

# City of Capitola

## City Council Meeting Agenda

### Thursday, October 23, 2025 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Joe Clarke  
**Vice Mayor:** Margaux Morgan  
**Council Members:** Gerry Jensen, Melinda Orbach, Susan Westman

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### Closed Session – 5 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.*

- i. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov't Code §54957(b))  
City Council's Performance Evaluation of the City Attorney

### Regular Meeting of the Capitola City Council – 6 PM

#### 1. Roll Call and Pledge of Allegiance

*Council Members Gerry Jensen, Melinda Orbach, Susan Westman, Vice Mayor Margaux Morgan, and Mayor Joe Clarke*

#### 2. Additions and Deletions to the Agenda

#### 3. Presentations

*Presentations are limited to eight minutes.*

- A. Presentation from Lucia Medina, the 2025 "Mayor for a Day" Youth Essay Contest Winner
- B. Presentation from the Second Harvest Food Bank

#### 4. Report on Closed Session

#### 5. Additional Materials

*Additional information related to an agenda item on this agenda and submitted to the City after distribution of the agenda packet pursuant to Government Code §54957.5. All correspondence 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.*

- A. Item 9A - Correspondence Received
- B. Item 9F - Correspondence Received
- C. Item 9G - Staff Memorandum with Updated Attachment
- D. Item 9H - Correspondence Received

## 6. Oral Communications by Members of the Public

*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.*

## 7. Staff / City Council Comments

*Comments are limited to three minutes.*

## 8. 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. City Council Meeting Minutes

Recommended Action: Approve minutes from the special meeting on October 9, 2025, and the regular meeting on October 9, 2025.

### B. 2025 Holiday Parking

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 27, 2025, through December 25, 2025.

### C. Donations Report Fiscal Year 2024-25

Recommended Action: Receive the Annual Donations and Contributions Report.

### D. Contract for Arbitration Services

Recommended Action: Adopt a resolution authorizing the City Manager to execute a professional services agreement with Signature Resolution to provide arbitration services for mobile home rent increase petitions pursuant to Capitola Municipal Code Chapter 2.18.

## 9. 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. Grand Avenue Pathway

Recommended Action: Receive a report on the Grand Avenue Pathway and provide direction to staff as needed.

### B. Economic Development Presentations and Department Update

Recommended Action: Receive presentations from local business organizations and receive a presentation from the Community and Economic Development Department on current and upcoming economic development initiatives.

### C. 2021 CDBG Grant Closeout

Recommended Action: Conduct the duly noticed public hearing and receive a report summarizing the accomplishments performed under State CDBG Agreements 21-CDBG-NH-20008, 21-CDBG-NH-20009, and 21-CDBG-NH-20010; solicit citizen input regarding expenditures and accomplishments of the funding received under these contracts; and direct staff to proceed with submitting required documents for closeout to the State.

**D.** 2025 Community Development Block Grant Program

Recommended Action: Receive staff report, conduct public hearing, and discuss. No action is required.

**E.** Award of Construction Contracts for the Treasure Cove Playground and Jade Street Park Restroom Renovation Projects

Recommended Action: Adopt a resolution awarding the construction contracts for the Treasure Cove Playground Project to SSB Construction, Inc. in the amount of \$2,446,238, and for the Jade Street Park Restroom Renovation Project to CWS Construction Group, Inc. in the amount of \$484,000, authorizing the City Manager to execute both contracts, and authorizing staff to issue notices to proceed upon final execution.

**F.** Administrative Policy I-42: Code of Conduct

Recommended Action: Approve revisions to Administrative Policy I-42: Council and Board Code of Conduct.

**G.** 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, an ordinance amending Chapter 15.04 and 15.18 of the Capitola Municipal Code pertaining to adoption of California Building Codes and the California Fire Code, 2005 Edition and portions of the 2024 International Fire Code, as amended by the Central Fire Protection District and ratified by the Capitola City Council.

**H.** November 20 Meeting

Recommended Action: Provide direction for the November 20, 2025, City Council meeting.

## 10. Adjournment

*The next regularly scheduled City Council meeting is on November 13, 2025, at 6:00 PM.*

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### How to View the Meeting

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**

### **How to Provide Comments to the City Council**

Members of the public may provide public comments to the City Council in-person during the meeting. If you are unable to attend in-person, please email your comments to [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us) and they will be included as a part of the record for the meeting. Please be aware that the City Council will not accept comments via Zoom.

**Notice regarding City Council:** The City Council meets on the 2nd and 4th Thursday of each month at 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 and at Capitola City Hall prior to the meeting. 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.

**Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a [jgautho@ci.capitola.ca.us](mailto:jgautho@ci.capitola.ca.us).**

**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 by clicking on the Home Page link "Meeting Agendas/Videos." Archived meetings can be viewed from the website at any time.

If I were a mayor of Lapina  
what would I do?

My name is Lucia Medina  
Ortiz, I am a fourth grader at Sequel  
Elementary School.

A few days ago I had the  
opportunity to go to the O'Neil program.  
Me and my friends enjoyed it.

There were lots of fun activities, but  
the most fun was when they taught us  
about echolocation and how marine  
animals use it to survive. But there was  
just one problem, there was plastic in the  
ocean! you may be thinking, "Why is this  
such a problem?" but it really is because  
sea animals use echolocation to survive,  
this means that when the animal makes  
a noise the sound waves travel until  
they hit something then they bounce back

to the animal. This is how they know where things are. This works with almost anything including food, predators, and ships. The problem is it doesn't work with plastic, so these poor animals either eat the plastic or get stuck in it.

Item 3 A.

My idea to solve this problem or a mayor is to invent a program that would take place every year in both private and public schools.

Kids would learn how to clean after themselves and protect the ocean. At the end of the program, students will take a quiz to see what they've learned. The purpose of the program is for kids to remember that living beside the beach is a blessing but also a responsibility.



# THE POWER OF A NETWORK

Erica Padilla-Chavez, CEO

October 23, 2025 – City of Capitola



# OUR MISSION



Second Harvest Food Bank Santa Cruz County is committed to building a **thriving** community where everyone has access to nutritious food and essential service to support their health and well-being.

# ADDRESSING FOOD INSECURITY IN OUR COUNTY

## Objectives:

- Provide basic understanding of our county's food security network
- Overview of the national cuts to food security programs
- Detail Second Harvest impacts and pivots given current shifting landscape
- Motivate increased conversation of food insecurity

# HOW DID FOOD BANKING GET STARTED?



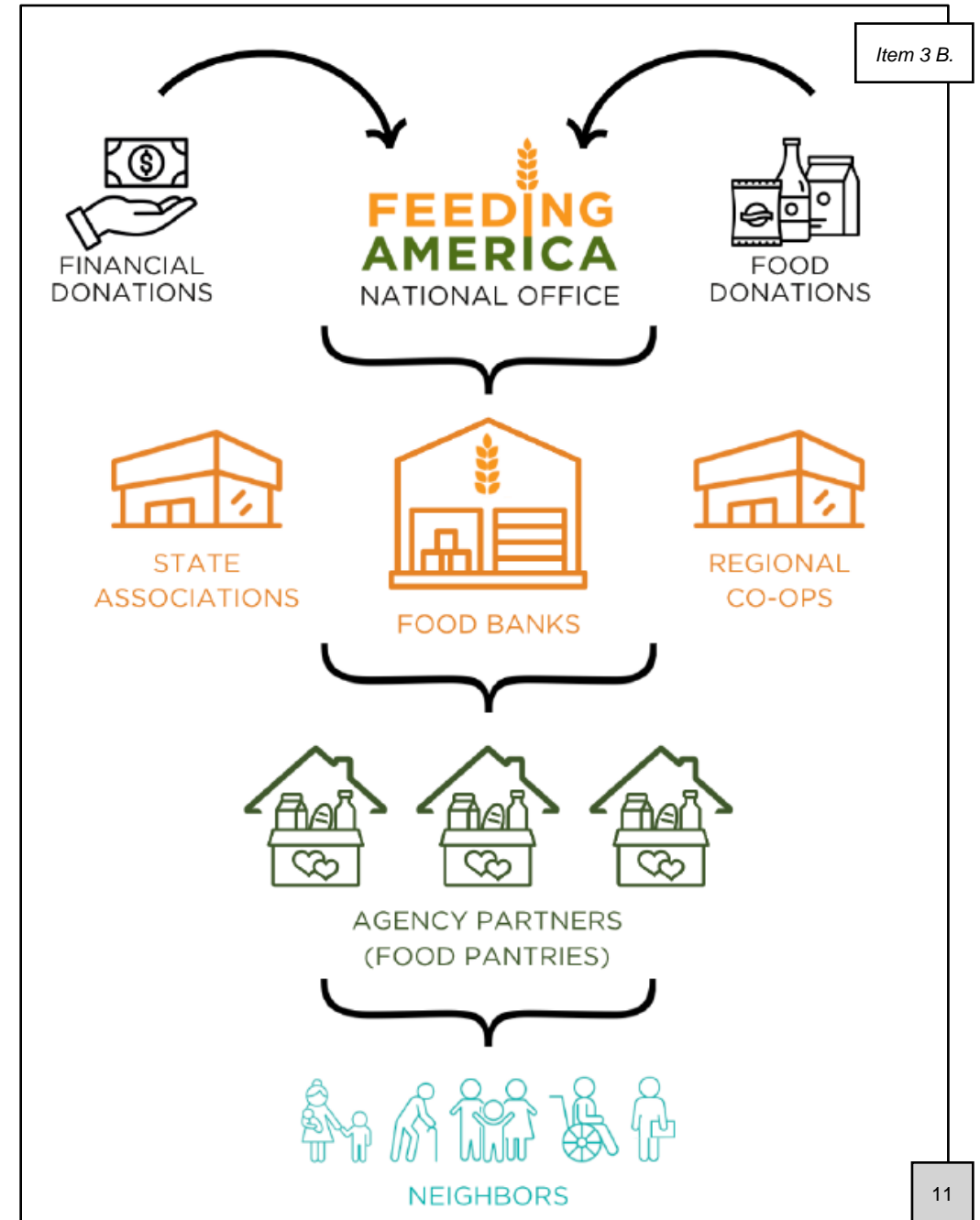
- 1960's John van Hengel
- 1972 Second Harvest Food Bank Santa Cruz, first in CA, second in the country!
- USCS students instrumental in launching Second Harvest

# WHAT IS THE NETWORK?

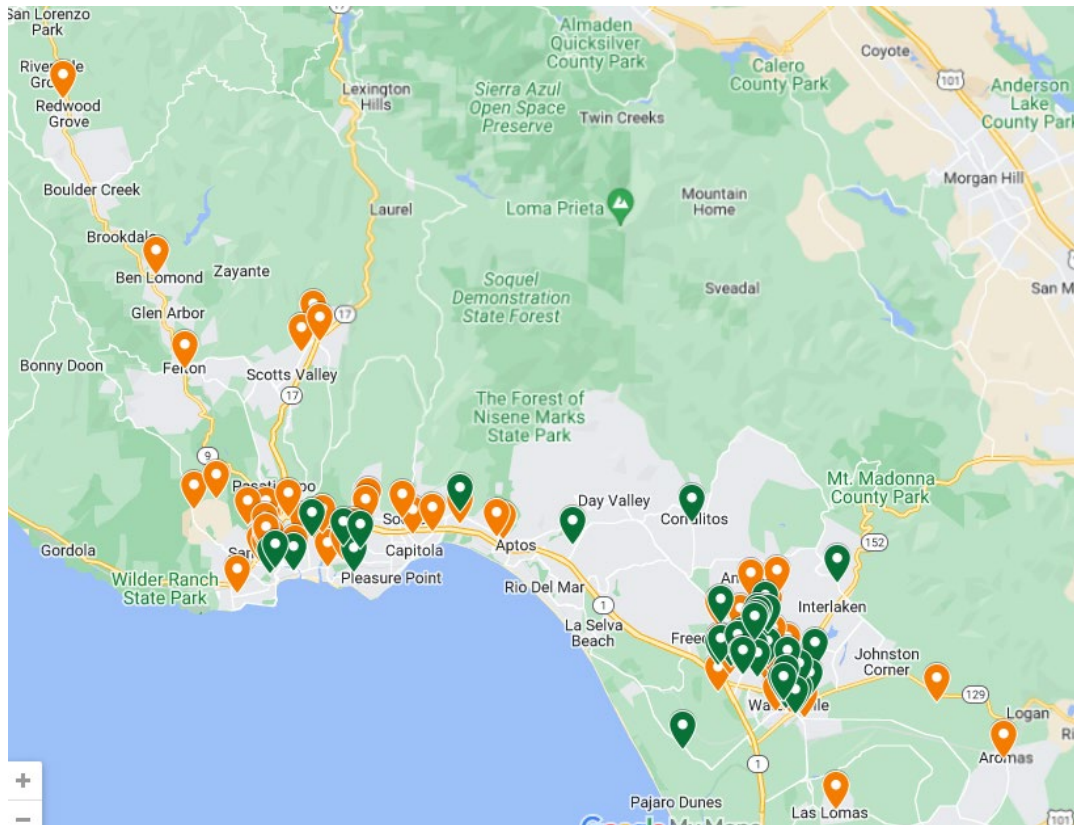
- A National, State and Local system that works in concert to provide nourishment to neighbors
- Feeding America Members: 220+
- California Association of Food Banks Members: 41 food banks
- Santa Cruz County: 66 Partner Agencies



CALIFORNIA  
ASSOCIATION OF  
FOOD BANKS



# OUR COUNTY NETWORK: HOW WE NOURISH OUR NEIGHBORS

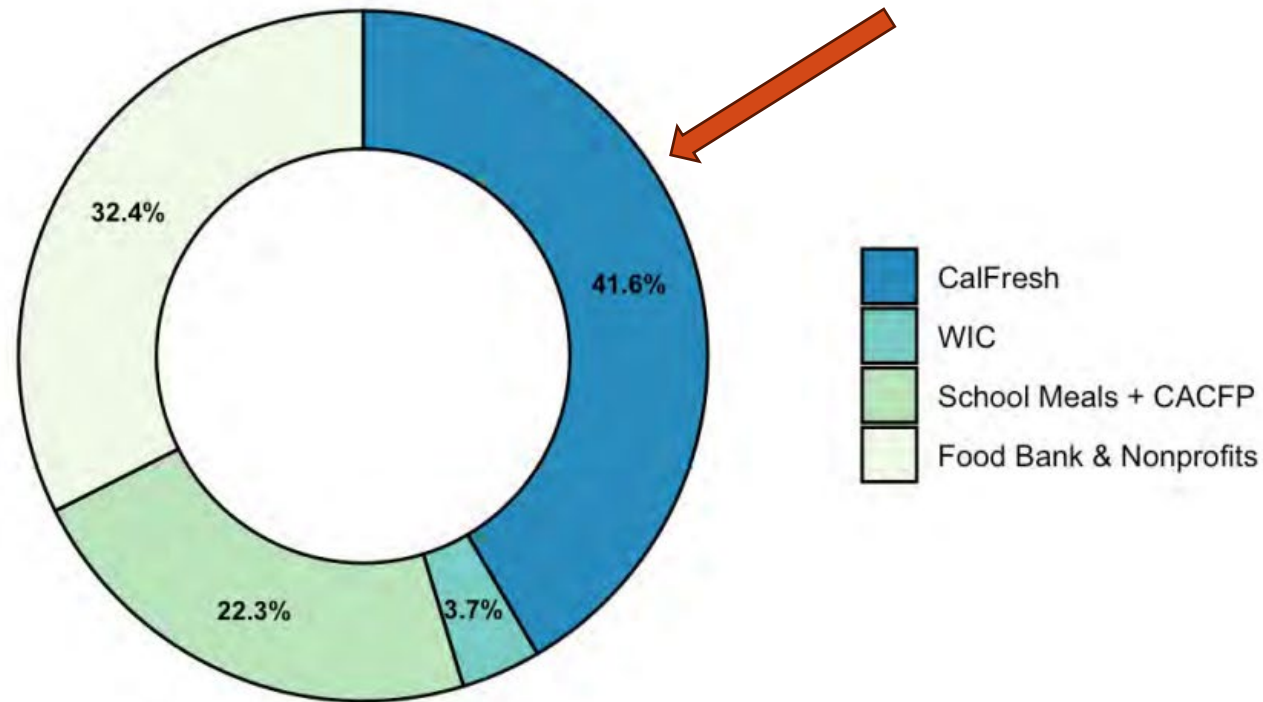


- 100+ Distribution Sites throughout the county
- 6 partner agencies - City of Capitola
- Unduplicated City of Capitola Individuals served by month: 1,760\*

*\*Represents approximately 20% of the city's total population*

# 2020 FOOD ASSISTANCE PROGRAMS IN SANTA CRUZ COUNTY

Item 3 B.

