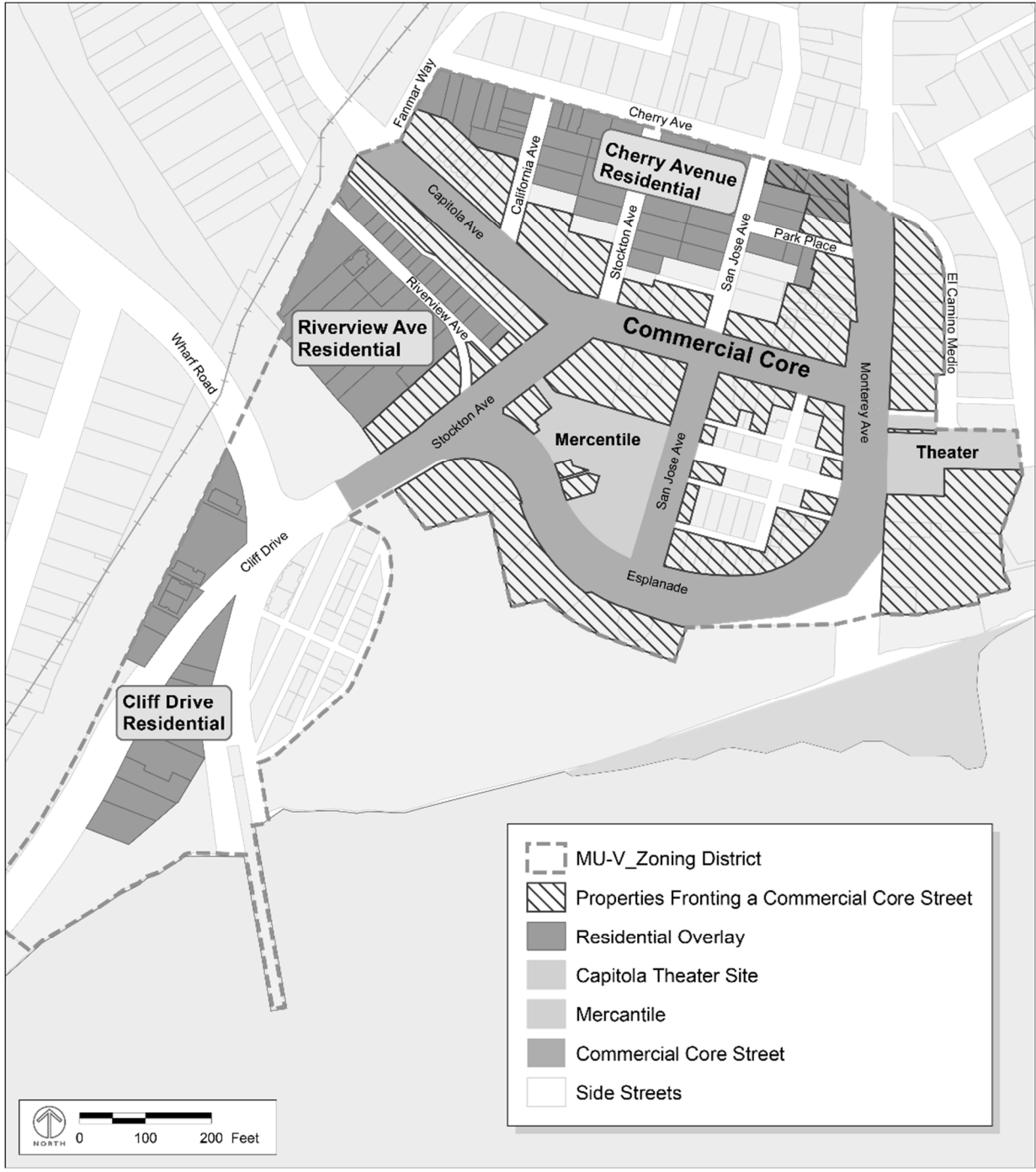
i. For property fronting a Commercial Core street shown in Figure 17.76-2, on-site parking is allowed if access to parking is from a side street, alleyway, or existing driveway cut. New driveway cuts are prohibited along a Commercial Core street frontage.

ii. For the Capitola Theater and Mercantile sites, on-site parking is allowed if parking areas are located on the interior of the site(s) and do not directly abut a Commercial Core street. Driveway cuts to serve on-site parking are limited to one cut per site; however, the planning commission may approve additional driveway cuts if (A) a parking and circulation study shows that additional access is necessary to reasonably serve the use; and (B) driveway cuts are located and designed to preserve or enhance pedestrian and vehicle safety.

iii. Within the Riverview Avenue, Cherry Avenue, and Cliff Drive residential overlays.

- iv. On properties that do not front a Commercial Core street.
 - v. As mandated by Federal Emergency Management Agency (FEMA) regulations.
- b. The planning commission may permit off-site parking if the space(s) are within walking distance of the use which it serves or located at a remote site served by a shuttle system.

Figure 17.76-2: MU-V Parking Location Map



4. Other Zoning Districts. In all zoning districts other than the R-1 and MU-V zoning districts, required parking shall be located on the same lot as the use the parking is intended to serve, except as allowed by Section 17.76.050(D).

D. Large Vehicle Storage in the R-1 Zoning District. In addition to the required on-site parking spaces for a single-family dwelling, one additional on-site parking or storage space may be provided on a parcel in the R-1 zoning district for a recreational vehicle, boat, camper, or similar vehicle. This space may not be located in a required front or exterior side setback area and may be utilized only to store a vehicle that does not exceed thirteen and one-half feet in height, eight and one-half feet in width, and twenty-five feet in length. Such parking or storage spaces shall be finished in concrete, asphalt, semi-permeable pavers, or a similar paved surface.

E. Covered Parking in the R-1 Zoning District.

1. When required by this chapter, covered parking spaces serving a single-family dwelling shall be provided within an enclosed garage. The planning commission may allow required covered parking spaces to be provided within an open carport with a design permit if the planning commission finds that a garage is practically infeasible or that a carport results in a superior project design.

2. All carports serving a single-family dwelling shall comply with the following design standards:

a. Carports shall be designed with high-quality materials, compatible with the home. The roofing design, pitch, colors, exterior materials and supporting posts shall be similar to the home. The carport shall appear substantial and decoratively finished in a style matching the home which it serves.

b. The slope of a carport roof shall substantially match the roof slope of the home which it serves.

c. Pedestrian pathways connecting the carport with the home shall be provided.

3. Garages in the R-1 zoning district may be converted to habitable living space only if the total number of required on-site parking spaces is maintained, including covered spaces for the covered parking space requirement.

F. Electric Vehicle Charging Stations.

1. Building Code Requirements. Electric vehicle charging stations shall be provided in accordance with the requirements of the California Green Building Standards Code.

~~1. When Required. Electric vehicle charging stations shall be provided:~~

~~a. For new structures or uses required to provide at least twenty-five parking spaces; and~~

~~b. Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.~~

~~2. Number of Charging Stations. The number of required charging stations shall be calculated as follows:~~

~~a. Twenty-five to forty-nine parking spaces: one charging station.~~

~~b. Fifty to one hundred parking spaces: two charging stations, plus one for each additional fifty parking spaces.~~

~~c. For the purpose of calculating required number of charging stations, parking spaces shall include existing and proposed spaces.~~

23. Use of Space Location and Signage. Charging stations shall be installed adjacent to standard size parking spaces. Signage shall be installed designating electric vehicle charging spaces with charging stations for electric vehicles only for the exclusive purpose of charging and parking an electric vehicle.

3. Digital Operation Screens.

a. Digital operation screens are defined for the purposes of this section as interactive digital displays used solely for the operation and required for the functionality of the electric vehicle charging station.

b. Digital operation screens are permitted and are limited to a maximum screen size of 2 square feet. The Community Development Director may allow for a larger screen size of up to of 4 square feet upon determining that the larger screen is necessary for the functionality of the charging station.

4. Placement on Lot. Electric vehicle charging equipment must be located outside of minimum required property line setbacks.

5. Screening. Electric vehicle charging stations on lots with six spaces or more (including spaces not used for electric vehicle charging) are subject to the screening requirements in Section 17.76.060.I.

6. Impacts on Required Parking Spaces. If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate, or in any way impact the required parking spaces for existing uses on the property, the number of required parking spaces for the existing uses shall be reduced by the amount necessary to accommodate the electric vehicle charging station and any associated equipment.

7. Permits Required.

a. An application for an electric vehicle charging station that complies with all applicable requirements shall be approved ministerially with a building permit. A design permit or other type of planning permit is not required.

b. The process to review and act on the application shall be as provided in Government Code Sections 65850.7 and 65850.71.

G. Parking for Persons with Disabilities.

1. Parking spaces for persons with disabilities shall be provided in compliance with California Code of Regulations Title 24.

2. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Tables 17.76-1 and 17.76-2.

H. Curb-Side Service.

1. Curb-side (drive-up) service for retail uses is allowed in all commercial and mixed use zoning districts.

2. Restaurant curb-side service requires a conditional use permit in the regional commercial (C-R) zoning district and is prohibited in all other zoning districts.

17.76.050 On-site parking alternatives.

A. Purpose. This section identifies alternatives to required on-site parking to:

1. Allow for creative parking solutions;
2. Enhance economic vitality in Capitola;
3. Promote walking, biking, and use of transit; and
4. Encourage the efficient use of land resources consistent with the general plan.

B. Eligibility. Alternatives to required on-site parking in this section are available only to uses located outside of the mixed use village zoning district, except for:

1. Valet parking (subsection F of this section) which is available in all zoning districts, including the mixed use village zoning district; and
2. Fees in lieu of parking (subsection I of this section), which are available only to uses in the mixed use village zoning district.

C. Required Approval. All reductions in on-site parking described in this section require planning commission approval of a conditional use permit.

D. Off-Site Parking.

1. For multifamily housing and nonresidential uses, the planning commission may allow off-site parking if the commission finds that practical difficulties prevent the parking from being located on the same lot it is intended to serve.
2. Off-site parking shall be located within a reasonable distance of the use it is intended to serve, as determined by the planning commission.
3. A deed restriction or other legal instrument, approved by the city attorney, shall be filed with the county recorder. The covenant record shall require the owner of the property where the on-site parking is located to continue to maintain the parking space so long as the building, structure, or improvement is maintained in Capitola. This covenant shall stipulate that the title and right to use the parcels shall not be subject to multiple covenants or contracts for use without prior written consent of the city.

E. Shared Parking. Multiple land uses on a single parcel or development site may use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. The planning commission may allow shared parking subject to the following requirements:

1. A parking demand study prepared by a specialized consultant contracted by the community development director, paid for by the applicant, and approved by the planning commission demonstrates that there will be no substantial conflicts between the land uses' principal hours of operation and periods of peak parking demand.
2. The total number of parking spaces required for the land uses does not exceed the number of parking spaces anticipated at periods of maximum use.
3. The proposed shared parking facility is located no further than four hundred feet from the primary entrance of the land use which it serves.
4. In the mixed use neighborhood (MU-N) zoning district the reduction for shared parking is no greater than twenty-five percent of the required on-site parking spaces.

F. Valet Parking. The planning commission may allow up to twenty-five percent of the required on-site parking spaces to be off-site valet spaces (except for a hotel on the former Village Theater site (APNs 035-262-04, 035-262-02, and 035-261-10) for which there is no maximum limit of off-site valet spaces). Valet parking shall comply with the following standards:

1. Valet parking lots must be staffed when business is open by an attendant who is authorized and able to move vehicles.
2. A valet parking plan shall be reviewed and approved by the community development director in consultation with the public works director.
3. Valet parking may not interfere with or obstruct vehicle or pedestrian circulation on the site or on any public street or sidewalk.
4. The use served by valet parking shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building, but it may not be located within a fire lane, impede vehicular and/or pedestrian circulation, or cause queuing in the right-of-way or drive aisle.

G. Low Demand. The number of required on-site parking spaces may be reduced if the planning commission finds that the land use will not utilize the required number of spaces due to the nature of the specific use. This finding shall be supported by the results of a parking demand study approved by the community development director in consultation with the public works director.

H. Transportation Demand Management Plan. The planning commission may reduce the number of required on-site parking spaces for employers that adopt and implement a transportation demand management (TDM) plan subject to the following requirements and limitations:

1. A TDM plan reduction is available only to employers with twenty-five or more employees.
2. Required on-site parking spaces may be reduced by no more than fifteen percent.
3. The TDM plan shall be approved by the community development director in consultation with the public works director.
4. The TDM plan shall identify specific measures that will measurably reduce the demand for on-site parking spaces. Acceptable measures must ensure a reduced demand for parking spaces (e.g., an employee operated shuttle program). Measures that only encourage the use of public transit, ridesharing, biking, or walking will not be accepted.
5. The employer shall appoint a program coordinator to oversee transportation demand management activities.
6. The program coordinator must provide a report annually to the planning commission that details the implementation strategies and effectiveness of the TDM plan.
7. The planning commission may revoke the TDM plan at any time and require additional parking spaces on site upon finding that the plan has not been implemented as required or that the plan has not produced the reduction in the demand for on-site parking spaces as originally intended.

I. Fees in Lieu of Parking.

1. Within the MU-V zoning district, on-site parking requirements for hotel uses may be satisfied by payment of an in-lieu parking fee established by the city council to provide an equivalent number of parking spaces in a municipal parking lot. Such payment must be made before issuance of a building permit or a certificate of occupancy. Requests to participate in an in-lieu parking program must be approved by the city council. A proposed hotel may require a coastal development permit as specified by Chapter 17.44 (Coastal Overlay Zones) if any part of the site is located in the coastal zone. A parking plan shall be reviewed within a CDP, to ensure the development will not have adverse impacts on coastal resources.
2. Fee revenue must be used to provide public parking in the vicinity of the use. In establishing parking districts, the city council may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

J. Transit Center Credit. Provided a regional transit center is located within the Capitola Mall property, the planning commission may reduce the number of required parking spaces by up to ten percent for residential mixed use projects in the Capitola Mall property bounded by Clares Street, Capitola Road, and 41st Avenue.

17.76.060 Parking design and development standards.

A. Minimum Parking Space Dimensions. Minimum dimensions of parking spaces shall be as shown in Table 17.76-3.

Table 17.76-3: Minimum Parking Space Dimensions

Type of Space	Minimum Space Dimensions
Spaces Serving Single-Family Dwellings	
Uncovered and covered (garage) spaces	10 ft. by 20 ft. [1]
In sidewalk exempt areas	10 ft. by 18 ft.
Spaces Serving Multifamily and Nonresidential Uses	
Standard Spaces	9 ft. by 18 ft.
Compact Spaces	8 ft. by 16 ft.
Tandem Spaces [2]	9 ft. by 18 ft.

Notes:

[1] The dimensions of parking spaces in an enclosed garage shall be measured from the interior garage walls.

[2] See subsection (E)(3) of this section (Tandem Parking Spaces).

B. Compact Spaces. A maximum of thirty percent of required on-site parking spaces serving multifamily and nonresidential uses may be compact spaces. All parking spaces for compact cars shall be clearly marked with the word “Compact” either on the wheel stop or curb, or on the pavement at the opening of the space.

C. Parking Lot Dimensions. The dimensions of parking spaces, maneuvering aisles, and access ways within a parking lot shall conform to the city’s official parking space standard specifications maintained by the public works director and as shown in Figure 17.76-3 and Table 17.76-4.

Figure 17.76-3: Standard Parking Lot Dimensions

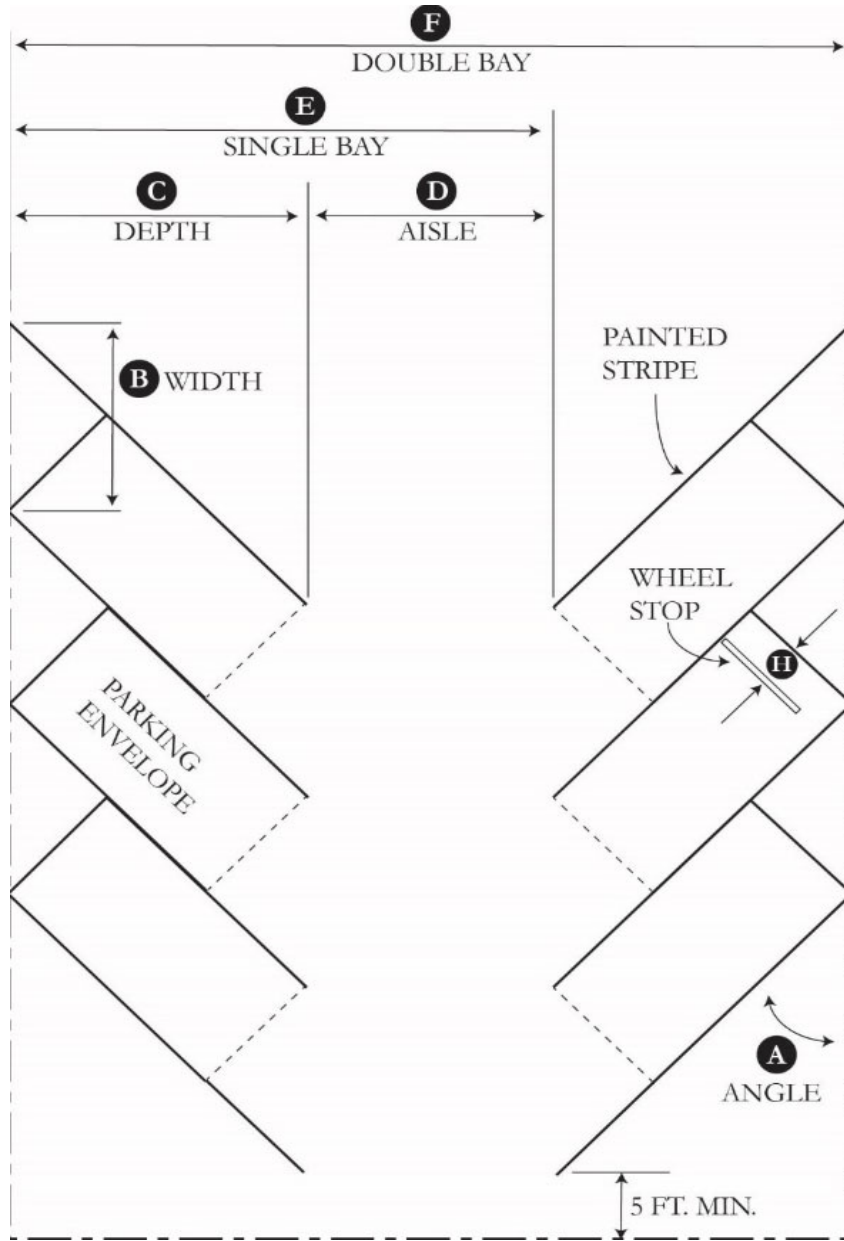


Table 17.76-4: Standard Parking Lot Dimensions

A Parking Angle	B Width		C Depth		D Aisle			E Single Bay			F Double Bay		
	Compact	Standard	Compact	Standard	Compact	Residential	Commercial	Compact	Residential	Commercial	Compact	Residential	Commercial
90	7'-6"	8'-6"	15'-0"	18'-0"	20'-0"	22'-0"	25'-0"	35'-0"	40'-0"	43'-0"	50'-0"	58'-0"	61'-0"
85	7'-7"	8'-6"	15'-7"	18'-8"	19'-0"	21'-0"	24'-0"	34'-7"	39'-8"	42'-8"	50'-2"	58'-4"	61'-0"
80	7'-8"	8'-7"	16'-1"	19'-2"	18'-0"	20'-0"	23'-0"	34'-1"	39'-2"	42'-4"	50'-2"	58'-4"	61'-0"
75	7'-9"	8'-10"	16'-5"	19'-7"	17'-0"	19'-0"	22'-0"	33'-5"	38'-7"	41'-7"	49'-10"	58'-2"	61'-0"
70	8'-0"	9'-0"	16'-9"	19'-10"	16'-0"	18'-0"	21'-0"	32'-9"	37'-10"	40'-10"	49'-6"	57'-8"	66'-8"
65	8'-4"	9'-4"	16'-10"	19'-11"	15'-0"	17'-0"	20'-0"	31'-10"	36'-11"	39'-11"	48'-8"	56'-10"	59'-10"
60	8'-8"	9'-10"	16'-9"	19'-10"	14'-0"	16'-0"	19'-0"	30'-9"	35'-10"	38'-10"	47'-6"	55'-8"	58'-8"
55	9'-1"	10'-4"	16'-7"	19'-7"	13'-0"	15'-0"	18'-0"	29'-7"	34'-7"	37'-7"	46'-2"	54'-2"	57'-2"
50	9'-10"	11'-1"	16'-4"	19'-2"	12'-0"	14'-0"	17'-0"	28'-4"	33'-2"	36'-2"	44'-8"	52'-4"	55'-4"
45	10'-7"	12'-0"	15'-11"	18'-8"	11'-0"	13'-0"	16'-0"	25'-5"	30'-0"	33'-0"	42'-10"	50'-4"	53'-4"
40	11'-8"	13'-2"	15'-15"	18'-0"	10'-0"	12'-0"	15'-0"	24'-8"	28'-2"	31'-2"	40'-10"	48'-0"	51'-0"
35	13'-1"	14'-10"	14'-8"	17'-2"	10'-0"	11'-0"	14'-0"	24'-0"	26'-2"	29'-2"	39'-4"	45'-4"	48'-4"
30	15'-3"	17'-0"	14'-0"	16'-2"	10'-0"	10'-0"	13'-0"	35'-0"	40'-0"	43'-0"	38'-0"	42'-4"	45'-4"

D. Surfacing.

1. All parking spaces, maneuvering aisles, and access ways shall be paved with asphalt, concrete, or other all-weather surface.
2. Permeable paving materials, such as porous concrete/asphalt, open-jointed pavers, and turf grids, are a preferred surface material, subject to approval by the public works director.

E. Tandem Parking Spaces. Tandem parking spaces are permitted for all residential land uses; provided, that they comply with the following standards:

1. Parking spaces in a tandem configuration shall be reserved for and assigned to a single dwelling unit.
2. For single-family dwellings, tandem parking is permitted for up to two uncovered spaces in front of a garage, with a maximum of three tandem spaces, including the covered space in a single garage. Tandem parking spaces of three spaces or more require planning commission approval.
3. The minimum size of an uncovered tandem parking space may be reduced to nine feet by eighteen feet.
4. All required guest parking shall be provided as single, nontandem parking spaces.
5. Tandem parking spaces shall not block the use of the driveway to access other parking spaces located within the parking area.
6. Tandem parking spaces shall be used to accommodate passenger vehicles only.

F. Parking Lifts. Required parking may be provided using elevator-like mechanical parking systems (“lifts”) provided the lifts are located within an enclosed structure or otherwise screened from public view. Parking lifts shall be maintained and operable through the life of the project.

G. Lighting.

1. A parking area with six or more parking spaces shall include outdoor lighting that provides adequate illumination for public safety over the entire parking area.
2. Outdoor lighting as required above shall be provided during nighttime business hours.
3. All parking space area lighting shall be energy efficient and directed away from residential properties to minimize light trespass.
4. All fixtures shall be hooded and downward facing so the lighting source is not directly visible from the public right-of-way or adjoining properties.
5. All fixtures shall meet the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light (“dark sky compliant”).

H. Pedestrian Access.

1. Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements.
2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the community development director.

I. Screening. Parking lots of six spaces or more shall comply with the following screening standards:

1. Location. Screening shall be provided along the perimeter of parking lots fronting a street or abutting a residential zoning district.

2. Height.

- a. Screening adjacent to streets shall have a minimum height of three feet.
- b. For parking lots within ten feet of a residential zoning district, screening shall have a minimum height of six feet, with additional height allowed with planning commission approval.

3. Materials – General. Required screening may consist of one or more of the following materials (see Section 17.76.070 (Parking lot landscaping) for landscaping screening requirements):

- a. Low-profile walls constructed of brick, stone, stucco or other durable material.
- b. Evergreen plants that form an opaque screen.
- c. An open fence combined with landscaping to form an opaque screen.
- d. A berm landscaped with ground cover, shrubs, or trees.

4. Materials – Adjacent Residential. Parking lots within ten feet of a residential zoning district shall be screened by a masonry wall.

J. Drainage. A drainage plan for all parking lots shall be approved by the public works director.

K. Adjustments to Parking Design and Development Standards. The planning commission may allow adjustments to parking design and development standards in this section through the approval of a minor modification as described in Chapter 17.136 (Minor Modifications).

17.76.070 Parking lot landscaping.

See 17.72.055 (Parking Lot Landscaping).

~~A. General Standards. All landscaping within parking lots shall comply with the requirements of Chapter 17.72 (Landscaping) in addition to the standards within this section.~~

~~B. Landscaping Defined. Except as otherwise specified in this section, landscaping and landscaped areas shall consist of plant materials, including any combination of trees, shrubs, and ground cover.~~

~~C. Interior Landscaping. All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than fifteen spaces, the minimum amount of interior landscaping is specified in Table 17.76 5. "Interior landscaping" is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.~~

~~Table 17.76 5: Minimum Required Parking Lot Landscaping~~

Number of Required Parking Spaces	Percent of Surface Parking Area to Be Landscaped
16 to 30	10%
31 to 60	15%
Over 60	20%

~~D. Shade Trees.~~

~~1. One shade tree shall be provided for every five parking spaces in a parking lot.~~

~~2. Shade trees shall be a minimum twenty-four inch box in size and shall provide a minimum thirty-foot canopy at maturity.~~

~~3. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city recommended list of canopy tree species.~~

~~4. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21st. The arrangement should approximate nearly fifty percent shade coverage.~~

~~5. The planning commission may grant an exception to the required tree plantings if the fifty percent shade coverage exists within the parking lot.~~

~~E. Concrete Curbs.~~

~~1. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of four inches high by four inches deep.~~

~~2. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory storm water drainage standards.~~

~~F. Parking Space Landscaping. A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.~~

~~G. Timing. Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.~~

~~H. Green Parking Exemptions. Parking lots that incorporate solar panels, bioswales, and other similar green features into the parking lot design are eligible for reduced parking lot landscaping requirements with planning commission approval of a design permit.~~

~~I. Exceptions. The planning commission may grant an exception to the parking lot landscaping requirements in this section with the approval of a design permit upon finding that:~~

~~1. Full compliance with the requirement is infeasible or undesirable;~~

~~2. The project complies with the requirement to the greatest extent possible; and~~

~~3. The project incorporates other features to compensate for the exception and create a high quality design environment.~~

17.76.080 Bicycle parking.

A. Applicability. All new multifamily developments of five units or more and commercial uses served by parking lots of ten spaces or more shall provide bicycle parking as specified in this section.

B. Types of Bicycle Parking.

1. Short-Term Bicycle Parking. Short-term bicycle parking provides shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.

2. Long-Term Parking. Long-term bicycle parking provides employees, residents, visitors and others who generally stay at a site for several hours or more a secure and weather-protected place to park bicycles. Long-term parking may be located in publicly accessible areas or in garages or other limited access areas for exclusive use by tenants or residents.

C. Bicycle Parking Spaces Required. Short-term and long-term bicycle parking spaces shall be provided as specified in Table 17.76-6.

Table 17.76-6: Required Bicycle Parking Spaces

Land Use	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Multifamily Dwellings and Group Housing	10% of required automobile spaces; minimum of 4 spaces	1 per unit
Nonresidential Uses	10% of required automobile spaces	1 per 20 required automobile spaces for uses 10,000 sq. ft. or greater

D. Short-Term Bicycle Parking Standards. Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve.

E. Long-Term Bicycle Parking Standards. The following standards apply to long-term bicycle parking:

1. Location. Long-term bicycle parking shall be located within seven hundred fifty feet of the use that it is intended to serve.
2. Security. Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
 - a. In a locked room or area enclosed by a fence with a locked gate;
 - b. Within view or within one hundred feet of an attendant or security guard;
 - c. In an area that is monitored by a security camera; or
 - d. Visible from employee work areas.

F. Parking Space Dimensions.

1. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space.
2. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering.
3. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, pedestrian paths, and other similar features.
4. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.

G. Rack Design. Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in a fixed position. The planning commission may allow creative approaches to rack design (e.g., vertical wall-mounted bicycle racks) if physical site constraints render compliance with bicycle parking design standards impractical or undesirable.

H. Cover. If bicycle parking spaces are covered, the covers shall be permanent and designed to protect the bicycles from rainfall.

17.76.090 Visitor serving parking.

A. Shuttle Program Parking. Parking for the free summer beach shuttle program shall be provided in a remote lot or lots, such as those located on Bay Avenue and the Village public parking lots. The free shuttle shall operate, at a minimum, on weekends and holidays between Memorial Day weekend and Labor Day weekend.

B. Public Parking in the Coastal Zone.

1. Public parking existing as of June 9, 2021, in the following locations in the CF zoning district shall be maintained for public parking:

- a. The Upper City Hall parking lot;
 - b. The Cliff Drive overlook parking; and
 - c. The Cliff Drive Southern Pacific railroad right-of-way parking unless Cliff Drive must be relocated due to cliff erosion.
2. Substantial changes in public parking facilities in the coastal zone require a local coastal program (LCP) amendment.
3. Expansion of any existing legally established residential parking programs and/or new residential parking programs in the coastal zone require an amendment to coastal development permit 3-87-42 and consistency with the LCP land use plan.
4. The city shall evaluate the potential impact on public coastal access when considering a coastal development permit application for any development that would reduce public parking spaces near beach access points, shoreline trails, or parklands, including any changes to the residential parking program established under coastal development permit 3-87-42. When parking is reduced, the city shall evaluate alternative opportunities for public coastal access as needed to ensure existing levels of public access are maintained, or if possible enhanced. Such opportunities may include bicycle lanes and bicycle parking, pedestrian trails, relocated vehicular parking spaces, and enhanced shuttle/transit service.

17.76.100 On-site loading.

A. Applicability. All retail, hotel, warehousing, manufacturing, and similar uses that involve the frequent receipt or delivery of materials or merchandise shall provide on-site loading spaces consistent with the requirements of this section.

B. Number of Loading Spaces. The minimum number of required loading spaces shall be as specified in Table 17.76-7.

Table 17.76-7: Required Loading Spaces

Floor Area	Required Loading Spaces
Less than 10,000 sq. ft.	None
10,000 to 30,000 sq. ft.	1
Greater than 30,000 sq. ft.	2 plus 1 per each additional 20,000 sq. ft.

C. Location.

- 1. Required loading spaces shall be located on the same lot as the use they are intended to serve.
- 2. No loading space shall be located closer than fifty feet to a residential zoning district, unless the loading space is wholly enclosed within a building or screened by a solid wall not less than eight feet in height.

D. Dimensions.

- 1. Each loading space shall have minimum dimensions of ten feet wide, twenty-five feet long, and fourteen feet in vertical clearance.
- 2. Deviations from the minimum dimension standards may be approved by the community development director if the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific business.

E. Design and Configuration.

1. Loading spaces shall be configured to ensure that loading and unloading takes place on site and not within adjacent public rights-of-way.
2. Sufficient maneuvering area shall be provided for loading spaces so that vehicles may enter and exit an abutting street in a forward direction.
3. Loading spaces and their associated maneuvering areas shall not encroach into required employee or visitor parking areas or other on-site areas required for vehicle circulation.
4. Loading spaces shall be striped and clearly identified as for loading purposes only.

Chapter 17.80

SIGNS

Sections:

- 17.80.010 Purpose and applicability.
- 17.80.020 Definitions.
- 17.80.030 Permit requirements.
- 17.80.040 Rules of measurement.
- 17.80.050 Signs allowed without permits.
- 17.80.060 Prohibited signs.
- 17.80.070 General sign standards.
- 17.80.080 Standards for specific types of signs.
- 17.80.090 Design standards.
- 17.80.100 Residential signs – Multi-unit properties.
- 17.80.110 Temporary signs.
- 17.80.120 Adjustment to sign standards.
- 17.80.130 Master sign program.
- 17.80.140 Nonconforming signs.
- 17.80.150 Violations and enforcement.

17.80.010 Purpose and applicability.

A. Purpose. This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs. The intent of these standards is to:

1. Support economically viable businesses serving city residents, workers, and visitors.
2. Allow for signage that identifies businesses in a fair and equitable manner.
3. Protect and enhance the aesthetic qualities of the city.
4. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs.
5. Allow for a simple and streamlined sign permitting process.

B. Applicability. This chapter applies to all signs in Capitola, except for city-installed signs and signs required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.

17.80.020 Definitions.

The following definitions apply to this chapter:

- A. “Awning sign” means a sign incorporated into, attached, or painted on an awning.
- B. “Awning face sign” means a sign located on the sloping plane face of an awning.
- C. “Awning valance sign” means a sign located on the valance of an awning perpendicular to the ground.
- D. “Center identification sign” means a sign identifying the name of a shopping center and that does not include the name of any business within the center. A shopping center is a commercial building or group of buildings operated as a unit on a single parcel, sharing common parking areas or commonly owned adjacent parcels.
- E. “Commercial message” means any sign copy that directly or indirectly names, draws attention to, or advertises a business, product, good, service, or other commercial activity, or which proposes a commercial transaction.
- F. “Commercial sign” means a sign with a commercial message.
- G. “Construction site sign” means an on-premises sign for an approved construction project that publicizes the

future building and occupants as well as the architects, engineers and construction organizations involved in the project.

H. “Directory sign” means an on-premises sign which shows the direction to or location of a customer entrance to a business.

I. “Election period” means the period beginning one hundred twenty days before and ending one day after any national, state, or local election in which city electors may vote.

J. “Flags” means fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.

K. “Monument sign” means an independent, freestanding structure supported on the ground as opposed to being supported on the building.

L. “Projecting sign” means any sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall.

M. “Roof sign” means any sign that is mounted on a roof or a parapet of a building.

N. “Sidewalk sign” means movable or permanent business identification signs placed in or attached to a public sidewalk.

O. “Sign” means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise or announce the purpose of a business or entity, or to communicate information of any kind to the public.

P. Sign Area. See Section 17.80.040(A) (Calculation of Sign Area).

Q. “Sign copy” means the area of a sign occupied by letters, numbers, graphics, or other content intended to inform, direct, or otherwise transmit information.

R. “Sign face” means the area of a sign where sign copy is placed.

S. “Wall sign” means a sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

T. “Window sign” means a sign posted, painted, placed, or affixed in or on a window exposed to public view or within one foot and parallel to a window exposed to public view.

17.80.030 Permit requirements.

A. Administrative Sign Permits. An administrative sign permit (Chapter 17.132) is required to install, construct, or enlarge a sign, except for:

1. Signs exempt from the permit requirements of this chapter as specified in Section 17.80.050 (Signs allowed without permits).
2. Signs requiring a sign permit as identified in subsection B of this section.

B. Sign Permits. Planning commission approval of a sign permit (Chapter 17.132) is required for the following types of signs and approvals:

1. New signs in the mixed use village (MU-V) zoning district.
2. Exterior neon signs.
3. Monument signs for more than four tenants.
4. Auto dealership signs in the C-R zoning district (Section 17.80.080(A)) that are not otherwise allowed with

an administrative sign permit.

5. Adjustments to sign standards in low visibility areas in commercial zoning districts (Section 17.80.120(E)).
6. Signs that do not conform with permitted sign types and standards in Section 17.80.080 (Standards for specific types of signs).
7. Master sign programs (Section 17.80.130).

C. Noncommercial Signs. Noncommercial signs are allowed wherever commercial signs are permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this chapter.

D. Message Neutrality.

1. It is the city's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech, and is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
2. Where necessary, the director will interpret the meaning and applicability of this chapter in light of this message neutrality policy.

E. Message Substitution.

1. Subject to the property owner's consent, a message of any type may be substituted, in whole or in part, for the message displayed on any legally established sign without consideration of message content.
2. Message substitutions are allowed by right without a permit.
3. This message substitution provision does not:
 - a. Create a right to increase the total amount of signage beyond that otherwise allowed or existing;
 - b. Affect the requirement that a sign structure or mounting device be properly permitted, when a permit requirement applies;
 - c. Allow a change in the physical structure of a sign or its mounting device;
 - d. Allow the establishment of a prohibited sign as identified in Section 17.80.060 (Prohibited signs); or
 - e. Nullify or eliminate any contractual obligation through a development agreement or similar agreement that specifies the allowable content of a sign.

F. City-Installed Signs. City-installed signs in all zoning districts do not require a permit.

G. Other Government-Installed Signs. Governmental agency-installed signs to carry out its responsibility to protect the public health, safety, and general welfare in all zoning districts do not require a permit.