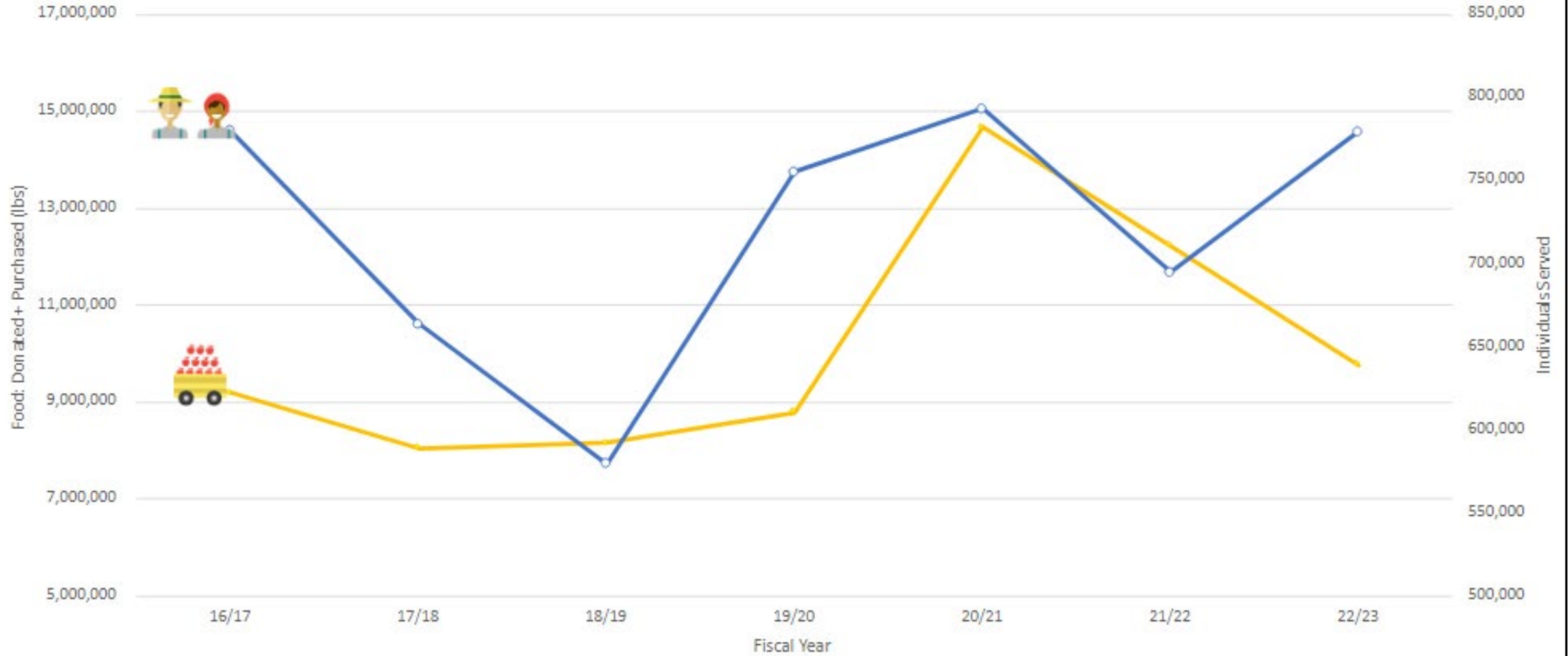


# IMPACTS TO OUR FOOD SECURITY SYSTEM



- **Cancellation of USDA resources**
  - Local Food Purchasing Assistance (LFPA) (\$600,000)
  - USDA TEFAP through Community Credit Corporation (\$400,000)
- **SNAP/CalFresh Changes**
  - Shifting of Cost to State
  - New Eligibility Requirements
  - Some legal residents ineligible for participation
- **Ripple Effect**
  - Some will lose eligibility
  - Local economic impact
  - Student meals impact (free and reduced lunch)
  - Food Bank demand will grow

## Food Donated vs. Individuals Served



# HOW ARE WE PREPARING?



- Convening leaders in the food insecurity space across our county
- Addressing current fears and pivoting to ensure access
- Optimizing our internal operations
- Leveraging new partnerships
- Educating the community
- Maximizing engagement



People working together in a strong community with a shared goal and a common purpose can make the impossible possible.

Tom Vilsack

**Gautho, Julia**

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**From:** Ford, Kiana@Coastal <kiana.ford@coastal.ca.gov>  
**Sent:** Wednesday, October 22, 2025 1:27 PM  
**To:** Kahn, Jessica  
**Cc:** City Council; Graeven, Rainey@Coastal  
**Subject:** [PDF] Agenda Item 9A  
**Attachments:** 10.22.25 City Council Hearing Item #9A Coastal Commission Letter.pdf

Good Afternoon, Jessica,

Please see attached a letter from the Coastal Commission Central Coast District Office regarding item 9A on tomorrow's City Council agenda.

Best,  
Kiana

**Kiana Ford** | Coastal Planner

**CALIFORNIA COASTAL COMMISSION**

Central Coast District

725 Front Street, Suite 300

Santa Cruz, CA 95060

Direct: (831) 303-0371

[kiana.ford@coastal.ca.gov](mailto:kiana.ford@coastal.ca.gov)

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
EMAIL: [CENTRALCOAST@COASTAL.CA.GOV](mailto:CENTRALCOAST@COASTAL.CA.GOV)  
WEB: [WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)

**October 22, 2025**

Jessica Kahn, P.E.  
Public Works Director  
City of Capitola, CA 95010  
[jkahn@ci.capitola.ca.us](mailto:jkahn@ci.capitola.ca.us)

Capitola City Council  
420 Capitola Avenue  
Capitola, CA 95010  
[citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us)

Subject: **Grand Avenue Pathway – Item 9A**

Dear Director Kahn and Honorable Members of the Capitola City Council,

We have reviewed the agenda report, including the attached geologic investigation, which includes recommendations to preserve the Grand Avenue bluff top pathway. We write today to express our strong support for relocating the pathway inland along the City-owned right of way and urge the City Council to direct staff to pursue the implementation measures outlined in the agenda report.

We believe these measures are important in order to allow the public to continue to have access to this significant coastal resource, including its public recreational opportunities and coastal views. Furthermore, such measures are consistent with the Coastal Act's requirement to maximize public access and recreation, and the relevant City of Capitola Local Coastal Program (LCP) policies, which speak to "providing safe and adequate pedestrian access to and along the shoreline" and maintaining "existing pathways and park sites for public use".

Moreover, and consistent with our past letters related to the Grand Avenue Pathway (see attached letters dated May 23, 2017 and December 16, 2019), we continue to support restoring and maintaining lateral public access along the bluff in concert with related efforts to help improve drainage and minimize runoff and saturation of the bluff (including but not limited to additional drainage infrastructure to help prevent runoff down the bluff, converting existing landscaping along Depot Hill to drought tolerant landscaping to help minimize saturation of the bluff, etc.). We also continue to support a more informal path (e.g., compacted dirt, decomposed granite, etc. as opposed to concrete or asphalt), which may offer the City more flexibility to continue to adapt/relocate the pathway as needed.

A renewed effort to restore a continuous pathway experience benefits all users (those young and old, residents and visitors, and those able-bodied and not) given the

sweeping views it provides of the Monterey Bay, especially when there are fairly limited comparable alternative access opportunities along the Depot Hill stretch of coast. Furthermore, we understand the City is committed to undertaking City-wide adaptation planning, and thus that planning process may elucidate other mechanisms to continue to provide access here, or possibly help enhance and/or create new access opportunities in the vicinity.

Thank you for consideration of these comments, and we offer our support to City staff as this process moves forward.

Sincerely,

DocuSigned by:  
  
E6E6330F9F9C4F4...

Dan Carl  
District Director  
Central Coast District  
California Coastal Commission

Attachments: May 23, 2017 and December 16, 2019 Coastal Commission letters to the City regarding the Grand Avenue Pathway

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



May 23, 2017

City Council  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

**Subject: Grand Avenue Pathway Relocation - Item 9A, May 25, 2017 City Council Hearing**

Dear Hon. Mayor Harlan and fellow Council Members:

We write today to express our strong support for relocating the Grand Avenue bluff top pathway inland along the City-owned right of way consistent with the original recommendation to Council back in March. We have reviewed the staff report, including the attached geologic report, which appears to suggest that the path will essentially be abandoned and remain closed indefinitely. We believe the City should explore other alternatives to allow the public, including the residents of the City of Capitola, to continue to have access to this amazing coastal resource and its magnificent coastal views.

Our understanding is that, over the years, the City has granted *revocable* encroachment permits to a number of private property owners with property frontage along the old Grand Avenue right-of-way. We strongly encourage the City to reclaim all areas of the publically-owned right-of-way along this entire stretch of Depot Hill that have been encroached upon by such private residential development so that this *publicly-owned right-of-way property* can be used to ensure that a path remains available for public access. We believe that reverting the encroached-upon areas to public access use is consistent with Coastal Act and relevant City Local Coastal Program (LCP) policies that require maximization of public access and recreation opportunities. And while we understand the significant erosion concerns raised by the geologic report, we would submit that an appropriate interim solution may be to establish a less formalized pathway (e.g. compacted dirt, decomposed granite, etc. as opposed to concrete or asphalt) along the inland extent of the public right-of-way to allow the public to continue to utilize this incredible coastal resource.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Susan Craig".

Susan Craig  
District Manager  
Central Coast District Office

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



December 16, 2019

City Council  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

**Subject: Grand Avenue Pathway Emergency Declaration - Item 10A**

Dear Honorable Members of the Capitola City Council:

It is our understanding that the portion of the Grand Avenue pathway that was previously closed under City-issued Coastal Development Permit (CDP) #17-0380 was further undermined following heavy rain, and that emergency action was taken, including the creation of a new drainage inlet and the placement of plastic sheeting. Accordingly, the City should process an emergency CDP as soon as possible for any work that has already been done, and for any additional work still necessary to abate the emergency situation (e.g., removing any fencing, asphalt, etc.; installation of drainage components and plastic sheeting on the bluff area). We would like to encourage the City to remove any non-plant materials from the top of the bluff and along the bluff (e.g.: asphalt, plastic, sand bags, and fencing) to prevent these materials from falling onto the beach area and ultimately into the ocean. In terms of the required follow-up CDP to authorize the work done under the Emergency CDP, we would encourage the City to: 1) examine what level of storm (i.e., the 10-year storm, 20-year storm, etc.) that the existing drainage inlets can accommodate; 2) consider additional drainage improvements to prevent runoff down the bluff, as well as explore other measures that may be suitable to prevent/reduce erosion in this area; and 3) examine the feasibility of reclaiming the public right-of-way to allow for a through public pathway, even if such a path could only exist for a relatively short planning horizon (e.g., 5-20 years) and is a more informal pathway (e.g. compacted dirt, decomposed granite, etc. as opposed to concrete or asphalt). We see the follow-up CDP process as an opportunity to seek solutions that both address coastal bluff erosion as well as restore lateral public coastal access along the bluff.

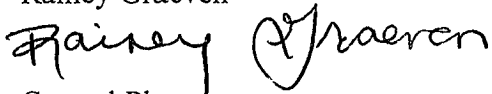
In terms of longer term solutions and planning, it is our understanding that the City received a grant to complete a formal hazards assessment and will be undertaking a Local Coastal Program (LCP) update to appropriately plan for coastal hazards and sea level rise. We are interested in coordinating with City planning and public works staff (who are copied on this letter), including to better understand what the City has learned thus far from the hazards assessment, and to assist the City in its upcoming LCP update process. Please let us know how we can best assist with this process at your convenience.

City Council  
Grand Avenue Pathway Emergency Declaration - Item 10A  
December 16, 2019  
Page 2

Thank you for your consideration.

Sincerely,

Rainey Graeven

A handwritten signature in black ink that reads "Rainey Graeven". The signature is written in a cursive, flowing style.

Coastal Planner  
Central Coast District Office

cc: Katie Herlihy, Community Development Director  
Steve Jesberg, Public Works Director

**Gautho, Julia**

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**From:** David Aaron <davidaaron5678@att.net>  
**Sent:** Thursday, October 23, 2025 9:21 AM  
**To:** City Council  
**Subject:** Item 9A, Grand Avenue Pathway

Dear Members of the City Council:

We write today in support of the plan to preserve the Grand Avenue pathway. This access route is a valuable part of the entire Capitola community, and a place where friends and neighbors gather to enjoy the beauty of our town and the larger Monterey Bay. It's a place where people from all over Capitola walk their dogs, take sunset strolls, and allow young children to ride their bikes without fear of speeding vehicles. We also meet people from out of town who were guided to the bluff by a map published by the Capitola Historical Museum. It is a picturesque and peaceful place unmatched in the town.

Just last week at the end of Saxon Ave, we had the pleasure of spotting whales breaching in the waters between the bluff and the cement ship. Watching with us was a group of people from Aptos, who regularly meet on Depot Hill to walk the pathway and neighborhood before heading to lunch in the Village.

We encourage the City Council to extend the life of path by taking back the publicly owned right-of-way and performing the needed drainage repairs. Preserving the pathway and its unique views available to the public even for another five to ten years is significantly preferable to losing it immediately.

Thank you for your consideration.

Best regards,

David, Deb & Audrey Aaron  
Capitola residents

**Gautho, Julia**

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**From:** Kahn, Jessica  
**Sent:** Thursday, October 23, 2025 10:29 AM  
**To:** City Council  
**Subject:** Grand Avenue Pathway – Responses to Council Questions

Good morning,

I received the following questions regarding the Grand Avenue Pathway item on this evening's agenda and wanted to provide written responses in advance. Please let me know if you would like any additional detail. The consulting geologist who prepared the report will also be present at the meeting to answer technical questions.

**1. If we were to pursue relocation of the path, where would the funding for this project come from?**

This project is not currently budgeted, and there is no dedicated fund in the Public Works budget for this pathway since it requires minimal maintenance and has no irrigation (unlike a park, which has an established maintenance budget). The recently completed study and some additional design work could be covered under the Public Works operational budget. However, additional design or construction would require identifying a separate funding source. In discussing with the Finance Department, the Contingency Reserve would be a likely funding source, but please recall we are under policy levels in that fund pending storm damage reimbursements.

**2. Given how difficult it has been to secure all of the funding we need for Cliff Drive, how likely would it be for us to get grant funding for this project?**

While this could be considered a coastal access project, the documentation showing the pathway's remaining life is roughly 10 years would make it less competitive for most grant programs.

**3. Are the plants along the bluffs currently drought tolerant?**

The geologist noted that the vegetation along the bluff top and face was not deliberately installed and that drought tolerance is not a significant factor for bluff stability—provided the area is not irrigated. Rainfall and perched water above the bedrock are seasonal contributors to soil saturation, while the bedrock failure below primarily controls bluff retreat. Vegetation can help reduce surface erosion from rainfall and runoff, but the type of vegetation itself has limited influence on overall bluff stability.

**4. Can we convert existing landscaping along the Grand Avenue pathway to drought-tolerant landscaping to help minimize bluff saturation?**

If a relocation project proceeds, staff could evaluate plantings as part of design. However, irrigation would not be recommended. The geologist confirmed that vegetation type has minimal influence on bluff retreat, which is largely driven by underlying bedrock failure and seasonal rainfall.

**5. What would the cost be for a more informal, community-based approach?**

The pathway design would need to be prepared by a licensed professional to ensure appropriate grading and drainage. Field-fitting a pathway without engineering oversight would not be appropriate given the bluff's sensitivity. Construction feasibility for a community effort would depend on grading needs identified in the engineered plans—most of the work would need to be done by hand. Any grading, drainage, or use of machinery beyond hand tools should be handled by licensed professionals.

**6. What will the risk/liability be for the City if we allow a community group to reclaim encroachments and relocate this pathway?**

This question is primarily for Sam. Private property owners are responsible for removing any encroachments. For volunteer efforts, the City can have participants sign waivers (as was done when the fence was relocated a few years ago). Construction work must follow an approved engineered plan; significant grading and drainage must be handled by professionals, though volunteers could assist with limited work such as spreading decomposed granite, light compaction, or installing fencing.

**Jessica Kahn, P.E.**  
Public Works Director  
City of Capitola  
(831) 475-7300 x 217  
[jkahn@ci.capitola.ca.us](mailto:jkahn@ci.capitola.ca.us)

**Gautho, Julia**

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**From:** Heidi <Heidy@cwo.com>  
**Sent:** Tuesday, October 21, 2025 1:47 PM  
**To:** City Council  
**Subject:** Agenda 9F

Dear Councilmembers,

As you review the full scope of the Code of Conduct, I'd like to share a brief policy suggestion regarding recusals. To clarify, my advocacy concerns only policy and process going forward, without regard to any prior cases or parties involved. It is imperative to craft policy from a position of neutrality, recognizing that any one of us could someday find ourselves on either side of a complaint.

Currently, when a complaint is filed against a member of the governing body, there is no explicit requirement for that member to recuse themselves from the adjudicatory process. In practice, this leaves the decision to the individual councilmember, creating ambiguity and exposing all parties—the complainant, the councilmember, and the city—to unnecessary risk. The absence of clear direction invites potential conflict-of-interest challenges and perceptually grants the councilmember an advantage over the complainant.

Adding clear recusal language would not only strengthen the process but also protect councilmembers themselves by providing straightforward guidance to those who serve—often as part-time volunteers rather than governance experts.

By way of background, many legislative bodies require recusal in similar circumstances to ensure fairness and avoid conflicts of interest. For example, the California State Assembly's policy is prescriptive: if a verified complaint is filed against a member of the Assembly Committee on Ethics, *"the Speaker shall temporarily replace the member with a Member from the same political party, who shall serve until the complaint is dismissed or the Assembly takes final action on the complaint, whichever occurs first."*

While a substitution process would be too cumbersome at the city level, a practical solution would be for the council to proceed as a four-member body in such cases.

During the proceedings, a councilmember who is the subject of a complaint should retain the full right to participate as a witness and to respond to the complaint during the hearing phase. However, participating as an adjudicator in their own case is, in my view, improper and inconsistent with the principles of fairness and good governance.

Best regards,

Heidy Kellison  
 Capitola Resident





## Community & Economic Development Department

### Memo

To: City Council

From: Katie Herlihy, Community and Economic Development Director

Date: October 21, 2025

Subject: Item 9G – Introduce an Ordinance Amending Chapter 15.04 of the Capitola Municipal Code Pertaining to Building and Fire Code.

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After publishing the staff report for the updates to the Building Code, the contracted building official identified one additional necessary amendment to Chapter 15.04. Within the latest updates to the California Building Code, the California Wildland Urban Interface Code was removed from the residential code and is now a standalone section. This memo includes an attachment to replace Attachment 2, the draft ordinance, effectively separating the California Wildland Urban Interface Code from the residential code and placing it in a separate section.

**DRAFT ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING CHAPTER 15.04 AND 15.18 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. 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, 2025 edition.
- B. The California Electrical Code, 2025 edition.
- C. The California Mechanical Code, 2025 edition.
- D. The California Plumbing Code, 2025 edition.
- E. The California Fire Code, 2025 edition as amended by the Central Fire Protection District.
- F. The California Residential Code, 2025 edition.
- G. The California Referenced Standards Code. 2025 edition.
- H. The California Energy Code, 2025 edition.
- I. The California Green Building Standards Code, 2025 edition.
- J. The California Administrative Code, 2025 edition.
- K. The California Historical Building Code, 2025 edition.
- L. The California Existing Building Code, 2025 edition.
- M. The California Wildland-Urban Interface Code, 2025 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 2. Section 15.04.050 Modifications to the California Building Code.

The following modifications apply to the California Building Code:

- A. Section 105.5 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 105.5.1 is Deleted

**SECTION 3** Section 15.04.060 Modification to the California Residential Code.

The following modification applies to the California Residential Code

- A. Section R105.1 is Deleted

**SECTION 4** Section 15.04.070 Modifications to the California Mechanical Code.

The following modifications apply 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 5** Section 15.04.080 Modifications to the California Plumbing Code.

The following modifications apply to the California Plumbing 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** Section 15.04.090 Modification to the California Wildland-Urban Interface Code.

The following modification applies to the California Wildland-Urban Interface Code

- A. Section 105.8 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 7 Section 15.04.100 Modifications to the California Green Building Standards Code.

The following modifications apply to the California Green Building Standards Code

A. Add Section 101.12 Creation of Green Building Fund:

Building Permits which are required to comply with the California Green Building Standards Code shall be assessed a fee equal to 0.0025 times the overall valuation of the project. Revenues collected shall be maintained by the Finance Department as a revolving green building fund and shall be used only for program management, training, publications, public educational purposes, incentive programs and materials and supplies necessary to promote sustainable development, water conservation, storm water pollution prevention and climate action planning activities.

SECTION 8 Section 15.18 Green Building Regulations is deleted.

SECTION 9. 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 23rd day of October, 2025 and was passed and adopted by the City Council of the City of Capitola on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Joe Clarke, Mayor

ATTEST:

\_\_\_\_\_,  
Julia Gautho, City Clerk

**Gautho, Julia**

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**From:** John <jxmlulry@gmail.com>  
**Sent:** Friday, October 17, 2025 3:14 PM  
**To:** City Council; City Clerk; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)  
**Subject:** Item 9H

That's an interesting one.

Warmly JM

# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** City Manager Department

**Subject:** City Council Meeting Minutes



Recommended Action: Approve minutes from the special meeting on October 9, 2025, and the regular meeting on October 9, 2025.

Background: Attached for City Council review and approval are the draft minutes from the special and regular meetings on October 9<sup>th</sup>.

Attachments:

1. Special Meeting 10/9/2025
2. Regular Meeting 10/9/2025

Report Prepared By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

# City of Capitola

## Special City Council Meeting Minutes

### Thursday, October 09, 2025 – 5:15 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Joe Clarke

**Vice Mayor:** Margaux Morgan

**Council Members:** Gerry Jensen, Melinda Orbach, Susan Westman

**1. Roll Call** – *The meeting was called to order at 5:15 PM. In attendance: Council Members Jensen, Orbach, and Vice Mayor Margaux Morgan. Absent: Council Member Westman and Mayor Clarke.*

## **2. Closed Session**

*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.*

**i. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

*Initiation of litigation pursuant to § 54956.9(c): (One potential case)*

**3. Report on Closed Session** – *The City Council met and discussed one item on the Closed Session agenda. No reportable action was taken.*

## **4. Adjournment**

*The meeting adjourned at 6:00 PM. The next regularly scheduled City Council meeting is on October 9, 2025, at 6:00 PM.*

**ATTEST:**

\_\_\_\_\_  
Joe Clarke, Mayor

\_\_\_\_\_  
Julia Gautho, City Clerk

# City of Capitola

## City Council Meeting Minutes

### Thursday, October 09, 2025 – 6:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Joe Clarke

**Vice Mayor:** Margaux Morgan

**Council Members:** Gerry Jensen, Melinda Orbach, Susan Westman

#### Regular Meeting of the Capitola City Council – 6 PM

1. **Roll Call and Pledge of Allegiance** – *The meeting was called to order at 6:00 PM. In attendance: Council Members Jensen, Orbach, Westman, and Vice Mayor Margaux Morgan. Absent: Mayor Clarke*
2. **Additions and Deletions to the Agenda** – *The City Manager requested to continue Item 7B due to the Mayor's absence.*
3. **Additional Materials**
  - A. *Item 6C – One email received after publication of the agenda packet.*
  - B. *Item 7A – Two emails received after publication of the agenda packet.*
  - C. *Item 7B – One email received after publication of the agenda packet.*
  - D. *Item 7C – One email received after publication of the agenda packet.*
4. **Oral Communications by Members of the Public**
  - Kevin Maguire
  - Cheryl
5. **Staff / City Council Comments**
  - *Council Member Orbach provided comments about the conclusion of the Code of Conduct complaint filed by Kevin Maguire; provided updates received at a recent METRO meeting; thanked those who participated in "A Week Without Driving;" thanked Congressman Panetta for meeting with her to discuss Capitola transportation projects; and thanked staff for their work.*
  - *Council Member Jensen thanked the Maguires and Council Member Orbach for participating in conflict resolution; and thanked staff and the community for attending the community meeting held at New Brighton Middle School to discuss zoning changes at the Capitola Mall and the 41<sup>st</sup> Avenue Corridor Project.*
  - *Council Member Westman thanked the Maguires and Council Member Orbach for participating in conflict resolution; and commended staff on the community meeting held October 8<sup>th</sup>.*
  - *Vice Mayor Morgan provided comments on the Capitola Beach Festival and thanked event organizers and the volunteers who participated.*
  - *Police Chief Ryan reminded the public that October is Pink Patch Month to acknowledge breast cancer awareness; reminded the public that the Monte Foundation Fireworks Extravaganza will be held on October 12<sup>th</sup>; advised the public that the Police Department will*

*be holding an assembly to discuss e-bike safety at New Brighton Middle School; thanked the Maguires and the Orbachs for participating in conflict resolution.*

- *Public Works Director Kahn advised the public of pavement projects happening Citywide.*

## 6. Consent Items

### A. City Council Meeting Minutes

Recommended Action: Approve minutes from the regular meeting on September 25, 2025.

### B. Transportation Safety Updates – Local Roadway Safety Plan and Bay Avenue Corridor

Recommended Action: Receive an informational report on the City of Capitola's Local Roadway Safety Plan initiative and the Bay Avenue Corridor Project.

### C. Withdrawn Appeal of Coastal Development Permit

Recommended Action: No action required.

***Motion to approve the Consent Calendar: Council Member Orbach***

***Council Member Jensen recused himself from Item 6B due to a conflict of interest arising from his financial interest in his personal residence.***

***Motion amended to approve Items 6A and 6C: Council Member Orbach***

***Second: Council Member Westman***

***Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan***

***Absent: Mayor Clarke***

***Motion to approve Item 6B: Council Member Orbach***

***Second: Council Member Westman***

***Voting Yea: Council Members Orbach, Westman, Vice Mayor Morgan***

***Abstain: Council Member Jensen***

***Absent: Mayor Clarke***

## 7. General Government / Public Hearings

### A. Community Grants Award Recommendation

Recommended Action: Approve grant awards for the 2025 – 2027 Community Grants Program Cycle, as recommended by the City Council ad-hoc subcommittee.

***Assistant to the City Manager Woodmansee presented the staff report. Council Member Jensen made a statement about his position as an unpaid board member on the Capitola Public Safety and Community Foundation, as his position is unpaid it does not present a conflict of interest.***

**Public Comment:**

- ***Elizabeth Murphy, O'Neill Sea Odyssey***
- ***Linda Coffman, NAMI Santa Cruz County***

***Council Member Jensen provided a letter from Jacob's Heart Children's Cancer Support Services.***

***Motion to approve the grant awards for the 2025-2027 Community Grants Program Cycle, as recommended by the City Council ad-hoc subcommittee: Council Member Orbach***

***Second: Council Member Westman***

***Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan***

***Absent: Mayor Clarke***

- B. Administrative Policy I-42: Code of Conduct  
Recommended Action: Approve revisions to Administrative Policy I-42: Council and Board Code of Conduct. **(Continued to a future meeting date)**
- C. Capitola Municipal Code Section 2.04.140  
Recommended Action: Receive a report on agenda setting procedures and provide direction to staff.

**City Clerk Gautho presented the staff report.**

**Public Comment: None**

**The City Council discussed the current process by which Council Members can request agenda items.**

**Motion to direct staff to amend Capitola Municipal Code Section 2.04.140 to require a second to place an item on the agenda: Council Member Jensen**

**Second: Council Member Orbach**

**Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan**

**Absent: Mayor Clarke**

- D. City Check Registers  
Recommended Action: Approve check registers dated June 13, 2025, June 27, 2025, July 4, 2025, July 11, 2025, July 18, 2025, July 25, 2025, August 1, 2025, August 8, 2025, August 15, 2025, August 22, 2025, August 29, 2025, September 5, 2025, and September 12, 2025.

**Administrative Services Director Malberg presented the staff report.**

**Public Comment: None**

**Motion to approve the check registers: Council Member Orbach**

**Second: Council Member Westman**

**Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan**

**Absent: Mayor Clarke**

## 8. Adjournment

*The meeting adjourned at 7:00 PM. The next regularly scheduled City Council meeting is on October 23, 2025, at 6:00 PM.*

**ATTEST:**

\_\_\_\_\_  
Joe Clarke, Mayor

\_\_\_\_\_  
Julia Gautho, City Clerk

# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** City Manager Department

**Subject:** 2025 Holiday Parking



**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 27, 2025, through December 25, 2025.

**Background:** The Capitola Village and Wharf Business Improvement Association (BIA) has submitted its annual request to the City Council to offer free three-hour parking in the Village from November 27, 2025, through December 25, 2025, to encourage holiday shopping and dining (Attachment 1). City Council has authorized this program since 2001, with only one exception in 2003.

**Discussion:** The three-hour parking limit encourages 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.

**Fiscal Impact:** Staff estimates that in 2024, the suspension of the Village parking meters and pay stations reduced parking meter revenue by approximately \$26,000. The Fiscal Year 2025-2026 budget accounts for suspending Village meter and pay station operation for the holiday shopping period.