H. Signs in the Coastal Zone.

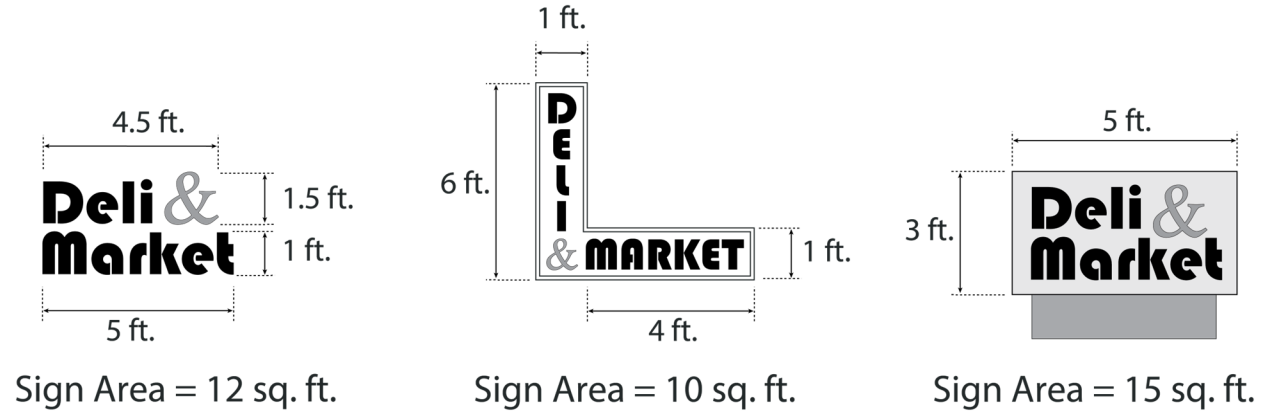
1. If a proposed sign is located in the coastal zone, it may require a coastal development permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval).
2. Notwithstanding all applicable standards in this chapter, any sign that could reduce public coastal access, including signs limiting public parking or restricting use of existing lateral and/or vertical accessways, requires a CDP.

17.80.040 Rules of measurement.

A. Calculation of Sign Area.

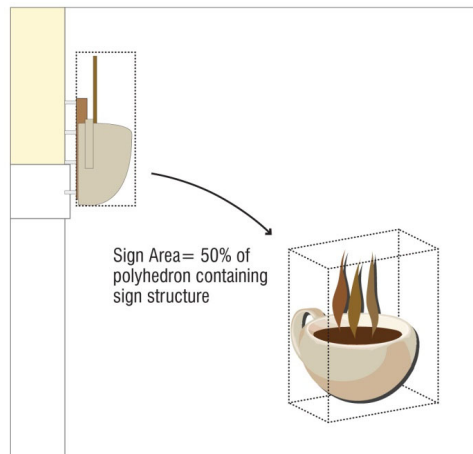
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17.80-1.

Figure 17.80-1: Measurement of Sign Area



2. Supporting framework or bracing that is clearly incidental to the display itself shall not be calculated as sign area.
3. The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed eighteen inches and the two faces are parallel with each other.
4. The area of spherical, free-form, sculptural or other nonplanar signs are measured as fifty percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 17.80-2.

Figure 17.80-2: Nonplanar Sign Area



B. Monument Sign Height Measurement. The height of a monument or other freestanding sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.

17.80.050 Signs allowed without permits.

A. Types of Signs. The following signs are allowed without a planning permit and shall not be counted towards the allowable sign area or number of signs on a parcel:

1. On-site directional signs which do not include commercial messages or images, not to exceed three feet in height and six square feet in area.
2. Informational signs which do not include commercial messages or images, displayed for the safety and convenience of the public, providing information such as “restrooms,” “danger,” “impaired clearance,” “no smoking,” “parking in rear,” “coastal access,” and other signs of a similar nature.
3. Flags bearing noncommercial messages or graphic symbols.
4. One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material.
5. One bulletin board on a parcel occupied by a noncommercial organization, with a maximum area of twelve square feet.
6. Political signs during an election period located outside of a public street, path, or right-of-way except to the extent such signs are prohibited by state or federal law. Political signs may not exceed six feet in height and thirty-two square feet per unit.
7. Constitutionally protected noncommercial message signs not to exceed three feet in height, with a maximum of six square feet per unit; and six square feet per nonresidential property.
8. Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.
9. Murals on the exterior of a building that do not advertise a product, business, or service.
10. Official or legal notices required by a court order or governmental agency.
11. Signs installed by a governmental agency within the public right-of-way.
12. Signs, postings, or notices required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.
13. Restaurant menu signs attached to a building, with a maximum area of three square feet.
14. Real estate listings posted in the window of a real estate office, with a maximum area of twenty-five percent of the total window area.
15. Residential signs not requiring a building permit as specified in Section 17.80.100 (Residential signs – Multi-unit properties).
16. Temporary signs allowed without a permit as provided in Section 17.80.110 (Temporary signs).
17. Vacation rental signs up to twelve inches by twelve inches.
18. Garage sale signs limited to the day of the garage sale.

B. Building Permit Review. Planning staff shall review all proposed signs listed in subsection A of this section that require a building permit to verify compliance with all applicable standards.

C. Changes to Sign Face. Changes to a sign face that do not structurally alter or enlarge a legally established sign and utilize similar materials shall not require a planning permit.

D. Routine Maintenance. The painting, cleaning, repair, and normal maintenance of a legally established sign shall not require a planning permit.

17.80.060 Prohibited signs.

A. Prohibited Sign Types. The following types of signs are prohibited:

1. Signs or sign structures which have become a public nuisance or hazard due to inadequate maintenance, dilapidation, or abandonment.
2. Portable signs placed on the ground other than sidewalk signs permitted in the MU-V zoning district consistent with Section 17.80.080(K) (Sidewalk Signs).
3. Roof signs.
4. Signs emitting odors, gases, or fluids.
5. Signs that feature a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind, excluding flags and insignia of any government.
6. Digital display and electronic readerboard signs which allow the image on a sign to be changed by electronic control methods, except for digital gas and service station signs consistent with Section 17.80.080(H) (Gas and Service Station Signs) and parking garage signs consistent with Section 17.80.080(I) (Parking Garage Signs).
7. Animated signs, with the exception of clocks and barber poles.
8. Signs that emit sound.
9. Signs which simulate in size, color, lettering, or design a traffic control sign or signal.
10. Signs which flash, blink, change color, or change intensity.
11. Beacons.
12. Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment.
13. Signs that have been abandoned, or whose advertised use has ceased to function for a period of ninety days or more.
14. Signs adversely affecting traffic control or safety.
15. Signs with exposed raceways.
16. Signs attached to trees.
17. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by state agencies.
18. Signs erected for the dominant purpose of being seen by travelers on a freeway, except for auto dealership signs as allowed by Section 17.80.080(A) (Auto Dealership Signs).
19. Inflatable signs and balloons greater than fifteen inches in diameter, except for temporary auto dealership signs.
20. Signs on or affecting public property (e.g., “tenant parking only”) not placed there by the public entity having the possessory interest in such property.
21. All other signs not specifically permitted by or exempted from the requirements of this chapter.

B. Prohibited Sign Content.

1. The following sign content is prohibited:
 - a. Obscene or indecent text or graphics.

- b. Text or graphics that advertise unlawful activity.
- c. Text or graphics that constitute defamation, incitement to imminent lawless action, or true threats.
- d. Text or graphics that present a clear and present danger due to their potential confusion with signs that provide public safety information (for example, signs that use the words “Caution,” or “Danger,” or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

2. The content prohibited by subsection (B)(1) of this section is either not protected by the United States or California Constitution or is offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the city council that each subsection of subsection (B)(1) of this section be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or California Constitution.

17.80.070 General sign standards.

A. Maximum Permitted Sign Area. Table 17.80-1 identifies the maximum cumulative/total sign area permitted on a property in each zoning district. Each business may have a mix of the sign types allowed by Section 17.80.080 (Standards for specific types of signs) provided the area of all signs on the property does not exceed the maximum established in Table 17.80-1.

Table 17.80-1: Sign Area Standards

Zoning District	Area per Linear Foot of Building Frontage
MU-V, MU-N	0.5 sq. ft. per linear foot 36 sq. ft. max
C-R, C-C, I	1 sq. ft. per linear foot 50 sq. ft. max
-VS, CF, P/OS [1]	As determined through sign permit
PD	As determined through the development plan

Note:

[1] Sign requirements in the visitor serving overlay zone shall be as required by the base zoning district.

B. Maintenance. Signs, including all supports, braces, and anchors, shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired promptly.

C. Building Surface Repair. When an existing sign is replaced or modified, any newly exposed portions of a building surface on which the sign is displayed shall be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the removal of any excess conduit and supports, and the patching or filling of any exposed holes.

D. Illumination.

- 1. Nonresidential signs may be internally or externally illuminated except where specifically prohibited. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Internally illuminated boxes are prohibited, except that the copy of an existing internally illuminated box sign may be replaced with a change of business.
- 2. The light source for externally illuminated signs shall be positioned so that light does not shine directly on adjoining properties or cause glare for motorists or pedestrians.
- 3. Exposed bulbs are not permitted.

4. Internal illumination is prohibited in the mixed use village (MU-V) and mixed-use neighborhood (MU-N) zoning districts.

E. Materials and Design.

1. Except for interior window signs, all permanent signs shall be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.
2. The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies and will not have an adverse effect on the character and integrity of the surrounding area.

F. Location and Placement.

1. All signs shall be located on the same parcel as the business or use that it serves, except as otherwise allowed by this chapter.
2. Signs shall not obstruct the ingress to, or egress from, a door, window, fire escape, or other required accessway.
3. Signs shall not interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The city may require sign setbacks greater than specified in this chapter as needed to maintain adequate visibility for motorists and pedestrians. See Section 17.96.050 (Intersection sign distance).

G. Signs in the Public Right-of-Way.

1. No sign shall be permitted in the public right-of-way, except for:
 - a. Signs installed or required by a governmental agency.
 - b. Awning, canopy, marquee, projecting, or suspended signs attached to a building wall subject to the requirements in Section 17.80.080 (Standards for specific types of signs).
 - c. Sidewalk signs in the village mixed use (MU-V) zoning district consistent with Section 17.80.080(K) (Sidewalk Signs).
 - d. Shared auto dealership signs consistent with Section 17.80.080(A) (Auto Dealership Signs).
2. Any sign illegally installed or placed on public property shall be subject to removal and disposal as specified in Section 17.80.150 (Violations and enforcement). The city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.
3. Signs in the public right-of-way may require city approval of an encroachment permit.

17.80.080 Standards for specific types of signs.

Signs consistent with the standards in this section are allowed with an administrative permit unless planning commission approval of a sign permit is specifically required. Signs that deviate from the standards in this section may be allowed with planning commission approval of a sign permit in accordance with Section 17.80.120 (Adjustment to sign standards).

A. Auto Dealership Signs.

1. In addition to signs allowed with an administrative sign permit (Section 17.80.030(A)), the planning commission may allow special auto dealership signage in the C-R zoning district with approval of a sign permit subject to the following standards:

- a. Location: on or adjacent to an auto dealership land use.
- b. Placement: ten feet minimum setback from property line abutting the public right-of-way.
- c. Maximum height: at or below roof line.
- d. The planning commission shall review the sign permit application if the total combined sign area on the site exceeds one hundred square feet.
- e. The planning commission may allow one shared sign used by multiple auto dealerships at the entry of Auto Plaza Drive which extends into or above the public right-of-way.

The planning commission may allow temporary auto dealership signage, such as signage on light poles and flags and pennants, that deviates from temporary sign standards in Section 17.80.110 (Temporary signs) with the approval of a sign permit.

B. Awning Signs.

- 1. Standards for awning signs in each zoning district are as shown in Table 17.80-2.
- 2. Awning signs shall be located on the awning above a display window or the entrance to the business it serves.
- 3. An awning sign that projects over any public walkway or walk area shall have an overhead clearance of at least eight feet.

Table 17.80-2: Awning Sign Standards

Zoning District	Awning Face Sign		Awning Valance Sign		
	Maximum Area	Maximum Number	Maximum Area	Maximum Letter Height	Maximum Number
MU-V, MU-N	Sign permit required (Chapter 17.132)		75 percent of valance	Two-thirds of valance height	1 sign per awning located on either the awning face or the awning valance
C-R, C-C	30 percent of awning face	1 sign per awning located on either the awning face or the awning valance			
I	20 percent of awning face				

Note: In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for awning signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for awning signs shall be established by the city council in the development plan.

C. Monument Signs.

- 1. Standards for monument signs in each zoning district are as shown in Table 17.80-3.

Table 17.80-3: Monument Sign Standards

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V	12 sq. ft.	4 ft.	1 per property
MU-N	16 sq. ft.		
C-R	60 sq. ft.	8 ft.	1 per building frontage
C-C	35 sq. ft.		

Zoning District	Maximum Area	Maximum Height	Maximum Number
I		4 ft.	1 per building frontage

Note: In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for monument signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for monument signs shall be established by the city council in the development plan.

2. Monument signs shall be placed on the property of the business associated with the sign.
3. Where two monument signs are allowed on a corner parcel, each sign shall be placed at least two hundred feet from the intersection corner.
4. A monument sign for up to four tenants may be approved with an administrative sign permit. Monument signs listing more than four tenants require planning commission approval of a sign permit.
5. The area surrounding the base of a monument sign shall be landscaped consistent with Chapter 17.72 (Landscaping).
6. Monument signs shall be placed at least five feet away from any public or private driveway.
7. Monument signs shall be placed at least five feet behind sidewalk or property line, whichever is greater.
8. The height of a monument sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.
9. Monument signs are not allowed in conjunction with wall signs on a property with three or fewer businesses.

D. Center Identification Signs.

1. Standards for center identification signs in each zoning district are as shown in Table 17.80-4.
2. Center identification signs shall identify the name of the center but may not include the name of any business or businesses within the center.
3. No more than one freestanding sign is permitted per center street frontage. If a monument sign is located along the center frontage, an additional center identification sign is not permitted.

Table 17.80-4: Center Identification Sign Standards

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V and MU-N	Not permitted		
C-R	60 sq. ft.	5 ft.	1 per shopping center
C-C	35 sq. ft.		
I	Not permitted		

Note: In the planned development (PD) zoning district, standards for center identification signs shall be established by the city council in the development plan.

E. Directory Signs.

1. Standards for directory signs in each zoning district are as shown in Table 17.80-5.
2. Directory signs may not be legible from adjacent public rights-of-way.

3. Directory signs shall identify the names of the occupants of the building or complex.

Table 17.80-5: Directory Sign Standards

Zoning District	Maximum Area	Maximum Height
MU-V	12 sq. ft.	4 ft.
MU-N	16 sq. ft.	
C-R	30 sq. ft.	5 ft.
C-C	25 sq. ft.	
I	25 sq. ft.	4 ft.

Note: In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for directory signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for directory signs shall be established by the city council in the development plan.

F. Wall Signs.

- Standards for wall signs in each zoning district are as shown in Table 17.80-6.
- Wall signs shall be attached parallel to the exterior wall of the business associated with the sign and may not extend above the top of building wall.
- Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.
- Any portion of a wall sign that projects over any public walkway or walk area shall have an overhead clearance of at least eight feet.
- Wall signs are not allowed in conjunction with a monument sign on a property with three or fewer businesses.
- On a corner lot, one wall sign is allowed per street frontage.

Table 17.80-6: Wall Sign Standards

Zoning District [1]	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V	0.5 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft. max	4 in.	1 per shopfront
MU-N	1.0 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft.		
C-R, C-C, I [2]		12 in.	1 per shopfront

Notes:

[1] In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for wall signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for wall signs shall be established by the city council in the development plan.

[2] Wall signs are not allowed in conjunction with a monument sign in the industrial (I) zoning district.

G. Projecting Signs.

1. Standards for projecting signs in each zoning district are as shown in Table 17.80-7.
2. Projecting signs shall be attached to the ground-floor exterior wall of the business associated with the sign and may not extend above the top of the second-story finished floor.
3. Projecting signs shall maintain a minimum two-foot horizontal clearance from a driveway or street curb.
4. An encroachment permit must be obtained for all signs projecting over a public right-of-way.
5. A projecting sign that projects over any public walkway or walk area shall have an overhead clearance of at least eight feet.

Table 17.80-7: Projecting Sign Standards

Zoning District	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V, MU-N	4 sq. ft.	4 ft.	1 per business entryway or storefront
C-R, C-C, I	8 sq. ft.	4 ft.	1 per business entryway or storefront

Note:

In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for projecting signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for projecting signs shall be established by the city council in the development plan.

H. Gas and Service Station Signs. In addition to signs allowed with an administrative sign permit (Section 17.80.030(A)), the planning commission may allow special gas and service station signs that comply with the following standards:

1. A maximum of two signs, not exceeding four square feet, shall be allowed on each pump island to denote either full service or self-service.
2. No other signs will be allowed to be attached to pumps or islands other than required by state law. (See Business and Professions Code Section 13530.)
3. A six-foot-high monument sign which displays prices charged, credit cards accepted or special services rendered shall be allowed on each street frontage.
4. Digital changeable copy signs for gasoline pricing are permitted.
5. Two additional signs up to a maximum of one square foot are permitted to advertise ancillary services such as ATMs and propane. Such signs must be attached to another sign or structure and may not be a portable freestanding sign.

I. Parking Garage Signs. A maximum of one digital display sign not exceeding four square feet on each street frontage is permitted to show the number of available parking spaces.

J. Window Signs.

1. Standards for window signs in each zoning district are as shown in Table 17.80-8.
2. Window signs may be attached only to the inside of a ground-floor window of the business associated with the sign.

3. Interior signs within one foot of a window and publicly visible from outside of the building shall be included in the calculation of sign area for the property.

Table 17.80-8: Window Sign Standards

Zoning District	Maximum Area
MU-V, MU-N	25 percent of window
C-R, C-C, I	30 percent of window

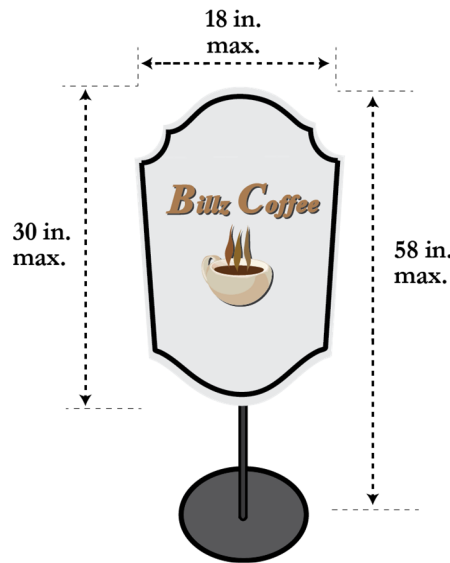
Note:

In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for window signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for window signs shall be established by the city council in the development plan.

K. Sidewalk Signs.

1. Where Allowed. Sidewalk signs are permitted only in the MU-V zoning district consistent with the requirements of this section.
2. Permits Required.
 - a. Sidewalk signs consistent with this section and the approved BIA design as illustrated in Figure 17.80-3 can be issued an over-the-counter sign permit by the community development director.
 - b. All sidewalk signs shall obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.
 - c. The owner of any business desiring to place a sidewalk sign on the city right-of-way shall provide an executed city hold harmless waiver and proof of liability insurance to the satisfaction of the city attorney in the amount of one million dollars prior to placing the sign within said right-of-way.

Figure 17.80-3: Sidewalk Sign Standards and Design Concepts



3. Dimensions. Sidewalk signs shall comply with the dimension standards in Table 17.80-9.

Table 17.80-9: Sidewalk Sign Standards

Zoning District	Sign Face			Entire Sign
	Maximum Area	Maximum Width	Maximum Height	Maximum Height [1]
MU-V	3.75 sq. ft.	18 in.	32 in.	58 in.
All Other Zoning Districts	Not permitted			

Note:

[1] Measured from sidewalk to top of sign.

4. Number of Signs.

- a. Only one two-sided sidewalk sign per business establishment is permitted.
- b. Multi-tenant developments are permitted one sidewalk sign per each common exterior public business entrance.

5. Materials and Design.

- a. Sidewalk signs shall be attached to metal poles. Poles may be either drilled into the sidewalk or inserted into a moveable base. Moveable bases shall be constructed of metal, form a circle with a diameter of no more than eighteen inches, and must be approved as part of the sign permit.
- b. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
- c. Sign faces shall be constructed of solid wood, metal or similar durable and weatherproof material.
- d. No sidewalk sign may contain lights of any kind.

6. Sidewalk Clearance.

- a. The sidewalk in front of the business must be at least seventy-eight inches in width.
- b. Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A forty-eight-inch level clear path of travel on concrete or similar material must be maintained where the sign is located.

7. Separation from Other Sidewalk Signs. Sidewalk signs shall be spaced a minimum of thirty linear feet from all other permitted sidewalk signs.

8. Display During Open Hours. Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.

9. Advertising Multiple Businesses. Individual signs may advertise more than one business.

10. Other Business Signage.

- a. No other temporary advertising signs (Section 17.80.110) may be used at the same time as the sidewalk sign is in use.
- b. All other signs on the property must be in conformance with the city’s sign regulations prior to a sidewalk sign permit being issued.

17.80.090 Design standards.

A. Design Standards for Mixed Use Zoning Districts. The following design standards apply to all signs in the MU-V and MU-N zoning districts:

1. Signs shall preserve, complement, or enhance the architectural composition and features of the building to which it is attached. Signs may not cover or obscure significant architectural details of the building to which it is attached.
2. Signs shall be coordinated with the overall facade composition, including ornamental details and other signs on the building to which it is attached.
3. Signs shall be mounted to fit within existing architectural features. The shape of the sign shall be used to reinforce the relationship of moldings and transoms seen along the street.
4. Signs shall be located and designed so that they are legible when viewed from the sidewalk. Sign letter styles and sizes shall be designed for legibility from the sidewalk, not the street.
5. To the extent possible, sign attachment parts shall be reused in their original location (holes in the facade or fixing positions) to protect the original building materials.
6. Internally illuminated signs are prohibited in the MU-V and MU-N zoning districts.
7. Wiring conduit for sign lighting shall be carefully routed to avoid damage to architectural details and to be concealed from view as much as possible.
8. Sign materials and colors shall be compatible with the period and style of building to which it is attached. Sign panels shall avoid the extensive use of primary colors or significant areas of white or cream.
9. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.
10. The sign will not have a significant adverse effect on the character and integrity of the surrounding area.

B. Design Standards for Commercial Zoning Districts. The following design standards apply to all signs in the C-C and C-R zoning districts:

1. Sign design shall conform to and be in harmony with the architectural character of the building.
2. Signs shall be symmetrically located within a defined architectural space.
3. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Large panel internally illuminated signs are prohibited.
4. The design of monument and other freestanding signs shall relate to the architecture of the building or development they serve. Exterior materials, finishes and colors shall be the same or similar to those of the building or structures on site.
5. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.

C. Design Standards for Industrial Zoning District. Signs within the industrial (I) zoning district shall be constructed of metal or other materials consistent with the light industrial character of the zoning district.

17.80.100 Residential signs – Multi-unit properties.

Multi-unit properties may display one or more master signs subject to the following requirements:

- A. A master sign program (Section 17.80.130) has been approved for the multi-unit property.
- B. Maximum allowable sign area: twenty square feet per property.

C. A master sign for a multi-unit property requires an administrative sign permit.

17.80.110 Temporary signs.

A. Permitted Temporary Signs. Table 17.80-10 (Temporary Sign Standards) identifies temporary signs permitted either by right or with the approval of an administrative sign permit. The planning commission may allow other types of temporary signs or temporary signs that do not comply with the standards in Table 17.80-10 with approval of a sign permit.

Table 17.80-10: Temporary Sign Standards

Sign Type	Permit Required	Use Restriction	Maximum Number	Maximum Area/Size	Maximum Duration
Auto Dealership Signs – Flags – Pennants – Balloons	None	Auto dealerships on Auto Plaza Drive only	No maximum	0.5 sq. ft. per linear business frontage; 30 sq. ft. max; 1/3 of window max	Year-round; must be maintained in good condition
Commercial Banner Signs	Administrative Sign Permit	Nonresidential uses only	1 per 500 ft. of linear building frontage; 2 signs maximum	30 sq. ft.	30 continuous calendar days; no more than 60 days each calendar year
Construction Site Signs – Residential	Administrative Sign Permit	Residential uses only	1 per 500 ft. of linear building frontage; 2 signs maximum	Height: 5 ft. Area: 12 sq. ft.	From issuance of building permit to certificate of occupancy
Construction Site Signs – Nonresidential	Administrative Sign Permit	Commercial and industrial uses only	1 per 500 ft. of linear building frontage; 2 signs maximum	Height: 8 ft.; 4 ft. in MU-V Area: 40 sq. ft.; 12 sq. ft. in MU-V	From issuance of building permit to certificate of occupancy
For Sale, Lease, and Rent Signs, Nonresidential	None	Commercial and industrial uses only	1 per property	Height: 8 ft. Area: 40 sq. ft.	1 year; director may approve extension
For Sale, Lease, and Rent Signs, Residential	None	Residential uses only	1 per property	Height: 4 ft. Area: 6 sq. ft.	180 days; director may approve extension
Open House or Model Home	None	None	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 sq. ft.	Limited to day of open house
Special Event	None	Special events	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 sq. ft.	Limited to day of special event
Residential Subdivision	Administrative Sign Permit	Residential subdivisions and condominiums located in the city	1 per subdivision	Height: 10 ft. Area: 40 sq. ft.	180 days or upon the sale of the last unit, whichever comes first

17.80.120 Adjustment to sign standards.

This section establishes procedures to allow the planning commission to approve signs that deviate from certain standards to provide reasonable flexibility in the administration of the sign ordinance.

A. Permit Required. Adjustments to sign standards allowed by this section require planning commission approval of a sign permit.

B. Permitted Adjustments. The planning commission may allow adjustment to the following sign standards:

1. The type of sign allowed in nonresidential zoning districts (e.g., awning signs, monument signs).
2. Requirements for temporary signs.
3. The maximum permitted sign area up to a twenty-five percent increase.
4. The maximum permitted sign height up to a twenty-five percent increase.

C. Excluded Adjustments. The planning commission may not use the sign standards adjustment process to approve deviations to the following sign standards:

1. Prohibited signs (Section 17.80.060).
2. All general sign standards (Section 17.80.070) except maximum permitted sign area (Section 17.80.070(A)).
3. Maximum number of signs allowed per property.
4. Residential signs (Section 17.80.100).

D. Findings. The planning commission may approve an adjustment to sign standards as allowed by this section if the following findings can be made in addition to findings required to approve sign permit applications:

1. The sign will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
2. The sign will not adversely impact neighboring properties or the community at large.
3. The adjustment is necessary due to unique characteristics of the subject property, structure, or use.
4. The sign will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.
5. The adjustment will not establish an undesirable precedent.

E. Low Visibility Commercial Properties.

1. In addition to adjustments allowed by subsections A through D of this section, the planning commission may allow additional adjustments to sign standards for low visibility properties in the C-R and C-C zoning districts. A low visibility property means a property where signage consistent with applicable standards would not be easily visible from the street or sidewalk due to the width of street frontage, parcel depth or configuration, placement of buildings on the property, topography, vegetation, or other physical characteristic of the property.
2. Adjustments to sign standards for low visibility properties require planning commission approval of a sign permit.
3. Adjustments are allowed to required sign types, height, size, placement, and number. Adjustments may not allow for prohibited signs or monument signs.
4. The planning commission may approve additional or variations to any type of signage upon making the following findings:

- a. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.
- b. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.

17.80.130 Master sign program.

A. Purpose. The purpose of the master sign program is to provide a coordinated approach to signage for multifamily development and multi-tenant commercial developments.

B. Applicability. A master sign program is required for multifamily uses with more than one permanent sign proposed, and any nonresidential development with four or more tenants.

C. Permit Required. A master sign program requires planning commission approval of a sign permit.

D. Applications. Applications shall be filed with the planning department on the appropriate city forms, together with all the necessary fees, deposits, exhibits, maps, and other information required by the department to clearly and accurately describe the proposed master sign program.

E. Master Sign Program Contents. All master sign programs shall identify the materials, color, size, type, placement and general design of signs located on a project or property.

F. Design Standards.

- 1. Master sign programs shall feature a unified and coordinated approach to the materials, size, type, placement and general design of signs proposed for a project or property. Master sign programs may allow for variety in the design of individual signs.
- 2. A master sign program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign. A master sign program may not allow prohibited signs as identified in Section 17.80.060 (Prohibited signs).

G. Effect of Master Sign Program.

- 1. All subsequent signs proposed for a development or property subject to an approved master sign program shall comply with the standards and specifications included in the master sign program.
- 2. Signs consistent with an approved master sign program are allowed with an administrative sign permit.
- 3. Approval of a master sign program shall supersede the regulations of this chapter. Any aspect of the proposed signs not addressed by the master sign program shall be in compliance with this chapter.

17.80.140 Nonconforming signs.

This section applies to all legally established signs that do not conform to current requirements in this chapter.

A. Continuation.

- 1. Except as required by subsection (A)(2) of this section, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time it was established. It is the applicant's responsibility to demonstrate that the sign was legally established.
- 2. At time of review of a design permit application for a property with a nonconforming sign on the site, the planning commission shall review the existing nonconforming sign in conjunction with the design permit. The planning commission may allow the continuation of the nonconforming sign only upon finding the sign is compatible with the design character and scale of the surrounding area and does not adversely impact the public health, safety, or general welfare.

B. Allowed Changes.

1. Changes to sign copy/face and repainting of legal nonconforming signs are permitted as long as there is no alteration to the physical structure or support elements of the sign.
2. A legal nonconforming sign that sustains less than fifty percent damage to its structure may be repaired to its original pre-damaged condition; provided, that such repair is completed within one hundred eighty days after the date of the damage.

C. Required Compliance. A legal nonconforming sign shall be removed or brought into compliance with this chapter in the following situations:

1. The use advertised by the sign has ceased to function for a period of ninety days or more.
2. The sign has sustained at least fifty percent damage to its structure.
3. The sign is located on a remodeled building facade.
4. The sign is relocated to a different lot or building.

17.80.150 Violations and enforcement.

A. Illegal Signs. It is unlawful for any person to install, place, construct, repair, maintain, alter or move a sign in a manner that does not comply with the requirements of this chapter.

B. Removal of Illegal Signs.

1. The city may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.
2. For illegal signs that do not place the public in immediate peril and are located on private property, the city shall serve the business owner, property owner, or person responsible for the sign a written certified notice that:
 - a. Describes the physical characteristics of the subject sign.
 - b. Explains the nature of the violation.
 - c. States that the sign shall be removed or brought into compliance with this chapter within a specified number of days after the notice is received.
 - d. States that the city will remove the sign if the business owner or person responsible for the sign does not correct the violation within the specified number of days after the notice is received.
 - e. States that the city may destroy the illegal sign if it is not retrieved within twenty days of removal by the city.
 - f. States that the business owner or person responsible for the sign is liable for all costs associated with the removal, storage, and destruction of the sign.
3. If an illegal sign is not removed or brought into compliance within the specified number of days after a notice is received, the city may issue a citation to the business owner or person responsible for the sign as provided in Title 4 (General Municipal Code Enforcement) and may remove or cause the removal of the sign.
4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.
5. A sign removed by the city shall be stored for a minimum of twenty days. If the sign is not retrieved by the business owner or person responsible for the sign within this twenty-day period, the city may destroy the sign.

Chapter 17.96
SUPPLEMENTAL STANDARDS

Sections:

- 17.96.010 Purpose.
- 17.96.020 Animal keeping.
- 17.96.030 Emergency shelters.
- 17.96.040 Home occupations.
- 17.96.050 Intersection sight distance.
- 17.96.060 Large commercial land uses.
- 17.96.070 Large home day care.
- 17.96.080 Large residential care facilities.
- 17.96.090 Offshore oil development support facilities.
- 17.96.100 Permanent outdoor displays.
- 17.96.110 Outdoor lighting.
- 17.96.120 Placement of underground utilities.
- 17.96.130 Recycling collection facilities.
- 17.96.140 Self-storage facilities.
- 17.96.150 Solar energy systems.
- 17.96.160 Soquel Creek Riverview Pedestrian Pathway.
- 17.96.170 Temporary outdoor dining.
- 17.96.180 Temporary uses and structures.

17.96.010 Purpose.

This chapter establishes supplemental standards for land uses, activities, and development that apply in all zoning districts.

17.96.020 Animal keeping.

A. General Standards. The following standards apply to the keeping of all animals in Capitola:

1. Public Health and Safety. It shall be unlawful and shall constitute a nuisance to keep any animal that poses a threat to public health or safety.
2. Animal Noise. In addition to the standards in Chapter 9.12 (Noises), no animal may disturb neighbors with its noise between sunset and one-half hour after sunrise.
3. Sanitation. It shall be unlawful and shall constitute a nuisance for any person to keep animals in an unsanitary manner or produce obnoxious odors. All debris, refuse, manure, urine, food waste, or other animal byproduct shall be removed from all the premises every day or more often as necessary.
4. Property Confinement. Animals other than household pets, where allowed, shall be confined to the property within a fenced yard.

B. Household Pets.

1. Compliance with General Standards. The keeping of dogs, cats, domesticated birds, rabbits, rodents, reptiles and amphibians, potbelly pigs less than one hundred fifty pounds, and other household pets is permitted provided they comply with subsection A of this section.
2. Maximum Number. A maximum of four of each type of household pet with a maximum of eight pets total is permitted in a single dwelling unit.

C. Chickens.

1. Permitted Location. Keeping of chickens is permitted only on properties of five thousand square feet or more

occupied by a single-family dwelling.

2. Prohibitions on Roosters. Only hens are permitted pursuant to this chapter. Roosters are prohibited.

3. Number of Chickens. A maximum of four chickens is permitted on a single property.

4. Enclosure Requirement. Chickens shall be kept in a coop which is sufficient to contain chickens. When outside of a coop, chickens shall be confined to the property within a fenced yard.

5. Location of Coops.

a. Chicken coops must be located behind the primary structure on the lot.

b. Chicken coops may not be located within a required front and side setback area or closer than twenty feet to dwelling units on adjacent properties.

D. Honeybees.

1. Permitted Location. Keeping of beehives is permitted only on properties occupied by a single-family dwelling.

2. Minimum Lot Size and Number of Hives. A maximum of one beehive is permitted on properties of at least five thousand square feet.

3. Location of Beehives. Beehives shall be located behind the primary structure on the property. Beehives shall not be located closer than twenty feet to dwellings on adjacent properties or five feet from a property line.

E. Prohibited Animals. Keeping the following animals is prohibited:

1. Roosters, fowl other than chickens and ducks, goats, pigs other than potbelly pigs, and other livestock.

2. Wild animals as defined in Section 2118 of the California Fish and Game Code, except when authorized by the State Department of Fish and Game under Fish and Game Code Section 2150 et seq.

17.96.030 Emergency shelters.

Emergency shelters will comply with the following standards:

A. Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

B. Physical Characteristics. Emergency shelters shall comply with applicable state and local housing, building, and fire code requirements.

C. Security. Facilities shall have on-site security during hours of operation. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.

D. Laundry Facilities. Facilities shall provide laundry facilities or services adequate for the number of residents.

E. Common Facilities. Facilities shall contain amenities appropriate to the population to be served to include the following:

1. Central cooking and dining room.

2. Recreation room.

3. Counseling services.

4. Child care facilities.

5. Other support services.

F. Outdoor Activity. For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.

G. Refuse. Emergency shelters shall provide a refuse storage area that is in accordance with city requirements for accessory refuse structures. The storage area shall accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the community development director. The refuse enclosure shall be accessible to refuse collection vehicles.

H. Emergency Shelter Provider. The agency or organization operating the emergency shelter shall comply with the following requirements:

1. Temporary shelter shall be available to residents for no more than six months.
2. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
3. The provider shall have a written management plan including, as applicable, provisions for staff training, good neighbor policies, security, transportation, client supervision, food services, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents. Such plan shall be submitted to and approved by the planning, inspections, and permitting department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrated compliance with the physical standards. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. The city council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.

I. Limited Terms of Stay. The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.

J. Transportation Plan. A transportation plan is required.

K. Parking. The emergency shelter shall provide on-site parking at a rate of one space per staff member plus one space per six occupants allowed at the maximum capacity.

L. Bicycle Parking. The shelter shall provide secure bicycle parking at a rate of one space per occupant.

M. Development Standards. An emergency shelter must comply with all development standards in the industrial (I) zoning district.

17.96.040 Home occupations.

A. Required Permit. An administrative permit is required to establish or operate a home occupation.

B. Standards. All home occupations shall comply with the following standards:

1. Size. Home occupations may not occupy more than twenty-five percent of the floor area of the dwelling unit or four hundred square feet, whichever is less.
2. Sales and Displays. Products may not be sold on site directly to customers within a home occupation. Home occupations may not establish window displays of products to attract customers.
3. Advertising. No newspaper, radio, or television service shall be used to advertise the location of business; however, contact information, including phone numbers and email address, are allowed on advertisements.
4. Signs. One single, nonilluminated, wall-mounted outdoor sign of not more than one square foot in area is permitted.
5. Vehicle Traffic. A home occupation may not generate vehicle traffic greater than normally associated with a

residential use. No excessive pedestrian, automobile, or truck traffic may be introduced to the neighborhood as a result of the home occupation.