### Attachments:

1. BIA Holiday Parking Request

**Report Prepared By:** Rosie Wyatt, Deputy City Clerk

**Reviewed By:** Jim Malberg, Administrative Services Director

**Approved By:** Jamie Goldstein, City Manager



October 2, 2025

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:** October 23, 2025

**From:** Administrative Services Department

**Subject:** Donations Report Fiscal Year 2024-25



**Recommended Action:** Receive the Annual Donations and Contributions Report.

**Background:** In July 2013, the City implemented Administrative Policy III-15, which authorizes the City Manager to accept and appropriate donations or grants of \$5,000 or less to support existing City projects and programs. The attachments to the staff report provide a listing of donations, contributions, and grants during Fiscal Year (FY) 2024-25.

**Discussion:** Between July 2024 and June 2025, the City received a total of \$188,782.50 in donations and contributions. Of the total, \$22,083.27 had values of \$5,000 or less. These contributions included support for the Museum, scholarships for the Junior Guards Program, event sponsorship for the Food Truck Friday events, Plein Air, and the summer Twilight Concerts.

In addition, the City received \$166,699.23 in donations and contributions with values greater than \$5,000. These contributions supported the Capitola Wharf Resiliency Project, after-school program scholarships, the McGregor Pump Track Rehabilitation Project, and the commemorative Begonia Public Art Project. A summary of donations and contributions is included below:

Donor	Description	Amount
Various	Museum donations	\$8,278.27
Public Safety Foundation	Jr. Guard Scholarships	\$2,505.00
Gayle's Bakery	Plein Air	\$1,000.00
EF Homes	Food Truck Friday Sponsor	\$800.00
Aspromonte Hotels	Food Truck Friday Sponsor	\$500.00
Capitola by the Sea Inn & Suites	Food Truck Friday Sponsor	\$500.00
Devon	Twilight Concerts	\$2,000.00
Diane Gallagher Pereira	Twilight Concerts	\$500.00
Laverne Collins	Twilight Concerts	\$2,000.00
Merlone Geier Partners	Twilight Concerts	\$2,000.00
Britannia Arms Pub & Restaurant	Twilight Concerts	\$2,000.00
Soquel Unified Elementary School District	Afterschool Program Scholarships	\$36,000.00
Capitola Wharf Enhancement Project – Wharf to Wharf	Capitola Wharf Project	\$90,699.23
Rudolph Monte Foundation	McGregor Pump Track Rehab	\$20,000.00
Capitola Beach Festival	Begonia Public Art Donation	\$20,000.00

During this period, the City also received \$2,314,965.12 in state and federal grants (Attachment 2). A summary is included below.

<b>Description</b>	<b>Amount</b>
Bulletproof Vest Partnership Grant	\$2,900.14
ABC Grant	\$36,207.84
Cal OES Storm Damage Reimbursements	\$3,740.17
Capitola Wharf Rehabilitation Project	\$801,311.00
Cliff Drive Resiliency Project	\$543,787.28
Rispin-Peery Park Project	\$142,000.00
CDBG-Coronavirus Relief & Public Assistance	\$286,072.44
Permanent Local Housing Allocation	\$376,640.00
REAP 2.0 Grant	\$62,306.25
Electric Vehicle Grant	\$60,000.00

**Fiscal Impact:** The City of Capitola benefits greatly from the generosity of individual citizens, local businesses, non-profit agencies, and others. Between July 2024 and June 2025, the City received \$2,503,747.62 in donations, contributions, and grant funding.

Attachments:

1. Donations
2. Grants

Report Prepared By: Luis Ruiz, Accountant II

Reviewed By: Jim Malberg, Administrative Services Director; Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

**City of Capitola**  
**Donations & Contributions**  
**July 2024 - June 2025**

Date	From	Description	Amount
<u>DONATIONS &amp; CONTRIBUTIONS \$5,000 AND UNDER</u>			
Various	Various	Museum donations	\$ 8,278.27
			<u>\$ 8,278.27</u>
12/19/2024	Public Safety Foundation	Jr Guards Scholarships	\$ 2,505.00
			<u>\$ 2,505.00</u>
10/24/2024	Gayle's Bakery	Plein Air	\$ 1,000.00
			<u>\$ 1,000.00</u>
4/17/2025	EF Homes	Food Truck Friday Sponsor	\$ 800.00
6/26/2025	Aspromonte Hotels	Food Truck Friday Sponsor	\$ 500.00
6/26/2025	Capitola by the Sea Inn & Suites	Food Truck Friday Sponsor	\$ 500.00
			<u>\$ 1,800.00</u>
4/10/2025	Devon	Twilight Concerts	\$ 2,000.00
5/29/2025	Diane Gallagher Pereira	Twilight Concerts	\$ 500.00
6/12/2025	Laverne Collins	Twilight Concerts	\$ 2,000.00
6/12/2025	MGP XI REIT	Twilight Concerts	\$ 2,000.00
6/26/2025	Britannia Arms Pub & Restaurant	Twilight Concerts	\$ 2,000.00
			<u>\$ 8,500.00</u>
		TOTAL \$5,000 AND UNDER	<u>\$ 22,083.27</u>
<u>DONATIONS &amp; CONTRIBUTIONS OVER \$5,000</u>			
5/8/2025	Soquel Unified Elementary School District	Afterschool Program Scholarships	\$ 36,000.00
10/31/2024	CWEP	Capitola Wharf Contribution	\$ 90,699.23
1/2/2025	Rudolph Monte Foundations	McGregor Pump Track Rehab	\$ 20,000.00
2/27/2025	Capitola Beach Festival	Begonia Public Art Donation	\$ 20,000.00
		TOTAL OVER \$5,000	<u>\$ 166,699.23</u>
		<b>GRAND TOTAL</b>	<b><u>\$ 188,782.50</u></b>

**City of Capitola Grants**  
**July 2024 - June 2025**

<b>Date</b>	<b>From</b>	<b>Description</b>	<b>Amount</b>
Various	State of CA	Bulletproof Vest Partnership Grant	\$ 2,900.14
Various	State of CA	ABC grant - OT, travel, & meal reimbursement	\$ 36,207.84
2/6/2025	State of CA	Cal OES Storm Damage Reimbursements	\$ 3,740.17
Various	US Department of Housing and Urban Development	Capitola Wharf Rehabilitation Grant	\$ 206,311.00
8/15/2024	State of CA	Coastal Conservancy Wharf Grant	\$ 595,000.00
5/23/2024	State of CA	Cliff Drive Resiliency Project Grant	\$ 543,787.28
10/10/2024	State of CA	Rispin-Peery Park Project Grant	\$ 142,000.00
Various	CA Housing & Community Development	CDBG grant - Coronavirus relief & public assistance	\$ 286,072.44
Various	State of CA	Permanent Local Housing Allocation Reimbursement	\$ 376,640.00
Various	Association of Monterey Bay	REAP 2.0 Grant	\$ 62,306.25
6/26/2025	Monterey Bay Air Resource District	Electric Vehicle Grant	\$ 60,000.00
<b>GRANT TOTAL</b>			<b><u>\$ 2,314,965.12</u></b>

# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** Community and Economic Development Department

**Subject:** Contract for Arbitration Services



**Recommended Action:** Adopt a resolution authorizing the City Manager to execute a professional services agreement with Signature Resolution to provide arbitration services for mobile home rent increase petitions pursuant to Capitola Municipal Code Chapter 2.18.

**Background:** Pursuant to Chapter 2.18 of the Capitola Municipal Code [Mobile Home Park Rent Stabilization], on March 17, 2025, the Park Owner of Cabrillo Mobile Home Estates (930 Rosedale Avenue), issued a notice of rent increase to its residents. In accordance with CMC Section 2.18.090, the City subsequently received petitions from affected homeowners requesting review of the proposed rent increase.

The ordinance requires the City assign a qualified arbitrator to conduct a hearing and issue a decision on the matter. Accordingly, on May 8, 2025, pursuant to an RFP, the City Council approved an agreement with California Hearing Officers, LLP to serve as the arbitrator for the rent dispute. Subsequently, the Park Owner objected to the City's appointment of the arbitrator and requested an alternative procedure by which both the Park Owner and Affected Homeowners could mutually agree to an arbitrator.

While the power to appoint the arbitrator rests with the City, the City saw merit in a process where both parties could provide input on the arbitrator selection. The City researched alternative arbitrators who had experience in handling rent stabilization proceedings, and both the Park Owner and the Affected Homeowners selected Hon. Amy Hogue of Signature Resolution. City staff is now requesting approval of a contract with Signature Resolution to engage the mutually selected arbitrator and schedule the rent review proceedings.

**Discussion:** Hon. Amy Hogue with Signature Resolution, LLC has the experience to perform arbitration services in accordance with Chapter 2.18 of the CMC. Hon. Amy Hogue is a former complex court judge in Los Angeles County Superior Court, and is knowledgeable regarding the City's Ordinance, and the role of the Arbitrator.

Under the agreement, the Arbitrator will complete the following scope of work:

- Conduct hearings and issue binding decisions on rent dispute petitions pursuant to CMC §2.18.090;
- Evaluate proposed rent increases for compliance with standards outlined in CMC §2.18.110, including just and reasonable return, net operating income, and mitigating factors;
- Provide written statements of decision within 30 days of hearings; and
- Coordinate with City staff on hearing schedules, document review, and compliance with established procedures.

California Hearing Officers LLP was cooperative with the City in terminating the May 8, 2025 contract, and no fees were expended under that prior contract.

**Fiscal Impact:** Costs associated with arbitration services will be funded by the Housing Trust Fund (\$50,000) and General Fund (\$10,000). Based on staff research of similar cases, the cost for arbitration for similar cases is on average \$120,000. The contract will be billed in accordance with the fee schedule attached to the contract. The contract agreement is proposed for up to \$60,000.

Attachments:

1. Resolution
2. Contract

Report Prepared By: Katie Herlihy, Community and Economic Development Director

Reviewed By: Julia Gautho, City Clerk; Jim Malberg, Administrative Services Director; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR ARBITRATION SERVICES RELATED TO MOBILE HOME RENT INCREASE PETITIONS AND TO AMEND THE FISCAL YEAR 2025–2026 BUDGET ACCORDINGLY**

**WHEREAS**, the Capitola City Council adopted Ordinance No. 1060 in 2023, establishing Chapter 2.18 of the Capitola Municipal Code to regulate mobile home rent stabilization and provide a dispute resolution process for residents; and

**WHEREAS**, Capitola Municipal Code Section 2.18.090 requires that upon the filing of a petition challenging a rent increase, the City Administrator assign an impartial arbitrator to conduct a hearing and issue a binding decision; and

**WHEREAS**, on March 17, 2025, Cabrillo Mobile Home Estates issued a notice of rent increase to residents at 930 Rosedale Avenue, and affected homeowners have submitted valid petitions to the City pursuant to Capitola Municipal Code Section 2.18.090(B); and

**WHEREAS**, the Park Owner of Cabrillo Mobile Home Estates and the Affected Homeowners mutually agreed to the appointment of Hon. Amy Hogue with Signature Resolution, LLC to serve as the Arbitrator in the rent dispute; and

**WHEREAS**, funding for arbitration services will be provided through the City's General Fund and Housing Trust Fund;

**WHEREAS**, the City Council desires to authorize the City Manager to enter into a professional services agreement with Signature Resolution, LLC and to amend the FY 2025–2026 budget to allocate funds for the associated costs of arbitration services from the General Fund and Housing Trust Fund;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Capitola as follows:

1. The City Council hereby authorizes the City Manager to execute a Professional Services Agreement with Signature Resolution, LLC, to provide arbitration services related to mobile home rent increase petitions pursuant to Chapter 2.18 of the Capitola Municipal Code.
2. The City Council authorizes a budget amendment to the FY 2025–2026 budget in an amount not to exceed \$60,000 to fund the arbitration services. The funds shall be appropriated from the General Fund (\$10,000) and the Housing Trust Fund (\$50,000).
3. The City Manager is further authorized to take all necessary actions to implement the agreement and ensure timely arbitration of pending petitions.
4. This resolution shall become effective immediately upon adoption.

This Resolution shall take effect immediately upon its adoption.

**I HEREBY CERTIFY** that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 23rd day of October, 2025, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Joe Clarke, Mayor

ATTEST:

\_\_\_\_\_  
Julia Gautho, City Clerk

**CITY OF CAPITOLA  
PROFESSIONAL SERVICES AGREEMENT**  
Signature Resolution, LLC

THIS AGREEMENT is entered into on [DATE], by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Signature Resolution, LLC hereinafter called "Arbitrator".

WHEREAS, City desires certain arbitration services pursuant to Chapter 2.18 of the Capitola Municipal Code, and Arbitrator Hon. Amy Hogue with Signature Resolution, LLC 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 arbitration services by Hon. Amy Hogue (see Exhibit A, attached hereto), pursuant to Chapter 2.18 of the City of Capitola Municipal Code, for the rent dispute between Cabrillo Mobile Home Estates Owner and the Affected Tenants of Cabrillo Mobile Home Estates (collectively, the "Parties").

**SECTION 2  
Duties of Arbitrator**

Arbitrator is appointed by the City to make a determination as to Cabrillo Mobile Home Estates Owner's rent increase in accordance with Chapter 2.18 of the City of Capitola Municipal Code. Arbitrator shall review evidence submitted by the Parties, review the requirements of the City's Municipal Code, and issue a thorough written opinion to substantiate the Arbitrator's decision regarding the rent increase dispute. As part of these responsibilities, the Arbitrator is required to:

- Conduct hearings and issue binding decisions on rent dispute petitions pursuant to CMC §2.18.090;
- Evaluate proposed rent increases for compliance with standards outlined in CMC §2.18.110, including just and reasonable return, net operating income, and mitigating factors;
- Provide written statements of decision within 30 days of closing the hearing; and
- Coordinate with City staff on hearing schedules, document review, and compliance with established procedures.

All work performed by Arbitrator, 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, Arbitrator's profession.

Arbitrator shall not undertake any work beyond the scope of work set forth in Section 1 unless such additional work is approved in advance and in writing by City.

### **SECTION 3 Duties of the City**

City shall make available to Arbitrator 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.

### **SECTION 4 Fees and Payment**

City will pay the Arbitrator in accordance with the fee schedule attached hereto as Exhibit B and incorporated herein, provided that the total amount is not to exceed \$60,000 for the Services described in Section 1 above.

### **SECTION 5 Changes in Work**

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Arbitrator's services. Any change requiring compensation in excess of the sum specified in Section 4 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 Arbitrator 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 October 2025.

In the event that major changes are ordered or Arbitrator is delayed in performance of its services by circumstances beyond its control, the City will grant Arbitrator 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. Arbitrator 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 Arbitrator. Arbitrator 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 Arbitrator for all services performed and accepted under this Agreement up to the date of termination.

## SECTION 8 Insurance

Arbitrator shall procure and maintain for the duration of the contract and for 2 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:<br>(including operations,<br>products and completed<br>operations) | <b>\$1,000,000</b> per occurrence and <b>\$2,000,000</b> in<br>aggregate (including operations, for bodily injury,<br>personal and property damage. |
| 2. Automobile Liability:   | <b>\$1,000,000</b> per accident for bodily injury and<br>property damage.   |
| 3. Employer's Liability Insurance  | <b>\$1,000,000 per accident for bodily injury and<br/>property damage.</b>  |
| 4. Errors and Omissions<br>Liability:<br>Limits  | <b>\$1,000,000</b> per claim and <b>\$2,000,000</b> in the<br>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 Arbitrator or automobiles owned, leased, hired or borrowed by the Arbitrator.
2. For any claims related to this project, the Arbitrator'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 Arbitrator'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***

Arbitrator hereby agrees to waive rights of subrogation which any insurer of Arbitrator may acquire from Arbitrator by virtue of the payment of any loss. Arbitrator 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 Arbitrator, its employees, agents and subcontractors.