6. Deliveries. Deliveries and pick-ups for home occupations may not interfere with vehicle circulation, and shall occur only between eight a.m. and eight p.m., Monday through Saturday.

7. Mechanical Equipment. Mechanical equipment that is not normally associated with a residential use is prohibited.

8. Performance Standards. Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line.

9. Hazardous Materials Prohibited. The storage of flammable, combustible, or explosive materials is prohibited.

10. Employees. Employees of a home occupation shall be limited to the persons residing in the dwelling unit.

11. On-Site Client Contact. No more than one client/customer at the property at one time. Customer or client visits are limited to three per day, or six per day for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring).

12. Outdoor Storage Prohibited. Goods, equipment, and materials associated with a home occupation shall be stored within an enclosed structure or in a manner that is not visible from the property line.

C. Permit Revocation. An administrative permit for a home occupation that violates any of the standards in subsection B of this section (Standards) may be revoked consistent with Section 17.156.110 (Permit revocation).

17.96.050 Intersection sight distance.

A. Vision Triangle Required. In zoning districts which require a front and street side setback for primary structures, all corner parcels shall provide and maintain a clear vision triangle at the intersection of the streets' right-of-way and adjacent to driveways for the purpose of traffic safety.

B. Vision Triangle Defined.

1. Intersections. The intersection vision triangle shall be the area formed by measuring thirty feet along the major street front property line and twenty feet along the minor street property line from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

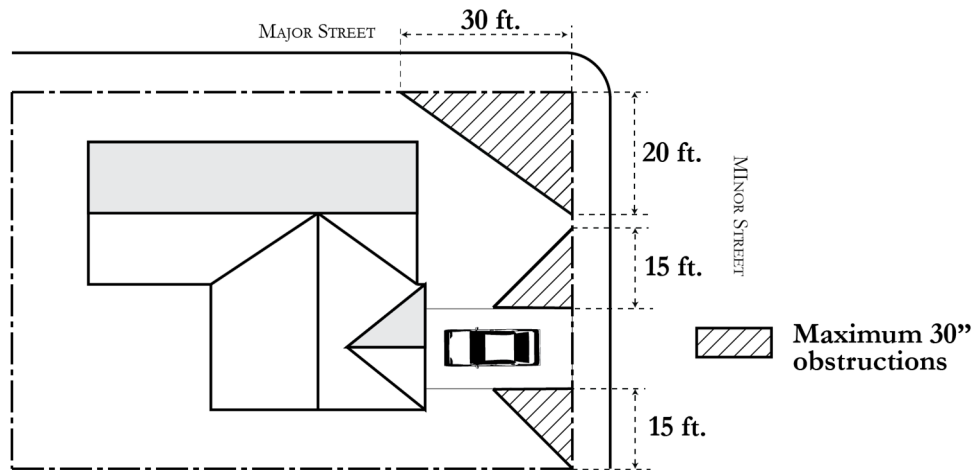
2. Driveways. The driveway vision triangle is the area formed by measuring fifteen feet along the driveway and the street from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

C. Maintenance of Sight Lines.

1. No structure, vehicle, object, or landscaping over thirty inches in height may be placed within a vision triangle, except as allowed by subsection (C)(2) of this section.

2. Trees pruned at least eight feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a vision triangle.

Figure 17.96-1: Vision Triangles



17.96.060 Large commercial land uses.

A. Purpose and Applicability. This section establishes special findings that the planning commission must make to approve a conditional use permit for commercial land uses with more than twelve thousand square feet of floor area within one or more buildings. This requirement applies to all proposed new commercial land uses except for:

1. Uses already specifically approved in an applicable master conditional use permit pursuant to Section 17.124.100 (Master use and tenant use permits); and
2. Uses within a shopping center or mall with a floor area of three hundred thousand square feet or more.

B. Findings. To approve a conditional use permit for a commercial land use with twelve thousand square feet or more of floor area, the planning commission shall make the following findings in addition to the findings in Section 17.124.070 (Findings for approval):

1. Vehicle traffic and parking demand created by the proposed use will not have substantial adverse impacts on properties within the vicinity of the subject property.
2. The structure occupied with the proposed use is compatible with the scale and character of existing structures in the surrounding area.
3. The proposed use is compatible with existing land uses in the surrounding area.
4. The size of the proposed use is similar to the average size of similar uses located in the surrounding area.
5. The use will support the surrounding local economy and attract visitors to the commercial area.

C. Purpose of Findings. The purpose of additional findings for large commercial uses is to enable the planning commission to ensure that all new uses and development are consistent with the general plan and compatible with the character of existing neighborhoods and districts. These findings are not intended to involve the city in the normal competition that arises between similar businesses in Capitola.

17.96.070 Deleted. Large home day care.

~~As allowed by Health and Safety Code Section 1597.465 et seq., the city shall approve a large home day care if it complies with the following standards:~~

~~A. Care Provider Occupancy. The single family home in which the large home day care is located shall be the principal residence of the care provider. The day care use shall be clearly residential in character and shall be accessory to the use of the property as a residence.~~

~~B. License. The care provider shall obtain and maintain a license from the State of California Department of Social Services.~~

~~C. Separation. A large home day care facility within a residential zoning district may not be located within five hundred feet of another large home day care.~~

~~D. Yard Requirement. A large home day care shall either be located within the R-1 zoning district with outdoor play space or shall have seventy-five square feet of outdoor activity space for each child. A large home day care outside the R-1 shall have an outdoor area owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. The city may waive this space requirement if the applicant can demonstrate that there is a public park or other public open area that is in close proximity to the large home day care.~~

~~E. Screening. A fence or wall shall be located on all property lines or around all outdoor activity areas. The fence or wall shall comply with all applicable standards in Chapter 17.60 (Fences and Walls).~~

~~F. Noise. Outdoor activities may not occur before seven a.m. or after eight p.m. when the site is located within or adjacent to a residential zoning district.~~

~~G. Parking. Off street parking shall be provided as required by Chapter 17.76 (Parking and Loading).~~

~~H. Garage. The garage shall be utilized for the parking of the property owner's vehicles. Use of the garage for the day care home function, such as for a play area, is not allowed.~~

~~I. Safety Compliance. The applicant is required to have the home inspected and submit a letter of compliance from the following:~~

~~1. City Building Division. The home shall be inspected and brought into compliance with the building codes relative to the proposed use.~~

~~2. Fire Marshal. The home shall be inspected and brought into compliance with the California Health and Safety Code and fire code relative to the proposed use.~~

~~J. Pick Up and Drop Off Plan. The community development director shall approve a plan for the pick up and drop off of children. The plan shall demonstrate that adequate parking and loading areas are available to minimize congestion and conflict on public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:~~

~~1. A scheduled time for pick up and drop off with allowances for emergencies; and~~

~~2. Prohibitions of double parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.~~

17.96.080 Large residential care facilities.

Large residential care facilities shall comply with the following standards:

A. Separation. A large residential care facility in a residential zoning district shall not be located within five hundred feet of another large residential care facility.

B. Screening and Landscaping. A wall or fence shall be provided for purposes of screening and securing outdoor recreational areas in compliance with Chapter 17.60 (Fences and Walls).

C. License. The care provider shall obtain and maintain a license from the State of California Department of Social Services. Large residential care facilities shall be operated according to all applicable state and local regulations.

D. Safety Compliance. The applicant is required to have the facility inspected and submit a letter of compliance from the following:

1. City Building Department. The facility shall be inspected and brought into compliance with the building codes relative to the proposed use.

2. Fire Marshal. The facility shall be inspected and brought into compliance with the California Health and Safety Code and fire code relative to the proposed use.

17.96.090 Offshore oil development support facilities.

A. Prohibition. There shall be no construction, reconstruction, operation, or maintenance of any commercial or industrial offshore oil development support facility within the city of Capitola.

B. Facilities and Activities Included in Prohibition. Prohibited facilities and activities include, but are not limited to:

1. Oil or gas storage facilities, pipe and drilling materials, or equipment repair or storage facilities, which operate directly in support of any offshore oil or gas exploration, development, drilling, pumping or production.
2. Construction, reconstruction, or operation of facilities to process any oil or natural gas taken or removed from any offshore oil or gas drilling or pumping operations.

17.96.100 Permanent outdoor displays.

A. Permitted Displays. A single permanent outdoor display of retail goods that complies with this section is permitted as an accessory use to a primary commercial use in the mixed use, commercial, and industrial zoning districts, except in the MU-V zoning district, where permanent outdoor displays are prohibited.

B. Permits Required. Permanent outdoor displays require planning commission approval of a conditional use permit.

C. Standards.

1. Height. Displayed items shall not exceed six feet in height.
2. Size. Display areas are limited to six feet wide or ten percent of the width of the front building elevation. A display area may extend a maximum of three feet from the front building wall.
3. Goods Permitted. Displayed items shall be of the same type that are lawfully displayed and sold inside the building occupied by the primary commercial use. Only the business or entity occupying the building may sell merchandise in an outdoor display area.
4. Hours. Items shall be displayed only during the operating hours of the primary commercial use. Items shall be removed from display and moved into a permanently enclosed structure upon close of business.
5. Screening. If outdoor display areas are proposed as part of a project subject to discretionary review (e.g., conditional use or design permit) and approval by the city, the review authority may require that display areas be screened from view from neighboring properties with a solid wall, fence, or landscaped berm.
6. Vending Machines. Vending machines are not permitted as part of an outdoor display. Vending machines are considered an accessory use requiring planning commission approval of a conditional use permit.

7. Design Standards.

- a. Outdoor displays shall be designed to enhance the shopping environment. The outdoor display shall be designed to complement the architecture of the building and public realm.
- b. Outdoor displays shall be self-supporting, stable, and constructed to withstand wind or contact. The display shall not be permanently affixed to any object, structure or the ground including utility poles, light poles, and trees.
- c. Outdoor displays may not contain any information which would routinely be placed on a business sign located on the building such as the name or type of business, hours of business operation, business logo, brand name information, etc. The outdoor display may include a sign which indicates the price of the display items or simply indicates a "sale" on the items limited in size to four square inches.
- d. Outdoor displays shall be continuously maintained in a state of order, security, safety and repair. The display surface shall be kept clean, neatly painted, and free of rust, corrosion, protruding tacks, nails and/or wires.

8. Location.

- a. All outdoor display areas shall be located on the same parcel as the primary commercial use.
- b. Outdoor display areas may not be placed within any permanent landscaped area, required parking space, or loading area.

- c. No items may be displayed within the public right-of-way, including public sidewalks.
- d. Outdoor display areas may not be placed in a location that would cause a safety hazard, obstruct the entrance to a building, encroach upon driveways, or otherwise create hazards for pedestrian or vehicle traffic.

D. Exceptions to Standards. The planning commission may grant exceptions to the standards in subsection C of this section with a conditional use permit upon finding that the exception is necessary and that the outdoor display with the exception will comply with the basic intent of the standards.

17.96.110 Outdoor lighting.

A. Purpose. This section establishes standards for outdoor lighting to minimize light pollution, maintain enjoyment of the night sky, and reduce light impacts on adjacent properties.

B. Applicability. The standards in this section apply to all outdoor lighting in Capitola except for:

- 1. Lighting installed and maintained by the city of Capitola or other public agency;
- 2. Athletic field lights used within a school campus or public or private park;
- 3. Temporary construction and emergency lighting; and
- 4. Seasonal lighting displays related to cultural or religious celebrations.

C. Maximum Height. Lighting standards shall not exceed the maximum heights specified in Table 17.96-1.

Table 17.96-1: Maximum Light Standard Height

Zoning District	Maximum Height
Residential Zoning Districts	16 ft.
Mixed Use and Commercial Zoning Districts	16 ft. within 100 ft. of any street frontage or residential property line; 20 ft. in any other location
Industrial Zoning Districts	16 ft. within 100 ft. of any street frontage or residential property line; 25 ft. in any other location
Community Facility and Parks/Open Space Zoning Districts	25 ft., or as necessary for safety and security

D. Prohibited Lighting. The following types of exterior lighting are prohibited:

- 1. Exposed bulbs and/or lenses;
- 2. Mercury vapor lights; and
- 3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.

E. Fixture Types. All lighting fixtures shall be shielded so the lighting source is not directly visible from the public right-of-way or adjoining properties. All fixtures shall meet the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light (“dark sky compliant”).

F. Light Trespass. Lights shall be placed to direct downward and deflect light away from adjacent lots and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.

- 1. Direct or sky-reflected glare from floodlights shall not be directed into any other parcel or street, or onto any beach.
- 2. No light or activity may cast light exceeding one foot-candle onto a public street, with the illumination level

measured at the centerline of the street.

3. No light or activity may cast light exceeding one-half foot-candle onto a residentially zoned parcel or any parcel containing residential uses.

G. Required Documentation. Prior to issuance of building permits, project applicants shall submit to the city photometric data from lighting manufacturers demonstrating compliance with the requirements of this section.

H. Coastal Development Permit. In the coastal zone, and notwithstanding the other provisions of this section, all lighting shall be sited and designed to limit lighting to the minimum necessary to provide for adequate public safety. All lighting shall be sited and designed so that it limits the amount of light or glare visible from public viewing areas (including but not limited to the beach and other such natural areas) to the maximum extent feasible (including through uses of lowest luminosity possible, directing lighting downward, directing lighting away from natural areas, etc.). In addition, exterior lighting adjacent to habitat areas shall be wildlife-friendly and shall use lamps that minimize the blue end of the spectrum. All lighting that requires a CDP shall also be subject to a CDP finding that such lighting does not adversely impact significant public views.

17.96.120 Placement of underground utilities.

New construction or additions that increase existing floor area by twenty-five percent or more shall place existing overhead utility lines underground to the nearest utility pole. Establishing an accessory dwelling unit in conformance with Chapter 17.74 (Accessory Dwelling Units) does not require placing existing overhead utility lines underground.

17.96.130 Recycling collection facilities.

All recycling collection facilities where permitted shall comply with the standards in this section.

A. Accessory Use. Recycling collection facilities may be established only as an accessory use in conjunction with an existing commercial or industrial use which complies with the zoning code and the Capitola building and fire codes.

B. Permit Required. Where allowed by Part 2 of this title (Zoning Districts and Overlay Zones), a recycling collection facility requires planning commission approval of a conditional use permit.

C. Attendant Required. Facilities may accept materials for recycling only when an attendant is present on site.

D. Maximum Size. Recycling collection facilities may occupy no more than five thousand square feet of area on a property.

E. Parking Areas.

1. Recycling collection facilities shall provide parking for removal of the materials and for customers depositing the materials.

2. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use, unless a study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site.

F. Accepted Items. Recycling collection facilities may accept only glass, metal or plastic containers, papers and reusable items. Used motor oil may be accepted with a permit from the Santa Cruz County environmental health department and the Hazardous Materials Advisory Commission.

G. Power-Driven Processing Equipment. Except for reverse vending machines, recycling collection facilities may not use power-driven processing equipment.

H. Location.

1. Mobile vending facilities shall be located in a designated area without eliminating the required parking or landscaping.

2. Facilities shall be at least one hundred feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

I. Maintenance. The site shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

J. Noise. Facilities shall not exceed noise levels of sixty dBA as measured from the property line of a residentially zoned property or a residential use. Facilities shall not exceed noise levels of seventy dBA measured from all other property lines.

K. Hours of Operation. Facilities shall operate only between the hours of nine a.m. and seven p.m.

L. Facility Information and Display.

1. Containers shall be clearly marked to identify the type of materials which may be deposited.

2. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

M. Signs. Signs may be provided as follows:

1. Recycling facilities may have identification signs with a maximum of ten square feet, in addition to informational signs required by subsection L of this section.

N. Landscaping. The facility shall comply with all landscaping standards required by Chapter 17.72 (Landscaping) and other city ordinances.

17.96.140 Self-storage facilities.

A. Purpose and Applicability. This section establishes special findings for the planning commission to approve self-storage facilities in the community commercial (C-C) zoning district. These findings are intended to ensure that new self-storage facilities will not adversely impact the economic vitality of Capitola's commercial districts.

B. Required Findings. In addition to the findings in Chapter 17.124 (Use Permits), the planning commission must make the following findings to approve a self-storage facility in the community commercial (C-C) zoning district:

1. The location of the proposed self-storage facility is conducive/better suited as self-storage rather than traditional retail due to limited access to or poor visibility from the street.

2. The proposed self-storage facility would be compatible with existing land uses in the surrounding area.

3. Streets and other means of egress are adequate to serve the proposed self-storage facility.

17.96.150 Solar energy systems.

A. Required Permits.

1. Rooftop Systems. Rooftop solar energy systems and solar water heaters are permitted by right in all zoning districts. No permit or approval is required other than a building permit and fire department review.

2. Other Systems. Solar energy systems that are not located on the rooftop of a primary structure require a conditional use permit.

B. Height Exceptions. Rooftop solar energy systems may project up to four feet above the maximum permitted structure height in the applicable zoning district. This exception is applicable to the solar energy system only, not the structure on which it is located.

C. Mixed Use Village Zoning District. Rooftop solar facilities in the mixed use village zoning district shall be

located and designed to minimize visibility from a street or other public place to the greatest extent possible.

D. Building Permit Review and Approval. Building permit applications for rooftop solar energy systems shall be reviewed and approved in compliance with Chapter 15.10 (Expedited Solar Permitting Ordinance).

E. Coastal Development Permit. A proposed solar energy system may require a coastal development permit as specified by Chapter 17.44 (Coastal Overlay Zone) if any part of the site is located in the coastal zone and the proposed development shall conform with the coastal development permit findings for approval as specified in Section 17.44.130 (Findings for approval).

17.96.160 Soquel Creek Riverview Pedestrian Pathway.

The following standards apply to the Soquel Creek Riverview Pedestrian Pathway, which extends from the Stockton Avenue Bridge along the eastern side of Soquel Creek, under the Railroad Trestle, to 427 Riverview Avenue, where it follows a drainage easement to Riverview Avenue. As used in this section, “pathway” means the area within which the pedestrian walking surface (comprised of brick, decomposed granite and other surface materials) and any related public amenities are located.

A. The pathway shall be maintained at a minimum of either the existing pathway width shown in the March 2005 survey maintained by the city of Capitola, or four feet, whichever is greater.

B. The pathway shall have a minimum overhead clearance of eight feet.

C. Structures east of the pathway shall be set back a minimum of five feet from the edge of the pathway.

D. Development, including decks, fencing, landscaping and other improvements, shall not encroach into the pathway.

E. Property owners shall trim and maintain landscaping so that it does not encroach into the pathway.

F. Permeable surface variations (i.e., brick, decomposed granite and other surfaces) are permitted.

G. Deck handrails may not exceed forty-two inches in height. The space between the deck and the handrails may not be filled in to create a solid appearance.

H. Signage indicating that the pathway is open to the public is allowed.

I. All bulkheads shall be constructed in a rustic manner and finished in wood.

J. A maximum of two freestanding lights are allowed for each deck to a maximum height of eight feet.

17.96.170 Temporary outdoor dining.

This section establishes requirements for temporary outdoor dining areas located on a public sidewalk or other area within the public right-of-way.

A. Required Permits. Temporary outdoor dining within the public right-of-way requires an administrative permit and an encroachment permit. Temporary outdoor dining may require a coastal development permit as specified by Chapter 17.44 (Coastal Overlay Zone) if any part of the site is located in the coastal zone and the proposed development shall conform with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval).

B. Permitted Zoning Districts. Temporary outdoor dining within the public right-of-way is allowed in the commercial community (C-C), commercial regional (C-R), and mixed use neighborhood (MU-N) zoning districts. Temporary outdoor dining within the public right-of-way is not permitted in the mixed use village (MU-V) zoning district.

C. Standards. Temporary sidewalk dining shall comply with the following standards:

1. Location. Outside dining is permitted on the public sidewalk:

- a. When incidental to and part of a restaurant; and
 - b. Along the restaurant's frontage.
2. Number of Dining Areas. An indoor restaurant may operate only one outside dining area confined to a single location.
3. Safe Passage.
 - a. Temporary sidewalk dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the outside dining area.
 - b. The sidewalk immediately adjacent to the restaurant shall have adequate space to accommodate tables and chairs and shall provide adequate safe passage along the sidewalk for pedestrian and wheelchair users of the sidewalk. Safe and adequate passage of at least four feet in width shall be provided along the sidewalk and from the curb to the sidewalk. No tables or chairs or any other objects shall be placed or allowed to remain on any sidewalk that inhibit such passage.
4. Furniture and Signage Location.
 - a. Tables and chairs in a sidewalk dining area shall be set back at least two feet from any curb and from any sidewalk or street barrier, including a bollard, and at least eight feet from a bus stop.
 - b. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable.
 - c. All temporary improvements to separate the outdoor dining area from the sidewalk, such as a railing, shall relate to the architectural design of the primary restaurant structure in color, materials, and scale.
 - d. Umbrellas shall be secured with a minimum base of not less than sixty pounds.
 - e. All signs are subject to Chapter 17.80.
5. Food and Beverages. The service of alcoholic beverages within the sidewalk dining area requires a conditional use permit, and shall comply with the following requirements:
 - a. The outside dining area shall be situated immediately adjacent to and abutting the indoor restaurant which provides it with food and beverage service.
 - b. The outside dining area shall be clearly separate and delineated from the areas of the sidewalk which remain open to pedestrian traffic.
 - c. One or more signs shall be posted during hours of operation stating that alcohol is prohibited outside of the dining area.
 - d. The outside dining area shall receive all licenses required for on-site consumption of alcoholic beverages from state authorities.
6. Trash and Maintenance.
 - a. Storage of trash is prohibited within or adjacent to the sidewalk dining area. All trash and litter shall be removed as it accumulates or otherwise becomes a public nuisance.
 - b. The sidewalk dining area, including the sidewalk surface and furniture, shall be maintained in a clean and safe condition.
7. Hours of Operation. Sidewalk dining may occur between seven a.m. and ten p.m. seven days a week. Tables, chairs, other outdoor dining furniture, and all other structures and materials associated with the outdoor dining area shall be removed from the sidewalk and stored indoors at night and when the sidewalk dining area is not in

operation.

17.96.180 Temporary uses and structures.

A. Purpose. This section establishes requirements for the establishment and operation of temporary uses and structures. These requirements allow for temporary uses and structures in Capitola while limiting impacts on neighboring properties and the general public.

B. Temporary Uses Allowed by Right. The following temporary uses are permitted by right. No permits or approvals from the community development department are required.

1. Garage Sales. Garage sales for individual residences limited to three, one- to two-day events per calendar year. One block or neighborhood sale per calendar year is allowed in addition to individual sales.
2. Storage Containers. Storage containers delivered to a home, loaded at the residence, and delivered to another location, for a maximum of two weeks on private property. Storage containers on a residential property for more than two weeks may be approved by the planning commission with a conditional use permit.
3. Outdoor Fund Raising Events. Outdoor fund raising events on commercial sites when sponsored by a nonprofit organization directly engaged in civic or charitable efforts. Outdoor fund raising events are limited to two days each month for each sponsoring organization.
4. On-Site Construction Yards. Temporary construction yards and office trailers that are located on site, less than one acre in size, and established in conjunction with an approved project. The construction yard and trailer shall be immediately removed within ten days of completion of the construction project or expiration of the building permit.

C. Temporary Uses Requiring a Permit. An administrative permit is required for the following temporary uses:

1. Seasonal Sales. Seasonal sales (e.g., Christmas trees, pumpkins) for a maximum of forty-five calendar days, no more than four times per year on a single property. Seasonal sales are prohibited on residentially zoned property.
2. Temporary Outdoor Displays of Merchandise and Parking Lot Sales. Temporary outdoor displays of merchandise and parking lot sales on private property for a maximum of three days no more than two times per year on a single property. Following the completion of the temporary display, all signs, stands, poles, electrical wiring, or any other fixtures, appurtenances or equipment associated with the display shall be removed from the premises.
3. Farmers' Markets. Farmers' markets for a maximum of one day per week in a nonresidential zoning district. Farmers' markets for more than one day per week in a nonresidential zoning district are permitted with a conditional use permit. Farmers' markets in a residential zoning district are permitted with a conditional use permit.
4. Off-Site Construction Yards. Construction yards located off site in conjunction with an approved project. The construction yard shall be immediately removed within ten days of completion of the construction project or expiration of the building permit.
5. Employee Trailers. Trailer or commercial modular units used as a work site for employees of a business displaced during construction, for a maximum of twelve months. The community development director may grant up to two twelve-month extensions for ongoing construction activity requiring more than twelve months to complete.
6. Mobile Food Vendors. Mobile food vendors in one location four times or less per year in accordance with Chapter 9.36. Mobile food vendors in one location more than four times per year require a conditional use permit.
7. Real Estate Offices. Real estate offices used exclusively for the sale of homes or other real estate units located within an approved multi-unit development project for a maximum of three years or within thirty days

of when the last home is sold, whichever comes first.

8. Other Similar Activities. Similar temporary activities determined by the community development director to be compatible with the applicable zoning district and surrounding uses.

D. Temporary, Publicly Attended Activities/Events. Temporary, publicly attended activities such as festivals, outdoor entertainment, and other similar events may be permitted pursuant to Chapter 9.36 (Temporary, Publicly Attended Activities). If in the coastal zone, see Section 17.44.080(H) (Temporary Events) to determine if a temporary event requires a coastal development permit.

E. Conditions of Approval. Upon the approval of a permit for a temporary use, the city may attach the following conditions when necessary in connection with the temporary use:

1. Hours of operation.
2. Maintenance of accessibility for the disabled.
3. Protection of fire lanes and access.
4. Preservation of adequate on-site circulation.
5. Preservation of adequate on-site parking or a parking management plan to temporarily park off site.
6. Cleanup of the location or premises.
7. Use of lights or lighting or other means of illumination.
8. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

17.96.190 Generators

Home generators to provide backup electricity in case of a power outage must comply with the following:

A Noise. Generators may not exceed noise levels of 65 dBA as measured from the property line of a residentially zoned property or a residential use.

B. Allowed Use. Other than periodic testing as required by the manufacture, a generator may be operated only in case of a power outage or emergency.

C. Testing Hours. A generator may be tested only during the hours of eight a.m. and 8 p.m.

D. Placement on Lot.

1. Generators are prohibited in required front and side setback areas.
2. A generator may project a maximum of 5 feet into a rear setback if necessary to locate the generator behind the rear wall of the home.

E. Recreational Vehicle Use Prohibited. Freestanding generators shall not be used to supply service to recreational vehicles or trailers. Generators attached to recreational vehicles or trailers shall not be operated on or adjacent to residential properties.

Chapter 17.120
DESIGN PERMITS

Sections:

- 17.120.010 Purpose.
- 17.120.020 Types of design permits.
- 17.120.030 When required.
- 17.120.040 Application submittal and review.
- 17.120.050 Design review process.
- 17.120.060 Public notice and hearing.
- 17.120.070 Design review criteria.
- 17.120.080 Findings for approval.
- 17.120.090 Conditions of approval.
- 17.120.100 Appeals and post-decision procedures.

17.120.010 Purpose.

This chapter establishes the process to obtain a design permit. A design permit is a discretionary action that enables the city to ensure that proposed development exhibits high-quality design that enhances Capitola’s unique identity and sense of place. The design permit process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties.

17.120.020 Types of design permits.

The zoning code establishes two types of design permits: design permits reviewed and approved by the planning commission and minor design permits reviewed and approved by the community development director.

17.120.030 When required.

A. Types of Projects. The types of projects that require a design permit, and the type of design permit for each project, are listed in Table 17.120-1. If a type of development project or activity is not specifically listed in Table 17.120-1, a design permit is not required.

Table 17.120-1: Projects Requiring Design Permits

Type of Project	Type of Permit
Single-Family Residential Projects	
Ground-floor additions to existing single-family homes where the addition is visible from a public street and does not exceed 15 ft. in height, except for exempt additions (Section 17.120.030(B))	Minor Design Permit
Accessory structures greater than 10 ft. in height and/or 120 sq. ft. to 300 sq. ft.	Minor Design Permit
Accessory structures greater than 300 sq. ft.	Design Permit
Upper-floor decks and balconies on the side or rear of a home that are not adjacent to public open space	Design Permit
All rooftop decks	Design Permit
Upper-floor additions to an existing single-family home	Design Permit
New single-family homes	Design Permit
Multifamily Residential Projects	
Ground-floor additions less than 15% of total floor area of an existing multifamily structure	Minor Design Permit
Upper-floor decks and balconies on the side or rear of a structure that are not adjacent to public open	Design Permit

Type of Project	Type of Permit
space	
All rooftop decks	Design Permit
Accessory structures including garbage and recycling enclosures	Minor Design Permit
Ground-floor additions 15% of total floor area or more to an existing multifamily structure	Design Permit
Upper-floor additions to an existing multifamily structure	Design Permit
New multifamily residential structures	Design Permit
Nonresidential Projects (Including Mixed Use)	
Exterior modifications to an existing structure that do not increase the floor area of the structure	Minor Design Permit
Accessory structures 120 sq. ft. to 300 sq. ft. including garbage and recycling enclosures	Minor Design Permit
Accessory structures greater than 300 sq. ft. including garbage and recycling enclosures	Design Permit
Additions less than 15% of the floor area of an existing nonresidential structure where the addition is not visible from the primary street frontage	Minor Design Permit
Additions 15% or more of the floor area of an existing nonresidential structure where the addition is visible from the primary street frontage	Design Permit
Additions to an existing nonresidential structure of 3,000 sq. ft. or more	Design Permit
New nonresidential structures	Design Permit

B. Single-Family Exemptions. The following additions to a single-family dwelling are exempt from the design permit requirement:

1. Ground-floor single-story additions up to four hundred square feet at the rear of the home.
2. Enclosure of an existing recessed entrance up to twenty-five square feet.
3. Enclosure of an existing open porch up to fifty square feet.
4. Installation of bay windows.
5. A single accessory structure that does not exceed one hundred twenty square feet in floor area and ten feet in height with no connection to water or sewer. Two or more accessory structures require a Minor Design Permit.
6. Minor exterior modification or replacement of materials on an existing structure including siding, windows, doors, and roof.
7. Other similar minor additions to a single-family dwelling as determined by the community development director.
8. Upper-floor decks and balconies immediately adjacent to a street or public open space.

17.120.040 Application submittal and review.

A. General. An application for a design permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information required by the community development department with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.120.080 (Findings for approval).

B. Streetscape Illustration. For all proposed new buildings, the applicant shall submit streetscape illustrations that include neighboring structures within one hundred feet of the side property lines.

C. Enhanced Visualization. The city may require enhanced project visualization materials (e.g., 3-D renderings, photo-simulations, physical models, expanded streetscape diagrams, viewpoint analysis, story poles) when any of the following apply:

1. The project is proposed within a prominent or highly visible development site as determined by the community development director.
2. The project would be located within or adjacent to vista points or visually sensitive areas as identified in the general plan.
3. The applicant is requesting a variance for height.
4. Substantial changes to the exterior of an existing structure.
5. The community development director determines that enhanced visualization is necessary to determine if the findings for approval can be made for the proposed project.
6. Story poles shall only be required by the planning commission or city council.

D. Review by Architectural Historian. Proposed projects that involve an exterior alteration to a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources) shall be reviewed by an architectural historian and may require a historic alteration permit as provided in Section 17.84.070 (Historic alteration permit).

17.120.050 Design review process.

A. Review Required. All design permit applications shall be reviewed by city staff and city-contracted design professionals as specified in Section 17.108.040 prior to review and action on the application by the planning commission.

B. Purpose of Review. The purpose of the design review process is to provide recommendations to the applicant on the design of the project based on design review criteria in Section 17.120.070. Applicants are encouraged to consider comments from the design review process and modify the project design as needed prior to planning commission consideration of the application.

17.120.060 Public notice and hearing.

A. Design Permits. The planning commission shall review and act on a design permit application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

B. Minor Design Permits. Public notice of a pending action on a minor design permit application shall be provided in compliance with Chapter 17.148 (Public Notice and Hearings). The community development director shall hold a public hearing for a minor design permit application only upon receiving a written request for a public hearing as provided in Section 17.148.030 (Notice of pending action for minor use permits and minor design permits).

17.120.070 Design review criteria.

When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, and any applicable specific plan, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria to the extent they apply.

A. Community Character. The overall project design including site plan, height, massing, architectural style, materials, and landscaping contributes to Capitola's unique coastal village character and distinctive sense of place.

B. Neighborhood Compatibility. The project is designed to respect and complement adjacent properties. The project height, massing, and intensity are compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.

C. Historic Character. Renovations and additions respect and preserve existing historic structures. New structures

and additions to nonhistoric structures reflect and complement the historic character of nearby properties and the community at large.

D. Sustainability. The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.

E. Pedestrian Environment. The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.

F. Privacy. The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.

G. Safety. The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility and features that promote a sense of ownership of outdoor space.

H. Massing and Scale. The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes, heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.

I. Architectural Style. Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.

J. Articulation and Visual Interest. Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.

K. Materials. Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.

L. Parking and Access. Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.

M. Landscaping. Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area.

N. Drainage. The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.

O. Open Space and Public Places. Single-family dwellings feature inviting front yards that enhance Capitola's distinctive neighborhoods. Multifamily residential projects include public and private open space that is attractive, accessible, and functional. Nonresidential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.

P. Signs. The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.

Q. Lighting. Exterior lighting is an integral part of the project design with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties.

R. Accessory Structures. The design of detached garages, sheds, fences, walls, and other accessory structures relates to the primary structure and is compatible with adjacent properties.

S. Mechanical Equipment, Trash Receptacles, and Utilities. Mechanical equipment, trash receptacles, and utilities

are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.

17.120.080 Findings for approval.

To approve a design permit application, the review authority shall make all of the following findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.
- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
- E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).
- F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood.

17.120.090 Conditions of approval.

The planning commission or community development director may attach conditions of approval to a design permit to achieve consistency with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

17.120.100 Appeals and post-decision procedures.

- A. Planning commission decisions on design permits may be appealed to the city council as described in Chapter 17.152 (Appeals).
- B. Community development director decisions on minor design permits may be appealed to the planning commission as described in Chapter 17.152 (Appeals).
- C. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to design permits.

Chapter 17.136
MINOR MODIFICATIONS

Sections:

- 17.136.010 Purpose.
- 17.136.020 When allowed.
- 17.136.030 Review authority.
- 17.136.040 Application submittal and review.
- 17.136.050 Public notice and hearing.
- 17.136.060 Findings for approval.
- 17.136.070 Conditions of approval.
- 17.136.080 Appeals and post-decision procedures.

17.136.010 Purpose.

This chapter establishes the process to obtain a minor modification. A minor modification allows for small deviations from development standards to accommodate projects which meet the needs of property owners, are consistent with the purpose of the zoning code and general plan and local coastal program land use plan, and do not negatively impact neighboring properties or the community at large.

17.136.020 When allowed.

A. Permitted Modifications. The planning commission may approve a minor modification to allow for a maximum ten percent deviation from a physical development standard that applies to the subject property. Types of physical development standards eligible for a minor modification include:

1. Dimensional standards and setbacks for parking spaces, driveways, garages, parking lots, and loading areas; and
2. Minimum and maximum setbacks from property lines;
3. Other similar dimensional standards as determined by the community development director.

B. Excluded Modifications. The city may not approve minor modifications for:

1. Minimum required on-site open space and landscaping;
2. Maximum height of buildings, fences, walls, and other structures;
3. Lot area, width, or depth;
4. Minimum number of off-street parking spaces;
5. Maximum residential density;
6. Maximum floor area ratio (FAR); or
7. Setbacks from ESHA or geologic hazards.

17.136.030 Review authority.

A. Community Development Director. The community development director takes action on minor modification applications for:

1. Requested deviations to dimensional standards and setbacks for parking spaces, driveways, garages, parking lots, and loading areas; and

2. Where the application is not filed for concurrent review with an application for discretionary review by the planning commission or city council.

B. Planning Commission. The Planning Commission takes action on all other minor modification applications.

~~The planning commission takes action on minor modification applications.~~

C. Referral to Planning Commission. The community development director may refer any on minor modification application to the planning commission for review and final decision.

17.136.040 Application submittal and review.

An application for a minor modification shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review) or, in the coastal zone, Chapter 17.44 (Coastal Overlay Zone) with a coastal development permit. The application shall include the information and materials required by the community development department for minor modification applications, together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.136.060 (Findings for approval).

17.136.050 Public notice and hearing.

The planning commission shall review and act on a minor modification application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

17.136.060 Findings for approval.

To approve a minor modification application, the planning commission shall make all of the following findings:

- A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
- B. The modification will not adversely impact neighboring properties or the community at large.
- C. The modification is necessary due to unique characteristics of the subject property, structure, or use.
- D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.
- E. The modification is consistent with the general plan, local coastal program, and any applicable specific plan or area plan adopted by the city council.
- F. The modification will not establish a precedent.
- G. The modification will not adversely impact coastal resources.