### ***Verification of Coverage***

Arbitrator 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, Arbitrator 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 Arbitrator 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 Arbitrator. Arbitrator 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 what is provided by this Agreement. 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 Section 4.

## SECTION 14 Miscellaneous Provisions

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Arbitrator to said work. No change in assignment may occur without prior written approval of the City.
2. *Consultant Service.* Arbitrator is employed to render professional services only and any payments made to Arbitrator are compensation solely for such professional services.
3. *Licensure.* Arbitrator 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 Arbitrator 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 Arbitrator 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 Arbitrator's other work product shall not be used by the Arbitrator on other projects, except by agreement in writing and with appropriate compensation to the City.
6. *Arbitrator's Records.* Arbitrator 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 Arbitrator'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 Arbitrator's services.
7. *Independent Contractor.* In the performance of its work, it is expressly understood that Arbitrator, including Arbitrator's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Arbitrator shall not be considered an employee of the City for any purpose.
8. *Conflicts of Interest.* Arbitrator 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 Arbitrator'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

ARBITRATOR  
SIGNATURE RESOLUTION, LLC  
HON. AMY HOGUE

By: \_\_\_\_\_  
Benjamin Goldstein, City Manager

By: \_\_\_\_\_  
Hon. Amy Hogue

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Samantha Zutler, City Attorney



## Hon. Amy D. Hogue (Ret.)

MEDIATOR | ARBITRATOR | SPECIAL MASTER  
| JUDICIAL & DISCOVERY REFEREE

"The most fun I had as a judge was collaborating with the attorneys to solve problems and to me mediators are the ultimate problem solvers."

### BIOGRAPHY

Hon. Amy D. Hogue (Ret.) is a former Complex court jurist (L.A. Superior Court) known for her intellect, practical approach and high resolution rate. Since joining Signature, she has mediated hundreds of cases involving commercial disputes, personal injuries, mass torts, insurance coverage, trademarks, copyrights, sexual assault/abuse, employment and class actions.

She is also honored to be an arbitrator on the AAA and ICDR commercial, international and employment arbitration panels, where her practice is to circulate written tentative rulings and informally resolve discovery and scheduling issues as soon as they arise.

### JUDICIAL CAREER

In her 20 years on the bench, Judge Hogue was among the few judges who presided in a Complex litigation court (seven years) and the even fewer judges who sat in the Mosk Courthouse writs and receivers court (which included daily TROs and preliminary injunction motions for 40+ courtrooms) (two years). She also served as Assistant Presiding Judge of Civil (two years) after presiding in a general jurisdiction civil for seven years. In 2016, she sat on assignment in Division Three of the Second Appellate District and authored published opinions in tort and defamation cases.

In the Complex court, Judge Hogue handled disputes involving multi-tier insurance coverage, construction

defects, real estate, securities, professional negligence, environmental contamination, coordinated mass torts (numerous bellwether trials), wage and hour class actions, and consumer class actions involving a broad range of products, from kombucha to life insurance.

On the bench, Judge Hogue worked to achieved efficiency by closely managing all discovery and motion practice (the same way she now approaches arbitrations, references, and special master assignments). She also authored and spearheaded the L.A. Superior Court's adoption of three model wage and hour settlement agreements designed to streamline the court's class action/PAGA settlement approval process. Attorneys throughout California continue to use the model agreements on a regular basis.

Judge Hogue was honored to be a member of the Judicial Council's Advisory Committee on Civil Jury Instructions (CACI) and to participate in the authorship of numerous instructions. She also originated and taught more than 50 MCLE courses to judges and attorneys on diverse topics including product liability, torts, Anti-SLAPP, class actions, employment, PAGA, judicial leadership, evidence, media law, expert witnesses, misclassification of employees, discovery, motions, and jury selection.

## PRIVATE PRACTICE

Before her elevation to the bench, Judge Hogue spent 23 years at the same law firm: 12 years as an equity partner at what is now known as Pillsbury Winthrop Shaw Pittman LLP and 11 years as a partner or associate at its predecessor, Lillick & McHose.

Judge Hogue was lead counsel in nine federal and state court jury trials. After defending Samsung in a high-profile right of publicity jury trial, she became "famous in the California Bar for a delicate cross-examination of the *Wheel of Fortune* letter-turner and celebrity Vanna White," according to *The Atlantic Monthly*. ([TABLOID LAW, THE ATLANTIC](#)). She also represented plaintiffs and defendants in numerous bench trials and arbitrations and argued dozens of cases in the California Courts of Appeals, the California Supreme Court, and the Ninth Circuit.

Judge Hogue was co-Chair of Pillsbury L.A.'s intellectual property group and handled a wide variety of business cases involving contracts, frauds, real estate, securities, partnerships, and corporate governance disputes. Her practice also included defending employment cases and prosecuting wrongful-termination actions on behalf of high-level executives. Her client following included banks, real estate developers, manufacturers, automobile manufacturers, insurers, advertisers, and media companies.

As an intellectual property specialist, she prosecuted and defended trademark actions and defended copyright cases involving motion pictures (*Raiders of the Lost Ark*, *Reds*, *Jaws*) television shows (*All in the Family*, *The Bob Newhart Show*), and characters (James Bond, Teenage Mutant Ninja Turtles). She also defended defamation, right of publicity and privacy cases on behalf of the three major networks, local broadcasters, advertisers, and various publishers, including *The National Enquirer*.

Judge Hogue took on work as a mediator during her last four years of private practice, settling dozens of cases involving copyrights, employment, real estate, personal injury and commercial disputes.

## AREAS OF EXTENSIVE KNOWLEDGE AND EXPERTISE

Judge Hogue has **mediated, litigated and presided** over numerous cases in each of the following areas.

- **Commercial, Corporate Governance, and Partnership Disputes**
- **Securities**
- **Insurance Coverage and Bad Faith** (including health insurance, life insurance and complex multi-tier coverage disputes)
- **Personal injury, Sexual Assault/Abuse, Product Liability and Mass Tort**
- **Professional Malpractice** (lawyers, doctors, CPAs)
- **Intellectual Property**
- **Employment**
- **Class Actions** (consumer and employment)
- **Defamation and Privacy**

## PRACTICE AREAS

- Anti-SLAPP
- Business & Commercial Contracts
- Catastrophic Injury
- Class Action
- Complex Case Management & Discovery Mediations
- Complex Litigation
- Construction
- Corporations & Partnerships
- Defamation
- Employment
- Entertainment
- Environmental & CEQA
- Government & Public Sector Disputes
- Healthcare
- Insurance
- Intellectual Property
- Invasion of Privacy
- Landlord/Tenant
- Mass Tort
- PAGA
- Product Liability
- Professional Malpractice
- Real Estate
- Securities
- Sexual Assault Claims
- Special Master Duties
- Title IX

- Wage & Hour

## EDUCATION

- J.D. Duke University School of Law (with Honors, *Duke Law Review*; Womble Scholar)
- Harvard University (Fellow, Kennedy School of Government)
- M. Phil., Cambridge University, England
- Fulbright Scholar to the United Kingdom
- A.B. Duke University (Phi Beta Kappa, *summa cum laude*, with Distinction in English)

## EXPERIENCE

- **Signature Resolution Neutral** (2022-Present)
- **AAA Arbitrator** (2022-Present)
- **Judge**, Los Angeles Superior Court (2002-2022)
- **Private Mediator** (1998-2002) (60+ mediations)
- **Co-Chair**, Intellectual Property Group (Pillsbury L.A.) (1996-2002)
- **Equity Partner**, Pillsbury Winthrop/Lillick & McHose (1986-2002)
- **Appellate Practitioner**, California Supreme Court, California Courts of Appeals, Ninth Circuit Court (1979-2002)

## PROFESSIONAL ACHIEVEMENTS AND MEMBERSHIPS

- **Author, model wage and hour settlement agreements** (class action settlement, class action/PAGA settlement, and PAGA settlement) for Los Angeles Superior Court's website (2022)
- **Co-Chair**, L.A. Superior Court's Ad Hoc Wage and Hour Committee (2022)
- **Member**, Judicial Advisory Council for the Association of Business Trial Lawyers (ABTL) (2018-2022)
- **Trial Judge Representative**, Judicial Council Advisory Committee on Civil Jury Instructions (CACI) (2018-2022)
- **Member**, Los Angeles County Superior Court's Judicial Education Civil Subcommittee (2014-2022)
- **Chair**, Los Angeles Superior Court's Media Committee (2007-2022)
- **Editorial Board**, *Duke Law Journal* (1978-1979)
- **Recipient**, Fulbright Scholarship to the United Kingdom (1975-1976)
- **Judge Hogue speaks conversational Spanish**

# SIGNATURE

## RESOLUTION

## Hon. Amy D. Hogue (Ret.) Rate and Fee Schedule

**PROFESSIONAL FEE**                      **\$17,000/day**  
   **\$1,700/hour**

This fee applies to proceedings within Los Angeles County. For information on travel rates, please contact your Case Administrator.

**ADMINISTRATIVE FEE**                      **\$2,250/party**

The administrative fee is a one-time, non-recurring and non-refundable charge that is applied to all new cases. It will be billed and due as part of the initial invoice.

### **CONTINUANCE AND CANCELLATION POLICY**

**Half or full-day hearing:**                      **14 or more calendar days prior to first hearing date**

**Multiple day hearing:**                      **45 or more calendar days prior to first hearing date**

Please note that the Continuance and Cancellation Policy is set by each neutral. All notices of continuances and cancellations must be submitted in writing to your Case Administrator, with a copy to your opposing side/counsel.

If notice of continuance or cancellation exceeds the period specified above, all professional fees other than the administrative fee will be refunded.

If notice is less than the period specified above, the party that requests the continuance or cancellation shall be responsible for 100% of the fees for the hearing. Our office will try to rebook the time to mitigate these fees.

### **OTHER IMPORTANT INFORMATION**

- Professional fees will be estimated and billed in advance of each hearing. All professional fees will be refunded for unused time, provided that the parties have adhered to the Continuance and Cancellation Policy above.
- All fees are due in advance of the hearings, by the specified due dates on the invoices. Nonpayment of fees may result in a hearing being taken off calendar.
- All fees must be paid prior to the issuance of the award, order or judgment.
- Signature Resolution LLC and Judge Hogue's agreement to render services is with counsel, carriers, and any other representative of each party. Signature Resolution LLC and Judge Hogue reserve the right to cancel any proceeding due to non-payment or untimely payment of professional and administrative fees.

# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** Public Works Department

**Subject:** Grand Avenue Pathway



**Recommended Action:** Receive a report on the Grand Avenue Pathway and provide direction to staff as needed.

**Background:** The Grand Avenue Pathway has long been a valued public access route and part of the California Coastal Trail. Ongoing bluff retreat has compromised the safety and continuity of the path for decades, requiring closure of multiple segments and repeated repairs.

### History

- 1980s: Portions of Grand Avenue closed to vehicles due to bluff instability; pathway retained for pedestrians.
- 1990s–2000s: Hazards Abatement District studied stabilization alternatives; the proposed seawall was denied by state and local agencies.
- 2005: City Council voted to maintain an 8-foot walkway within the public right-of-way and to relocate the path as needed in response to erosion.
- 2017: Additional bluff failures led to closure of the Oakland–Hollister segment and formation of a community ad hoc “Depot Hill Bluff Group.”
- 2023–2025: Repeated winter storms accelerated bluff retreat, damaging the relocated pathway and storm drain systems.

In February 2025, severe storms caused further bluff failure between Saxon and Oakland Avenues, resulting in partial collapse of the relocated path and damage to drainage infrastructure. Emergency work was completed to restore drainage, but the path remains compromised. On April 10, 2025, City Council considered the status of the pathway, received extensive public comment, and directed staff to work with a community steering committee and return in six months with updated options and cost estimates.

To support Council’s review, Pacific Crest Engineering was retained to conduct a hazard and risk assessment of the bluff and pathway between Central and Oakland Avenues. Their scope includes bluff surveying, historic photo analysis, geological mapping, and projections of bluff retreat timelines. In early October 2025, Public Works also completed significant drainage repairs to the outfall nearest Saxon Avenue to improve stormwater function and reduce localized erosion.

### Discussion:

#### **Summary of Findings**

Pacific Crest Engineering’s October 2025 report (Attachment 1) confirms that the bluff continues to retreat episodically due to undercutting of the Purisima Formation bedrock by wave action and erosion of the overlying Marine Terrace Deposits. Failures typically occur as slabs of bedrock topple when wave erosion intersects vertical fractures, taking the upper soils with them.

The firm’s review of 1956 stereophotographs compared with current mapping indicates a long-term bluff retreat rate between 0.33 and 0.66 feet per year, equating to approximately 3–7 feet of retreat over 10 years. A second, more conservative projection based on the angle of repose of the terrace deposits (~38°) suggests potential retreat of 12–22 feet within 1–6 years depending on rainfall, storms, and seismic activity. The angle-of-repose line does not represent the expected full bluff-top position within that period, but rather reflects areas where portions of the bluff are most likely to reach that limit during wet or seismic conditions. The two projections bracket a likely range for future bluff position, with actual retreat expected to fall between them.

Pacific Crest's modeling suggests a relocated pathway, set as far inland as feasible, reduced to four feet in width, and aligned along existing property lines, could remain functional for approximately ten years under typical conditions. The eastern corner near Oakland Avenue could be threatened in less than a decade even under this most conservative alignment.

Erosion control measures, such as vegetation or minor surface treatments, may slow erosion of the terrace soils but will not prevent continued bluff retreat, which is driven from the bottom up by wave and bedrock processes. Larger-scale armoring, such as seawalls, retaining walls, or groins, could theoretically stabilize the bluff, but would likely cost tens of millions of dollars and require complex multi-year permitting and design.

Pacific Crest recommends, if the path is going to be retained, to relocate the path as far inland as possible, designing a proper grading and drainage plan, and avoiding concentration or discharge of stormwater near the bluff edge. Further, the work needs to be done pursuant to an approved engineered plan to minimize long term City liability. These steps could extend the life of the relocated pathway by several years but will not eliminate long-term erosion risks.

The community steering committee has continued to meet since spring 2025 and will present its findings at this meeting.

### **Next Steps and Implementation Considerations**

If Council directs staff to pursue relocation of the Grand Avenue Pathway, the next step would be to prepare an engineered grading and drainage plan based on detailed topographic mapping. The plan would be designed to reduce ponding near the bluff edge and prevent concentrated discharge that could accelerate erosion. Environmental review and a Coastal Development Permit would be required for bluff-top construction. That permit could be issued by the Planning Commission. Erosion-control improvements to the bluff face would require Coastal Commission review.

Following completion of design and permitting, staff would coordinate with adjacent property owners to remove existing encroachments within the public right-of-way and to secure any temporary access needed for construction. Once permits are in place, the path could be reconstructed along the most landward feasible alignment, providing an expected usable life of approximately a decade under current retreat conditions.

The combined process of survey, design, environmental review, and permitting is expected to take roughly 6 to 12 months, depending on whether Coastal Commission review is required. Staff estimates this process would cost approximately \$30-50,000, excluding staff time.