17.136.070 Conditions of approval.

The planning commission may attach conditions of approval to a minor modification to achieve consistency with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

17.136.080 Appeals and post-decision procedures.

- A. Planning commission decisions on minor modifications may be appealed to the city council as described in Chapter 17.152 (Appeals).
- B. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to minor modifications.

Chapter 17.160

GLOSSARY

Sections:

17.160.010 Purpose.

17.160.020 Definitions.

17.160.010 Purpose.

This chapter provides definitions of terms and phrases used in the zoning code that are technical or specialized, or which may not reflect common usage. If any of the definitions in this chapter conflict with others in the municipal code, these definitions shall control for only the provisions of this zoning code. If a word is not defined in this chapter or in other chapters of the zoning code, the community development director shall determine the appropriate definition.

17.160.020 Definitions.

A. "A" Terms.

1. "Abutting" or "adjoining" means having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.
2. "Accessory dwelling unit" means a self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single parcel.
 - a. "Accessory dwelling unit, attached" means an accessory dwelling unit that shares at least one common wall with the primary residential unit.
 - b. "Accessory dwelling unit, detached" means a secondary dwelling unit that does not share a common wall with the primary residential unit.
3. "Accessory structure" means a structure that is incidental and subordinate to a primary structure or use located on the same parcel. Includes garages, sheds, hot tub, pergolas, and other similar structures.
4. "Accessory use" means a land use which is incidental and subordinate to a primary land use located on the same parcel.
5. "Addition" means any development or construction activity that expands the footprint or increases the ~~habitable~~ floor area of a building.
6. "Adjacent" means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.
7. "Alcoholic beverage sales" means the sale of alcoholic beverages for on-site consumption at a restaurant, bar, nightclub or other establishment, or the retail sale of alcoholic beverages for off-site consumption.
8. Alteration. See "Modification."
9. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks city permits and approvals.
10. "Arbor" means a freestanding unenclosed structure with vertical latticework on two sides for climbing plants and cross beams or lattice forming a covering connecting the sides. The space between the vertical latticework may be open or contain a bench for sitting.
11. "Assumed ground surface" means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade.

121. “Average slope” means the average slope of a parcel calculated using the formula: $S = 100(I)(L)/A$, where:

- a. S = Average slope (in percent);
- b. I = Contour interval (in feet);
- c. L = Total length of all contour lines on the parcel (in feet); and
- d. A = Area of subject parcel (in square feet).

B. “B” Terms.

1. “Balcony” means a platform that projects from the wall of a building thirty inches or more above grade that is accessible from the building’s interior, is not accessible from the ground and is not enclosed by walls on more than two sides.
2. “Banks” means a commercial establishment providing retail banking services. Includes only establishments serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.
3. “Base zoning district” means the primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the zoning map.
4. “Basement” means that portion of a building between floor and ceiling, which is partly or all below grade, and where more than the vertical distance from grade to ceiling is below the average ground contact level of the exterior walls of the building.
5. “Bay window” means a window or series of windows serving as an important element of the building’s architecture, forming an alcove in a room and projecting outward from the wall in a rectangular, polygonal, or curved form.
6. “Block” means the property abutting on one side of a street and lying between the two nearest intersecting streets.
7. “Bluff” or “cliff” means the scarp or steep face of rock, decomposed rocks, sediment or soil resulting from erosion, faulting, folding or excavation of land mass and exceeding ten feet in height, and includes what are commonly known as “cliffs.” See also the definition of “coastal bluff” in Section 17.44.030.
8. “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
9. “Building coverage” means the land area covered by all buildings and accessory structures on a parcel.
10. “Building face” means and includes the general outer surface of a main exterior wall of a building. For example, a building with a rectangular plan has four main exterior walls and four building faces.
11. “Building height” means the vertical distance measured from the assumed ground surface of the building to the highest point of the roof, ridge, or parapet wall.
12. “Business services” means an establishment that provides services to other businesses on a fee or contract basis. Includes computer rental and repair, catering, printing and duplicating services, outdoor advertising services, package delivery services, equipment rental and leasing, and other similar land uses.
13. “By right” means permitted without any form of discretionary approval.

C. “C” Terms.

1. “California Environmental Quality Act (CEQA)” means California state law (Public Resources Code Section

2100 et seq.) requiring government agencies to consider the environmental consequences of their actions before taking action on a proposed project.

2. “Capitola Village” means the central core of Capitola generally bounded by the Monterey Bay shoreline to the south, the railroad trestle to the north and west, and Cliff Avenue and Depot Hill to the east.

3. “Caretaker quarters” means a residence that is accessory to a nonresidential primary use of the site, where needed for security, or twenty-four-hour care or supervision.

4. “Carport” means an accessory building to a residential structure, open on two, three or four sides and attached to, or detached from, a dwelling and established for the loading or unloading of passengers or the storage of an automobile.

5. “Car wash” means a commercial facility for the washing, waxing, or cleaning of automobiles or similar light vehicles

65. “Coastal zone” means the area of land and water extending from the state’s outer seaward limit of jurisdiction inland to the boundary as shown in Capitola’s local coastal program (LCP) as certified by the California Coastal Commission.

76. “Colleges and trade schools” means institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.

87. “Community assembly” means a facility that provides space for public or private meetings or gatherings. Includes places of worship, community centers, meeting space for clubs and other membership organizations, social halls, union halls, banquet centers, and other similar facilities.

98. “Community benefit” means a public amenity offered by a project applicant that advances general plan goals but is not required by the zoning code or any other provision of local, state, or federal law.

109. “Commercial entertainment and recreation” means an establishment that provides entertainment or recreation activities or services for a fee or admission charge. Includes bowling alleys, electronic game arcades, billiard halls, pool halls, sports clubs, commercial gymnasiums, dancehalls, and movie theaters.

110. “Community development director” means the community development director of the city of Capitola or his or her designee.

121. “Construction and material yards” means storage of construction materials or equipment on a site other than a construction site. Includes public utility buildings and service yards used by a governmental agency.

132. “Cultural institution” means a public or nonprofit institution that engages in cultural, scientific, and/or educational enrichment. Includes libraries, museums, performing art centers, aquariums, environmental education centers, nonprofit art centers and galleries, botanical gardens, and other similar uses.

143. “Curb-side service” or “drive-up service” means service provided by a commercial establishment while a customer remains waiting within a vehicle.

154. Custom Manufacturing. See “Manufacturing, custom.”

D. “D” Terms.

1. “Dark sky compliant” means a lighting fixture that meets the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light.

2. “Day care center” means a facility that provides nonmedical care and supervision of minors for periods of less than twenty-four hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and similar uses.

3. “Daylight plane” means the imaginary line beginning at a height of twenty feet at the setback from a property line and extending into the parcel at an angle of forty-five degrees.
4. “Deck” means an outdoor platform, either freestanding or attached to a building, which is supported by pillars or posts.
5. Demolition, Substantial. “Substantial demolition” means the removal or replacement of either fifty percent or more of the lineal footage of existing interior and exterior walls or fifty percent or more of the area of existing floor, ceilings, and roof structures.
6. “Density” means the number of dwelling units per acre of land, excluding street rights-of-way, public easements, public open space, land under water, and certified wetlands and floodplains.
7. “Design review” means that process for the city to review and act on a design permit application.
8. Designated Historic Resource. See Section 17.84.020(A) (Designated Historic Resources).
9. “Development” means any human-caused change to the land or a structure that requires a permit or approval from the city, including construction, rehabilitation, and reconstruction. See Section 17.44.030 for the definition of “development” that applies in the coastal zone.
10. “Development standards” means regulations in the zoning code that limit the size, bulk, or placement of structures or other improvements and modifications to a site.
11. “Discretionary approval” means an action by the city by which individual judgment is used as a basis to approve or deny a proposed project.
12. “Drive-through facility” means a facility where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle. Includes drive-through restaurants, coffee shops, pharmacies, banks, automatic car washes, drive-up windows, and other similar land uses and services.
13. “Duplex home” means a residential structure that contains two dwelling units, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
14. “Dwelling unit” means a building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.

E. “E” Terms.

1. “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.
 - a. “Bars and lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses. Also includes tasting rooms with more than 160 square feet of floor area accessible to the public.
 - b. “Restaurants and cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full service restaurants, fast-food restaurants, coffee shops, cafes, and other similar eating and drinking establishments.
 - c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a

storefront retail component and tasting rooms with 160 square feet or less of floor area accessible to the public.

2. “Elderly and long-term care” means establishments that provide twenty-four-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and are licensed as a skilled nursing facility by the state of California, including but not limited to rest homes and convalescent hospitals, but not residential care, hospitals, or clinics.

3. “Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, as defined in Section 50801 of the California Health and Safety Code.

F. “F” Terms.

1. “Farmers’ market” means a market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items but excludes second-hand goods. Food and beverages dispensed from booths located on site is permitted as an accessory use.

2. “Financial institution” means a professional office conducting businesses within the financial industry. Excludes commercial establishments providing retail banking services to walk-in customers or clients (see “Banks”).

3. “Fence” means a structure connected by boards, masonry, rails, panels, or other similar permanent building material for the purpose of enclosing space or separating parcels of land. This definition includes gates but excludes hedges and other living plants.

4. “Floor area” means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls as described in Section 17.48.040 (Floor area and floor area ratio).

5. “Floor area ratio” means the gross floor area of all of the buildings on the parcel divided by the net parcel area.

6. “Food preparation” means businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Includes catering kitchens, and small-scale specialty food production.

7. “Frontage” means that portion of all property abutting a street.

G. “G” Terms.

1. “Garage” means an enclosed structure or a part of a building designed or used for the storage of automobiles and other motor vehicles.

2. “Garage sale” means a temporary sale for the purpose of selling, trading or otherwise disposing of household furnishings, personal goods or other tangible properties of a resident of the premises on which the sale is conducted.

3. “Gas and service stations” means a retail business establishment supplying gasoline and oil and minor accessories for automobiles. Included in this definition are incidental food and beverage and car wash facilities.

4. “Group housing” means shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes rooming and boarding houses, single-room occupancy housing, dormitories, and other types of organizational housing, and extended stay hotels intended for long-term occupancy (thirty days or more). Excludes hotels, motels, bed and breakfasts, and residential care facilities.

5. “Geological hazard” means a threat to life, property or public safety caused by geological or hydrological

processes such as faulting and secondary seismic effects, including but not limited to: liquefaction, landsliding, erosion, flooding, tsunami or storm wave inundation.

6. “Government offices” means a place of employment occupied by governmental agencies and their employees. Includes offices for administrative, clerical, and public contact functions but excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

7. “Grading” means any and all activities involving earthwork, including placement of fill and/or excavation.

8. “Ground floor” means the first floor of a building other than a cellar or basement that is closest to finished grade.

H. “H” Terms.

1. “Habitable space” means an area within a building that is conditioned (heated or cooled) with a finished floor and a ceiling height of at least seven feet six inches. Excludes unfinished attics, cellars, crawl spaces, and other similar utility areas.

2. Height. See “Building height.” For structures other than buildings, “height” means the vertical distance from grade to the highest point of the structure directly above.

3. “Home day care” means a facility providing daytime supervision and care for up to 14 adults, children, or elderly located in the provider’s own home. Includes both small and large home day care facilities as defined in the California Health and Safety Code Sections 1597.44 and 1597.465

~~a. “Home day care facilities, large” means a day care home facility supervising nine to fourteen persons.~~

~~b. “Home day care facilities, small” means a day care home facility supervising eight persons or less.~~

4. “Historic resource” means either a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources).

5. “Historic alteration permit” means the city permit required to alter the exterior of a historic resource in accordance with Section 17.84.070 (Historic alteration permit).

6. “Home occupation” means the conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.

I. “I” Terms.

1. “Impervious surface” means any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces.

J. “J” Terms. None.

K. “K” Terms.

1. “Kitchen” means any room or part of a room used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit, and distinct from a “mini-bar/convenience area” which is intended as a supplemental food preparation area within a single-family home.

L. “L” Terms.

1. “Land use” means an activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied, or maintained. The meaning of the term “use” is identical to “land use.”

2. “Landscaping” means the planting and maintenance of living plant material, including the installation, use,

and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

3. “Liquor store” means a business selling alcoholic beverages for off-site consumption with the sale of alcoholic beverages constituting its primary source of revenue.

4. “Local coastal program (LCP)” means the city’s land use plan and implementation plan which includes portions of the municipal code, portions of the zoning code, zoning map (as more specifically identified in Chapter 17.44 (Coastal Overlay Zone) and actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

5. Light Manufacturing. See “Manufacturing, light.”

6. “Lodging” means an establishment providing overnight accommodations to transient patrons for payment for periods of less than thirty consecutive days.

a. “Bed and breakfast” means a residential structure that is in residential use with one or more bedrooms rented for overnight lodging and where meals may be provided.

b. “Hotel” means an establishment providing overnight lodging to transient patrons. Hotels and motels may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. Includes motor lodges, motels, extended-stay hotels, and tourist courts, but does not include group housing or bed and breakfast establishments, which are separately defined and regulated.

7. Lot. See “Parcel.”

M. “M” Terms.

1. “Maintenance and repair services” means businesses which provide construction, maintenance and repair services off site, but which store equipment and materials or perform fabrication or similar work on site. Includes off-site plumbing shops, general contractors, contractor’s storage yards, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping, septic tank service, and other similar uses.

2. “Manufacturing, custom” means establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers.

3. “Manufacturing, light” means the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

4. “Material change” means any significant alteration, by private or public action, in the external appearance or surface of an improvement, landscape or vista. This shall not include ordinary maintenance which does not require a permit.

5. “Ministerial action” means a city decision on a planning permit which involves only the use of fixed standards or objective measurements and does not require the exercise of discretion.

6. “Mini-bar/convenience area” means a supplemental food preparation area within a single-family home subject to the standards in Section 17.16.030(B)(9) (Mini-Bar/Convenience Areas).

7. “Medical offices and clinics” means a facility where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, and optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics

offered exclusively on an out-patient basis. Hospitals are excluded from this definition.

8. “Mixed use” means two or more different land uses located in one structure or on one parcel or development site.

9. “Mobile food vendors” means businesses selling food or drinks from temporary and semi-permanent structures or mobile equipment such as food trucks or pushcarts.

10. Mobile Home Park. See Section 17.100.030 (Definitions).

11. “Modification” means any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

12. “Multifamily dwelling” means a building that contains three or more dwelling units, with each unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

N. “N” Terms.

1. “Nonconforming parcel” means a parcel that was lawfully established but that no longer conforms with the parcel size or dimension standards of the zoning district in which it is located.

2. “Nonconforming structure” means a structure which does not meet the current development standards for the district in which the structure is located. Development standards include, but are not limited to, setbacks, height or lot coverage regulations of the zoning district, but do not include standards contained in the uniform codes, such as the building code.

3. “Nonconforming use” means a use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the zoning district in which it is located.

O. “O” Terms.

1. “Open space, private” means open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

2. “Open space, common” means areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit.

3. “Outdoor kitchen” means an outdoor space used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit subject to the standards in Section 17.16.030.B.10. Outdoor pizza ovens are included in the definition of an outdoor kitchen.

3. “Overlay zone” means an additional zoning district as shown on the zoning map that prescribes special regulations to a parcel in combination with the base zoning district.

P. “P” Terms.

1. “Parcel” means a lot, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the county of Santa Cruz, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. The meaning of “lot” is identical to “parcel.”

2. Parcel Area, Gross. “Gross parcel area” means the total horizontal area included within the parcel lines of the parcel, including one-half the width of any alley or portion thereof abutting a parcel line.

3. Parcel Area, Net. “Net parcel area” means the gross parcel area excluding: (a) any recorded easements to

allow others to use the surface of the property for necessary access to an adjacent property or other similar use such as a shared driveway or public access agreement (excludes utility easements), and (b) any area under the high water mark that extends into a waterway.

4. Parcel, Corner. “Corner parcel” means a parcel situated at the junction of two or more intersecting streets, with a parcel line bordering on each of the two or more streets.

5. “Parcel depth” means the average distance from the front parcel line to the rear parcel line, measured in the general direction of the side parcel lines.

6. “Parcel line” means the lines bounding a parcel.

7. Parcel Line, Front. “Front parcel line” means that dimension of a parcel or portion of a parcel, abutting on a street except the side of a corner parcel. On a corner parcel the narrowest street frontage is considered the front parcel line. The community development director ~~may designate the front parcel line for irregularly shaped parcels with unusual development patterns~~ has the authority to determine and designate the front parcel line based on existing conditions and function of the lot.

8. Parcel Line, Rear. “Rear parcel line” means, ordinarily, the line of a parcel which is generally opposite the front parcel line of said parcel. The community development director has the authority to determine and designate the front parcel line based on existing conditions and function of the lot. ~~may designate the rear parcel line for irregularly shaped parcels with unusual development patterns.~~

9. Parcel Line, Interior Side. “Interior side parcel line” means any boundary line not a front line or a rear line shared with another parcel.

10. Parcel Line, Exterior Side. “Exterior side parcel line” means any boundary line not a front line or a rear line adjacent to a street.

11. Parcel, Reversed Corner. “Reversed corner parcel” means a corner parcel, the side street line of which is substantially a continuation of the front line of the parcel upon which it rears.

12. “Parcel width” means the average distance between the side parcel lines, measured at right angles to the parcel depth.

13. “Parking lot” means an open area of land, a yard or other open space on a parcel other than a street or alley, used for or designed for temporary parking for more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

14. “Parking space” means land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used for temporary parking or storage of standard motor vehicles.

15. “Parks and recreational facilities” means noncommercial public facilities that provide open space and/or recreational opportunities. Includes parks, community gardens, community centers, passive and active open space, wildlife preserves, playing fields, tennis courts, swimming pools, gymnasiums, and other similar facilities.

16. “Pergola” means an unenclosed structure with vertical posts or pillars that supports cross beams and/or an open lattice. A pergola may be freestanding or attached to a building.

16. “Personal services” means an establishment that provides services to individuals and that may provide accessory retail sales of products related to the services provided. Includes barber shops and beauty salons, nail salons, dry cleaning establishments, self-service laundromats, tailors, tanning salons, state-licensed massage therapists, fitness studios, yoga studios, dance studios, pet grooming services, veterinary clinics, and other similar land uses. Also includes establishments that primarily offer specialized classes in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This does not include professional offices that offer classes in addition to the professional office spaces.

17. “Planning permit” means any permit or approval required by the zoning code authorizing an applicant to undertake certain land use activities.

18. Potential Historic Resource. See Section 17.84.020(B) (Potential Historic Resource).

19. “Primary use” means the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

20. “Primary structure” means a structure that accommodates the primary use of the site.

21. “Professional office” means a place of employment occupied by businesses providing professional, executive, management, or administrative services. Includes offices for accountants, architects, advertising agencies, insurance agents, attorneys, commercial art and design services, nonretail financial institutions, real estate agents, news services, photographers, engineers, employment agencies, and other similar professions. Also includes research and development facilities that engage in research, testing, and development of commercial products or services in technology-intensive fields.

22. “Public safety facility” means a facility operated by a governmental agency for the purpose of protecting public safety. Includes fire stations and other fire-fighting facilities, police stations, public ambulance dispatch facilities, and other similar land uses.

Q. “Q” Terms. None.

R. “R” Terms.

1. “Recreational vehicle (RV)” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

- a. Contains less than three hundred twenty square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
- b. Contains four hundred square feet or less of gross area measured at maximum horizontal projections;
- c. Is built on a single chassis; and
- d. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

2. “Recycling collection facility” means a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

3. “Remodel” means a change or alteration in a building that does not increase the building’s net square footage.

4. “Residential care facility” means a state-licensed residential facility providing social and personal care for residents. Includes children’s homes, homes for the elderly, orphanages, self-help group homes, and transitional housing for the homeless. Excludes facilities where medical care is a core service provided to residents, such as nursing and convalescent homes.

- a. “Residential care facility, large” means a residential care facility for seven or more persons.
- b. “Residential care facility, small” means a residential care facility for six or fewer persons.

5. “Residential mixed use” means one or more structures on a single parcel that contains both dwelling units and nonresidential uses such as retail, restaurants, offices, or other commercial uses. Different land uses may be within a single structure (vertical mixed use) or in separate structures on a single parcel (horizontal mixed use).

6. “Residential use” means any legal use of a property as a place of residence, including but not limited to dwelling units, group housing, and the residential component of a mixed-use residential building.

76. “Retail” means stores and shops selling merchandise to the general public. Includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, grocery stores and other similar retail establishments.

87. “Review authority” means the city official or city body that is responsible, under the provisions of the zoning code, for approving or denying a permit application or other request for official city approval.

9. “Roof deck” means a walkable exterior floor system located above and supported by the roof of a building.

S. “S” Terms.

1. “Salvage and wrecking” means storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

2. “Schools, public or private” means public or private facilities for education, including elementary, junior high, and high schools, providing instruction and study required in public schools by the California Education Code.

3. “Setback” means the minimum allowable distance from a given point or line of reference such as a property line to the nearest vertical wall or other element of a building or structure as defined in this chapter, or from a natural feature such as a bluff edge or an environmentally sensitive habitat area. Setbacks for buildings or structures shall be measured at right angles from the nearest property line establishing a setback area line parallel to that parcel line. Where a property line is located within a street, the setback shall be measured from the edge of the right-of-way containing the street.

4. Sign. See Chapter 17.80 (Signs).

5. “Single-family dwelling” means a residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

6. “Single-room occupancy” means housing consisting of a single-room dwelling unit that is the primary residence of its occupants. A single-room occupancy must include either food preparation or sanitary facilities (or both) and must be four hundred square feet or less.

7. “Site” means a parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.

8. “Site area” means the total area included within the boundaries of a site.

9. “Self-storage” means a structure or group of structures with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers’ goods.

10. “Split zoning” means a parcel on which two or more zoning districts apply due to zoning district boundaries crossing or otherwise not following the parcel boundaries.

11. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade as defined in this chapter for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined in this chapter at any point, such basement, cellar or unused under-floor space shall be considered as a story.

12. Story, Half. “Half story” means a partial story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls and which are not more than four feet above the floor plate of the second floor, and may include shed or dormer projections from those walls. Dormers may constitute not more than one-third of the length of the wall upon which they are located, whether as a single unit or multiple dormers.

13. “Street” means a public way more than twenty feet in width which affords a primary or principal means of access to abutting property. “Streets” includes private roads and highways.

14. “Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof rafters, or change in roof exterior lines which would prolong the life of the supporting members of a building.

15. “Structure” means anything constructed or erected that requires attachment to the ground, or attachment to something located on the ground. Pipelines, poles, wires, and similar installations erected or installed by public utility districts or companies are not included in the definition of “structure.” In the coastal zone, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

T. “T” Terms.

1. “Tandem parking” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

2. “Tasting Room” means a room or rooms, open to the general public, primarily used for the retail marketing of winery, brewery, distillery, and/or food products

2. “Temporary structure” means a structure that is erected for a limited period of time, typically no longer than one hundred eighty days, and that does not permanently alter the character or physical facilities of a property.

3. “Temporary use” means a short-term activity that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time, typically less than twelve months and does not permanently alter the character or physical facilities of a property.

4. “Trellis” means a structure made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal made to support and display climbing plants. A trellis may be freestanding or attached to a building wall or other structure.

U. “U” Terms.

1. “Upper floor” means any story of a building above the ground floor.

2. “Urban agriculture” means activities involving the raising, cultivation, processing, marketing, and distribution of food in urban areas.

a. “Home garden” means the property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.

b. “Community garden” means privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

c. “Urban farm” means privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by an individual, organization, or business with the primary purpose of growing food for sale.

3. Use. See “Land use.”

4. "Utilities, major" means generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

5. "Utilities, minor" means infrastructure facilities that are necessary to serve development within the immediate vicinity such as electrical distribution lines and underground water and sewer lines.

V. "V" Terms.

1. "Vacation rental" means the occupancy for hire of residential property or a portion thereof for a period of less than thirty consecutive calendar days. See Section 17.40.030 (Vacation rental use (-VRU) overlay zone). "For hire," for purposes of this section, does not include:

a. The owner or long-term lessee of the property, without consideration, allowing family or friends to use the property;

b. An arrangement whereby the owner or long-term lessee of the property agrees to a short-term trade with another property owner or long-term lessee whereby the sole consideration is each concurrently using the other's property.

2. "Valet parking service" means a parking service provided to accommodate patrons of one or more businesses that is accessory and incidental to the business and by which an attendant on behalf of the business takes temporary custody of a patron's motor vehicle and moves, parks, stores or retrieves the vehicle for the patron's convenience.

3. "Vehicle repair" means an establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Repair shops that are incidental to a vehicle sales or rental establishment on the same site are excluded from this definition.

4. "Vehicle sales and rental" means an establishment for the retail sales or rental of new or used vehicles. Includes the sale of vehicle parts and vehicle repair; provided, that these activities are incidental to the sale of vehicles.

5. "Vehicle sales display room" means an establishment for the retail sales of new vehicles conducted entirely within an enclosed building. Outdoor storage and display of vehicles are not permitted.

W. "W" Terms.

1. "Wall" means a permanent upright linear structure made of stone, concrete, masonry, or other similar material.

2. "Warehousing and distribution" means an establishment used primarily for the storage and/or distributing of goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. Includes vehicle storage, moving services, general delivery services, refrigerated locker storage facilities, and other similar land uses.

3. "Wholesaling" means indoor storage and sale of goods to other firms for resale. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. Wholesalers normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

4. "Wireless communications facility" means a facility that transmits or receives electromagnetic signals for the purpose of transmitting voice or data communications. See Chapter 17.104 (Wireless Communications Facilities).

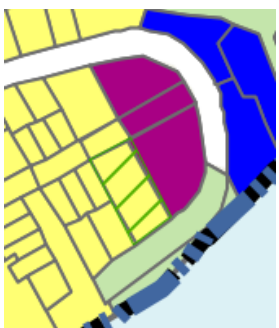
X. "X" Terms. None.

Y. "Y" Terms.

1. "Yard" means an open space, other than a court, on the same parcel with a building, unoccupied and unobstructed from the ground upward, except for such encroachments allowed by the zoning code.
2. Yard, Front. "Front yard" means a yard extending across the full width of the parcel, the depth of which is the minimum horizontal distance between the front line of the parcel and the nearest line of the main building or enclosed or covered porch. On a corner parcel the front line of the parcel is ordinarily construed as the least dimension of the parcel fronting on a street.
3. Yard, Rear. "Rear yard" means a yard extending across the full width of the parcel, and measured between the rear line of the main building or enclosed or covered porch nearest the rear line of the parcel; the depth of the required rear yard shall be measured horizontally.
4. Yard, Side. "Side yard" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the parcel and the nearest part of the main building or enclosed or covered porch.

Zoning Map/LCP-IP Proposed Modifications for 620 El Salto Parcels

Existing Land Use: Visitor Serving



Proposed Land Use: R-1 Single-Family Residential with Visitor Serving Overlay



Residential Zoning Districts

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

Mixed-Use Zoning Districts

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

Commercial and Industrial Zoning Districts

- C-R - Regional Commercial
- C-C - Community Commercial

I - Industrial

Other Zoning Districts

- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development

Overlay Zones*

- AHO - Affordable Housing
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AMENDING MUNICIPAL CODE CHAPTER 17 TO CORRECT DRAFFTING ERRORS, RESOLVE AMBIGUITIES, IMPROVE CODE ORGANIZATION, ADDRESS NEW LEGISLATION, AND REZONE THE MONARCH COVE INN; AND AMENDING THE CAPITOLA ZONING MAP AND THE CAPITOLA COASTAL LAND USE PLAN MAP (GENERAL PLAN LAND USE MAP) TO MODIFY THE ZONING AND LAND USE DESIGNATION OF THE MONARCH COVE INN PROPERTY.

WHEREAS, the City of Capitola's Local Coastal Program (LCP) was certified by the California Coastal Commission in December of 1981 and has since been amended from time to time; and

WHEREAS, the City Council adopted the General Plan Update on June 26, 2014; and

WHEREAS, the Local Coastal Program Land Use Plan is a comprehensive long-term plan for land use and physical development within the City's coastal zone and includes the Coastal Land Use Plan Map; and

WHEREAS, on October 12, 2020 the City of Capitola adopted a comprehensive Zoning Code update that applied to areas outside of the coastal zone; and

WHEREAS, on April 15, 2021 the Coastal Commission certified the Zoning Code resulting in the updated code applying throughout the city, including in the coastal zone; and

WHEREAS, on April 15, 2021 the Coastal Commission did not certify proposed amendments to the Zoning Code and Zoning Map to change the Monarch Cove Inn property from a Visitor Serving base zone to R-1 Single-Family Residential base zone with a Visitor Serving overlay zone; and

WHEREAS, on April 15, 2021 the Coastal Commission advised the Monarch Cove Inn owner and the City of Capitola to bring the proposed Monarch Cove Inn amendments back before the Coastal Commission as a separate item for consideration; and

WHEREAS, Coastal Commission staff requested a third-party consultant to assess the Monarch Cove Inn's profitability and real estate value; and

WHEREAS, the City contracted with Kosmont Companies to prepare a Feasibility Study and Broker Assessment of Value to evaluate the owner's statements regarding profitability and financial positioning; and

WHEREAS, the permit history shows that the owner made major development proposals in 2001 and 2014 to add buildings, guest rooms, guest facilities, and amenities in effort to upgrade and modernize the property. Both proposals were met with significant opposition by the surrounding neighborhood and the 2014 project was ultimately withdrawn.

WHEREAS, since the updated Zoning Code was adopted and certified by the Coastal

RESOLUTION NO.

Commission, City staff has identified a number of needed amendments to the Zoning Code to correct drafting errors, resolve ambiguities, improve code organization, and address new issues that have arisen since the updated code was adopted; and

WHEREAS, the draft ordinance was then circulated for a 60-day public review period on October 11, 2022; and

WHEREAS, at duly noticed public hearings on October 20 and November 3, 2022, the Planning Commission reviewed the proposed Zoning Code amendments, including the proposed Monarch Cove map amendments; and

WHEREAS, on November 3, 2022, the Planning Commission recommended to the City Council adoption of the proposed Zoning Code amendment; and

WHEREAS, before introducing this Ordinance, the City Council adopted Resolution No. 4293 - 2022 to amend the General Plan Land Use Map to change the Monarch Cove Inn land use designation from Visitor Serving to Single-Family Residential with Visitor Serving Overlay.

WHEREAS, the General Plan Land Use Map serves as the Local Coastal Program Coastal Land Use Plan Map; and

WHEREAS, the Capitola City Council conducted duly noticed public hearings on November 10, 2022, at which the City Council introduced and performed a first reading of the added and revised municipal code sections. On November 22, 2022, the City Council adopted the ordinance amending Chapter 17 of the Municipal Code and the Zoning Map; and

WHEREAS, the City Council determined that the amendments are consistent with the General Plan and that the revisions would be internally consistent with all other provisions of the Municipal Code.

WHEREAS, the amendments would become a component of Implementation Plan of the City's Local Coastal Program and is intended to be implemented in a manner that is in full conformance with the California Coastal Act.

WHEREAS, following the City Council's adoption, Capitola staff submitted the Zoning Code update to the Californian Coastal Commission staff for preliminary review in preparation for Local Coastal Plan (LCP) certification; and

WHEREAS, the Local Coastal Program Implementation Plan establishes specific land use and development regulations to implement the Local Coastal Program Land Use Plan, and Chapter 16 (Subdivision), Chapter 17 (Zoning) and the Zoning Map are part of Capitola's Local Coastal Program Implementation Plan; and

WHEREAS, the City provided Public Notice, as required under Coastal Act 30514 et seq., for Certification of the LCP Implementation Plan and Corresponding Maps.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the City of Capitola, that this Resolution declares and reflects the City's intent to amend the LCP Implementation Plan as it pertains to Chapter 17 (Zoning) and the Capitola Zoning Map, and the City's Coastal Land Use Plan Map as it pertains to the General Plan Map, as drafted, if certified by the California Coastal Commission, in full conformity with the City of Capitola LCP and

RESOLUTION NO.
provisions of the California Coastal Act.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit the said Coastal Commission LCP Amendments to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 22th day of November, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

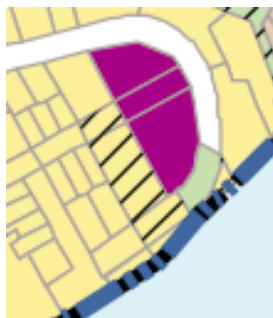
Sam Storey, Mayor

ATTEST: _____

Julia Moss, City Clerk

General Plan and Local Coastal Program Land Use Map Proposed Modifications for 620 El Salto Parcels

Existing Land Use: Visitor Serving



Proposed Land Use: Single-Family Residential with Visitor Serving Overlay



Residential Designations

- Single-Family Residential (R-1)
- Multi-Family Residential (R-M)
- Mobile Home (R-MH)

Mixed-Use Designations

- Village Mixed-Use (MU-V)
- Neighborhood Mixed-Use (MU-N)

Other Designations

- Parks and Open Space (P/OS)
- Public/Quasi-Public (P/QP)
- Visitor Serving (VS)

Commercial/Industrial Designations

- Regional Commercial (C-R)
- Community Commercial (C-C)
- Visitor Accommodations (VA)
- Industrial

Overlays

- Visitor Serving (VS)



Consistency with Capitola's LCP Land Use Plan

The majority of the zoning code updates are routine in nature to address updates to ADU law, clean-up typos and cross references, and clarify regulations. The modification to the Monarch Cove Inn are significant and require a consistency review of how the proposal is consistent with Capitola's Local Coastal Program Land Use Plan.

As an overview, the owners of the Monarch Cove Inn initiated the change to rezone the property to have an R-1 base zone within a Visitor Serving Overlay to allow them more options in terms of retirement and estate planning, after 30 years of operating a bed and breakfast. To ensure the consistency with Capitola LCP LUP, the draft amendment includes a requirement that any conversion to single-family must obtain a conditional use permit with conditions that either a public easement is dedicated to a scenic overlook or one of the three structures be utilized for nightly rental. These two conditions ensure that a visitor serving use will continue on the site.

The proposed amendment is consistent with the following goal of the Coastal Act:

Sec. 30001.5.c) Maximize public access to and along the coastal and maximize public recreation opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

Sec. 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible , to restore and enhance visual quality in visually degraded areas.

Sec. 30253. New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed amendment is consistent with the following sections of the LUP

Residential Development. More residential units are required to serve the needs of the residents of the City of Capitola. The Village area provides a place for residential and ommercial / recreational activities. Change in land use policy will have to be made in order to ensure this mix continues.

Policy I-2 It shall be the policy of the City of Capitola to encourage mixed commercial/residential development in the Village and to designate certain existing residential areas as exclusively residential.

Visual Resources

In addition to the Village, there are several areas of Capitola that deserve special attention in regard to protection of views, scenic resources, and natural landforms. One such area is Depot Hill. The Depot Hill neighborhood preserves some of the visual character of old Camp Capitola and Depot. The streets are tree-lined and without curbs, gutters, or sidewalks. Victorian houses occupy many of the lots on the hill, with a concentration along Cliff Avenue overlooking Capitola Village. At the east end of Depot Hill is the El Salto Resort complex. The eastern area of the El Salto property is Escalona Gulch, an undisturbed pine and eucalyptus grove extending from the coastal bluff approx. 800 feet inland to Park Avenue. The Grove provides a waystation for migrating Monarch butterflies. Other important coastal visual resources are bluff-top views to and along the ocean. These views extend along Cliff Drive and Grand Avenue.

Policy III-6 It shall be the policy of the City of Capitola to maintain the special character of Depot Hill. New development on Depot Hill shall be permitted only where designed to be compatible with the scale and architectural character of the area.

Policy III-10 The City shall identify architecturally and historically significant structures and provide for their protection. These include special, unique structures in Capitola Village and surrounding bluffs, both private and public.

Policy VI-2 It shall be the policy of the City of Capitola to protect, maintain and, where possible, enhance the environmentally sensitive and locally unique habitats within its coastal zone, including dedication and/or acquisition of scenic conservation easements for protection of the natural environment. All developments approved by the City within or adjacent to these areas must be found to be protective of the long-term maintenances of these habitats.

Policy VI-10 a) It shall be the policy of the City of Capitola to protect the winter resting sites of the Monarch Butterfly in the eucalyptus groves of Escalona Gulch, New Brighton Gulch, and Soquel Creek as designated on Map VI-2 by requiring detailed analysis of the impacts of development on the habitat.

Capitola City Council

Agenda Report



Meeting: November 22, 2022

From: Police Department

Subject: Second Reading of an Ordinance Amending Sections 5.36 and 9.61 of the Capitola Municipal Code Pertaining to Cannabis Delivery

Recommended Action: Pass an Ordinance amending Capitola Municipal Code Sections 5.36 and 9.61 allowing cannabis deliveries within the City of Capitola from any authorized licensed retailers physically located within Santa Cruz County.