Construction costs will depend on final alignment and material selection. Based on comparable public projects, the combined cost of design, permitting, and construction is expected to range from \$400,000 to \$700,000, including fencing, drainage improvements, and minor stabilization work. Long-term maintenance and monitoring may also be necessary. There are potential significant cost saving opportunities depending on the scope and scale of needed grading and drainage work.

**Fiscal Impact:** The Pacific Crest Engineering contract totals \$18,090. The October 2025 drainage repair at the Saxon outfall cost \$39,000. No additional fiscal actions are requested at this time.

### **Attachments:**

1. Pacific Crest Engineering Inc. – Updated Limited Geological Investigation: Grand Avenue Footpath Between Central and Oakland Avenues (October 14, 2025)

**Report Prepared By:** Jessica Kahn, Public Works Director

**Reviewed By:** Julia Gautho, City Clerk; Samantha Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager

14 October 2025

Project No. 2381.2

City of Capitola, Public Works  
Attention: Jessica Kahn, Public Works Director  
420 Capitola Ave  
Capitola, California 95010  
Phone: (831) 475-7300  
jkahn@ci.capitola.ca.us

Re: Updated limited geological investigation of coastal bluff failure  
Grand Avenue footpath between Oakland and Central Avenues  
Capitola, California 95010

## REFERENCES

“Re: Limited geological investigation of coastal bluff failure - Grand Avenue footpath near intersection with Oakland Avenue and Saxon Avenue - Capitola, California 95010”, unpublished consultant letter by Pacific Crest Engineering, dated 9 June 2023

“Re: Limited geological investigation of coastal bluff failure - Grand Avenue near intersection with Oakland Avenue and Hollister Avenue - Capitola, California 95010”, unpublished consultant letter by Zinn Geology, dated 15 May 2017

Dear Jessica:

This letter presents the results of our updated limited geological investigation of the ongoing bluff failures that have undermined portions of the footpath along Grand Avenue between its intersection with Oakland Avenue and Central Avenues (see Plate 1). Our work and this letter build upon the work completed previously in this area by Zinn Geology (2017) and Pacific Crest Engineering (2023). The reader should refer to those letters for a detailed discussion about the ongoing geological processes driving the configuration of the coastal bluff and its retreat.

Over the long term, the bluff below the footpath has been episodically retreating as the soil and bedrock exposed on the bluff face erodes and fails in the form of shallow landslides, debris flows and rock falls, mostly in response to intense storms, wave erosion and earthquakes. The most recent shallow landslides that have caused the top of the bluff to retreat and undermine the footpath this winter appear to have been driven by a combination of a large slab toppling failures of the Purisima Formation bedrock face of the bluff, saturation of the marine terrace deposits soil that caps the underlying Purisima Formation bedrock, as well as erosion of the Marine Terrace Deposits where a culvert flows out of the face of the bluff.

The overall long term failure process for the coastal bluff at this location is a two-part process. The Purisima Formation bedrock exposed in the lower bluff is eroded and notched at the base by waves until the notch intersects a nearly vertical bluff-parallel joint set, at which point a slab of bedrock slides downward or topples, typically from top to bottom for the exposed slab. The bedrock topple process also takes the overlying cap of marine terrace deposits along with it leaving a very steeply dipping to nearly vertical scar in the bluff face that freshly exposes both the bedrock and marine terrace deposits. At that point, the wave scour process begins anew at the base of the bluff, eventually carving another notch into the bedrock. The marine terrace deposits concurrently begin to erode and slide in a piecemeal fashion as they seek the angle of repose of about 38 degrees for the sand and gravels that compose that majority of the formation. This process continues unabated until the bedrock topples again in the future, resetting the entire retreat process geometry and clock.

For this current work we have mapped the position of the top of the bluff using a combined data set of our own drone flight and a surveyed base map prepared and provided by Bowman and Williams. The base map also shows the location of the current fence line and property lines.

The bluff is in various states of failure between Central and Oakland Avenues. Portions of the bluff have recently failed from top to bottom in response to intense storms of the past winters coinciding with El Nino Climatic events. In some locations, the bedrock exposed in the bluff is dilated and appears to be primed for toppling. Deep notches within the bedrock at the base of the bluff and sea caves have been observed during our field reconnaissance in this area in past years.

We also reviewed a geological report for the Depot Hill Geological Hazard Abatement District, prepared on 12 April 2000 by Rogers Johnson and Associates. The report documents a past calculated long term bluff retreat rate of about 1.0 feet per year at that time. The authors also cautioned the reader that the bluff had been severely undercut at that point, implying that a large failure of the bluff was imminent. This process described by them isn't a one time event – as noted above this is an ongoing cyclical process that is constantly driving the face of the bluff landward.

As noted at the beginning of this letter, the fate of the bluff and the retreat is always tied to what is happening at the base of the bluff with respect to notching and formation of sea caves. We noted two distinct conditions with respect to that observation for the area studied:

1. Various portions of the bluff failures between Central and Oakland Avenues that have occurred in the last several winters appear to have been triggered by toppling of undercut bedrock.
2. Some of landslides that have occurred in the last several winters between Central and Oakland Avenues appear to have been within the marine terrace deposits only.



3. Although no landsliding occurred this past winter in some locations between Central and Oakland Avenues (see heavily vegetated areas on bluff face on Plate 1), the bedrock is primed to topple at those locations due to being notched at the base.

Most of the marine terrace deposits in this area are over steepened and will likely lay back to an average angle of about 38 degrees. This may come about in one to three rainy seasons. A conservative analysis would assume that we will have back-to-back wet seasons for the next several years, which may lay back the marine terrace deposits to the angle of repose. A more liberal analysis would assume that we will enter a drought period of three to five years, followed by wet year. Using those ranges implies that the top of the bluff may retreat significantly within one to six years.

A review of the most recent El Nino status by NOAA (which can be accessed here: [https://www.cpc.ncep.noaa.gov/products/analysis\\_monitoring/lanina/enso\\_evolution-status-fcsts-web.pdf](https://www.cpc.ncep.noaa.gov/products/analysis_monitoring/lanina/enso_evolution-status-fcsts-web.pdf) ) stipulates that “La Niña conditions are present and favored to persist through December 2025 -February 2026, with a transition to ENSO-neutral likely in January-March 2026 (55% chance).” Although La Nina climatic conditions typically results in lower than average precipitation and relatively smaller storm waves, there is always a chance that large coastal storm waves might impact central California even during a La Nina climatic cycle.

We have used two methods of projecting the future top of bluff retreat for this study. The first method is a simple long range bluff retreat method generated by measuring the difference in time and position of the bluff between the set of stereopair aerial photographs and the current bluff position. The only set of high resolution historical stereopair aerial photos we could procure on short notice were the 1956 set. We measured a variable retreat rate of 0.33 feet per year to 0.66 feet per year for the study area between 1956 and 2025. We used these retreat rates to calculate and plot the projected bluff top position 10 years from now (represented by the purple line on Plate 1).

We also drew transects at select locations in the area of interest and plotted the projected top of bluff assuming the Marine Terrace Deposits will lay back to the angle of repose of about 38 degrees (Represented by the pink line on both the transects and map; see Plate 1) in response to rainfall and earthquakes. Using just this analysis pushes the top of the bluff back between 12 ½ to 22 feet from the current position. In our opinion this line represents the retreat that could happen in one to six years, taking future storms into consideration. **We have not factored in the collapse of the undercut portion of the bluff bedrock or the landsliding and subsequent retreat that would occur in the event of a large magnitude earthquake. If either of those processes are factored in and occur within that time period of one to six years, the amount of bluff retreat may be even greater.**

It is of interest to note that the two methods result in a consistent difference in projected bluff top retreat configuration. The aerial photo method plotting the predicted position of the bluff ten years from now is consistently less than the pure physical model method of using the



angle of repose of the Marine Terrace Deposits with a stipulated life of one to six years. The shorter-lived angle of repose line actually lies consistently inland of the historical aerial photograph derived line. The angle of repose method might be overly conservative and the aerial photo analysis might be overly liberal, which may mean that reality lies between the two extremes. We have created a plate that depicts the area that lies between the two retreat lines and have labeled that area as a “Zone Of Short Term (1-10 Years) Blufftop Retreat” (red stippled polygon on Plate 3).

## DISCUSSION OF FUTURE FOOTPATH CONFIGURATION

The objective of this study was to provide the City with an overview of the feasibility of mitigating the risk to the footpath with respect to the hazard of short-term bluff retreat. In discussions with City staff, we learned that the narrowest the path could be is four feet with a two-foot seaward buffer, resulting in an overall width of six feet.

Turning to Plate 1, it should be noted that the **existing** footpath is impinged upon at several locations by both of the bluff top retreat method lines, with the angle of repose method line even impinging upon a property line at one location.

Given that observation we have plotted a **hypothetical** six-foot-wide relocated footpath right up against the current seaward property lines along Grand Avenue in the study area (see Plate 1). This reflects the most extreme landward position that the footpath can be located without being pushed onto private property. As can be noted from the map, this hypothetical repositioning will result in a short-term life of mostly one to ten years, depending upon which retreat method line is used.

There is one issue toward the downcoast end of the study area, near the intersection of Oakland and Grand Avenues. At that location the angle of repose method retreat line impinges upon the hypothetical repositioning of the footpath. This implies that even if the footpath is pushed landward and snugged up against the property at that corner, it may be undermined and threatened in less than decade.

The author of this letter has discussed at length in the past, as well as participated in a past City designated committee, about exploring the possibility of armoring the entire bluff face with seawalls, retaining walls, rock bolts or even constructing jetties or groins in an attempt to arrest the ongoing retreat of the entire bluff. Such an armoring or protection effort is likely to cost a great amount of money (in excess of tens of millions of dollars) and will take years to design, permit and construct. **Protecting the entire bluff is therefore not feasible for a short-term solution.**

There are also different methods of erosion control that might slow down the retreat of the blanket of Marine Terrace Deposits, such as planting woody vegetation or vines that will combat rain drop impact, runoff and provide some evapotranspiration at the saturated contact between the Marine Terrace Deposits soil and the Purisima Formation bedrock.



This will retard the rate at which the Marine Terrace Deposits lay back to the angle of repose but ultimately will be subsumed by the bottom-up process of bluff retreat as the bedrock bluff face fails.

## FINDINGS

1. An effective life of a decade or less can likely be achieved via reconfiguring and repositioning the footpath into a four-foot-wide path with a two-foot buffer and then placing that configuration adjacent to the seaward property line of the residences along Grand Avenue (see Plate 1 for the hypothetical layout).
2. Placing erosion control on the portion of the bluff face where the Marine Terrace Deposits are exposed may attenuate the retreat of just the Marine Terrace Deposits. Ultimately though, any erosion control placed on the upper bluff face will be subsumed by the bottom-up process of bluff retreat as the bedrock bluff face fails.
3. Freezing the bluff face in its current position could be achieved through armoring the entire bluff with seawalls, retaining walls, or rock bolts. Constructing jetties or groins at the base of the bluff could capture sand and slow the overall rate of retreat too. Such an effort is likely to cost a great amount of money (in excess of tens of millions of dollars) and will take years to design, permit and construct. **Protecting the entire bluff is therefore not feasible for a short-term solution.**

## RECOMMENDATIONS

1. If the longest lifetime of a relocated footpath is desired, the City should relocate the footpath as far inland as possible, with the inland side of the path abutting the property lines of the residences (see Plate 1 for this hypothetical layout).
2. An engineered grading and drainage plan should be prepared as part of the proposed footpath location. Care should be taken to avoid ponding water near the top of the bluff to avoid triggering large landslides and no collected storm water should be allowed to flow over the top of the bluff.
3. The effective life of the footpath should be considered when contemplating short term and long-term expenditures for keeping the footpath open. Long-term solutions, such as protecting the entire bluff from erosion will be very expensive and will require extensive studies, design work and may entail a difficult permitting process.



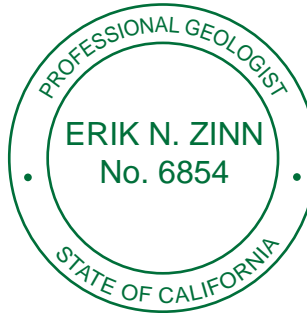
This concludes our geological letter regarding the impacts of landsliding and bluff top retreat for the Grand Avenue footpath between the intersections of Central and Oakland Avenues. Please do not hesitate to contact us if you have any questions about this letter or our work or need further assistance.