Background: On November 10, 2022, the City Council unanimously approved the first reading of the draft ordinance to amend Municipal Code Sections 5.36 and 9.61.

The Santa Cruz City Council considered and introduced a similar ordinance amendment on November 15, 2022. The Santa Cruz County Board of Supervisors considered and introduced a similar ordinance on November 15, 2022. Staff expects the remaining jurisdictions that permit retail cannabis sales will consider similar ordinances this Fall.

Discussion: The proposed amendments to Sections 9.61 and 5.36 of the Capitola Municipal Code would explicitly allow recreational cannabis deliveries from any licensed cannabis retailer within the County while prohibiting deliveries from outside the County.

The intent behind this change is to align the retail cannabis delivery requirements for the cities of Capitola, Watsonville and Santa Cruz and the unincorporated areas of Santa Cruz County. This change should simplify enforcement and compliance efforts for all jurisdictions.

The proposed ordinance also includes language that allows delivery of medical cannabis from businesses located anywhere within the State, as required by the newly adopted Senate Bill 1186. Senate Bill 1186 – Medicinal Cannabis Patients’ Right of Access Act was signed into law on September 18, 2022. This bill enacts the Medicinal Cannabis Patients’ Right of Access Act, which, on and after January 1, 2024, would prohibit local jurisdictions from adopting or enforcing any regulation that prohibits the delivery of medicinal cannabis to medicinal cannabis patients.

Attachments:

1. Proposed Ordinance

Report Prepared By: Andrew Dally, Chief of Police

Reviewed By: Chloé Woodmansee, Assistant to the City Manager; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTIONS 5.36.030 AND 9.61.040 OF THE MUNICIPAL CODE TO ALLOW DELIVERY OF CANNABIS FROM ANY BUSINESS LOCATED IN SANTA CRUZ COUNTY AND TO IMPLEMENT BUSINESS AND PROFESSIONS CODE SECTION 26320 RELATED TO MEDICINAL CANNABIS DELIVERY

WHEREAS, the City's current Municipal Code prohibits the delivery of medicinal and recreational cannabis within the City limits; and

WHEREAS, Business and Professions Code Section 26200 allows for local jurisdictions to adopt, implement and enforce local ordinances to regulate cannabis businesses; and

WHEREAS, allowing delivery of cannabis to residents within Capitola increases access to cannabis for those who may not be mobile; and

WHEREAS, allowing delivery of cannabis from businesses located within the County of Santa Cruz supports local businesses, while maintaining local control over cannabis regulations; and

WHEREAS, other jurisdictions within Santa Cruz County are considering similar allowances, and aligning the City of Capitola's regulations with other local regulations aids in enforcement; and

WHEREAS, SB-1186 (Chapter 395, Statutes of 2022) amended Section 26200 and enacted Chapter 26, commencing with Section 26320, to the Business and Professions Code, effective January 1, 2023; and

WHEREAS, these provisions enact the Medicinal Cannabis Patients' Right of Access Act, which, beginning on January 1, 2024, prohibits the City from adopting or enforcing any regulation that prohibits the retail delivery sale within the City of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses; and

WHEREAS, the Medicinal Cannabis Patients' Right of Access Act prohibits local jurisdictions from prohibiting or unreasonable restricting medical cannabis delivery by limited the number of businesses allowed to deliver, the operating hours of such businesses, the number or frequency of medicinal cannabis sales, or the types or quantities of medicinal cannabis allowed to be sold; and

WHEREAS, the Medicinal Cannabis Patients' Right of Access Act prohibits local jurisdictions from prohibiting physical medicinal cannabis retail delivery stores to operate within their jurisdiction if the City did not have at least one physical store that was allowed to sell medicinal cannabis as of January 1, 2022; and

WHEREAS, the City Council desires to implement regulations on the delivery and sale of both recreational and medicinal cannabis within the City limits.

BE IT ORDAINED by the City of Capitola as follows:

Section 1. The above findings are adopted and incorporated herein.

Section 2. Section 9.61.040 (Prohibited Activities) is amended as follows:

Subsection D is added as follows:

D. Notwithstanding the foregoing:

1. Holders of a State retail dispensary license, which are located in any jurisdiction, may deliver medicinal cannabis via mobile delivery to a consumer’s premises in the City. Medicinal cannabis delivery businesses located in the City of Capitola shall obtain a City of Capitola business license and have a valid cannabis retailer license.

2. Retail delivery businesses located within any jurisdiction within Santa Cruz County may deliver within the City if they are licensed to do so by the State and the jurisdiction in which they are located. Such businesses may be required to obtain a City of Capitola business license consistent with Chapter 5.04 – Business Licenses and Fees and, if physically located within the City of Capitola, must also have a valid cannabis retailer license consistent with Chapter 5.36 – Retail Cannabis Licenses.

Section 3. Section 5.36.030 (Cannabis retail business – license required) is amended as follows:
Subsection 15 is added as follows:

15. Notwithstanding the requirements of this section, recreational and medicinal cannabis delivery shall be permitted in the City as outlined in Section 9.61.040.

Section 4. Environmental Review.

The City Council finds and determines that enactment of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378).

Section 5. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

Section 6. Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 7. Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the 10th day of November, 2022, and was adopted at a regular meeting of the City Council on the 22nd day of November, 2022, by the following vote:

AYES:
NOES:
ABSENT:

Sam Storey, Mayor

Attest: _____
Julia Moss, City Clerk

Capitola City Council

Agenda Report



Meeting: November 10, 2022

From: Police Department

Subject: Suspend Village Parking Meter and Pay Station Operation for the 2022 Holiday Season

Recommended Action: Authorize the suspension of parking meter and pay station operation to allow free three-hour parking in the Village Parking Meter Zone A (1) from November 24, 2022, through December 25, 2022.

Background: The Capitola Business Improvement Association (BIA) has submitted its annual request to City Council to offer free three-hour parking in the Village during the holiday season. Council has authorized this program since 2001, with only one exception in 2003.

Discussion: The three-hour parking limit and the paid parking encourage parking rotation, which benefits Village businesses. Although the Village is less congested in late-fall through early-winter than in the late-spring through early-fall, the need for time-limited parking still prevails.

The Capitola BIA has submitted a letter requesting that the Council authorize suspending parking meter and pay station operation to allow free three-hour parking in the Village from November 24, 2022, through December 25, 2022, to encourage holiday shopping and dining (Attachment 1).

Fiscal Impact: Staff estimates that in 2021, the suspension of the Village parking meters and pay stations reduced parking meter revenue by \$40,000. The Fiscal Year 2022/2023 budget accounts for suspending Village meter and pay station operation for the holiday shopping period.

Attachments:

1. Attachment 1: BIA Holiday Parking Request

Report Prepared By: Andrew Dally, Chief of Police

Reviewed By: Chloé Woodmansee, Assistant to the City Manager

Approved By: Jamie Goldstein, City Manager



October 31, 2022

Capitola City Council
City of Capitola
420 Capitola Ave
Capitola, CA 95010

Dear City Council,

The Capitola Village and Wharf BIA requests your consideration of the annual free parking during the upcoming holiday. Traditionally the 3 hour parking is free from Thanksgiving day through Christmas.

We understand that free parking comes at a substantial price. However, our customers and visitors as well as the residents of Capitola have come to count on this generous policy of the city. The businesses in Capitola Village appreciate your considering our request.

Sincerely,

Anthony Guajardo
Chair, Capitola Village and Wharf BIA

Capitola City Council

Agenda Report



Meeting: November 22, 2022

From: Public Works Department

Subject: Award of Contract to American Foam Experts for the City Hall Roof Repair Project in Total Amount Not to Exceed \$58,480 and Determine Project Exempt from CEQA Pursuant to CEQA Guidelines Section 15301

Recommended Action: 1. Accept the lowest responsible bid for the City Hall Roof Repair Project and determine project exempt from CEQA; and 2. Authorize the City Manager to award the construction contract to the lowest responsible bidder after receipt of the required contract documents, execute contract documents, and approve potential contract changes in aggregate amount not exceeding 10% of the contract award amount.

Background: The FY 2022-23 General Fund budget allocates \$100,000 to “Minimal City Hall Maintenance.” As discussed during the May 19, 2022 City Council meeting, the roof on the City Hall building is aging and leaks frequently during rains. To prevent any additional damage to the roof and interior of the building, Staff recommends extending the life of the current roof by installing a silicone coating system. Silicone roof coatings are a cost-effective alternative to roof replacement that provides resistance to water intrusion, UV exposure, and natural weathering.

The proposed work consists of furnishing all labor, equipment, materials and supervision for the installation of a Carlisle Roof Foam and Coatings (CRFC) SeamlesSeal Ultra HSLV. Total thickness of the silicone coating must be a minimum of 20-mils for the 10-year warranty.

The construction bid documents required time for construction completion is 25 working days following approval of the contract agreement and the date specified in the City’s Notice to Proceed.

Discussion: City staff invited sealed bidding in accordance with requirements under the California Uniform Public Construction Cost Accounting Act (CUPCCAA), Public Contract Code sections 22000- 22050. On November 4 and 10, 2022, staff advertised the project in the Santa Cruz Sentinel and on the City’s website with a bid opening date of November 15, 2022. The City received three sealed bids by the scheduled bid opening time on November 15, 2022. A summary of the bid results is shown below:

Rank	Contractor	Bid Total
1	American Foam Experts	\$58,480.00
2	Brazos Urethane	\$76,460.00
3	The Roofing Friend	\$96,500.00

Staff checked the accuracy of all bids and determined the lowest responsible bid was submitted by American Foam Experts.

Staff recommends the City Council accept the bids and authorize the City Manager to award the construction contract to the lowest responsible bidder in the bid amount of \$58,480, execute the contract after receipt of the required contract documents, and approve potential contract changes in an aggregate amount not exceeding 10% of the contract award amount.

CEQA: Based on the scope of work, staff have determined that this project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15301 for repair and maintenance of existing public or private structures, as the project involves negligible or no expansion of

existing or former use, and none of the exceptions to the use of a categorical exception as set forth in CEQA Guidelines section 15300.2 apply to this project.

Fiscal Impact: The City Council approved budget for FY 2022-23 includes an allocation of \$100,000 for "Minimal City Hall Maintenance." The recommended construction contract award amount is \$58,480 plus 10% contingency of \$5,848 for a total amount of \$64,328. Staff plans to allocate the remainder of this year's City Hall maintenance funding, approximately \$40,000, to construct improvements to the exterior concrete pathways, minor maintenance to City Hall offices, and first level public restrooms at City Hall.

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager

Capitola City Council

Agenda Report

Meeting: November 22, 2022

From: Public Works Department

Subject: Consider a Contract to Install a Backup Power Generator for the City Hall and Police Department



Recommended Action: Authorize the City Manager to award a contract to Triad Electric for the City Hall and Police Department Backup Generator Project in total amount not to exceed \$197,200, approve potential contract changes in the aggregate amount not exceeding 15% of the contract award amount, and determine the project is exempt from CEQA Pursuant to CEQA Guidelines Section 15303.

Background: In March of 2021 the City was awarded a FY 2020-21 Community Power Resiliency allocation from the California Governor's Office of Emergency Services (Cal OES) in the amount of \$300,000. Initially Staff had anticipated constructing solar panels and a battery backup system for City Hall. Staff bid the project in June of 2022 and did not receive any bids. In consultation with solar power installers, staff determined the roof of the building did not have sufficient surface area to support an effective solar system. Staff received approval from Cal OES to install a new emergency generator in lieu of the solar panel project.

The current generator at City Hall can only support the Police Department in the event of an outage. The new generator, to be located in the upper parking lot, would have the ability to support both the Police Department and City Hall offices as well as have the ability to provide power to other emergency services agencies in the parking lot in the event of a major emergency.

The proposed work project includes the purchase, delivery, and optional installation of a new 150kW backup generator for City Hall. To provide flexibility in dealing with funding constraints, the bid schedule was divided into a base bid and one bid alternative. The alternative option included the cost of installation. The determination of the lowest bid is based upon the base bid. The City Council may award the base bid only or may award the total base bid plus alternative 1.

The construction bid documents required time for construction completion is 25 working days following approval of the contract agreement and the date specified in the City's Notice to Proceed.

Discussion: City staff invited sealed bidding in accordance with requirements under the California Uniform Public Construction Cost Accounting Act (CUPCAA), Public Contract Code sections 22000- 22050. On November 4 and 11, 2022, staff advertised the project in the Santa Cruz Sentinel and on the City's website with a bid opening date of November 16, 2022. The City received four sealed bids on the scheduled bid opening time on November 16, 2022 for the City Hall and Police Department Backup Generator Project. A summary of the bid results is shown below:

Rank	Contractor	Base Bid	Alternative 1	Total Bid Amount
1	Triad Electric	\$112,000.00	\$85,200	\$197,200
2	Allegri Electric	\$114,429.00	n/a	n/a
3	Bear Electric Solutions	\$121,300.00	\$187,600	\$308,900
4	PC Inc	\$130,500.00	\$141,500	\$272,000

Staff checked the accuracy of all bids and determined that the lowest responsible base bid was submitted by Triad Electric. Triad Electric also submitted the lowest total bid amount (Base Bid + Alternative 1) of \$197,200.

Staff recommends the City Council accept the bids and authorize the City Manager to award the construction contract to the lowest responsible bidder in the Base Bid plus Alternative 1 amount of \$197,200, execute the contract after receipt of the required contract documents and approve potential contract changes in an aggregate amount not exceeding 15% of the contract award amount.

CEQA: Based on the scope of work, staff has determined this project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15303 for New Construction or Conversion of Small Structures, and none of the exceptions to the use of a categorical exception as set forth in CEQA Guidelines section 15300.2 apply to this project.

Fiscal Impact: The City Council approved budget for FY 2022-23 includes an allocation of \$390,000 for "Emergency Power at City Hall Complex". The \$300,000 Community Power Resiliency allocation from Cal OES requires matching funds in the amount of \$90,000, budgeted from the General Fund. The recommended construction contract award amount is \$197,200 plus 15% contingency of \$28,580 for a total amount of \$226,780. Staff will program the remaining grant balance of approximately \$74,000 to other Community Power Resiliency Allocation grant-eligible expenditures and return to Council at a future hearing to consider those expenditures.

Attachments:

1. Generator Specifications and Location

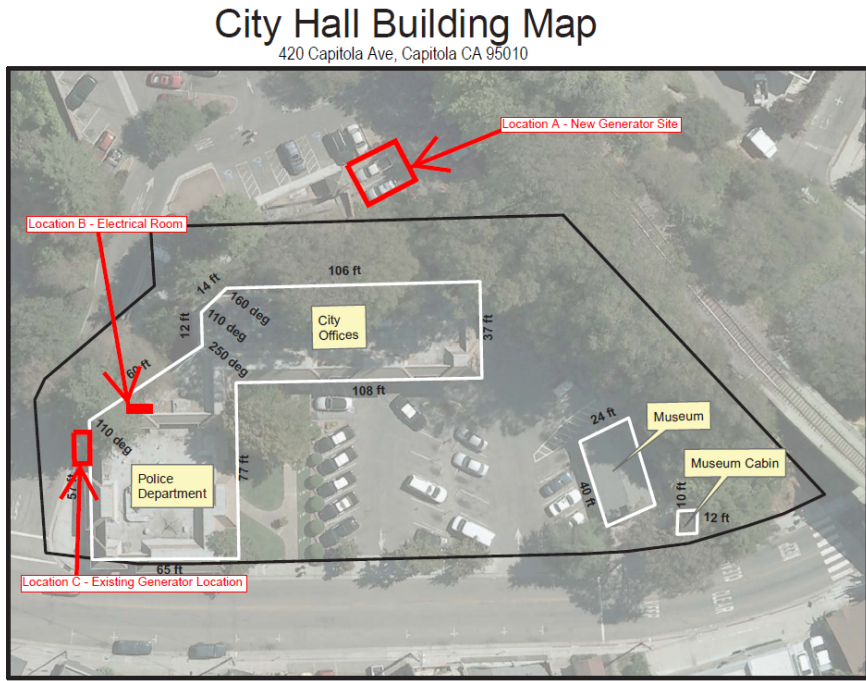
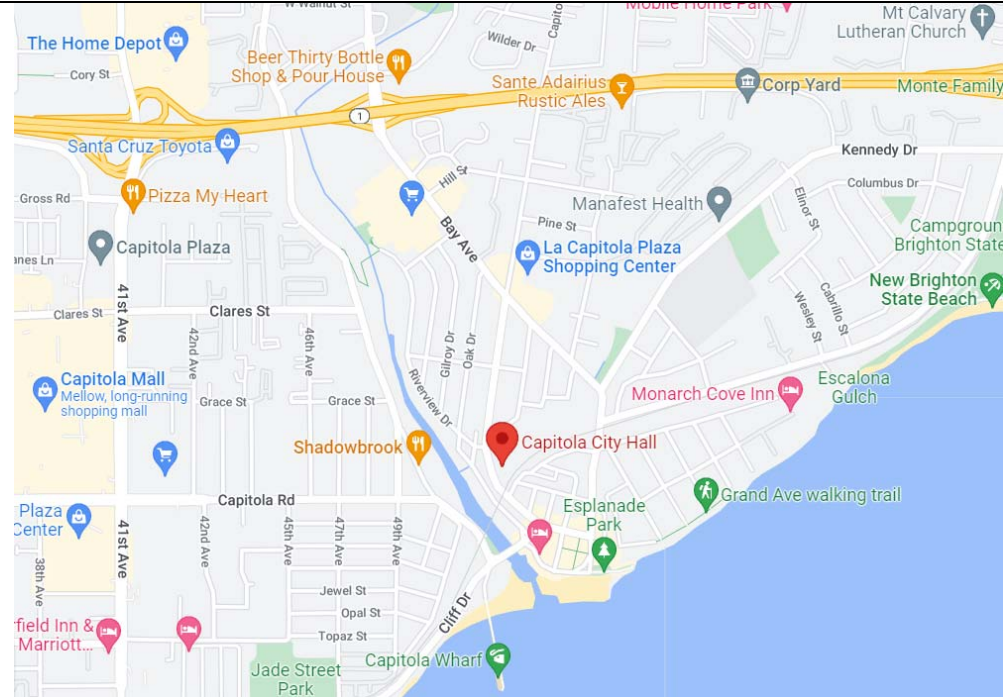
Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager

CITY OF CAPITOLA CITY HALL AND POLICE DEPARTMENT GENERATOR PROJECT

NOVEMBER 2022





Location A – New Generator Site



Location A – New Generator Site



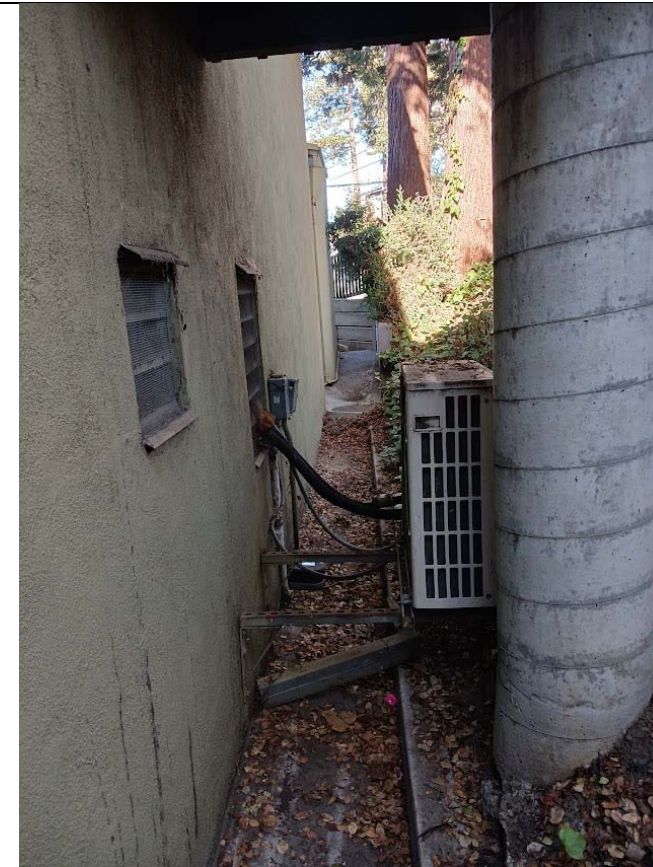
Location A – Access to Generator Site



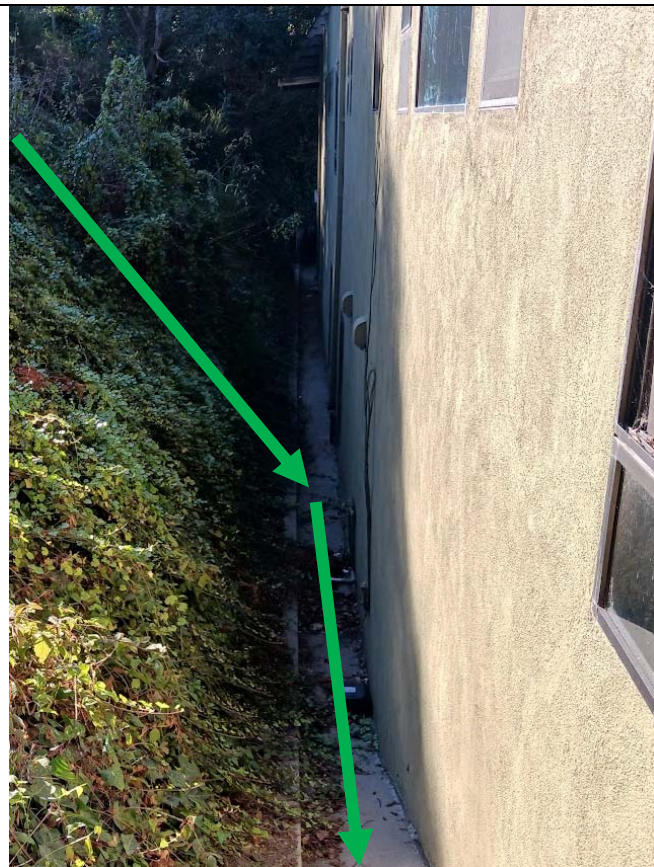
Location A – New Generator Site



Location B – Electrical Room



Location B – Electrical Room



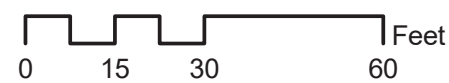
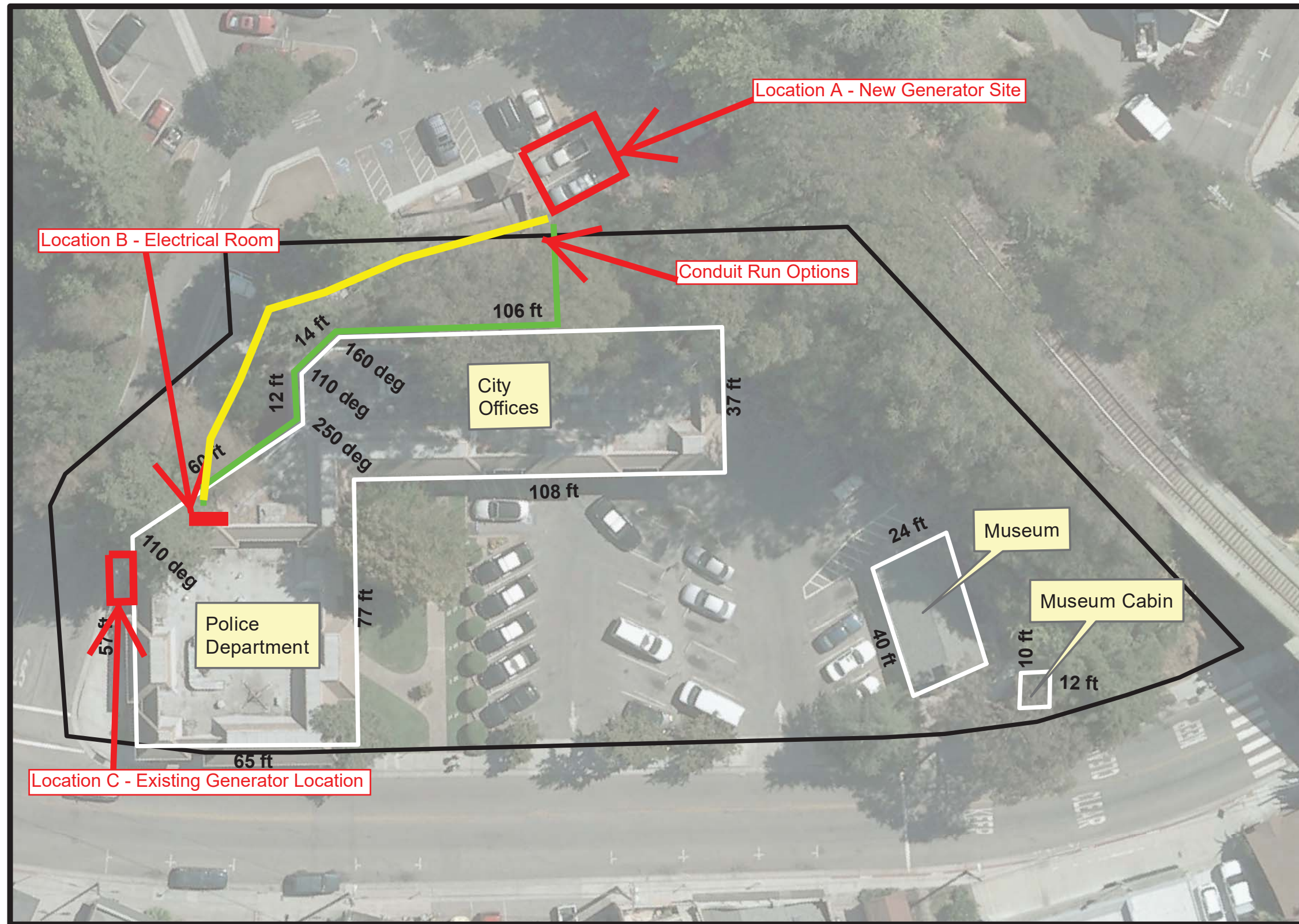
Option 1 for conduit run



Option 2 for conduit run

City Hall Building Map

420 Capitola Ave, Capitola CA 95010



City of Capitola

SD150 | 6.7L | 150 kW

INDUSTRIAL DIESEL GENERATOR SET

EPA Certified Stationary Emergency

Standby Power Rating

150 kW, 188 kVA, 60 Hz

Prime Power Rating*

135 kW, 169 kVA, 60 Hz

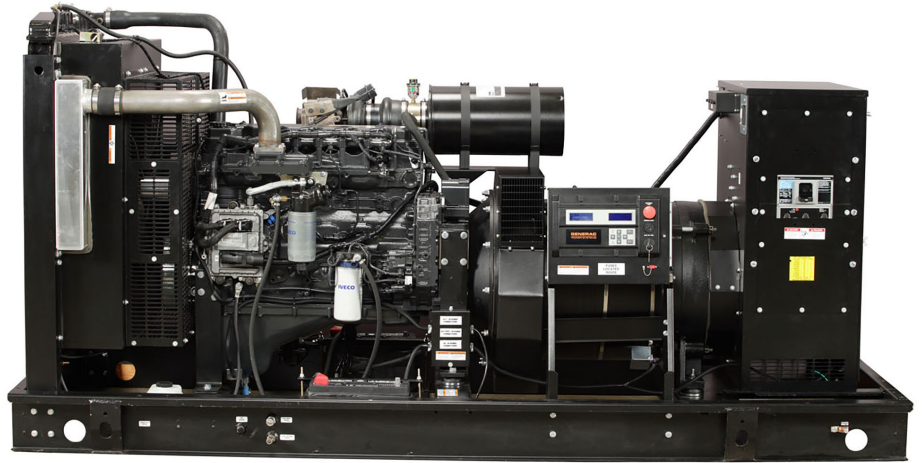


Image used for illustration purposes only



*EPA Certified Prime ratings are not available in the US or its Territories

Codes and Standards

Not all codes and standards apply to all configurations. Contact factory for details.



UL2200, UL6200, UL1236, UL489, UL142



CSA C22.2, ULC S601



BS5514 and DIN 6271



SAE J1349



NFPA 37, 70, 99, 110



NEC700, 701, 702, 708



ISO 3046, 7637, 8528, 9001



NEMA ICS10, MG1, 250, ICS6, AB1



ANSI C62.41



IBC 2009, CBC 2010, IBC 2012, ASCE 7-05, ASCE 7-10, ICC-ES AC-156 (2012)

Powering Ahead

For over 50 years, Generac has provided innovative design and superior manufacturing.

Generac ensures superior quality by designing and manufacturing most of its generator components, including alternators, enclosures and base tanks, control systems and communications software.

Generac gensets utilize a wide variety of options, configurations and arrangements, allowing us to meet the standby power needs of practically every application.

Generac searched globally to ensure the most reliable engines power our generators. We choose only engines that have already been proven in heavy-duty industrial applications under adverse conditions.

Generac is committed to ensuring our customers' service support continues after their generator purchase.

SD150 | 6.7L | 150 kW INDUSTRIAL DIESEL GENERATOR SET

EPA Certified Stationary Emergency

STANDARD FEATURES

ENGINE SYSTEM

- Oil Drain Extension
- Heavy Duty Air Cleaner
- Fan Guard (Open Set Only)
- Stainless Steel Flexible Exhaust Connection
- Factory Filled Oil and Coolant
- Radiator Duct Adapter (Open Set Only)
- Engine Coolant Heater
- Critical Silencer

Fuel System

- Fuel Lockoff Solenoid
- Primary Fuel Filter

Cooling System

- Closed Coolant Recovery System
- UV/Ozone Resistant Hoses
- Factory-Installed Radiator
- Radiator Drain Extension
- 50/50 Ethylene Glycol Antifreeze

Electrical System

- Battery Charging Alternator
- Battery Cables
- Battery Tray
- Rubber-Booted Engine Electrical Connections
- Solenoid Activated Starter Motor

ALTERNATOR SYSTEM

- UL2200 GENprotect™
- 12 Leads (3-Phase, Non 600V)
- Class H Insulation Material
- Vented Rotor
- 2/3 Pitch
- Skewed Stator
- Auxiliary Voltage Regulator Power Winding
- Permanent Magnet Excitation
- Sealed Bearing
- Automated Manufacturing (Winding, Insertion, Lacing, Varnishing)
- Rotor Dynamically Spin Balanced
- Amortisseur Winding
- Full Load Capacity Alternator
- Protective Thermal Switch

GENERATOR SET

- Internal Genset Vibration Isolation
- Separation of Circuits - High/Low Voltage
- Separation of Circuits - Multiple Breakers
- Wrapped Exhaust Piping
- Standard Factory Testing
- 2 Year Limited Warranty (Standby Rated Units)
- 1 Year Limited Warranty (Prime Rated Units)
- Silencer Mounted in the Discharge Hood (Enclosed Units Only)

ENCLOSURE (If Selected)

- Rust-Proof Fasteners with Nylon Washers to Protect Finish
- High Performance Sound-Absorbing Material (Sound Attenuation Enclosures)
- Gasketed Doors
- Upward Facing Discharge Hoods (Radiator and Exhaust)
- Stainless Steel Lift Off Door Hinges
- Stainless Steel Lockable Handles
- RhinoCoat™ - Textured Polyester Powder Coat Paint

FUEL TANKS (If Selected)

- UL 142/ULC S601
- Double Wall
- Vents
- Sloped Top
- Sloped Bottom
- Factory Pressure Tested - 2 psi
- Rupture Basin Alarm
- Fuel Level
- Check Valve In Supply and Return Lines
- RhinoCoat™ - Textured Polyester Powder Coat Paint
- Stainless Steel Hardware

CONTROL SYSTEM



Digital H Control Panel- Dual 4x20 Display

Program Functions

- Programmable Crank Limiter
- 7-Day Programmable Exerciser
- Special Applications Programmable Logic Controller
- RS-232/485 Communications
- All Phase Sensing Digital Voltage Regulator
- 2-Wire Start Capability
- Date/Time Fault History (Event Log)
- Isochronous Governor Control
- Waterproof/Sealed Connectors
- Audible Alarms and Shutdowns
- Not in Auto (Flashing Light)

- Auto/Off/Manual Switch
- E-Stop (Red Mushroom-Type)
- NFPA110 Level I and II (Programmable)
- Customizable Alarms, Warnings, and Events
- Modbus® Protocol
- Predictive Maintenance Algorithm
- Sealed Boards
- Password Parameter Adjustment Protection
- Single Point Ground
- 16 Channel Remote Trending
- 0.2 msec High Speed Remote Trending
- Alarm Information Automatically Annunciated on the Display

Full System Status Display

- Power Output (kW)
- Power Factor
- kW Hours, Total, and Last Run
- Real/Reactive/Apparent Power
- All Phase AC Voltage
- All Phase Currents
- Oil Pressure
- Coolant Temperature
- Coolant Level
- Engine Speed
- Battery Voltage
- Frequency

Alarms and Warnings

- Oil Pressure
- Coolant Temperature
- Coolant Level
- Engine Overspeed
- Battery Voltage
- Alarms and Warnings Time and Date Stamped
- Snap Shots of Key Operation Parameters During Alarms and Warnings
- Alarms and Warnings Spelled Out (No Alarm Codes)

CONFIGURABLE OPTIONS

ENGINE SYSTEM

- Oil Heater
- Level 1 Fan and Belt Guards (Enclosed Units Only)
- Air Filter Restriction Indicator
- Radiator Stone Guard (Open Set Only)
- Critical Silencer (Open Set Only)

ELECTRICAL SYSTEM

- 10A UL Listed Battery Charger
- Battery Warmer

ALTERNATOR SYSTEM

- Alternator Upsizing
- Anti-Condensation Heater
- Tropical Coating

CIRCUIT BREAKER OPTIONS

- Main Line Circuit Breaker
- 2nd Main Line Circuit Breaker
- Shunt Trip and Auxiliary Contact
- Electronic Trip Breakers

GENERATOR SET

- IBC Seismic Certification
- 8 Position Load Center
- Pad Vibration Isolators

ENCLOSURE

- Weather Protected Enclosure
- Level 1 Sound Attenuated
- Level 2 Sound Attenuated
- Level 2 Sound Attenuated with Motorized Dampers
- Steel Enclosure
- Aluminum Enclosure
- Up to 200 MPH Wind Load Rating (Contact Factory for Availability)
- AC/DC Enclosure Lighting Kit
- Enclosure Heater (with Motorized Dampers Only)
- Door Open Alarm Switch

FUEL TANKS (Size On Last Page)

- 8 in (203.2 mm) Fill Extension
- 13 in (330.2 mm) Fill Extension
- Overfill Protection Valve
- Return Hose
- Tank Risers
- 90% Fuel Level Switch
- 12' Above Grade Vent Extension
- Stainless Steel Fire Rated Fuel Hose

CONTROL SYSTEM

- NFPA 110 Compliant 21-Light Remote Annunciator
- Remote Relay Assembly (8 or 16)
- Remote E-Stop (Break Glass-Type, Surface Mount)
- Remote E-Stop (Red Mushroom-Type, Surface Mount)
- Remote E-Stop (Red Mushroom-Type, Flush Mount)
- 100 dB Alarm Horn
- Ground Fault Annunciator
- 120V GFCI and 240V Outlets
- Damper Alarm Contacts (with Motorized Dampers Only)
- Remote Communication - Modem
- 10A Engine Run Relay
- Oil Temperature Indication and Alarm

WARRANTY

- 2 Year Extended Limited Warranty
- 5 Year Limited Warranty
- 5 Year Extended Limited Warranty
- 7 Year Extended Limited Warranty
- 10 Year Extended Limited Warranty

ENGINEERED OPTIONS

ENGINE SYSTEM

- Coolant Heater Ball Valves
- Fluid Containment Pan

CONTROL SYSTEM

- Spare Inputs/Outputs
- Battery Disconnect Switch

ALTERNATOR SYSTEM

- 3rd Breaker System

GENERATOR SET

- Special Testing

FUEL TANKS

- UL2085 Tank
- Stainless Steel Tank
- Special Fuel Tanks (MIDEQ and FL DEP/DERM, etc.)