Sincerely,

**PACIFIC CREST ENGINEERING INC.**

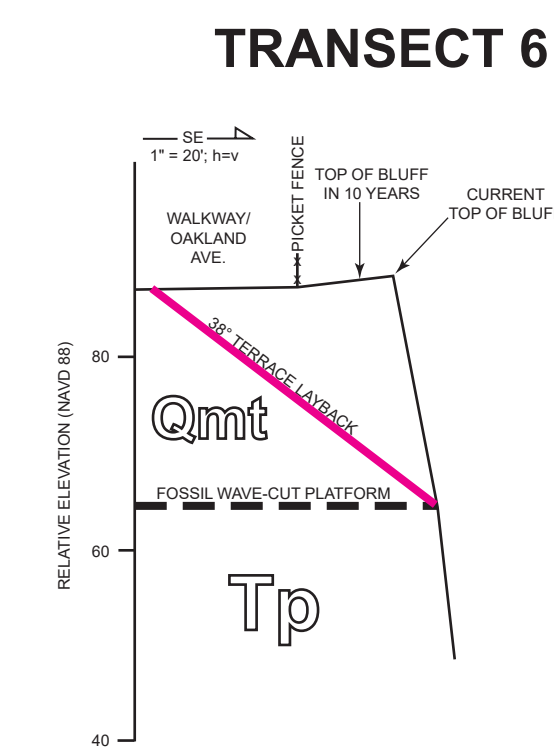
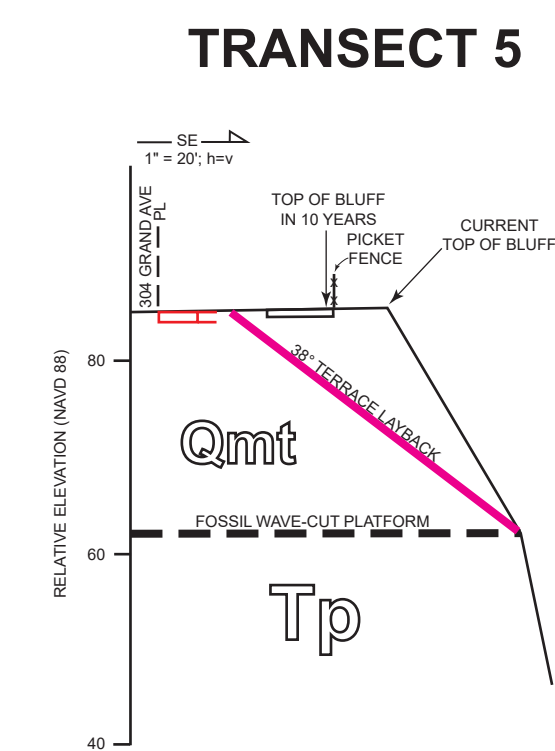
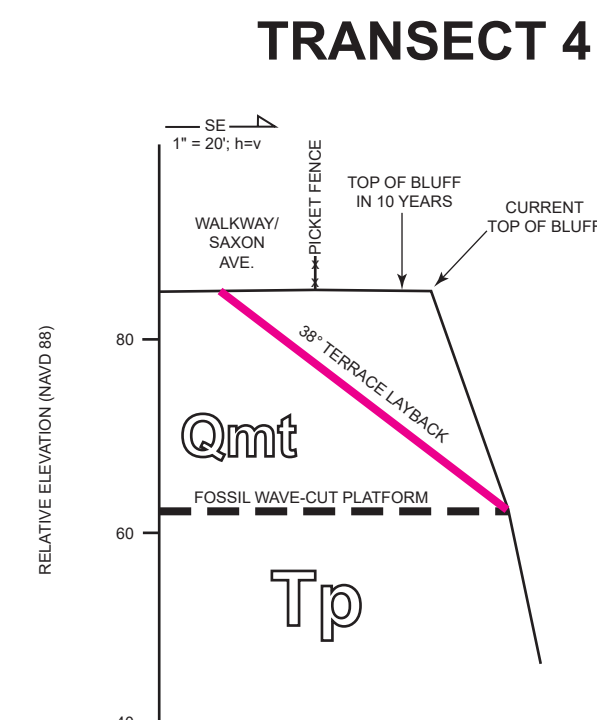
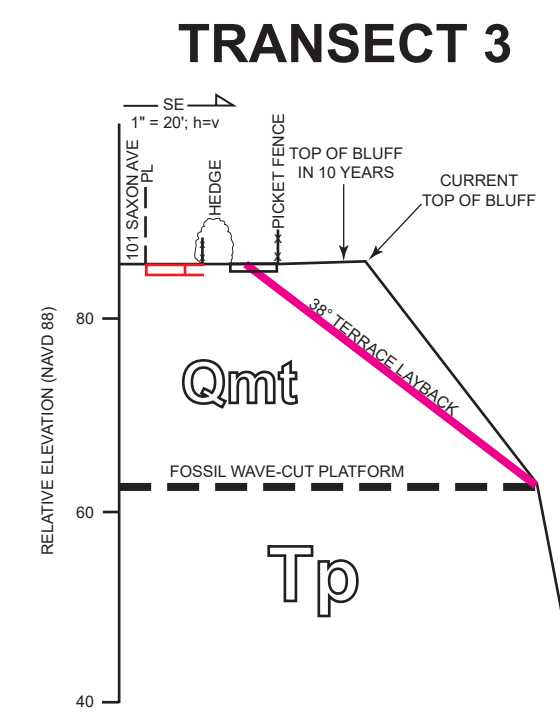
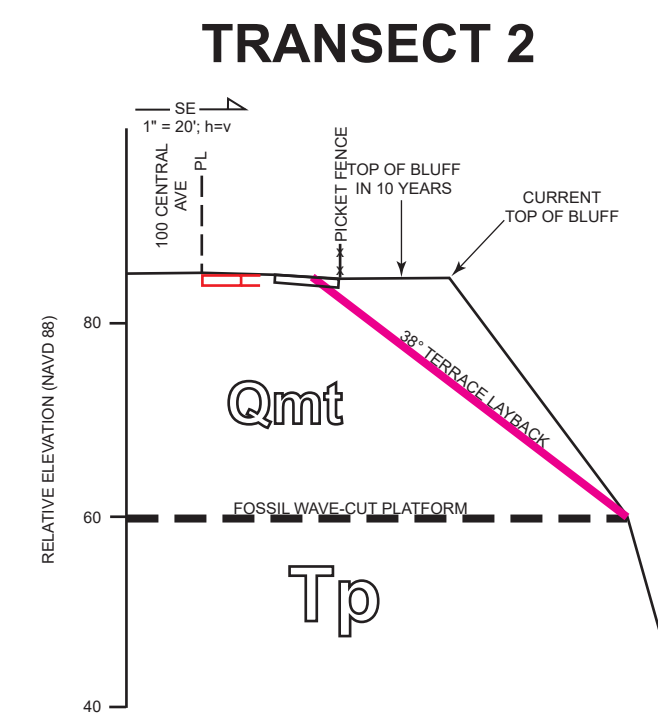
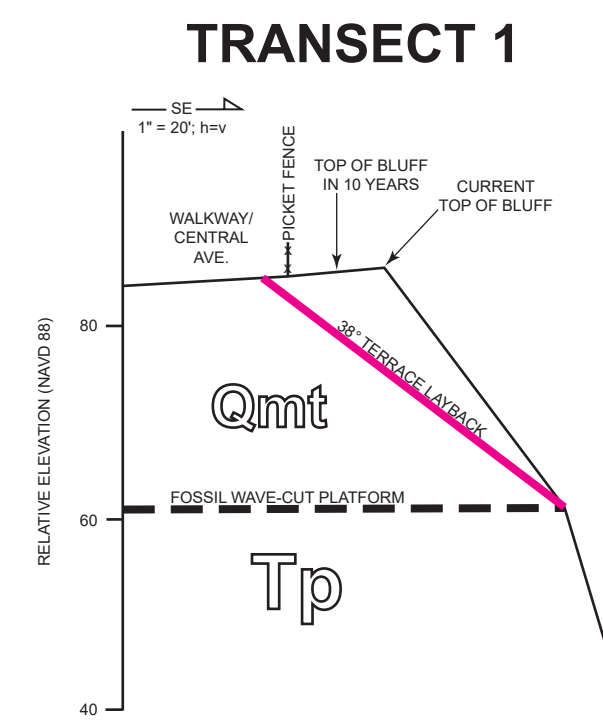
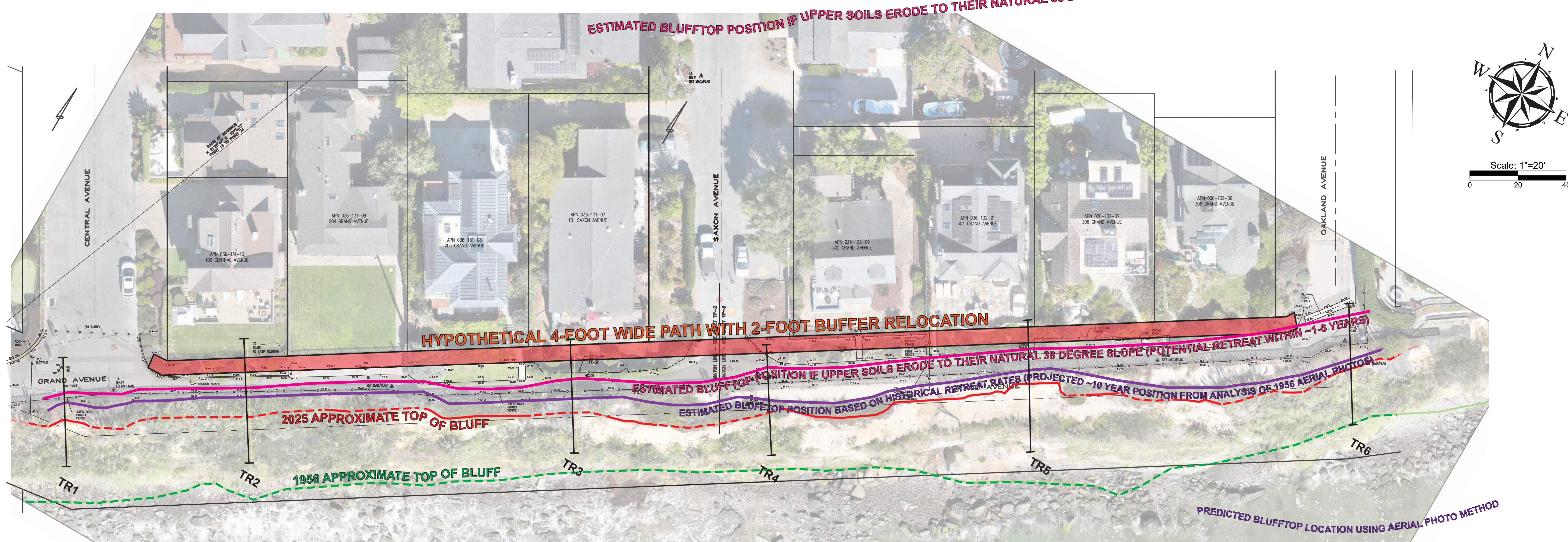


Erik N. Zinn  
Principal Geologist  
P.G. #6854, C.E.G. #2139



Attachments: Plate 1 – Site Plan & Geologic Transects  
Plate 2 – Site Plan Without Aerial Photo & Geologic Transects  
Plate 3 – Site Plan Showing Zone of Short Term Blufftop Retreat





## TRANSECT EXPLANATION

### EARTH MATERIALS

- Qmt** Marine Terrace Deposits
- Tp** Purisima Formation Bedrock

### SYMBOLS

- Existing footpath
- Hypothetical footpath relocation placed directly adjacent to residential properties (includes 2-foot buffer from seaward edge of path)
- Earth materials contact - dashed where approximate

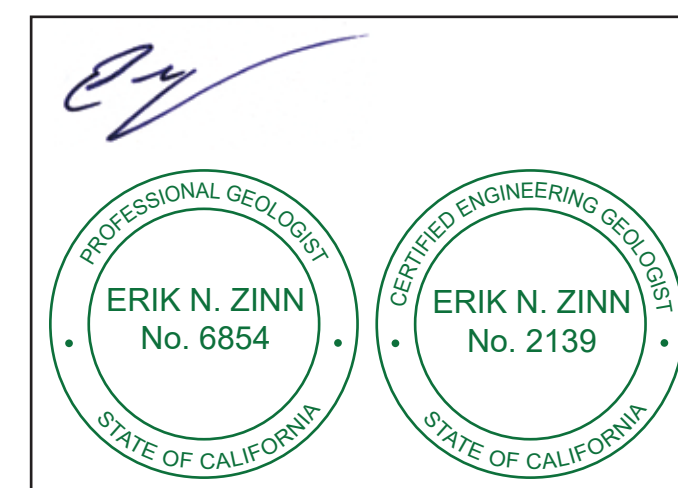
## SITE PLAN EXPLANATION

### SYMBOLS

- Estimated blufftop position if upper soils (Marine Terrace Deposits) erode to their natural 38 degree slope (potential retreat within ~1-6 years)
- Estimated blufftop position based on historical retreat rates (projected ~10 year position from analysis of 1956 aerial photos)
- Transect line and location
- Hypothetical footpath relocation placed directly adjacent to residential properties (includes 2-foot buffer from seaward edge of path)

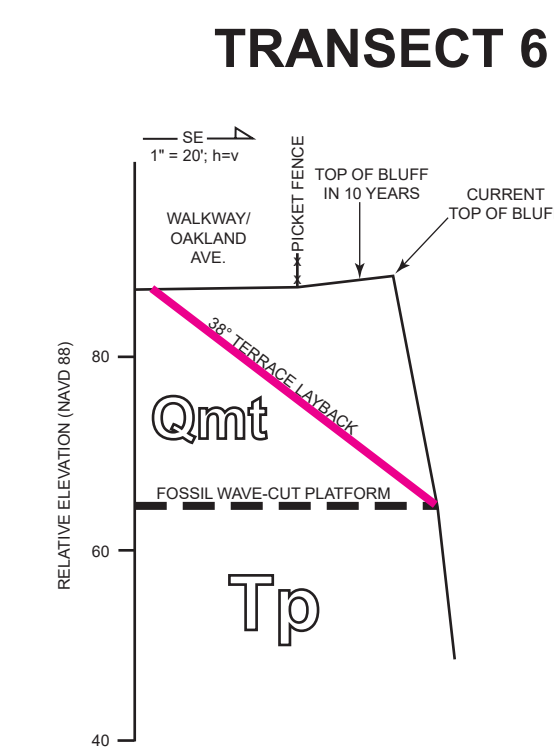
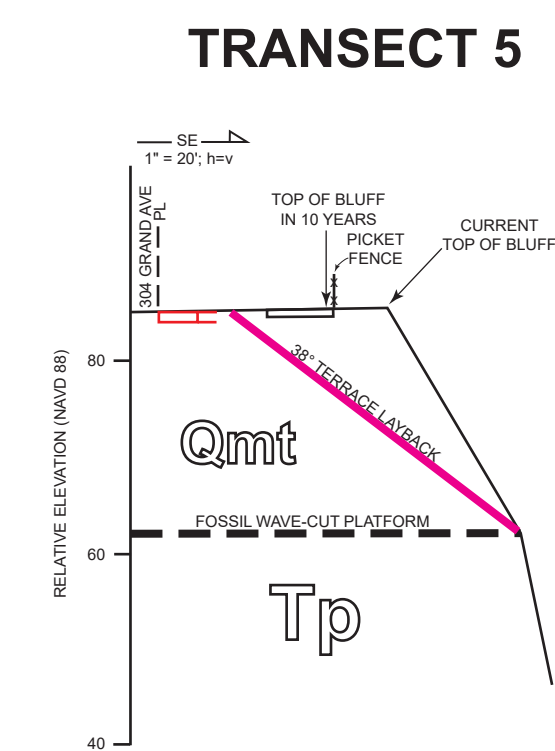
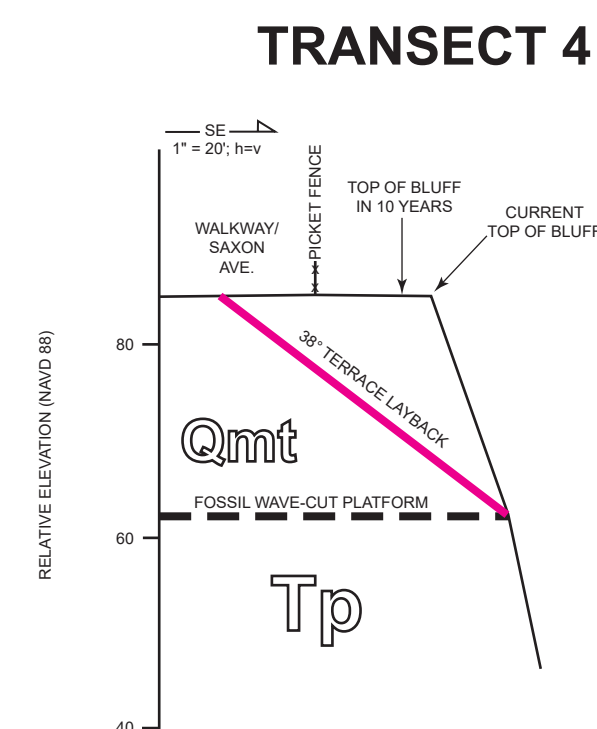
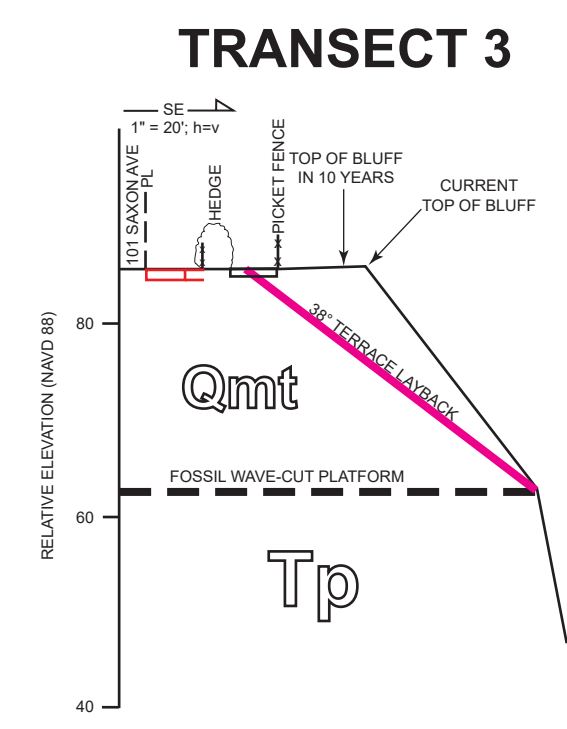
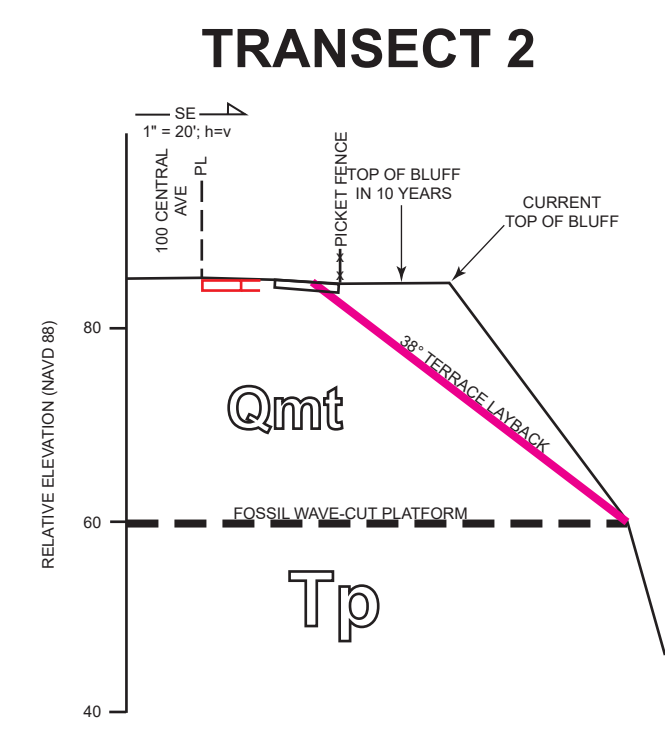
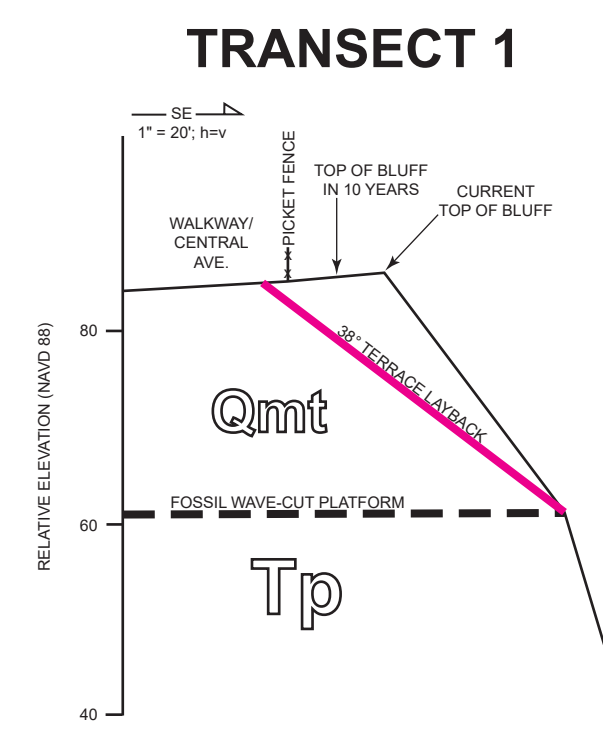
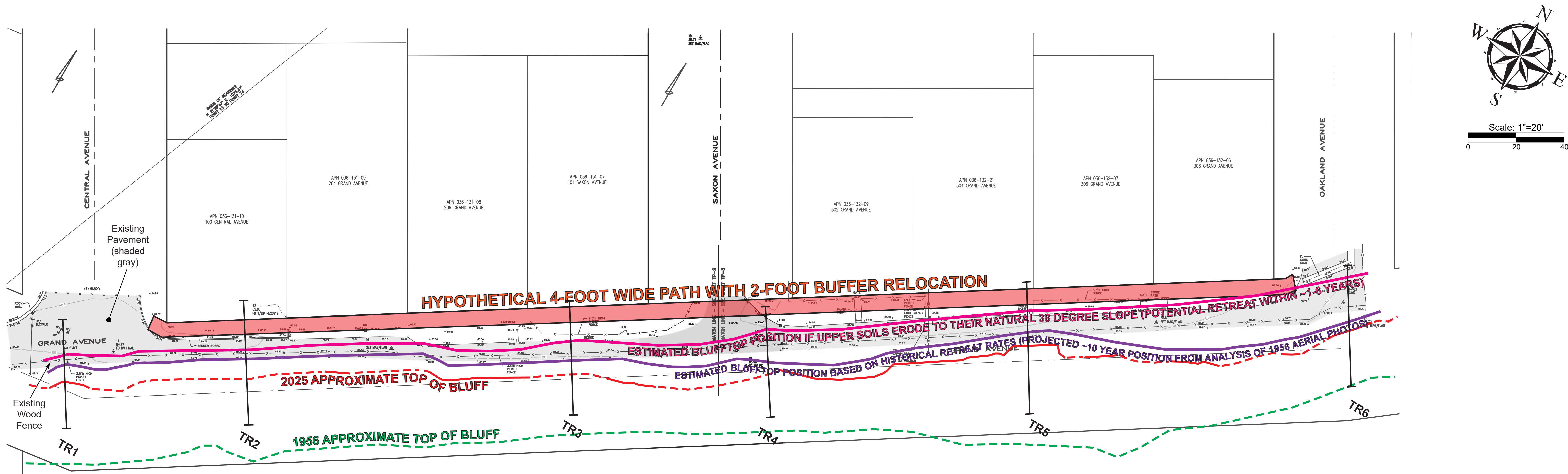
**Base Map:** Bowman & Williams; Topographic Map of a Portion of the Capitola Grand Avenue Pathway, Sheets TP-2 and TP-3; dated 10-06-2025; original scale: 1"=10'; Imagery provided by Pacific Crest Engineering for 9/25/2025 drone flight

**Transect Note:** Elevations and distances were measured using a hybrid of: Bowman & Williams; Topographic Map of a Portion of the Capitola Grand Avenue Pathway, Sheets TP-2 and TP-3; dated 10-06-2025; original scale: 1"=10'; & 3-D reconstruction of a 2-D photogrammetry drone flight using DJI Terra and ArcGIS Pro.



**Pacific Crest**  
ENGINEERING INC  
**Site Plan & Geologic Transects**  
Grand Avenue Footpath Bluff Retreat Hazard  
& Risk Assessment  
Capitola, California

Date: 10 October 2025	Revised: 14 October 2025
Job #2381.2	
Scale: 1"=20'	<b>Plate 1</b>
Drawn by: MP/ENZ/mp	



## TRANSECT EXPLANATION

### EARTH MATERIALS

- Qmt** Marine Terrace Deposits
- Tp** Purisma Formation Bedrock

### SYMBOLS

- Existing footpath
- Hypothetical footpath relocation placed directly adjacent to residential properties (includes 2-foot buffer from seaward edge of path)
- Earth materials contact - dashed where approximate

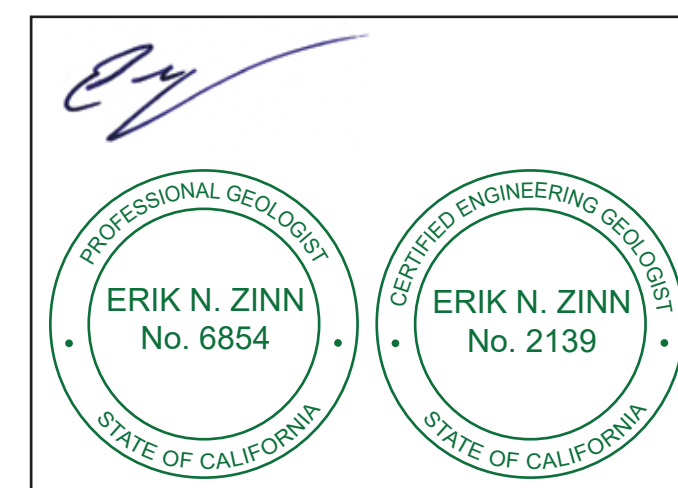
## SITE PLAN EXPLANATION

### SYMBOLS

- Intersection of 38-degree angle of repose Marine Terrace Deposits line with ground surface - see see transects on this plate for derivation of the line
- Projected top of bluff in 10 years using long term bluff retreat calculations derived from analysis of 1956 stereopair aerial photographs
- Transect line and location
- Hypothetical footpath relocation placed directly adjacent to residential properties (includes 2-foot buffer from seaward edge of path)

**Base Map:** Bowman & Williams; Topographic Map of a Portion of the Capitola Grand Avenue Pathway, Sheets TP-2 and TP-3; dated 10-06-2025; original scale: 1"=10'

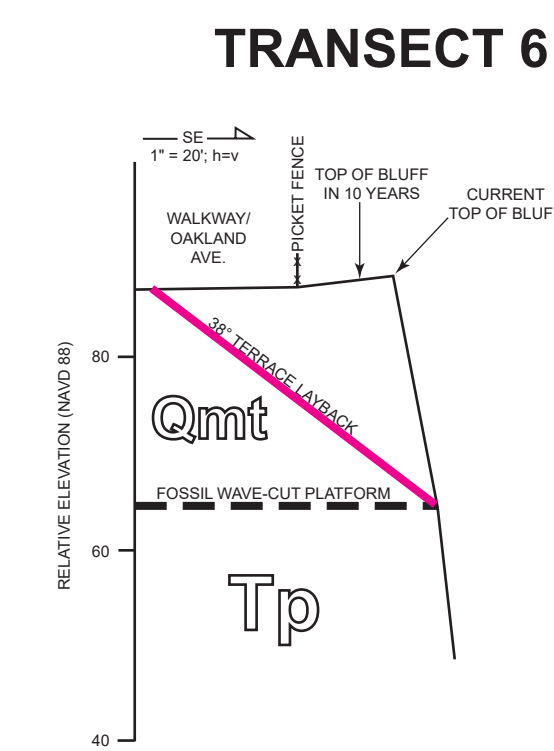
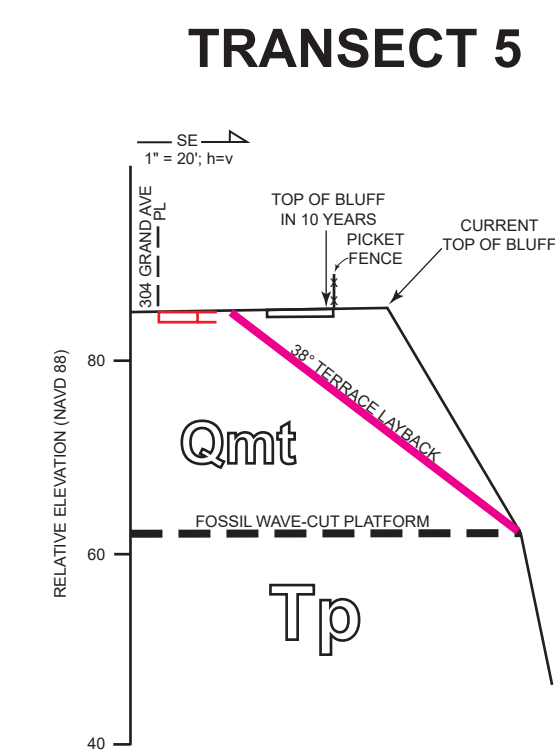
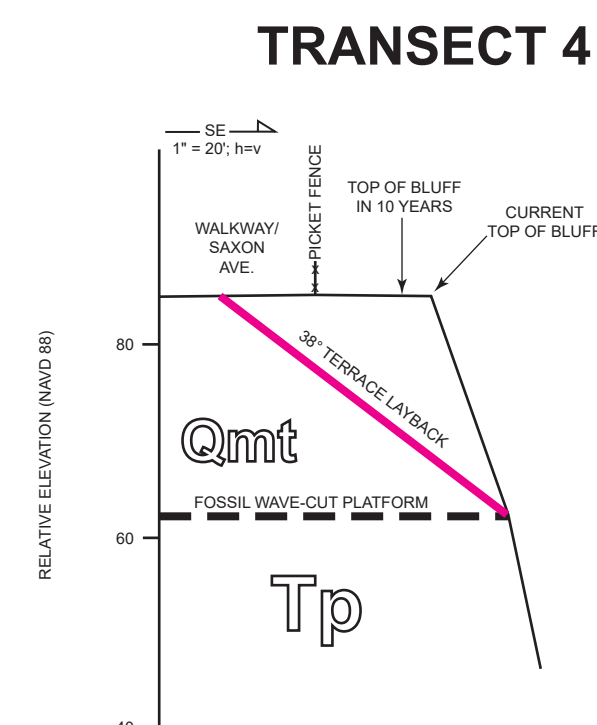
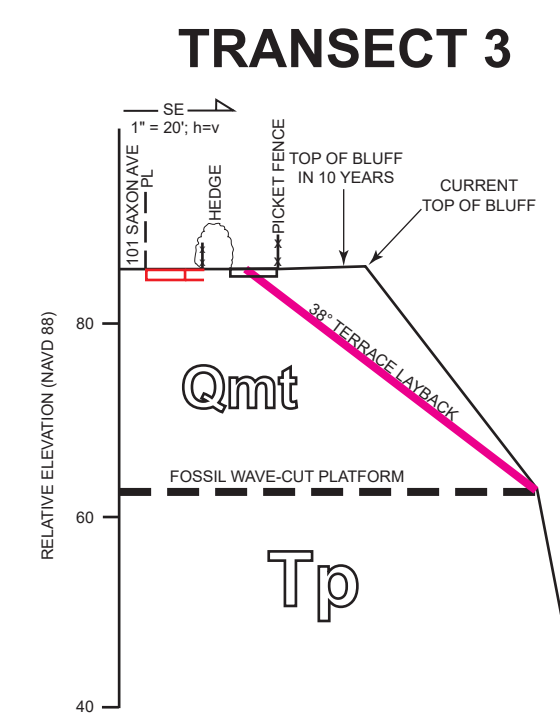
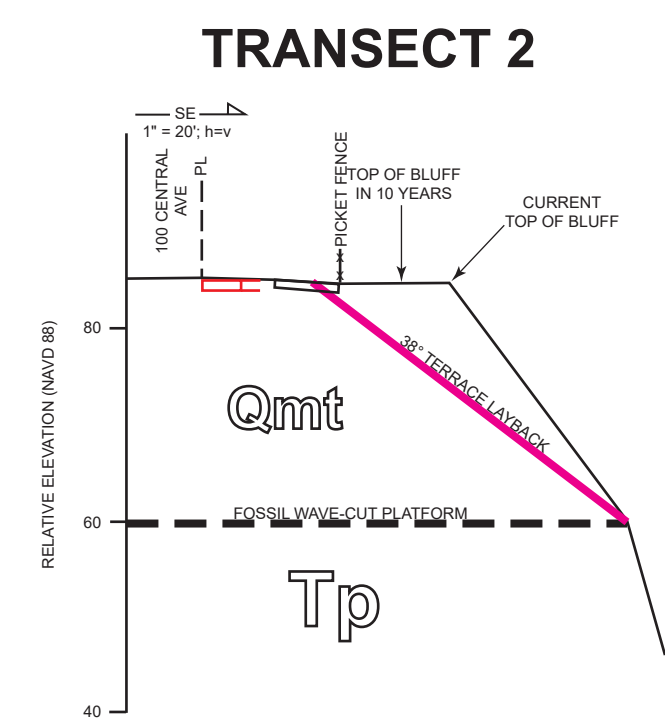