SD150 | 6.7L | 150 kW

INDUSTRIAL DIESEL GENERATOR SET

EPA Certified Stationary Emergency

APPLICATION AND ENGINEERING DATA

ENGINE SPECIFICATIONS

General

Make	Iveco/FPT
EPA Emissions Compliance	Stationary Emergency
EPA Emissions Reference	See Emission Data Sheet
Cylinder #	6
Type	In-Line
Displacement - in ³ (L)	408.86 (6.7)
Bore - in (mm)	4.09 (104)
Stroke - in (mm)	5.2 (128)
Compression Ratio	16.5:1
Intake Air Method	Turbocharged/Aftercooled
Cylinder Head Type	4-Valve
Piston Type	Aluminum Alloy
Crankshaft Type	Forged Steel

Engine Governing

Governor	Electronic Isochronous
Frequency Regulation (Steady State)	±0.25%

Lubrication System

Oil Pump Type	Gear
Oil Filter Type	Full-Flow Cartridge
Crankcase Capacity - qt (L)	20.7 (19.6)

Cooling System

Cooling System Type	Closed
Water Pump Type	Belt Driven Centrifugal
Fan Type	Pusher
Fan Speed - RPM	2,538
Fan Diameter - in (mm)	26 (660)

Fuel System

Fuel Type	Ultra Low Sulfur Diesel Fuel #2
Fuel Specifications	ASTM
Fuel Filtering (Microns)	5
Fuel Pump Type	Engine Driven Gear
Injector Type	Electronic
Fuel Supply Line - in (mm)	0.5 (12.7) NPT
Fuel Return Line - in (mm)	0.5 (12.7) NPT

Engine Electrical System

System Voltage	12 VDC
Battery Charger Alternator	Standard
Battery Size	See Battery Index 0161970SBY
Battery Voltage	12 VDC
Ground Polarity	Negative

ALTERNATOR SPECIFICATIONS

Standard Model	K0150124Y21
Poles	4
Field Type	Revolving
Insulation Class - Rotor	H
Insulation Class - Stator	H
Total Harmonic Distortion	<5%
Telephone Interference Factor (TIF)	< 50

Standard Excitation	Permanent Magnet
Bearings	Single Sealed Cartridge
Coupling	Direct via Flexible Disc
Prototype Short Circuit Test	Yes
Voltage Regulator Type	Digital
Number of Sensed Phases	All
Regulation Accuracy (Steady State)	±0.25%

OPERATING DATA

POWER RATINGS - DIESEL

		Standby
Single-Phase 120/240 VAC @1.0pf	150 kW	Amps: 625
Three-Phase 120/208 VAC @0.8pf	150 kW	Amps: 520
Three-Phase 120/240 VAC @0.8pf	150 kW	Amps: 451
Three-Phase 277/480 VAC @0.8pf	150 kW	Amps: 226
Three-Phase 346/600 VAC @0.8pf	150 kW	Amps: 180

MOTOR STARTING CAPABILITIES (skVA)

skVA vs. Voltage Dip			
277/480 VAC	30%	208/240 VAC	30%
K0150124Y21	326	K0150124Y21	244
K0200124Y21	478	K0200124Y21	361
K0250124Y21	630	K0250124Y21	506

FUEL CONSUMPTION RATES*

Fuel Pump Lift- ft (m)	Diesel - gph (Lph)	
	Percent Load	Standby
3 (1)	25%	3.3 (12.5)
	50%	6.2 (23.5)
Total Fuel Pump Flow (Combustion + Return) - gph (Lph)	75%	8.8 (33.5)
29 (110.2)	100%	11.2 (42.2)

* Fuel supply installation must accommodate fuel consumption rates at 100% load.

COOLING

		Standby
Coolant Flow	gpm (Lpm)	44.6 (168.8)
Coolant System Capacity	gal (L)	7.5 (28.4)
Heat Rejection to Coolant	BTU/hr (kW)	412,900 (121)
Inlet Air	scfm (m³/hr)	7,946 (13,502)
Maximum Operating Radiator Air Temperature	°F (°C)	122 (50)
Maximum Operating Ambient Temperature (Before Derate)		See Bulletin No. 0199270SSD
Maximum Additional Radiator Backpressure	in H ₂ O (kPa)	0.5 (0.12)

COMBUSTION AIR REQUIREMENTS

	Standby
Flow at Rated Power - scfm (m³/min)	440 (12.5)

ENGINE

		Standby
Rated Engine Speed	RPM	1,800
Horsepower at Rated kW**	hp	240
Piston Speed	ft/min (m/min)	1,559 (475)
BMEP	psi (kPa)	257 (1,772)

EXHAUST

		Standby
Exhaust Flow (Rated Output)	scfm (m³/min)	1,050 (29.7)
Maximum Allowable Backpressure	inHg (kPa)	1.5 (5.1)
Exhaust Temperature (Rated Output)	°F (°C)	895 (479)

** Refer to "Emissions Data Sheet" for maximum bHP for EPA and SCAQMD permitting purposes.

Deration – Operational characteristics consider maximum ambient conditions. Derate factors may apply under atypical site conditions.

Please contact a Generac Power Systems Industrial Dealer for additional details. All performance ratings in accordance with ISO3046, BS5514, ISO8528, and DIN6271 standards.

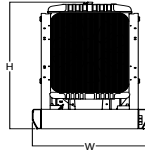
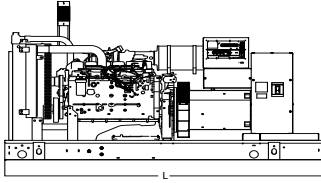
Standby - See Bulletin 0187500SSB

Prime - See Bulletin 0187510SSB

SD150 | 6.7L | 150 kW
INDUSTRIAL DIESEL GENERATOR SET

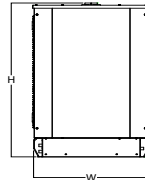
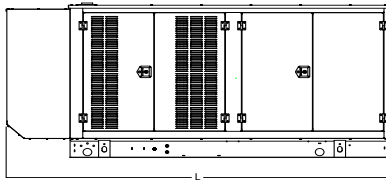
EPA Certified Stationary Emergency

DIMENSIONS AND WEIGHTS*



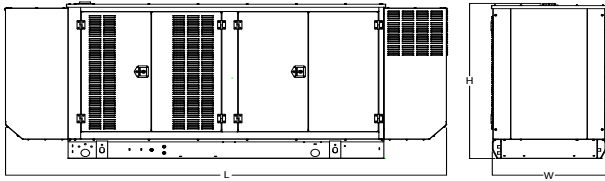
OPEN SET

Run Time - Hours	L x W x H - in (mm)	Weight - lbs (kg)
No Tank	117.9 (2,996) x 49.7 (1,262) x 57.2 (1,453)	3,333 - 3,920 (1,512 - 1,778)
11	117.9 (2,996) x 49.7 (1,262) x 70.2 (1,783)	4,117 - 4,704 (1,868 - 2,134)
28	117.9 (2,996) x 49.7 (1,262) x 82.2 (2,088)	4,405 - 4,992 (1,998 - 2,264)
45	117.9 (2,996) x 49.7 (1,262) x 94.2 (2,393)	4,698 - 5,285 (2,131 - 2,397)
39	156.7 (3,980) x 49.7 (1,262) x 81.2 (2,063)	4,776 - 5,363 (2,167 - 2,433)
61	136.0 (3,455) x 53.0 (1,346) x 97.7 (2,482)	4,928 - 5,515 (2,236 - 2,502)
62	156.7 (3,980) x 49.5 (1,256) x 93.2 (2,367)	5,199 - 5,786 (2,358 - 2,624)
84	204.4 (5,192) x 53.0 (1,346) x 98.2 (2,494)	6,358 - 6,945 (2,884 - 3,150)
118	277.8 (7,056) x 53.0 (1,346) x 96.6 (2,454)	7,373 - 7,960 (2,884 - 3,150)



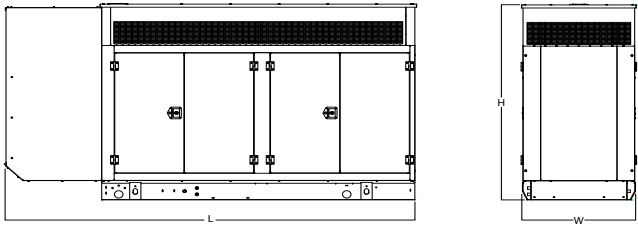
WEATHER PROTECTED ENCLOSURE

Run Time - Hours	L x W x H - in (mm)	Weight - lbs (kg)
No Tank	143.0 (3,633) x 50.4 (1,280) x 68.2 (1,732)	Steel: 4,091 - 4,818 (1,856 - 2,185) Aluminum: 3,710 - 4,359 (1,683 - 1,977)
11	143.0 (3,633) x 50.4 (1,280) x 81.2 (2,062)	Steel: 4,875 - 5,602 (2,211 - 2,541) Aluminum: 4,494 - 5,143 (2,038 - 2,333)
28	143.0 (3,633) x 50.4 (1,280) x 93.2 (2,367)	Steel: 5,163 - 5,890 (2,342 - 2,672) Aluminum: 4,782 - 5,431 (2,369 - 2,464)
45	143.0 (3,633) x 50.4 (1,280) x 105.2 (2,672)	Steel: 5,456 - 6,183 (2,475 - 2,805) Aluminum: 5,075 - 5,724 (2,302 - 2,594)
39	156.7 (3,980) x 50.4 (1,280) x 92.2 (2,342)	Steel: 5,534 - 6,261 (2,510 - 2,840) Aluminum: 5,153 - 5,802 (2,337 - 2,632)
61	143.0 (3,633) x 53.0 (1,346) x 108.7 (2,761)	Steel: 5,686 - 6,413 (2,579 - 2,909) Aluminum: 5,305 - 5,954 (2,406 - 2,701)
62	156.7 (3,980) x 50.4 (1,280) x 104.2 (2,647)	Steel: 5,957 - 6,684 (2,702 - 3,032) Aluminum: 5,576 - 6,225 (2,529 - 2,824)
84	204.4 (5,192) x 53.0 (1,346) x 109.2 (2,774)	Steel: 7,116 - 7,843 (3,228 - 3,558) Aluminum: 6,735 - 7,384 (3,055 - 3,349)
118	277.8 (7,056) x 53.0 (1,346) x 107.6 (2,774)	Steel: 8,131 - 8,858 (3,228 - 3,558) Aluminum: 6,735 - 8,399 (3,055 - 3,349)



LEVEL 1 SOUND ATTENUATED ENCLOSURE

Run Time - Hours	L x W x H - in (mm)	Weight - lbs (kg)
No Tank	168.5 (4,279) x 50.4 (1,280) x 68.2 (1,732)	Steel: 4,327 - 5,104 (1,963 - 2,315) Aluminum: 3,812 - 4,482 (1,729 - 2,033)
6	168.5 (4,279) x 50.4 (1,280) x 81.2 (2,062)	Steel: 5,111 - 5,888 (2,319 - 2,671) Aluminum: 4,596 - 5,266 (2,085 - 2,389)
16	168.5 (4,279) x 50.4 (1,280) x 93.2 (2,367)	Steel: 5,399 - 6,176 (2,449 - 2,801) Aluminum: 4,884 - 5,554 (2,215 - 2,519)
26	168.5 (4,279) x 50.4 (1,280) x 105.2 (2,672)	Steel: 5,692 - 6,469 (2,582 - 2,934) Aluminum: 5,177 - 5,847 (2,348 - 2,652)
22	168.5 (4,279) x 50.4 (1,280) x 92.2 (2,342)	Steel: 5,770 - 6,547 (2,618 - 2,970) Aluminum: 5,255 - 5,925 (2,384 - 2,688)
35	168.5 (4,279) x 53.0 (1,346) x 108.7 (2,761)	Steel: 5,922 - 6,699 (2,686 - 3,038) Aluminum: 5,407 - 6,077 (2,452 - 2,756)
35	168.5 (4,279) x 50.4 (1,280) x 104.2 (2,646)	Steel: 6,193 - 6,970 (2,809 - 3,161) Aluminum: 5,678 - 6,348 (2,575 - 2,879)
48	204.4 (5,192) x 53.0 (1,346) x 109.2 (2,773)	Steel: 7,352 - 8,129 (3,335 - 3,687) Aluminum: 6,837 - 7,507 (3,101 - 3,405)
118	277.8 (7,056) x 53.0 (1,346) x 107.6 (2,773)	Steel: 8,367 - 9,144 (3,795 - 4,147) Aluminum: 7,852 - 8,522 (3,561 - 3,865)



LEVEL 2 SOUND ATTENUATED ENCLOSURE

Run Time - Hours	L x W x H - in (mm)	Weight - lbs (kg)
No Tank	143.0 (3,633) x 50.4 (1,280) x 91.7 (2,330)	Steel: 4,446 - 5,296 (2,017 - 2,402) Aluminum: 4,061 - 4,565 (1,842 - 2,070)
6	143.0 (3,633) x 50.4 (1,280) x 104.7 (2,660)	Steel: 5,230 - 6,080 (2,373 - 2,758) Aluminum: 4,845 - 5,349 (2,198 - 2,426)
16	143.0 (3,633) x 50.4 (1,280) x 116.7 (2,965)	Steel: 5,518 - 6,368 (2,503 - 2,888) Aluminum: 5,133 - 5,637 (2,328 - 2,556)
26	143.0 (3,633) x 50.4 (1,280) x 128.7 (3,270)	Steel: 5,811 - 6,661 (2,636 - 3,021) Aluminum: 5,426 - 5,930 (2,461 - 2,689)
22	156.7 (3,980) x 50.4 (1,280) x 115.7 (2,940)	Steel: 5,889 - 6,739 (2,672 - 3,057) Aluminum: 5,504 - 6,008 (2,497 - 2,725)
35	143.0 (3,633) x 53.0 (1,346) x 132.2 (3,359)	Steel: 6,041 - 6,891 (2,740 - 3,125) Aluminum: 5,656 - 6,160 (2,565 - 2,793)
35	156.7 (3,980) x 50.4 (1,280) x 127.7 (3,244)	Steel: 6,312 - 7,162 (2,863 - 3,248) Aluminum: 5,927 - 6,431 (2,688 - 2,916)
48	204.4 (5,192) x 53.0 (1,346) x 132.7 (3,371)	Steel: 7,471 - 8,321 (3,389 - 3,774) Aluminum: 7,086 - 7,590 (3,214 - 3,442)
118	277.8 (7,056) x 53.0 (1,346) x 131.1 (3,331)	Steel: 8,486 - 9,336 (3,018 - 3,403) Aluminum: 8,101 - 8,605 (2,843 - 3,071)

* All measurements are approximate and for estimation purposes only. Specification characteristics may change without notice. Please contact a Generac Power Systems Industrial Dealer for detailed installation drawings.

Capitola City Council

Agenda Report



Meeting: November 22, 2022

From: City Manager Department

Subject: Consider Update to the Police Officer Association 2021-2024 Memorandum of Understanding

Recommended Action: Authorize the City Manager to sign an updated 2021-2024 Police Officer Association (POA) Memorandum of Understanding (MOU) including negotiated changes.

Background: City Council approved the current Police Officers Association MOU on August 26, 2021. The term of the current MOU is 2021 through 2024.

In Section 5.03: Signing Bonus, the MOU allows “sworn employees hired as a Lateral Officer...a one-time signing bonus of up to \$2,000”. This language was added to the MOU in 2012.

In Section 14.06: Career Officer Program – Police Officers Only, the MOU designates three officer levels: Senior Officer I, Senior Officer II, and Master Officer. These designations are in accordance with standards from 1988. The “Master Officer” designation is no longer used by Capitola Police Department, and current administrative policies refers to the designation at this level as “Corporal,” which is consistent with current best-practices in other law enforcement departments.

Discussion: Staff recommends replacing “Master Officer” with “Corporal,” as requested by the POA. Staff also recommends updating the MOU language to allow for an increased signing bonus for lateral hires. The entire MOU, with all proposed updated language in redline, is included as Attachment 1.

It is common for local law enforcement agencies to offer signing bonuses for both lateral and entry level hires (recruits). Currently, our neighboring agencies offer the following signing bonuses:

- Santa Cruz Sheriff’s Office: \$25,000/lateral
- Scotts Valley Police Department: \$20,000/recruit; \$40,000/lateral
- Santa Cruz Police Department: \$10,000/recruit; \$40,000/lateral
- Watsonville Police Department: \$10,000/lateral

Capitola has primarily hired entry level officer in recent years, with the most recent lateral officer hired in 2019.

Recruitment of an entry level officer represents a substantial investment of both time and money for the City, totaling more than \$46,923. The City also has no guarantee that a newly recruited officer will pass the academy or stay employed by the City of Capitola after graduating. The financial cost can be broken down as follows:

- Six-month academy training and City salary: \$6,803/month = \$40,823
- Academy tuition: \$4,600
- Uniform and supplies: \$1,500

Based on the costs for new recruits to attend the Academy, and the bonuses offered by neighboring agencies, staff proposes allowing for up to \$25,000 as a signing bonus. This would be allocated in phased payments to any new lateral hires. The specific language change is included here for quick reference.

Staff has negotiated these changes with the POA and the POA has agreed with the modifications.

5.03 SIGNING BONUS

Sworn employees hired as a Lateral Officer after August 5, 2012 may receive a one-time signing bonus of up to \$25,000, ~~upon the successful completion of probation and obtaining regular full-time employment status~~. A Lateral Officer is defined as an applicant who is currently working for a recognized law enforcement agency, has successfully completed the probation period for that agency, and possesses a State of California Basic POST Certificate. The City Manager shall make the determination as to the amount. The amount of the signing bonus shall be specified ~~in the public recruitment notice and in~~ the hire-letter.

Fiscal Impact: Up to \$25,000 in phased payments, per lateral hire. However, that cost is offset by savings of more than \$46,000 in costs for a new recruit to attend the police academy.

Attachments:

1. POA MOU – redlined with proposed changes

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed By: Andrew Dally, Chief of Police; Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

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MEMORANDUM OF UNDERSTANDING
BETWEEN
CAPITOLA POLICE OFFICERS' ASSOCIATION
AND CITY OF CAPITOLA

This MEMORANDUM OF UNDERSTANDING (“MOU” or “Agreement”) is made and entered into by and between CAPITOLA POLICE OFFICERS’ ASSOCIATION and the CITY OF CAPITOLA for and on behalf of its members hereinafter identified. This MOU embodies all items agreed upon by and between the City of Capitola and the Capitola Police Officers’ Association.

ARTICLE 1.00 TERM

The term of this Memorandum of Understanding shall cover the period from ratification through June 30, 2024 and shall be effective upon ratification by the bargaining unit and approval by the Capitola City Council.

ARTICLE 2.00 DEFINITIONS

2.01 EMPLOYER

The term “Employer” as used herein refers to the City of Capitola. The words “Management”, “Department Head”, “Police Chief”, may also be used to refer to “Employer” in appropriate contexts.

2.02 ASSOCIATION

The term “Association” as used herein shall refer to the Capitola Police Officers’ Association.

2.03 EMPLOYEE/REPRESENTATION UNIT

The term “Employee” or “Covered Employee”, as used herein, means all persons employed by the Employer in the Police Department who are classified as Community Services Officer, Police Officer, Police Officer Trainee, Records Manager and Sergeant. Those positions constitute the unit represented by Capitola Police Officers’ Association.

2.04 PATROL VEHICLE

The term “patrol vehicle” as used herein shall refer to any motor vehicle as defined under the provisions of Sections 415 and 165 of the California Vehicle Code.

2.05 PEACE OFFICER/SWORN PERSONNEL

The terms “peace officers” or “sworn personnel” means “police officers” as defined in Penal Code Sections 830 and 830.1.

ARTICLE 3.00 MANAGEMENT RIGHTS CLAUSE

Except as otherwise specifically set forth in this MOU, the CITY retains all management prerogatives. These include but are not limited to: determining the mission of its constituent departments; setting standards of service; determining the procedures and standards of selection for employment and promotion; directing its employees; taking disciplinary action; relieving its employees from duty because of lack of work or for other legitimate reasons; maintaining the efficiency of governmental operations; determining the methods, means, and personnel by which government operations are to be conducted; taking all necessary actions to carry out its mission in emergencies; and exercising control and discretion over its organization and the technology of performing its work.

Nothing in this article shall be construed to limit, amend, decrease, revoke, or otherwise modify the rights vested in the CITY by state law, city ordinances, or resolutions or other laws regulating, authorizing, or empowering the CITY to act or refrain from acting.

ARTICLE 4.00 ASSOCIATION RECOGNITION, RIGHTS AND SECURITY

4.01 ASSOCIATION RECOGNITION

Except as limited by Government Code Section 3502, the Employer hereby recognizes the Capitola Police Officers Association (P.O.A), as the exclusive collective bargaining agent of all covered Employees in this unit.

4.02 NOTICE OF RECOGNIZED ASSOCIATION

The Employer/Association shall post within the employee work or rest area a written notice which sets forth the classifications included and referred to in Section 2.03 hereof and the name and address of Association as the recognized employee organization for such units. The P.O.A. shall also give a written notice to persons newly employed in representation unit classifications, which notice shall contain the name and address of the employee organization recognized for such unit.

4.03 PAYROLL DEDUCTIONS AND PAYOVER

The Association will maintain records of employee authorizations for dues deductions and shall provide the City with information regarding the amount of dues deductions and the list of Association members who have authorized dues deductions. To the extent required by the Government Code, the City shall rely on the information provided by the Association and deduct those authorized.

The employee's earnings must be sufficient after other legal and required deductions are made to cover the amount of the dues. When an employee is in a non-pay status for an entire pay period, no deduction will be made to cover the pay period. In the case of an employee who is in a non-pay status during part of the pay period, and the salary is not sufficient to cover the full withholding, no deduction shall be made. In this circumstance, all other legal and required deductions (including health care deductions) have priority over Association dues.

The Association agrees to enforce this provision and to indemnify and hold harmless the City, its officers, and employees, from all liabilities and/or damages of any nature arising from the application of this section.

4.04 HOLD HARMLESS

Association shall indemnify and hold Employer harmless from any and all claims, demands, suits, or any other action arising from an employee claim relating to legality, or implementation, of Section 4.03.

4.05 BULLETIN BOARDS

Reasonable space shall be allowed on bulletin boards as specified by the Police Chief for use by the Association to communicate on relevant subjects with departmental employees. Material shall be posted upon the bulletin board space as designated, and not upon the walls, doors, filing cabinets or any other place. Posted material shall not be obscene, defamatory, or of a partisan political nature, nor shall it pertain to public issues which do not involve the Employer or its relations with City employees. All posted material shall bear the identity of the sponsor, shall be neatly displayed, and shall be removed when no longer timely.

4.06 USE OF EMPLOYER FACILITIES

Employer facilities such as the City Hall Community Room may be made available upon timely application for use by employees and the Association. Such use shall not occur during regular duty hours, other than the lunch period. Application for such use shall be made to the management person under whose control the facility is placed.

4.07 BARGAINING

Employee members of the Association's bargaining committee shall be allowed time to absent themselves from duties for a reasonable period without loss of pay, for the purpose of participating in contract negotiations. Employee members of Association's bargaining committee shall be extended the same privilege to participate in any meetings mutually called by the parties during the term of this Agreement for review of grievances and contract compliance questions.

ARTICLE 5.00 HIRING PROVISIONS

5.01 NON-DISCRIMINATION

No Employee covered by this Agreement shall be discriminated against by the Employer, or by the Association by reason of race, color, religion, sex, age, national origin, or sexual orientation or any other factors consistent with State and Federal Law.

5.02 EMPLOYMENT

The Employer shall not discharge or otherwise discriminate against any Employee by reason of any Association activity not interfering with the proper performance of his/her

work.

5.03 SIGNING BONUS

Sworn employees hired as a Lateral Officer after August 5, 2012 may receive a one-time signing bonus of up to \$25,000. ~~upon the successful completion of probation and obtaining regular full-time employment status.~~ A Lateral Officer is defined as an applicant who is currently working for a recognized law enforcement agency, has successfully completed the probation period for that agency, and possesses a State of California Basic POST Certificate. The City Manager shall make the determination as to the amount. The amount of the signing bonus shall be specified in the public recruitment notice and ~~in~~ the hire-letter.

All employees who were members of the CPOA at the time of ratification will receive a one-time signing bonus of \$1,250.00.

ARTICLE 6.00 JOB CLASSIFICATION

6.01 NEW JOB CLASSIFICATIONS

If an Employee covered by this Agreement is assigned work of a substantially new or different nature so as to constitute a new job classification, the Employer and the Association will negotiate regarding the wage rate applicable to such new job classification

ARTICLE 7.00 HOURS OF WORK, SHIFT, SCHEDULES, AND REST PERIODS

7.01 WORK SCHEDULE AND CHANGE OF SHIFT

Prior to the applicable pay period, the Police Chief or his/her designated representative shall prepare a schedule showing the hours each employee of the department is, at the time of posting, to work. The Police Chief shall make every effort to assure that no employee shall have more than one change of shift in any calendar month. This paragraph does not limit the Police Chiefs authority to revise schedules as need permits.

7.02 SHIFT

For sworn personnel and Community Service Officers, hours of work in the normal workday shall be ten (10) hours for police officers and police sergeants, except for detective bureau personnel, which is (8) hours. While they are assigned to the detective bureau, the sick leave accrual provisions of this MOU that are applicable to 5/8 employees will be applicable to such employees.

7.03 ASSIGNING WORK SHIFTS

In assigning work shifts, the department shall give due regard to assigning shifts which will not disrupt or interrupt any employee’s education or training programs and schedules. Undesirable work shifts shall not be used as punishment, intimidation, or harassment. Shift assignments shall be carried out in accordance with department policy.

7.03.1 SUCCESSIVE SHIFTS

It is understood that the assignment of shifts is a prerogative of management that has been delegated to the Chief of Police. It has been the practice to assign at an officer's request, on the basis of seniority, the same shift for two successive shift changes. It is understood that this practice will be continued for the duration of this MOU. Although the assignment of successive shifts remains with the Chief of Police, should an officer allege that such assignment has been made in an arbitrary or discriminatory manner, the matter may be reviewed through the City Manager level of the Grievance Procedure.

7.03.2 SPECIAL EVENT ASSIGNMENTS

The parties agree that except as required in Departmental Order No. 2, "Manpower Deployment" dated December 15, 1987, Item III A, Holiday Staffing and III B Overtime Shifts, any special event outside of a member's work schedule shall receive 30 days' notice which will include the following: location, time and hours to be worked. If this condition is not met, the officer or sergeant will not be required to work the event (a special event is not an emergency).

7.04 MEAL AND REST PERIODS

A meal period of 30 minutes shall be provided to all other employees during each assigned shift no sooner than 3 hours after commencement of the shift and not later than 3 hours prior to the end of the shift. Such meal period for sworn officers (including those on detective assignment) and community service officers shall be considered time worked.

ARTICLE 8.00 OVERTIME

8.01 REGULAR/OVERTIME HOURS

The normal workweek for all bargaining unit employees shall consist of forty (40) hours. Except as provided in section 18.02 (regarding canine care), all work in excess of forty hours in a workweek shall be considered overtime and shall be compensated pursuant to the provisions of Sections 8.00-8.06 of this Agreement.

8.02 COMPENSATION/OVERTIME AUTHORIZATION

No employee shall receive compensation for overtime, whether in cash, or in time off, or a combination, unless such overtime work has been approved by the Police Chief or his designated representative.

8.03 COMPENSATION/OVERTIME

All overtime work shall be compensated at the rate of one and one-half times the hourly rate in cash. Overtime compensation shall be paid in the paycheck covering the pay period in which the overtime was worked. Except as otherwise provided in Labor Code Section 204.3, at the option of the employee, compensatory time off may be earned in lieu of cash.

Up to 120 hours may be accumulated. Any time over that maximum shall be in cash at time and one-half. Compensatory time off will be scheduled by means of management responding to the requests of the employees. Such requests will not be arbitrarily or unreasonably denied.

8.04 OVERTIME NOT CUMULATIVE

Any hours worked which qualify as overtime under one measurement may not be used under another measurement.

8.05 FRACTIONS OF LESS THAN FIFTEEN MINUTES

No overtime payment shall be allowed for any period of less than fifteen minutes, and fractions of less than fifteen minutes of overtime worked may not be accumulated in order to total fifteen minutes or more, except where such fractions are part of a regularly scheduled shift.

8.06 OTHER

Court appearances and callbacks may also, at times, result in overtime. See Articles 17.00 and 15.00 respectively. Overtime may occur as a result of the last paragraph of section 11.00.

ARTICLE 9.00 HEALTH AND SAFETY

9.01 APPLICABLE LAWS

Employer shall comply with all applicable state, federal, and local safety regulations and shall furnish all employee safety equipment required by law or deemed necessary by the Police Chief.

ARTICLE 10.00 UNIFORMS

10.01 UNIFORMS

The employer will purchase initial uniforms for newly hired uniformed employees and will repair or replace uniforms including uniform boots, on an as-needed basis.

The City will designate a police captain to whom the officer will submit the uniform request for authorization for repair or replacement. If the officer disagrees with the captain's decision with regard to the necessity for repair or replacement, he or she may have the dispute reviewed by the Chief of Police through the grievance procedure included in this MOU.

In addition, the employer will cover the cost of reasonable cleaning of departmentally authorized uniforms. Employees will be responsible for delivering uniforms to, and retrieving uniforms from, the employer-designated cleaning establishment.

Police Officers and Sergeants assigned to the Detective unit shall be eligible to choose

EITHER the repair, cleaning and replacement policy for their official uniforms as provided in Section 10.01 above OR a uniform allowance of \$50.00 per month for the duration of their assignment to the Detective Division. (The latter choice will be shown as taxable income on an Employee's W-2 form.)

Compensation paid or the monetary value for the purchase, rental and/or maintenance of required uniforms will be reported to CalPERS, to the extent allowable by CalPERS.

10.02 MOTOR DUTY UNIFORM

Employer agrees to provide the following items for Police Officers and Sergeants assigned to motorcycle duty: two pairs of motorcycle pants; one pair motorcycle boots and one pair of gloves. Police Officers shall also be entitled to an allowance for safety glasses not to exceed \$20.00.

ARTICLE 11.00 HOLIDAYS

Holidays will be expressed as an annual (calendar year) bank of hours and taken as scheduling permits. Employees working 4/10 schedules shall receive 150 hours per calendar year and employees working 5/8 schedules shall receive 120 hours per calendar year. Upon termination, if an employee has not actually taken as much holiday time as a pro-rated amount, he/she will be entitled to compensation for the unused portion. For instance, if a 4/10 employee whose last day was June 30 had taken only 55 hours of holiday time, (s)he would be entitled to 20 hours of compensation. Personal Holidays are included in the foregoing 150/120 hourly figures, and not in addition to them. Employees working 4/10 schedules will be debited for 10 holiday hours when they take time off as a holiday; those working 5/8 schedules will be debited for 8 hours.

For Sergeants and Records Manager, December 25th will be a paid holiday if not worked (and 10 hours and 8 hours, respectively, of holiday time will be consumed). If worked, employee will be paid time and one half.

ARTICLE 12.00 FLEXIBLE SPENDING ARRANGEMENT CONTRIBUTIONS

A The City makes a flexible spending arrangement ("Flex Plan") contribution on behalf of each qualified employee for medical, dental & vision coverage. For those employees who have selected health coverage through PERS, from the monthly contribution set forth herein, effective January 1, 2021 a \$143.00 per month contribution will be paid to PERS for what is sometimes referred to as "employer contribution". This amount is the minimum amount required by PERS, recognizing that state law may increase this minimum from time to time requiring compliance by City. The City's maximum contribution below is inclusive of the required PEMCHA minimum.

Effective Dates	Employee Only	Employee +1	Employee +2
First full pay period after ratification	\$800.00	\$1,400.00	\$1,800.00

First full pay period in July 2022	\$850.00	\$1,450.00	\$1,850.00
First Full pay period in July 2023	\$900.00	\$1,500.00	\$1,900.00

B. Employees who can verify to the City’s satisfaction that: they have equivalent group health coverage for medical (including dental & vision), which will remain in effect until the next enrollment date will be eligible for a cash payment based on the following schedule. A “Current Grandfathered Employee” is defined as an employee hired prior to the ratification of the MOU and receiving cash-in lieu of health coverage. Current Grandfathered Employees who choose health coverage after the ratification of the MOU will no longer be eligible for the Current Grandfathered Employee cash payment amount after making such choice of health coverage.

Effective Dates	Current Grandfathered Employees (as of 10/2018)	Non- Current Grandfathered Employees and New Employees
First full pay period after ratification	\$500.00	\$250.00

C. The City reserves the option of adding additional programs to the cafeteria plan, as they may become available. The City will enable interested employees to participate in union sponsored medical plans.

ARTICLE 13.00 INSURANCE

The City provides full time members of the Association term life insurance in the amount of \$50,000, short-term, and long-term disability insurance.

ARTICLE 14.00 EDUCATIONAL INCENTIVE PROGRAM

14.01 EDUCATIONAL INCENTIVE PAY

After successful completion of the probationary period, sworn police personnel and the Records Manager shall be eligible to have base pay increased by an additional two and one-half (2.5%) for completion of thirty (30) college units, five (5%) percent for completion of sixty (60) college units, and seven and a half (7.5%) percent for completion of a bachelor’s degree from an accredited institution. College units may include graduate level work. Courses and degrees must be work related as approved by the Department Head and City Manager.

To receive Educational Incentive, Pay, the Employee shall write a memo to his/her supervisor and include a copy of transcripts as evidence of the number of units required

for the appropriate incentive pay. The supervisor will review the memo and send it to the Police Chief, who, in turn, will review it and send it to the City Manager for approval.

14.02 SWORN EDUCATIONAL REIMBURSEMENT

Beginning July 1, 2008, the education incentive is limited to a maximum of \$500 per year per employee; beginning July 1, 2009 the limited maximum amount will increase to \$1,000 per year per employee, with 100% textbook reimbursement. It is agreed by the City and the Association to negotiate in good faith on this provision upon the termination of the Memorandum of Understanding.

14.03 COMMUNITY SERVICE OFFICE EDUCATIONAL REIMBURSEMENT

Community Service Officer Education Reimbursement: Beginning July 1, 2008, the City will reimburse employees for tuition upon the completion of courses with a grade C or better, approved in advance by the City Manager, up to a maximum of \$500 per calendar year for classes completed in that same calendar year. Beginning July 1, 2009, the limited maximum amount will increase to \$1,000 per year per employee, with 100% textbook reimbursement.

14.05 P.O.S.T. CERTIFICATE PAY - POLICE SERGEANTS

Sergeants shall be eligible to receive 2.5% increase in base pay for completion of the intermediate P.O.S.T. Certificate; an additional 2.5% for completion of the Advanced P.O.S.T. Certificate; and an additional 2.5% for completion of the P.O.S.T. Supervisory Certificate provided the employee has an A.A., A.S. or equivalent Degree. This Certificate Pay may not be collected in addition to education incentive pay. This program became effective 7-1-85.

To receive P.O.S.T. pay, the Sergeant shall write a memo to his/her supervisor including a copy of the appropriate P.O.S.T. Certificate. The Supervisor shall review the memo and send it to the Police Chief, who, in turn, shall review it and send it to the City Manager for review, and, if approved, it will be effective the first of the month after approval.

14.06 CAREER OFFICER PROGRAM - POLICE OFFICERS ONLY

In accordance with standards set by Personnel Directive #4 dated November 15, 1988 the City agrees to compensate police officers qualifying under the career officer program by increasing base pay rates in the following percentages:

Senior Officer I	2.5%
Senior Officer II	Additional 2.5% more than Senior Officer I
Master Officer <u>Corporal</u>	Additional 2.5% more than Senior Officer II

An officer is eligible for either the Educational Incentive Program or for the Career Officer Program but may not receive payment under both programs.

ARTICLE 15.00 CALLBACK PAY - POLICE OFFICERS, POLICE SERGEANTS AND

RECORDS MANAGER

Any Police Officer or Police Sergeant who has departed from his/her work location and is called back to work shall be guaranteed a minimum of four hours compensation at the overtime rate for each call-back. If the employee is no longer needed and at the employee's request, he/she can leave the work location and be paid at overtime rates for time actually worked. When called back, the canine officer and Detectives will receive a minimum of two hours pay at the overtime rate regardless of the number of hours actually worked. All hours worked in excess of the minimum call back shall be paid at overtime rates.

ARTICLE 16.00 NIGHT DIFFERENTIAL - POLICE OFFICERS, POLICE SERGEANTS & RECORDS MANAGER

The Employer shall compensate Police Officers, Police Sergeants and Records Manager who on a regularly scheduled basis work fifty percent (50%) or more per month of their time on swing or graveyard shift, a night differential pay of \$.50 per hour for hours worked on swing shift, and \$.75 per hour for hours worked on graveyard shift. Temporary assignments or emergency assignments for a short period of time and not on a regularly scheduled basis shall not be eligible for night differential pay.

ARTICLE 17.00 COURT APPEARANCES

Any employee who is required to testify in court in connection with an employee's usual, official duties, or in connection with a case in which the City is a party, during his normal working hours shall be allowed to do so without any loss of pay. For hours in court outside of normal assigned duty hours, employees shall be compensated for a minimum of four (4) hours pay at time and a half pay. If notice of cancellation is made to employee either through the recorded telephone message from the court or from the officer's personal voice mailbox by 6:00 p.m. the day prior to scheduled appearance, no payment will be made.

ARTICLE 18.00 TRAINING OFFICER COMPENSATION

Those positions designated by the Police Chief as Field Training Officer or Patrol Training Officer shall receive an additional five percent (5%) of salary, or pro-rated portion thereof, per month for the period actually engaged in training.

ARTICLE 19.00 SPECIALTY PAY

19.01 DETECTIVE PAY

Individuals assigned to the Detective Bureau shall be additionally compensated at the rate of five (5%) percent of base pay for performing detective duties. It is understood that this assignment is a rotational one and movement from the Detective Bureau shall not be considered a disciplinary action unless done for disciplinary reasons.

19.02 CANINE PAY

Police Officers assigned as Canine Officers will receive additional compensation at the rate of five (5%) percent of base pay for the care and maintenance of their dog, whether the actual time is slightly more or less than that. The parties mutually agree that this is adequate for care and maintenance.

19.03 LONGEVITY PAY

Upon completion of ten (10) continuous years of service with the City, all employees covered by this MOU will receive additional compensation of five (5) percent of base pay. Effective the first full pay period after Union ratification and Council adoption of this MOU, upon completion of twenty (20) continuous years of service with the City of Capitola, all employees covered by this MOU will receive additional compensation of and additional five (5%) percent of base pay.

19.04 MOTORCYCLE PATROL PAY

Police Officers assigned by the Department to Motor Cycle Patrol will receive additional compensation at the rate of two and one half (2.5%) percent of base pay while in that assignment in full time status.

ARTICLE 20.00 ADDITIONAL COMPENSATION

20.01 FOR TEMPORARY ASSIGNMENT TO A HIGHER LEVEL VACANCY

An employee specifically assigned on a temporary basis to a higher level position shall be compensated at the pay rate for the higher level position if the service in such position exceeds a total of twenty days at any one time in any twelve-month period, which payment shall be retroactive to the first day of such services; provided, however, that the employee meets the minimum qualifications for the higher level position and the full range of duties of the higher level position is assigned. The out-of-title pay level shall be the lowest step of the salary schedule of the temporarily assigned position that will provide a salary increase of at least 5%.

20.02 POSITIONS DESIGNATED BILINGUAL

Upon the recommendation of the Police Chief or his designated representative and the approval of the City Manager, no more than two persons occupying a position designated as requiring fluency in a language other than English shall receive an additional five percent (5%) of salary.

20.03 **Deferred Compensation.** All PEPR employees covered by this Agreement shall be eligible to participate in a deferred compensation program, upon request. The City will contribute \$25.00 per pay period.

ARTICLE 21.00 LEAVES OF ABSENCE

21.01 LEAVE MAY NOT EXCEED ONE YEAR

A leave of absence without pay may be granted by the City Manager upon the request of the employee seeking such leave. Each request will be evaluated on a case-by-case basis.

21.02 NO LEAVE TO ACCEPT OUTSIDE EMPLOYMENT

A leave of absence without pay may not be granted to a person accepting either private or public employment outside the service of the City of Capitola.

21.03 MILITARY LEAVE

The Employer agrees to provide employees all military leave benefits guaranteed under federal, state and case law.

21.04 LEAVE FOR JURY DUTY

Leave of absence with pay shall be granted to a person while serving on jury duty, including time spent going to and from court and serving on jury duty. Any jury fee awarded to such person shall be deposited with the City Treasurer. Any person assigned to an afternoon or evening shift shall be entitled to equal time off leave with pay from his or her next regularly scheduled shift for all time spent while going to and from court and serving jury duty.

ARTICLE 22.00 VACATION

22.01 ACCRUAL

Effective 12/1/00, all employees in this unit shall accrue vacation as set forth in the following chart. The rates shown are for full time employees. On the effective date of this plan, all employees in the unit are full time. If a position hereafter is occupied on less than a full time basis, the rates of accrual will be adjusted as set forth in Section 4 (b) of the attached standard provisions. The rate at which vacation accrues is not affected by whether or not overtime is worked in a pay period. Vacation accrues while on sick leave, except that it does not accrue after the date of separation. Employees working 4/10 schedules and those working 5/8 schedules will both be debited for 40 hours of vacation for each complete week (Sunday through Saturday) of vacation taken. For partial weeks, a 4/10 employee will be debited 10 hours for each day of vacation taken that the employee would have been scheduled to work if vacation had not been taken; 8 hours for 5/8 employees.

Year of Service	Number of Hours/Years
1	80
2	80
3	100
4	100
5	120
6	130

7	140
8-9	150
10-14	160
15-17	170
18-19	180
20+	200

An employee is in the first ‘year of service’ from the first through the 365th day of employment and (except leap years) on the 366th day is in the second year of service.

22.02 VACATION – MANDATORY CASH OUT

An employee who has accumulated more than 504 hours as of the last pay period in April of any year shall be paid in cash at a rate equal to 100% of his/her current hourly pay rate for all hours in excess of 504 except that such payment shall not exceed the employees annual vacation accrual amount These cash out payments will be included with the paycheck for the first full pay period in May.

22.03 VACATION CASH OUT ON TERMINATION

Upon termination, an employee shall be paid for all accumulated vacation to the separation date, at a rate equal to 100% of his/her current hourly pay rate.

22.04 VACATION ACCRUAL AND USAGE BEGINNING DATES

Vacation will begin to accrue as of the date of employment. An employee may take vacation upon the completion of one year of service.

22.05 MAXIMUM/MINIMUM ANNUAL VACATION LEAVE

In all instances, the Employee shall have the right to take the earned equivalent of one year’s vacation accumulation at one time. In the event the Employee wishes to take more than one year’s accumulation, approval of the supervisor is required.

22.06 EFFECT ON LEAVE WITHOUT PAY ON VACATION CREDIT

No vacation credit shall be earned during the period when an employee is absent on leave without pay.

22.07.01 WHEN VACATION MAY BE TAKEN - ALL EMPLOYEES BUT SERGEANTS AND RECORDS SUPERVISOR

On December 1st of each year, the Patrol Captain and POA President will post a vacation schedule calendar. All such employees will pick one “major” block of vacation in order of seniority. All vacation picks will be made with regard to Section 21.07.03 of this Memorandum and current Department policy. The calendar will be submitted to the Patrol Captain no later than January 15th.

Other vacation requests will be submitted in accordance with current practice and seniority will prevail in the event of conflicts between employees. The POA President and the Association will handle all conflicts.

22.07.02 WHEN VACATION MAY BE TAKEN - SERGEANTS AND RECORDS SUPERVISOR

The Police Chief or his designated representative shall in each case determine when vacation leave may be taken. Sergeants and records supervisors shall be allowed to divide their vacation leave in any calendar year into segments.

22.07.03 VACATION CONFLICTS

Seniority in the City service among employees in a classification and working unit, consistent with department operating requirements, shall be the basis on which vacation schedule conflicts are resolved. In any calendar year, the first such conflict' shall be resolved in favor of the most senior employee. Subsequent vacation schedule conflicts shall be resolved in favor of the most senior employee who has not, by virtue of his senior position, previously had such a conflict resolved in his favor during the calendar year. In the event of vacation schedule conflicts among such employees, all of whom have, by virtue of their senior positions, had such conflicts resolved in their favor during the calendar year, the senior employee who has had the least number of such conflicts resolved in his favor shall prevail. Vacation leave can be started on any day of the week.

22.08 RATE OF VACATION PAY

Compensation during vacation shall be at the rate of compensation that such person would have been entitled to receive if working at the time vacation occurs.

ARTICLE 23.00 SICK LEAVE

23.01 ACCRUAL

Sick leave accrues at rate of 120 hours per year for sworn officers and Community Service Officers, and all unit employees working a 5/8 shift including Detectives and the Records Manager shall accrue ninety-six (96) hours of sick leave per year. The rate at which 'sick leave accrues is not affected by whether or not overtime is worked in a pay period. Sick leave accrues on a prorated basis, based upon a 30-day month. Accrued but unused sick leave has no cash value and shall not be cashed out.

23.02 LABOR CODE SECTION 4850

Nothing in this article will be deemed to supersede Labor Code Section 4850.

23.03 SICK LEAVE USAGE

A 4/10 employee will be debited 10 hours for each day of sick leave taken that the employee

would have been scheduled to work if sick leave had not been taken; 8 hours for a 5/8 employee.

23.04 MEDICAL REPORT

To the maximum extent allowable under the Family and Medical leave Act and the Family Rights Act, the Police Chief, as a condition, of granting sick leave with pay, may require medical evidence of sickness or injury acceptable to the Police Chief, which may include a statement of diagnosis and treatment from a licensed physician or a medical clearance to return to work. Absent exceptional circumstances, no medical evidence will be requested for absences of three or less consecutive days.

23.05 EMERGENCY LEAVE: SICKNESS IN IMMEDIATE FAMILY

Leave of absence with pay because of sickness or injury or disability in the immediate family of an employee may be granted by the Police Chief during the time reasonably necessary to care for the sick person or arrange for care of the sick person by others, but not to exceed the amount of accrued sick leave of such person. Time taken for leave of absence under the provisions of this subsection shall be deducted from the accrued sick leave of such person. For the purposes of this subsection “immediate family” means mother, step-mother, father, step-father, husband, wife, son, step-son, daughter, step-daughter, foster parent, foster child, or any person sharing the relationship of in loco parentis; and when living in the household of the employee, a brother, sister, brother-in-law, sister-in-law, mother-in-law, father-in-law and grandparents. The chief’s discretionary authority under this section does not lessen any employee rights under the FMLA or CFRA.

23.06 BEREAVEMENT LEAVE

Leave of absence with pay because of death in the immediate family of an employee shall be granted for a period not to exceed three days. Entitlement to leave of absence under this section shall be in addition to any other entitlement for sick leave, or any other leave. For purposes of this section, “immediate family” means mother, step-mother, father, step father, husband, wife, son, step-son, daughter, step-daughter, brother, sister, foster parent, foster child, brother-in-law, sister-in-law, mother-in-law, father-in-law and grandparents.

ARTICLE 24.00 WAGES & EMPLOYMENT STATUS (SEE ATTACHMENT A)

All wages for employees covered by this Agreement shall be paid in accordance with the provisions of the attached wage schedule and progression through the steps will be in accordance with Article 24.05.

24.01. WAGES SCHEDULES/HOURLY RATES

The wage schedules contained in, or attached to, this Memorandum of Understanding set forth the base pay, subject to such adjustments (such as longevity pay) as are specifically set forth in this MOU. Letters, such as “A” to “F”, designate the respective pay steps for each position. The rates contained in the wage schedule do not include overtime or benefits.

Whenever it is necessary to compute an hourly pay rate in order to apply any provision of this MOU, that will be done by multiplying any monthly rate by 12 in order to derive an annual rate, and dividing the annual rate by 2080 (or proportionate number of hours for part time positions, e.g., 1040 for a half-time position).

24.02. SERVICE

The word “service” as used in this Memorandum of Understanding means continuous full-time service in the position in which the employee is being considered for salary advancement, service in a higher position, or service in a position allocated to the same salary schedule and having generally similar duties and requirements. A lapse of service of any employee for a period of time longer than thirty days by reason of resignation or discharge shall serve to eliminate the accumulated length of service time of such employee, and any such employee re-entering the service of the City shall be considered as a new employee.

24.03. TYPES OF APPOINTMENT

a. Probationary Appointment

A probationary appointment is for a specified period of time, during which job performance is evaluated as a basis for subsequent regular appointment

b. Regular Appointments

A regular appointment ordinarily follows successful completion of a probationary period. “Regular” means a position that is, regardless of the number of hours worked per week, intended to be continuous and uninterrupted (except for authorized paid or unpaid leave). Positions intended to be seasonal, of a limited term, on call only, emergency, intermittent, substitute, or on any other irregular basis are not “regular.” The positions set forth in the wage schedule are all regular positions, and unless specifically stated, the pay rate is applicable to a full-time position. All positions covered by this section are half time or more.

c. Acting appointments

An acting appointment occurs when an employee is temporarily assigned to, and performs all the duties of, a position other than the position he/she normally occupies, or when an employee is assigned an acting appointment pending evaluation of the employee’s ability to perform the duties of the position.

d. Accruals for part time positions

When a position is less than full time it will be classified by a fraction. For example, “half-time” regular employment is expected to average 20 hours per week, “three-quarters” employment is expected to average 30 hours per week. Vacation accrual, sick leave accrual, Flex Plan contributions, holidays, personal holidays are paid or accrued according to these classifications. Thus, compared to a full-time employee, a half-time

employee, even if actual time occasionally exceeds or falls below 20 hours in a week, when compared to a full time employee: receives one-half the Flex Plan contribution; accrues one-half the number of hours of vacation or sick leave; and is paid for four hours on a holiday or personal holiday.

24.04. BEGINNING SALARY RATES

A new employee's base pay shall be computed by using the rate shown as step "A" in the schedule allocated to the class of employment for which the employee has been hired, except that upon recommendation of the department head under whom the employee will serve and with the approval of the City Manager, such new employee may be employed at a higher step, depending upon the employee's qualifications.

24.05. ADVANCEMENT WITHIN THE SCHEDULE

The following provisions govern salary advancement within the schedule:

a. Probationary advancement

Upon successful completion of probation, an employee (except an employee that was hired at the top step) will advance one step.

b. Regular Merit advancement

An employee may be considered for advancement upon completion of the minimum length of service specified for step increases. Unless specifically otherwise stated, this will be 12 months for full-time appointments and proportionately adjusted for other appointments. For instance, half-time appointments will be evaluated for regular merit adjustments every 24 months. Advancement to higher steps shall be granted only for continued meritorious and efficient service and continued improvement by the employee in the effective performance of the duties of the position held.

c. Special Merit advancement

When an employee consistently demonstrates exceptional ability and proficiency in the performance of assigned duties, the supervising department head may recommend to the City Manager that said employee be advanced to a higher pay step without regard to the minimum length of service provisions contained in this MOU. The City Manager may approve and effect such advancement.

d. Denial of advancement

When an employee has not been approved for advancement to the next higher wage step, such employee may be reconsidered for such advancement after the completion of three months of additional service.

24.06. PROMOTION TO A NEW POSITION

When an employee is promoted to a position in a higher classification, such employee shall

be assigned to step “A” in the appropriate schedule for the higher classification. However, if such employee is already being paid at a rate equal to or higher than step “A”, he/she shall be placed in the step in the appropriate salary schedule which will grant such employee a salary increase of not less than 5%.

24.07. EFFECTIVE DATE OF A PAY INCREASE

A merit pay advancement for an employee shall become effective on the first day of the pay period in which the minimum length of service has been satisfactorily completed. All other pay rate changes, except those given a specific calendar date herein, shall become effective at the beginning of a two week pay period as approved by the City Manager.

24.08 PAY INCREASE SCHEDULE

- Effective the first pay period after union ratification and Council approval of the MOU in accordance with the Brown Act, the salary ranges for all classifications in this Unit shall be increased as follows:
 - Sworn employees (Police Officer and Police Sergeant)- 3.0%
 - CSO- 1.0%
 - Records Manager- 2.0%
- Effective the first full pay period of July 2022, the salary ranges for all classifications in this Unit shall be increased as follows:
 - Sworn employees (Police Officer and Police Sergeant)- 3.0%
 - CSO- 1.0%
 - Records Manager- 2.25%
- Effective the first full pay period of July 2023, the salary ranges for all classifications in this Unit shall be increased as follows:
 - Sworn employees (Police Officer and Police Sergeant)- 3.0%
 - CSO- 1.0%
 - Records Manager- 2.25%

Additionally, upon ratification, all sworn personnel (Police Officer and Police Sergeant) shall receive a one-time market salary study increase of 1.25% effective upon ratification.

ARTICLE 25.00 GRIEVANCES

25.01 DEFINITION

A grievance is defined as an allegation by an employee or group of employees that the Employer has failed to provide a condition of employment, which is established by law, Memorandum of Understanding, by written City or departmental rules, provided that the

enjoyment of such right is not made subject to the discretion of the Police Chief or the Employer by the terms of this Memorandum of Understanding and, provided further, that the conditions of employment which is the subject matter within the scope of representation as defined in California Government Code Section 3504.

25.02 DEPARTMENT REVIEW AND ADJUSTMENT OF GRIEVANCES

The following is the procedure to be followed in the resolution of grievances.

25.02.01 An employee 'having a grievance shall have the right to consult with and be assisted by a representative of his own choice in this and all succeeding steps of this subparagraph 23.02 and may thereafter file a grievance in writing with his immediate supervisor. Within five actual working days after receipt of any written grievance, the immediate supervisor shall return a copy of the written grievance to the employee with his answer thereto, in writing.

If the grievance is not resolved at the first level, the employee shall have five actual working days after receipt of the answer within which to file an appeal with the Captain. The Captain shall have five actual working days in which to review and answer the grievance in writing. If the grievance is not resolved at this second level, the employee shall have five actual working days after receipt of the answer within which to file an appeal with the Police Chief. The Police Chief shall have five actual working days in which to review and answer the grievance in writing. If the grievance is not resolved at this third level, the employee shall have five actual working days from receipt of the answer within which to file an appeal with the City Manager.

25.02.02 The City Manager shall have five actual working days in which to review, and if necessary, hold hearings, and answer the grievance in writing. Unless waived by the mutual agreement of the employee or his representative and the City Manager, a hearing is required at this step, and the employee, and his representative, shall have the right to be present at, and participate in such hearing. The time limit at this step may be extended by mutual agreement between the City Manager and the employee or his representative. The Union may, in its own name, file a grievance alleging that the Employer has failed to provide it some organizational right which is established by law, provided that such right is not made subject to the discretion of the Police Chief or Employer. Such Union grievances shall be filed with the City Manager and heard and determined pursuant to the provisions of this step of the grievance procedure.

25.02.03 In the event that the grievance is not resolved at the City Manager's level, the Employee may, within ten (10) working days, request that the grievance be heard by the City Council.

25.03 EFFECT OF FAILURE OF TIMELY ACTION

Failure of the employee to file an appeal within the required time limit at any step shall constitute an abandonment of the grievance. Failure of the Employer to respond within the time limit at any step shall result in an automatic advancement of the grievance to the next step.

25.04 LIMITATION ON STALE GRIEVANCES

A grievance shall be void unless presented within twenty-one (21) calendar days from the day upon which the Employer has allegedly failed to provide a condition of employment, or within twenty-one (21) calendar days from the time at which an employee might reasonably have been expected to have learned of such alleged failure to provide. In no event shall any grievance include a claim for money relief for more than the twenty-one-day period plus such reasonable discovery period.

25.05 EXCLUSION OF NON-RECOGNIZED ORGANIZATIONS

For the purpose of this section, the provisions of Article 4.00 of this Agreement shall not be construed to limit the employee’s right of selection of a representative to the extent that the agents of any other employee organization which is not party to this Agreement, are specifically excluded from so acting. In those cases in which an employee elects to represent himself or arranges for other representation, Association shall have the right to participate in the resolution procedure for the purpose of protecting the interest of its members in negotiated conditions of employment.

ARTICLE 26.00 DEPARTMENTAL VEHICLES AND EQUIPMENT

26.01 Patrol Vehicles (Defined). Any motor vehicle as defined under the provisions of Sections 415 and 165 of the California Vehicle Code.

26.02 All necessary repairs and maintenance of vehicles (as defined ‘in Section 25.01) shall be performed as necessary to insure the safety of the operator of the vehicle.

26.03 Under no circumstances will a Supervisor or the Department require an employee to operate an unsafe patrol vehicle or other equipment.

26.04 An employee may refuse to operate a vehicle that is unsafe. The watch commander shall determine the vehicle’s condition upon an employee complaining of safety hazards. The patrol vehicle shall not be used until repaired if a determination is made of safety problems.

26.05 Routine maintenance of a patrol vehicle shall be no less than required by the manufacturer. Only high-quality parts and tires will be used on the vehicles.

26.06 Capitola Police Officers’ Association may review and make recommendations on any new patrol or emergency vehicle purchased or leased by the City for use by its members prior to putting out bids for purchase purposes.

26.07 Any equipment necessary for the safety of any operator shall be provided for the departmental vehicles.

26.08 All patrol vehicles will be fitted as nearly as practical with identical controls for activating emergency lighting, siren and communication equipment. As new equipment is purchased, every effort will be made to locate the controls in the same general area in the patrol vehicle.

ARTICLE 27.00 RETIREMENT - PUBLIC EMPLOYEES RETIREMENT SYSTEM

27.01 CLASSIC MISCELLANEOUS

The City participates in the California Public Employees Retirement System (CalPERS) operated by the State of California. Benefits provided are detailed in separate publications, depending upon the plan. City agrees to provide 2.5% at 55 Retirement Plan for Classic Miscellaneous employees in the Unit and the single-highest-year option.

Upon ratification, all Classic Miscellaneous employees shall contribute 13.392% of their reportable salary to CalPERS. This contribution shall not be reduced or increased unless negotiated by the parties in future negotiations.

27.02 CLASSIC SWORN

The City participates in the California Public Employees Retirement System (CalPERS) operated by the State of California. Benefits provided are detailed in separate publications, depending upon the plan. City agrees to provide 3% at 50 Retirement Plan for Classic Safety employees in the Unit.

Upon ratification, all Classic Sworn employees shall contribute 14.974% of their reportable salary to CalPERS. This contribution shall not be reduced or increased unless negotiated by the parties in future negotiations.

27.05 PERS CREDIT

The City shall expeditiously implement the PERS Credit for Unused Sick Leave and employee paid Military Service Credit options.

27.06 PEPRA EMPLOYEES

Public Employees' Pension Reform Act for Safety Employees hired by the City on or after January 1, 2013 and who do not qualify as Classic members as determined by CalPERS, are considered PEPRA Employees. CalPERS has by statute implement a 2.7% @ 55 pension formula, based on a three-year average compensation. Employees in this category shall pay minimum of 50% of the normal cost rate as determined by CalPERS.

Public Employees' Pension Reform Act (PEPRA) for Miscellaneous Employees hired by the City on or after January 1, 2013 and who do not qualify as Classic members as determined by CalPERS, are considered PEPRA Employees. CalPERS has by statute implemented a 2.0% @ 62 pension formula, based on a three-year average compensation. Employees in this category shall pay 50% of the normal cost rate as determined by CalPERS.

ARTICLE 28.00 PHYSICAL EXAMINATIONS

City agrees to pay up to \$100 over the amount covered by the health insurance for an annual physical exam.

ARTICLE 29.00 FAMILY & MEDICAL LEAVE ACT OF 1993

The City shall follow the provisions provided for family leave as specified in the federal Family & Medical Leave Act of 1993 (FMLA), and the California Family Rights Act (CFRA) as they apply to public employers.

ARTICLE 30.00 MISCELLANEOUS

30.01 POA agrees to waive the Police Department's past practice of giving a 30-day notice for the current shift change.

30.02 During the term of this Agreement, each sworn employee that, in response to the Chief's directive, purchased a tape recorder before 2/15/01 will be reimbursed up to forty (\$40) of the recorder's cost. After that date the City will choose between either supplying such recorders or reimbursing the employee up to \$40 for such recorders.

ARTICLE 31.00 DRUG POLICY

The City has adopted Administrative Policy Number II-6 "USE OF ALCOHOL/DRUGS DURING HOURS OF EMPLOYMENT; POSSESSION OF ALCOHOL/DRUGS IN/ON PROPERTY; ADVERSE EFFECTS OF USE OF ALCOHOL/DRUGS OUTSIDE HOURS OF EMPLOYMENT ON JOB PERFORMANCE".

ARTICLE 32.00 FAIR LABOR STANDARDS ACT (FLSA)

All positions included in this Memorandum of Understanding are covered by appropriate sections of the Fair Labor Standards Act of 1935, as amended.

32.01 SECTION 207(K) AGREEMENT

- A. The City shall exercise its rights under 29 USC section 207(k) to use a 14-day work period and 86-hour threshold for FLSA overtime purposes. Accordingly, FLSA overtime shall only be paid when an employee actually works more than 86 hours in 14 days.
- B. Investigators will not receive overtime simply for working their regular schedule (4x9-hr, 1x8-hr + 4x9hr) each 14 days.
- C. Contractual overtime shall be paid for all hours worked beyond any employee's regularly scheduled hours on a daily or bi-weekly basis. So any additional hours worked in excess of 80 hours biweekly for investigators and 40 hours per week for other employees shall be paid as contractual overtime until the requirement to pay FLSA overtime applies. For example, if an employee works 80 hours of regularly-scheduled work in 14 days and 20 hours of overtime, the first 6 hours of overtime would be contractual overtime with the remaining 14 being FLSA overtime.

- D. "Hours worked" for FLSA purposes, shall include regular and holiday hours, as well as sick, vacation, or compensated leave scheduled in advance by at least ten days.
- E. For eligible employees, FLSA overtime shall include the cash-in-lieu and other required premiums in the "regular rate of pay". Contractual overtime will include all premiums used in the regular rate of pay except cash-in-lieu of medical contribution.

ARTICLE 34.00 PERSONNEL RULES

The City retains the right to amend and create personnel rules, provided they are not in conflict with specific provisions of this MOU. Where appropriate, City will meet and confer with applicable employee group or groups consistent with the MMBA requirement (Government Code Section 3500 and following), before amending or creating new personnel rules.

ARTICLE 35.00 LAYOFF PROCEDURES

Layoffs shall be governed by Personnel Rule 12, in addition, all sworn members of this unit, if being reinstated after a layoff, must be certified by a physician as able to fully perform the duties of the sworn position. The member may choose their own physician, or at the member's request the City will pay for its choice of physician. The sworn member must have a current basic POST certificate prior to reinstatement.

ARTICLE 36.00 MILEAGE REIMBURSEMENT

Employees required to use their personal vehicles while on City business will be reimbursed at the rate set by the Internal Revenue Service.

ARTICLE 37.00 SAVINGS CLAUSE

If any provision of this Agreement shall be held invalid by operation of law or by any court of competent jurisdiction, or if compliance with enforcement of any provision shall be restrained by any tribunal the remainder of this Agreement shall not be affected thereby, and the parties shall enter into negotiations for the sole purpose of arriving at a mutually satisfactory replacement for such provision.

ARTICLE 38.00 ENACTMENT

This Memorandum will be effective on upon ratification.

CITY OF CAPITOLA

CAPITOLA POLICE OFFICERS' ASSOC.

Pedro Zamora

Date

Brantly Sandretti

Date

Scott Newton

Date

Jamie Goldstein
City Manager

Date

Capitola City Council

Agenda Report



Meeting: November 22, 2022

From: City Manager Department

Subject: Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing

Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

Background: In December 2019, an outbreak of a respiratory illness linked to the novel coronavirus (COVID-19) was first identified. In March 2020, the State of California, the County of Santa Cruz, and the City of Capitola each declared a state of emergency due to the virus. Also in March 2020, the World Health Organization declared COVID-19 a pandemic. State and local health officers issued health orders to stop the spread of COVID-19; in Santa Cruz County this included March, April, and May 2020 Shelter-In-Place orders that were more restrictive than statewide guidance. Since then, the County Health Officer has incorporated all Orders of the State Public Health Officer, which set baseline statewide restrictions on travel and business activities. Currently (and since February 2022), there are no State required COVID-19 restrictions, other than minimal masking requirements in certain settings. COVID-19 public safety economic restrictions were mostly removed in June 2021 when the state met the criteria to fully reopen the economy and moved beyond the Blueprint for a Safer Economy.

The Governor signed Assembly Bill 361 on September 16, 2021. The Bill allows cities to continue virtual meetings (much as Capitola City Council Meetings function now) as long as the state is under a proclaimed state of emergency; through 2024 when the bill will sunset. The Bill requires legislative bodies to comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate and observe local government meetings. One of the requirements is for Council to adopt findings every thirty days.

Attached is a resolution that makes the following findings:

- 1) Find that current conditions authorize teleconference public meetings, based on the Governor's state of emergency regarding the COVID-19 Pandemic
- 2) Authorize legislative bodies to conduct teleconference meetings, allowing Capitola City Council, Planning Commission, and other advisory bodies to continue to meet using Zoom.

Council will need to adopt resolutions making findings required by AB361 if Hybrid Meetings (with Council Members attending remotely) continue.

Discussion: On Monday, October 17, Governor Newsom announced that the COVID-19 State of Emergency will officially end on February 28, 2023. Operating under AB 361 requires that the state be under a proclaimed state of emergency, meaning that teleconferencing meetings permissible with AB 361 will no longer be so beginning February 2023.

Governor Newsom signed Assembly Bill 2449 (AB 2449) in September, and the Bill goes into effect on January 1, 2023. This Bill amends the Brown Act to provide additional teleconference procedures which would allow Council Members (members of a legislative body) to participate remotely in public meetings, however this Bill is much more restrictive than AB 361.

For example, under AB 2449, Capitola Council Members could attend a Council meeting remotely if at least a quorum of Council Members are in-person at the Capitola City Council Chambers and Council also follows the following:

1. The Council must provide either a two-way audiovisual platform or two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting, and remotely address the legislative body. (Zoom would likely fulfill this requirement.)
2. The agenda must identify and include an opportunity for all persons to attend via a call-in option, internet-based service option, and at the in-person location of the meeting. (Again, Zoom and the Council Chambers would likely fulfill this requirement.)
3. A member of the Council can only participate remotely if:
 1. the member notifies the Council at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for “just cause”; or
 2. the member requests that the Council allow them to participate in the meeting remotely due to "emergency circumstances," and the Council approves the request. The Council must request a general description (generally not exceeding 20 words) of the circumstances relating to the member’s need to appear remotely at the given meeting.
4. “Just cause” is defined as (i) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (ii) a contagious illness that prevents a member from attending in person; (iii) a need related to a physical or mental disability as defined by statute; or (iv) travel while on official business of the legislative body or another state or local agency.
5. Members of the Council are prohibited from using AB 2449 to participate in remote meetings for more than three consecutive months or for 20% of the regular meetings in a calendar year.
6. Members of the Council participating remotely must participate using both audio and visual technology (Zoom) and must publicly disclose whether any individual over the age of 18 is present at the remote location.
7. A meeting must be paused when there is any teleconference disruption for the public and no action can be taken if a disruption event prevents the Council from broadcasting the meeting. (This requirement is currently in place for remote or hybrid meetings.)
8. Real-time public comments must be allowed during the meeting.
9. The Council must implement procedures for resolving requests for reasonable accommodations for individuals with disabilities. (This requirement is currently in place for remote or hybrid meetings.)

Council may only conduct hybrid meetings under the current AB 361 rules until February 28, 2023. At that time, the new rules outlined above will take effect. Alternatively, after February 28, 2023, the Council could revert to the standard Brown Act procedures for teleconferencing, which require the City to post the address from which each teleconferencing member will be appearing on the agenda.

Staff is currently working to implement upgraded technology to allow for a smoother “hybrid” option so that members of the public may attend Council meetings either in-person or remotely. The rules outlined above pertain to members of the Council and their ability to participate remotely, and do not apply to the public.

Fiscal Impact: At Council direction, the City has maintained \$385,000 in a resiliency fund to help ensure the City has available resources should the pandemic result in further unforeseen impacts, which remains in the approved FY 2022-23 Budget.

Attachments:

1. Proposed Teleconferencing resolution

Report Prepared By: Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54952(b) AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e)) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS

WHEREAS, the City Council is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the City Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, the recently adopted AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID-19) and that State of Emergency is still in effect in the State of California; and

WHEREAS, on March 12, 2020, the Capitola City Council proclaimed the existence of a local emergency due to the worldwide spread of the coronavirus with Resolution No. 4168, pursuant to Section 8.08.020 of the Capitola Municipal Code and Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic; and

WHEREAS, COVID-19 continues to threaten the health and lives of City residents; and

WHEREAS, the SARS-CoV-2 Delta Variant (Delta Variant) is highly transmissible in indoor settings; and

WHEREAS, on July 28, 2021, the California Department of Public Health issued guidance calling for the use of face coverings and stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state; and

WHEREAS, the Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the City; and

WHEREAS, on October 14, November 23, and December 9, 2021, January 13, February 10, and February 27, March 10, March 24, April 14, April 28, May 12 and May 26, June 9, June 23, and July 28, 2022, August 25, and September 8, September 22, October 13, October 27, and November 10, 2022 the City Council adopted a resolution proclaiming the need to meet by teleconference pursuant to Government Code Section 54953; and

WHEREAS, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as "Legislative Bodies"), finds that the current conditions meet the circumstances set forth in

Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the City Council does hereby:

1. Recitals. The Recitals set forth above are true and correct and are hereby incorporated by this reference.
2. Find that Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. The City Council has reconsidered the circumstances of the state of emergency and finds that based on the California Governor's continued declaration of a State of Emergency and current conditions, meeting in person would present imminent risks to the health or safety of attendees, such that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
3. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

I HEREBY CERTIFY that the foregoing resolution was PASSED and ADOPTED by the City Council of the City of Capitola on the 22nd day of November 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sam Storey, Mayor

ATTEST: _____
Julia Moss, City Clerk

Capitola City Council

Agenda Report

Meeting: November 22, 2022

From: Community Development

Subject: San Jose Avenue Parking Layout Modifications



Recommended Action: Authorize modifications to on-street parking on San Jose Avenue.

Background: In June of 2020, in response to the COVID-19 pandemic and the ensuing social distancing orders, the City issued temporary permits to local restaurants to provide outdoor dining.

On April 22, 2021, City Council directed staff to develop a program for permanent outdoor dining. Over the course of the next several months, the Planning Commission and City Council held a total of six public hearings regarding a permanent outdoor dining program, received results from two public surveys, provided direction on key program elements to staff, and reviewed a draft ordinance. The City Council adopted the Outdoor Dining Ordinance on December 9, 2021.

On June 10, 2022, the Coastal Commission conditionally certified the Outdoor Dining Ordinance, subject to modifications. On June 23, 2022, the City Council adopted the Coastal Commission conditions by resolution and the amended ordinance went into effect.

On August 24, 2022, the owners of the Capitola Wine Bar emailed City staff with a request to consider modifying the parking layout on San Jose Avenue to accommodate street dining decks.

Discussion: The proposed modification to the parking layout along San Jose Avenue flips the diagonal parking in front of Left Coast Sausage, Capitola Wine Bar, and Carusos to the other side of the street and adds parallel spaces in front of the eating and drinking establishments. Staff conceptually reviewed the request and agreed the new layout would improve the outdoor dining experience and may be more efficient.

Staff communicated those findings to the owners of Capitola Wine Bar but indicated that prior to moving forward with engineering review the owner of the Capitola Wine Bar should obtain support from the adjacent property owners, including the Taffy Shop, Left Coast Sausage WorQs, Carusos, Rainbow Store, and 120 Esplanade. All adjacent businesses and property owners signed a draft layout of the new parking configuration with a statement of support.

The City then contracted Kimley-Horn to perform site investigation work on existing street conditions and prepare a conceptual striping and signing design. The City received the conceptual plans on November 9, 2022 (Attachment 1). Kimley-Horn applied the latest Caltrans and AASHTO Greenbook Specifications for the project design parameters. The proposed layout to optimize space for outdoor street dining decks and swap the angles spaces to the other side of the street resulted in no net gain or loss of parking spaces. Wheel stops will be installed to all diagonal spaces to prevent damage to the curb and sidewalk.

Next Steps: If the City Council directs staff to proceed with the design, staff will inform the restaurants they may proceed with outdoor dining deck plans. Prior to construction of the first outdoor deck staff will obtain bids for restriping the roadway. Restriping will require closure of this portion of San Jose Avenue for one day.

Fiscal Impact: Staff estimates a cost of \$5,000 for the removal of the current striping and restriping per the attached concept plan on the affected portion of San Jose Avenue. Sufficient funds for this project are available in the Public Works Streets budget.

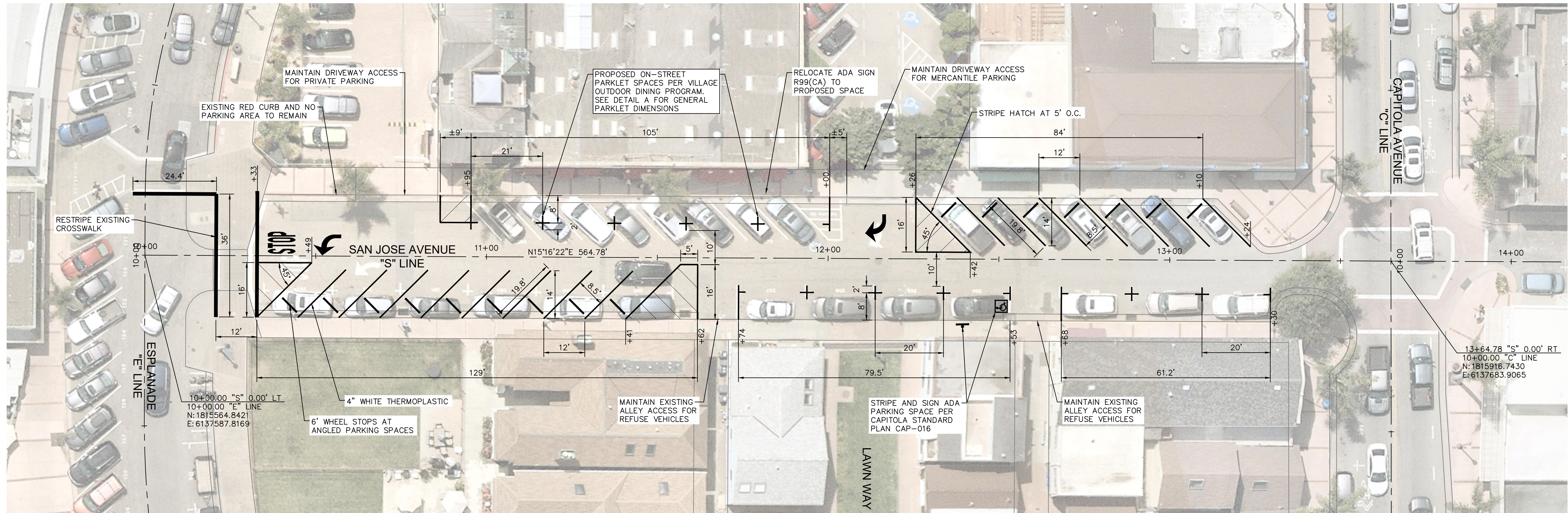
Attachments:

1. Pavement Delineation Plans

Report Prepared By: Katie Herlihy, Community Development Director
Jessica Kahn, Public Works Director

Reviewed By: Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager



GENERAL SIGNING AND STRIPING NOTES

- ROADWAY ALIGNMENT SHOWN FOR PAVEMENT DELINEATION STATIONING GENERATED WITHOUT EXISTING MONUMENT OR BENCHMARK BASIS. ENGINEER ON SITE TO SHALL VERIFY STRIPING LOCATION PRIOR TO INSTALLATION.
- ALL EXISTING SIGNS SHALL BE PROTECTED IN PLACE UNLESS SPECIFIED FOR REMOVAL OR RELOCATION.
- ALL EXISTING SIGNS SPECIFIED FOR REMOVAL SHALL NOT BE REMOVED UNTIL NO LONGER PERTINENT TO TRAFFIC CONTROL.
- ALL EXISTING PAVEMENT DELINEATION CONFLICTING WITH PROPOSED STRIPING SHALL BE REMOVED PRIOR TO NEW STRIPING INSTALLATION.
- ALL PAVEMENT DELINEATION MUST BE IN ACCORDANCE WITH THE CURRENT VERSION OF THE CALIFORNIA MUTCD AND CALTRANS STANDARD PLANS.
- ALL STRIPING DIMENSIONS SHOWN ARE MEASURED FROM STRIPE TO STRIPE OR TO TOP OF CURB TO STRIPE WHICHEVER SCENARIO IS CLOSER.
- ON-STREET PARKING SPACES SHALL BE NUMBERED PER CITY OF CAPITOLA PARKING MANAGEMENT PLAN.

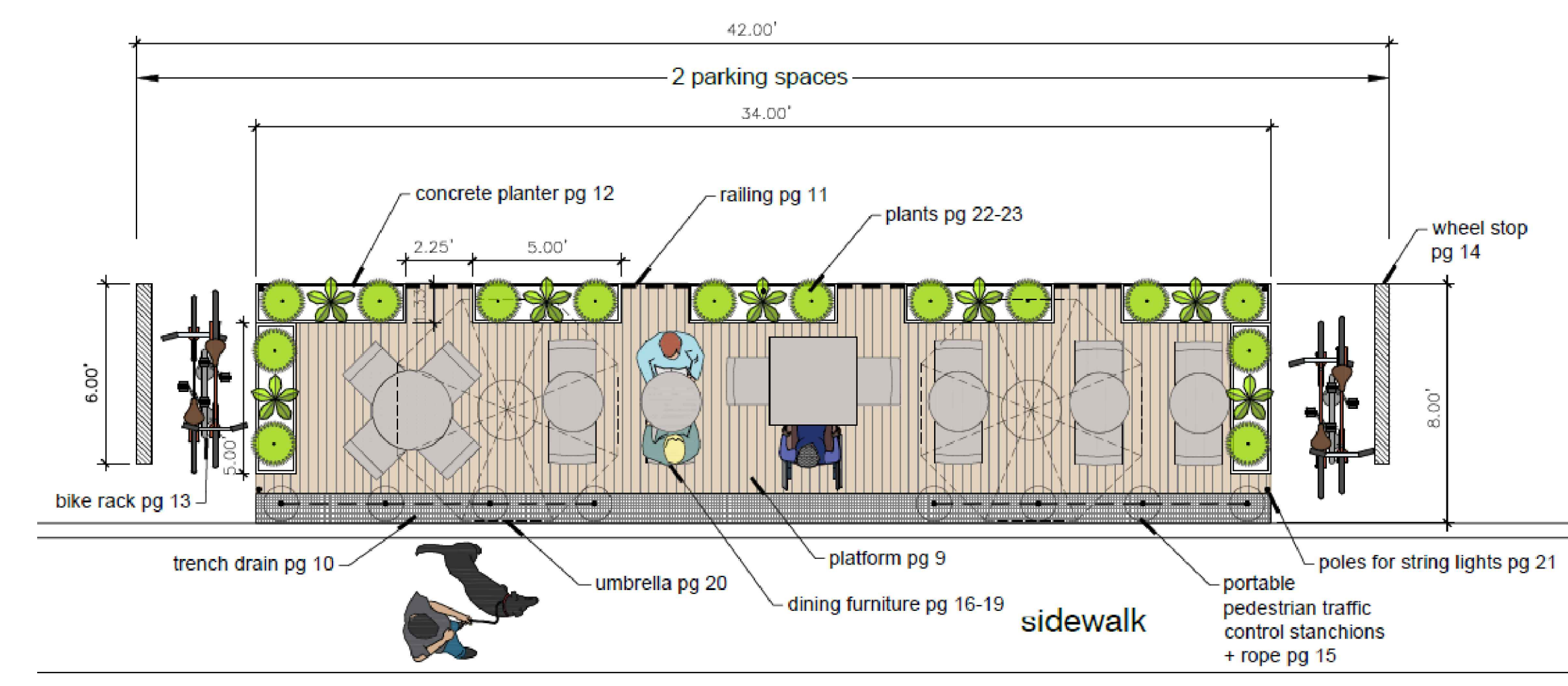
LEGEND

- EXISTING SIGN
- PROPOSED SIGN
- EXISTING STRIPING DETAIL
- PROPOSED STRIPING DETAIL
- STRIPING CHANGE
- STRIPING LIMIT
- ANGLE POINT
- PM PAVEMENT MARKING

Parking Layout Quantities				
Alternative 1				
Detail	Pattern or Legend	LF	SQFT	EA
STR	4" Parking Stripe	552		
STR	1' Crosswalk Stripe	97		
STR	Blue Curb for ADA Space	20		
PM	ISA Marking			23
PM	"STOP" Marking			22
PM	Type IV Arrow			30
ITEM	6' Parking Wheel Stop			16
Total		669	75	16

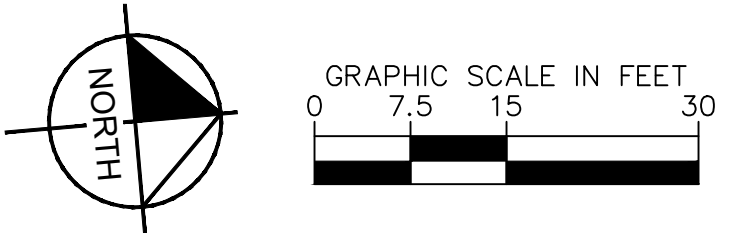
Existing Parking Supply	Eastside	Westside
Parallel Spaces	13	0
Angled Spaces	0	15
Total Spaces	28	

Alt 1 Parking Supply	Eastside	Westside
Parallel Spaces	7	5
Angled Spaces	9	7
Total Spaces	28	



DETAIL A
CAPITOLA PROTOTYPE PARALLEL STREET DINING DECK
 MICHAEL ARNONE & ASSOCIATES
 (APPROVED 7/21/2022 PLANNING COMMISSION)

65% PS&E
 FOR REVIEW ONLY
 NOVEMBER 2022



No.	REVISIONS	DATE	BY

Kimley»Horn
 © 2019 KIMLEY-HORN AND ASSOCIATES, INC.
 100 WEST SAN FERNANDO STREET, SUITE 250, SAN JOSE, CA 95113
 PHONE: 669-800-4130
 WWW.KIMLEY-HORN.COM

KHA PROJECT
 097763144
 DATE
 11/10/2022
 SCALE AS SHOWN
 DESIGNED BY DW
 DRAWN BY DW
 CHECKED BY KM

SAN JOSE AVENUE STRIPING IMPROVEMENTS
 PREPARED FOR
CITY OF CAPITOLA
 SANTA CRUZ COUNTY CA

ALTERNATIVE 1
SIGNING AND STRIPING
PLAN

SHEET NO. #
 OF X SHEETS
SS-1

Moss, Julia

From: Josh Fisher <joshfisher831@gmail.com>
Sent: Tuesday, November 22, 2022 11:45 AM
To: City Council
Subject: Outdoor Dining area meeting

Hi Katie,
Thanks for all your help with this. I will do my best to be there at the meeting tonight.

Let it be known in notes or comments for tonight's meeting:

I originally wanted my current square design and had followed all city council rules and regulations based on ALL the meetings we had already had and was ready to move forward with the ALREADY APPROVED PROTOTYPE.

After all the commotion from Capitola Wine Bar in changing the parking and changing the ALREADY APPROVED ANGLED PARKING PARKLET OPTION, I agreed to change my area to match for the better of The Village and to also help the City with parking revenue as the alternate option gained 1 or 2 spaces I believe.

If City Council approves tonight, I will go along with the concept as we have already discussed with Mike Arnone doing the drawings and either have one contractor building all 3 of our areas or each getting there own contractor to build.

However we have NOT finalized the exact dimensions of our respective spots yet but we have a general idea and now with the study complete we can discuss the final footage of all areas and bike location etc. Again, NOT COMPLETED YET!!

If City Council does NOT approve the new concept I will go back to my original design still utilizing the APPROVED PROTOTYPE and most likely using Mike as well or going back to my ALREADY COMPLETED plans. I have a contractor standing by to measure and bid it out after Thanksgiving.

In case none of the other businesses want to move forward after tonight's meeting I am still committed as I was before!! I can and will move forward solo if needed!!

Thanks for all your help. This whole thing got way more complex then it needed to be however we will work through it and complete it nonetheless.

The only other request is to have until March 1st to complete rather than January 1st since we have had to wait almost 2 months now for a final answer.

Thank you Katie and thank you City Council for bearing with us!!

Josh Fisher
Owner-
Left Coast Sausage Worx

Capitola City Council

Agenda Report

Meeting: November 22, 2022

From: Public Works

Subject: Authorize a Request for Proposals for the Jade Street Park Universally Accessible Playground Project



Recommended Action: Authorize the Public Works Department to issue a Request for Proposals for the design of a universally accessible playground at Jade Street Park.

Background: The FY 2022-23 Capital Improvement Program budget allocates \$275,000 toward the completion of a universally accessible (UA) playground at Jade Street Park. The proposed playground will replace an older existing playground that was installed in 1999 and updated in 2007. Parks maintenance staff have conducted routine inspections of the playground equipment over the course of its life. The inspections have documented increasing deterioration in the condition of the equipment over the past several years. This is consistent with the common expectation that playground equipment lasts 15-20 years on average. Ultraviolet light and environmental impacts cause the materials to degrade in this time span.

A renovated UA playground would provide recreation features and design elements that appeal to individuals of all abilities, including those with mobility, cognitive, developmental, sight and hearing impairments. The vision is for a community space that encourages individuals of all abilities to interact and play in an inclusive, fun, non-segregated setting.

Discussion: Based on preliminary research, staff has determined a comprehensive UA playground project at Jade Street park could cost approximately \$1,000,000. In an effort to help close the current significant funding gap staff met with the Friends of County Parks (Friends) about a potential fundraising campaign.

The Friends are a 501C3 non-profit whose mission is to “preserve, protect, improve and promote the use of Santa Cruz County parks and open spaces for recreational activities, arts and cultural activities to benefit all generations in our diverse community”. In collaboration with the County of Santa Cruz, the Friends has successfully fundraised for and constructed several park spaces throughout the County, including LEO’s Haven at Chanticleer Park, the County’s first UA playground. The Friends’ Board of Directors has conceptually approved partnering with the City on a fundraising effort for a UA playground at Jade Street Park, subject to approving a formal agreement with the City.

Before initiating a fundraising campaign, the Friends recommend preparation of a conceptual project design and solid project cost estimates. Staff is proposing the City now solicit proposals from park design firms, with the goal to begin fundraising in Fall 2023. The attached RFP proposes two phases of the design project, conceptual and final design.

The conceptual design phase will develop three preliminary concepts at different price points for Council review based on feedback from community outreach. The selected design will then be refined with additional detail, and cost estimate and renderings will be produced for use for fundraising purposes. At that time staff will propose a Memorandum of Understanding (MOU) with the Friends to move forward with the advertising and fundraising for the project. The MOU is anticipated for Council consideration in Summer 2023.

The final design phase, preparation of project plans, specifications and final cost estimate, will run concurrent with fundraising efforts. Dependent on fundraising efforts, construction may commence as early as Spring 2025.

Fiscal Impact: The conceptual design phase is estimated at \$50,000 and the final design phase estimated to \$25,000, for a total of \$75,000. \$275,000 has been allocated to this project in the FY 2022-23 Capital Improvement Program.

Attachments:

1. Draft Request for Proposals

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager

REQUEST FOR PROPOSALS FOR THE CITY OF CAPITOLA



Jade Street Park Universally Accessible Playground Design

DEADLINE FOR SUBMISSION:

Proposals are due prior to 11:00am
January 11, 2023

**City of Capitola
Public Works Department
420 Capitola Avenue
Capitola, CA 95010**

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Attachment 1 Aerial View of Park Site

Attachment 2 Preliminary Schedule

Attachment 3 Consultant Services Agreement Sample

I. GENERAL INFORMATION & SCHEDULE

This Request for Proposals (RFP), issued by the City of Capitola (City), invites responses from qualified, experienced professional design consultants to develop a universally accessible (UA), ADA compliant and inclusive playground design at Jade Street Park, 4400 Jade St, Capitola, CA 95010. This new playground will replace and potentially expand the existing playground at Jade Street Park, one of the City’s community park facilities.

Questions concerning this RFP must be made via email per the schedule outlined below. Responses to all submitted questions will be posted at <https://www.cityofcapitola.org/rfps>.

Issue date: Monday, November 28, 2022, 8:00 AM
Questions due: Thursday, January 5, 2023, 12:00 PM
Submittals due: Wednesday, January 11, 2023, 11:00 AM

Inquiries/submissions to: Jessica Kahn
Public Works Director
City of Capitola
420 Capitola Avenue, Capitola, CA 95010
jkahn@ci.capitola.ca.us
(831) 475-7300

II. PROJECT DESCRIPTION

The purpose of this project is to develop a universally accessible (UA) playground at Jade Street Park. The proposed playground will replace an existing and outdated playground that was installed in 1999 and 2007. Proposed services include community outreach, conceptual and final design, project specifications, and cost estimating. Assume a project construction budget of approximately \$1,000,000 when determining the level of effort needed in responding to this RFP. The selected consultant will be responsible for developing a unique and exciting play area that can be completed within the allocated construction budget and the available space.

This project will focus primarily on renovation of the tot and youth play areas. Equipment shall include appropriate areas for ages 2-5 and 5–12 and must meet minimum ADA standards and exceed where possible. Other elements that may be considered include: sidewalks with connections from playground area to existing ADA parking area and Community Center, restroom facility, picnic shelter, rubberized fall surface, fitness equipment, benches, trash/recycle receptacles and shade structures. The specific renovation scope will be guided by the outcome of a public outreach effort conducted as part of this project and input from the City Council (Council).

III. PROJECT SCOPE, SCHEDULE & COST

Project Scope

The overall work effort will be a collaboration between City staff and the consultant. The consultant will lead the community outreach process and communication with vendors as well as perform technical design tasks. The project will be structured into four primary tasks conducted in two phases:

Phase 1: Conceptual Design

- 1) Community Outreach – The City is looking for the consultant to recommend a scope of work for the community outreach effort. The goal is to collect community input from a broad spectrum of park users in an efficient manner over a one to two month time period. Outreach methods can include, but are not limited to, use of on-line surveys, community meetings, on-site interviews, etc. Identify tasks that City staff can assist with such as posting or advertising meetings or assisting with interviews. The consultant will take the lead on presenting ideas and eliciting opinions and comments from both the Council and general public. Community outreach will continue through Conceptual Design.
- 2) Conceptual Design – The consultant will use information collected during the community outreach work effort in developing two (3) schematic alternatives at varying price points. The consultant shall include equipment and circulation layouts with each schematic alternative. The consultant will present these alternatives to the Council and general public for further direction on the park renovation scope. The consultant will then refine the Council selected alternative with additional detail and prepare a preliminary cost estimate. The desired level of program detail should be sufficient to accurately project construction costs, space requirements, and user amenities. Three (3) concept renderings of the Council selected alternative will be developed to support fundraising efforts. The consultant will prepare a summary memorandum at the conclusion of the conceptual design. The memorandum should document the public input received and the justification for its inclusion or exclusion from the final conceptual plan.
- 3) Approvals – The consultant will present the conceptual design Council selected alternative to City staff. The consultant will then incorporate comments into the conceptual design and estimate and will present this final plan to Council for approval.

Phase 2: Final Design

- 4) Construction Documents – Preparation of plans, specifications and estimate for the improvements contained on the approved conceptual design will begin after Council approval. This is expected to be completed concurrent with fundraising efforts.

Deliverables

The following deliverables are required at a minimum.

- 1) Community Outreach
 - a) Summary of input collected.
- 2) Conceptual Design
 - a) Three conceptual design alternatives.
 - b) Selected alternative – refined, with cost estimate.
 - c) Final conceptual design and cost estimate.
 - d) Conceptual design memorandum summarizing public input not incorporated into final conceptual design and corresponding justification of the exclusion.
- 3) Approvals
 - a) Three (3) Presentations to City Council
- 4) Final Design Submittals
 - a) 65% Plans, specifications and cost estimate
 - b) 95% Plans, specifications and cost estimate
 - c) Final Plans, specifications and cost estimate
- 5) Meetings
 - a) As proposed by consultant or City

Schedule

The City anticipates the selection of the consultant in February of 2023 and the completion of all Phase I related work by July 2023. Construction is anticipated to begin in FY24-25 (Spring 2025) and is dependent on fundraising progress.

Budget

For fee proposal purposes, the Consultant should assume the available budget for the total design effort (both Phases) is approximately \$75,000 and that approximately \$1,000,000 will be available for construction. Upon selection of a qualified consultant, scope and fee shall be negotiated.

It is the City's intention that the full budget be utilized completely and efficiently to maximize the play value. The \$1,000,000 raised is a goal and may not be reached or exceeded. If the fundraising goal is not met, the successful proposer understands that the scope of the project will need to be adjusted. Such adjustments shall be at the sole and absolute discretion of the City. The successful proposer understands that the project is to be completed and opened to the public no later than October 1, 2025.

IV. RFP SUBMITTAL

Responses to this RFP must be not more than 24 pages in length (12 double-sided or 24 single-sided pages) and include the following:

- 1) Qualifications Detail consisting of:
 - a) Cover letter including statement of understanding & approach to this project; the statement should describe the applicant's understanding of the project and the special skills and innovative thinking that the team would bring to the project.
 - b) Proposed Project Team Members: A description of the applicant's organizational composition, disciplines, and the primary role of each individual/firm on the team. Organizational charts may be included, if appropriate. Clearly indicate the applicant's designated team leader for the project as well as the specific individuals who will be assigned to the work and their respective expertise in such work.
 - c) Specific Project Experience: Descriptions detailing completed, similar or relevant project experience that the applicant has executed. Include graphic representation. Links to similar or relevant projects are encouraged.
 - d) List of References: Provide a minimum of three client references with which the applicant has provided similar design/build services within the last ten years. Include the name and telephone number of the contact person and a description of the role and services provided to that contact.

- 2) Technical Proposal consisting of:
 - a) A description of the approach to be taken toward completion of the project, an explanation of any variances to the proposed scope of work as outlined in the RFP, and any insights into the project gained as a result of developing the proposal;
 - b) A scope of work that includes steps to be taken, including any products or deliverables;
 - c) A summary of estimated labor hours by task that clearly identifies the project team members and the number of hours performed by each sub-contractor by task;
 - d) A proposed schedule that indicates project milestones and overall time for completion; expedited schedules will receive a higher ranking;
 - e) Any other information deemed necessary to address the requests of this RFP.

- 3) Cost Proposal consisting of:
 - a) A composite schedule by task of direct labor hours;
 - b) An itemized schedule of all expenses, including both labor and direct expenses. If the use of sub-consultants is proposed, a separate schedule of hours and expenses must be provided for each sub-consultant);
 - c) A maximum budget amount of inclusive of all fees and expenses.

All proposals are due and must be delivered to the City Hall on, or before, Wednesday, January 11, 2023 at 11:00 AM. Proposals submitted late or via oral, telephonic, telegraphic, electronic mail or facsimile will not be considered or accepted.

Each respondent must submit in a sealed envelope

- Five (5) hard copies and one (1) electronic copy in PDF format of the Consultant's proposal. The hard copies shall be organized with clearly labeled tabs separating each section.

Each respondent must submit in a separate sealed envelope marked Fee Proposal

- One (1) original of the fee proposal

The fee proposal and all costs must be separate from the rest of the proposal.

Proposals submitted must be clearly marked: "Jade Street Park Universally Accessible Playground Design" and list the consultant's name and address.

Proposals must be addressed and delivered to:

City of Capitola
Public Works Department
420 Capitola Avenue
Capitola, CA 95010

All proposals received on or before the due date will be publicly opened and recorded on the due date. No immediate decisions will be rendered.

Hand delivered proposals must be date/time stamped by the Public Works Department at the address above in order to be considered. Delivery hours are 9:00 a.m. to 5:00 p.m. Monday through Friday, excluding Holidays.

The City will not be liable to any consultant for any unforeseen circumstances, delivery, or postal delays. Postmarking on the due date will not substitute for receipt of the proposal. Consultants are responsible for submission of their proposal. Additional time will not be granted to a single consultant. However, additional time may be granted to all consultants at the discretion of the City.

V. EVALUATION CRITERIA

The City intends to enter into an agreement with the Consultant who provides a proposal that, in the opinion of the City, best meets all of the below listed evaluation criteria as determined by the City’s selection committee. Upon selection of a Consultant, the City intends to enter into an agreement using its standard Professional Services Agreement, which shall be used to secure these services.

All proposals will be evaluated by a City of Capitola Selection Committee (Committee) based upon the matrix below. The Committee may be composed of City of Capitola staff and other parties that may have expertise or experience in the services described herein. The Committee will review the submittals and will rank the proposers. The evaluation of the proposals shall be within the sole judgment and discretion of the Committee.

Criteria	(a) Weight	(b) Score (1-5)	(a) X (b) Weighted Score
Overall quality of the professional qualifications of the firm	30%		
Proposed approach and methodology for Park and Playground Landscape Design	25%		
Previous project descriptions of Park and Playground Landscape Design	20%		
Proposed schedule for completing tasks identified	20%		
Final Score			

The fee proposals will not be reviewed at the initial evaluation. After initial evaluation, the City will determine top consultants, and open only those fee proposals. The City will then determine which, if any, firms will be interviewed. During the interviews, the selected firms will be given the opportunity to discuss their proposal, qualifications, past experience, and their fee proposal in more detail. The City further reserves the right to interview the key personnel assigned by the selected consultant to this project. If the City chooses to interview consultants, the interviews will be held the week of January 23, 2023.

Following the City’s determination of the firm best qualified for this work, final terms will be negotiated, and the Consultant and the City will execute the City’s standard Professional Services Agreement (Attachment 3).

VI. ANTICIPATED PROJECT SCHEDULE

The City reserves the right to amend dates. While the timeline may be subject to change, all participating parties will be notified. The anticipated schedule is as follows:

- November 28, 2022 RFP issued
- January 5, 2023 12:00 PM Deadline for questions
- January 11, 2023 11:00 AM Proposals Due
- January 12-18, 2023 Review of Proposals
- Week of January 23, 2023 Interviews and Presentations (if needed)
- Week of January 30, 2023 Contract Negotiation
- February 10, 2023 Notice to Proceed

VI. ADDITIONAL INFORMATION

Communications

It is extremely important that all respondents are given clear and consistent information. Therefore, all respondents are required to submit any questions related to this project or RFQ process via email.

Responses to all submitted questions will be posted on the City of Capitola's website at: <https://www.cityofcapitola.org/rfps>. Questions concerning this RFQ must be received via email per the schedule outlined on page 3. Inquiries received after this date will not be considered or answered.

Respondents should not communicate with any City department or employee during the submission process except as described above. In addition, no communications should be initiated by a respondent to any City Official or persons involved in evaluating or considering the statement of qualifications. Communication with any parties for any purpose other than those expressly described herein may cause an individual firm, or team to be disqualified from participating.

Other terms

Costs for preparing the Statement of Qualifications in response to this request are solely the responsibility of the respondent. The City of Capitola reserves the right to accept or reject any or all Statement(s) of Qualifications, with or without cause, and to waive immaterial defects and minor irregularities in responses. All decisions related to this solicitation by the City will be final. The City reserves the right to request clarification of information submitted and to request additional information of one or more respondents. All materials submitted in response to this RFQ will become the property of the City upon delivery. This solicitation in no way obligates the City of Capitola to award a contract.

ATTACHMENT 1
Aerial View of Park Site

Jade Street Park
4400 Jade Street



1 inch = 150 feet



City of Capitola

Jade Street Park 4400 Jade Street



1 inch = 150 feet



City of Capitola

The area for the proposed playground site, represented above, is approximately 9,600 SF. The City may consider expansion of this playground site into the larger park area of approximately 55,000 SF.

ATTACHMENT 2

Jade Street Park Universally Accessible Playground - Preliminary Schedule

PHASE 1

Issue Request for Proposals	November 28, 2022
Proposals due	January 11, 2023
Consultant Interviews	Week of January 23, 2023
Negotiate Agreement	Week of January 30, 2023
Notice to Proceed	February 10, 2023
Public Outreach	February – May 2023
Develop Conceptual Designs (3) with City staff	May – June 2023
Presentation of Conceptual Designs to City Council	June 8, 2023
Develop Preferred Alternative	June - July 2023
Presentation of Final Conceptual Design to City Council	July 27, 2023
Fundraising campaign	Fall 2023 – Fall 2024

PHASE 2

Preliminary – Final Design	Fall 2023-Spring 2024
Presentation to City Council	Fall 2024
Bid Period/Award	January 2025
Construction	Spring – Fall 2025

ATTACHMENT 3
Sample Professional Services Agreement

**CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT**
Consultant Name Here

THIS AGREEMENT is entered into on June XX, 2022, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Consultant Name Here , hereinafter called "Consultant".

WHEREAS, City desires certain services described in Appendix One and Consultant is capable of providing and desires to provide these services;

NOW, THEREFORE, City and Consultant for the consideration and upon the terms and conditions hereinafter specified agree as follows:

**SECTION 1
Scope of Services**

The services to be performed under this Agreement are for consulting services and further detailed in Appendix One.

**SECTION 2
Duties of Consultant**

All work performed by Consultant, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession.

Consultant shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with Community Development Director, called "Director," or other City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

**SECTION 3
Duties of the City**

City shall make available to Consultant all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Consultant in obtaining such information from other agencies and individuals as necessary.

The Director may authorize a staff person to serve as his or her representative for conferring with Consultant relative to Consultant's services. The work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Consultant. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Consultant of the changes or revisions necessary to secure approval.

**SECTION 4
Fees and Payment**

Payment for the Consultant's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work. If Consultant is compensated on an hourly basis, Consultant shall track the number of hours Consultant, and each of Consultant's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Consultant shall immediately notify City if the number of hours worked during any fiscal year by any of Consultant's employees reaches 900 hours. In addition, each invoice submitted by Consultant to City shall specify the number of hours to date Consultant, and each of Consultant's employees, has worked under this Agreement during the current fiscal year.

**SECTION 5
Changes in Work**

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Consultant's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

**SECTION 6
Time of Beginning and Schedule for Completion**

This Agreement will become effective when signed by both parties and will terminate on the earlier of:

- The date Consultant completes the services required by this Agreement, as agreed by the City; or
- The date either party terminates the Agreement as provided below.

Work shall begin on or about **DATE**.

In the event that major changes are ordered or Consultant is delayed in performance of its services by circumstances beyond its control, the City will grant Consultant a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Consultant must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

**SECTION 7
Termination**

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Consultant. Consultant may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Consultant for all services performed and accepted under this Agreement up to the date of termination.

Insurance

Consultant shall procure and maintain for the duration of the contract and for **1** years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.
4. Professional (Errors and Omissions) Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage shall include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- | | |
|--|---|
| 1. General Liability:
(including operations,
products and completed
operations) | \$1,000,000 per occurrence and \$2,000,000 in
aggregate (including operations, for bodily injury,
personal and property damage. |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and
property damage. |
| 3. Employer's Liability Insurance | \$1,000,000 per accident for bodily injury and
property damage. |
| 4. Errors and Omissions
Liability:
Limits | \$1,000,000 per claim and \$2,000,000 in the
aggregate. |

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 9 Indemnification

For General Services: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, employees from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from the acts or omissions of Consultant's employees or agents in any way related to the obligations or in the performance of services under this Agreement, except for design professional services as defined in Civil Code § 2782.8, and except where caused by the sole or active negligence, or willful misconduct of the City.

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees from and against any and all claims, demands, actions, liabilities, damages, or expenses (including

attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents in any way related to the obligations or in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of the City. The costs to defend charged to the Consultant relating to design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8 and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Consultant, Consultant's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10

Civil Rights Compliance/Equal Opportunity Assurance

Every supplier of materials and services and all consultants doing business with the City of Capitola shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, consultant shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Consultant agrees to abide by all of the foregoing statutes and regulations.

SECTION 11

Legal Action/Attorneys' Fees

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which he or she may be entitled. The laws of the State of California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 12

Assignment

This Agreement shall not be assigned without first obtaining the express written consent of the Director after approval of the City Council.

SECTION 13

Amendments

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the City Council, or an officer of the City when the City Council may from time to time empower an officer of the City to approve and authorize such amendments. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Appendix Two. Such authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

SECTION 14

Miscellaneous Provisions

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.

2. *Consultant Service.* Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.

3. *Licensure.* Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.

4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.

5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.

6. *Consultant's Records.* Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.

7. *Independent Contractor.* In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.

8. *Conflicts of Interest.* Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.

9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

CITY
CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
831-475-7300

CONSULTANT

By: _____
Benjamin Goldstein, City Manager

By: _____

Dated: _____

Dated: _____

Approved as to Form:

Samantha Zutler, City Attorney

APPENDIX ONE
Scope of Services

APPENDIX TWO Fees and Payments

Consultant will provide invoices to the City for all services and expenses on a monthly basis. City will endeavor to pay all invoices within 30 days of receipt. The total amount billed by Consultant and paid by City pursuant to this agreement shall not exceed \$_____ without written advance authorization from the City.

Consultant hereby represents and warrants, based upon Consultant's independent determination of the time and labor, including overtime, which will be required to perform said services, that Consultant will provide all said services at a cost which will not exceed the maximum price set forth in this agreement for Consultant's services. Consultant hereby assumes the risk that Consultant will perform said services within this maximum price constraint and Consultant acknowledges that its inability to do so shall not excuse completion of the services and shall not provide a basis for additional compensation.

Salary expenses include the actual direct pay of personnel assigned to the project (except for routine secretarial and account services) plus payroll taxes, insurance, sick leave, holidays, vacation, and other fringe benefits. The percentage of compensation attributable to salary expenses includes all of Consultant's indirect overhead costs and fees. For purposes of this Agreement, Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule attached to this appendix and in accordance with the terms set forth therein. Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subconsultants or subcontractors, and other identifiable job expenses. The use of Consultant's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

Salary payment for personnel time will be made at the rates set forth in the attached fee schedule for all time charged to the project. Normal payroll rates are for 40 hours per week. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization.

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$_____, without specific, written advance authorization from the City.

Payments shall be made monthly by the City, based on itemized invoices from the Consultant which list actual costs and expenses. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of Consultant Name Here, that the charge of \$_____ as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated June __, 2022, and has not been previously paid."

Capitola City Council

Agenda Report

Meeting: November 22, 2022

From: Police Department

Subject: Receive 2022 Special Event Report and Provide Direction for Recurring 2023 Events



Recommended Action: Receive report, provide direction regarding changes to specific recurring special event permit conditions, and determine if any additional review should be required for any 2023 special events.

Background: In February 2002, the City Council approved Resolution No. 3202, adopting a special event permit program and fee schedule. The purpose of the program was to provide regulations and guidelines for special events occurring within the City limits and to recover costs associated with those events.

Special events are divided into two categories: general special events and minor special events. General special events are those with more than 200 attendees or notable impacts on City services or a neighborhood. Minor special events are activities with fewer than 200 people and limited impacts. Minor special events can be approved by the City Manager, while all applications for new general special events must be presented to the Council for review and consideration.

If there are no significant modifications and there were no major problems with the event, recurring special events may be approved by the City Manager for the upcoming calendar year. Council has the discretion to request a review of a recurring special event if there is an identifiable concern related to past events.

The purpose of this report and presentation is to review the 2022 special events, identify any issues, and determine if any additional review should be required for any recurring events in 2023. If no issues are identified for an event, and the event organizer proposes no significant changes, Staff will issue permits for those recurring special events in 2023.

Discussion: This year's special events returned to pre-pandemic levels. In 2022, Staff issued 11 General Special Event permits, 17 Minor Event permits, and 23 Art and Cultural Event permits. Below are this year's events and they are all planned recurring events for 2023.

2022 General Special Events

- February Surfer's Path 10K/5K
- May Surfer's Path Marathon
- AIDS Lifecycle
- Capitola Custom Classic Car Show
- Wharf to Wharf Race
- Art and Wine Festival
- Capitola Beach Festival
- Mermaid Triathlon/Duathlon
- Women On Waves Contest
- October Surfer's Path Hang 10/Hang 5
- Monte Fireworks Extravaganza

2022 Minor Events

- Village Sip and Stroll #1
- Operation Surf
- Village Easter Egg Hunt
- Skate-Tola
- Village Sip and Stroll #2
- Walk for Angelman's Syndrome
- Coast Classic Ride
- Ohana Bicycle Ride
- Halloween Parade
- Surfing Santa
- Village Sip and Stroll #3
- Art/Music at the Beach

- Food Truck Event at Monterey Park
- Opera at the Beach
- Twilight Concerts
- Movies at the Beach
- First Responder's Surf Contest

There were no major changes for 2022 and Staff issued one new minor permit in October for the First Responder Surf Contest.

As with the previous years, each General Event had an Incident Commander assigned as the supervisor and liaison between the event organizer and the city. Each supervisor met with the organizer and worked with them on the specifics of each event and reviewed their safety plans and responsibilities. The Police Department developed specific operations orders for each event and after-action reports. New for 2022 was the addition of removable bollards and the deployment of Critical Response Teams during large events.

Removable bollards were purchased from a homeland security grant and are placed at strategic intersections throughout the Village. The bollards are locked into place to prevent vehicles from entering or leaving the venue. Staff worked with each event organizer to determine the need for the bollards, removable barriers, and or private security at these traffic control points. The addition of the bollards allowed for personnel to be more mobile and not fixed to a traffic barricade. The bollards were very effective with road closures.

Also new for 2022 was the implementation of Critical Response Teams (CRTs) and Incident Command (IC) with Central Fire. Staff from the Police Department and staff from Central Fire worked in teams of two during the different events to form emergency response teams. To better manage the larger General Events, a command-level officer was assigned to keep the patrol supervisors in the field. The Police Department and Central Fire worked together using the incident command system (ICS). Joint command was pre-established and active for each 2022 General Event.

Event organizers were receptive to these changes and additions. We did not have any major issues and each event ended safely. A summary of each event was submitted and reviewed by Staff. Any areas of improvement were recommended to the event organizer, or internal staff, for future planning.

Staff received two complaints about parking citations being issued in the permitted neighborhoods during the Art and Wine. Congestion complaints were raised about traffic diversion through Fanmar during the Art and Wine Festival. Staff received three complaints about noise and pollution concerns from the Monte Foundation Fireworks Extravaganza.

From November 2021 to November 2022, the city billed 384 police personnel hours and 83 public works personnel hours. This was a significant increase from previous years due to low volunteer support from the event organizers. The billed services for permitting, bandstand fees, and personnel costs were \$48,350. All costs were reimbursed by the special event sponsors. All 2022 are returning and are being presented for approval for this coming year's General and Minor Events.

Fiscal Impact: None

Report Prepared By: Andrew Dally, Chief of Police

Reviewed By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager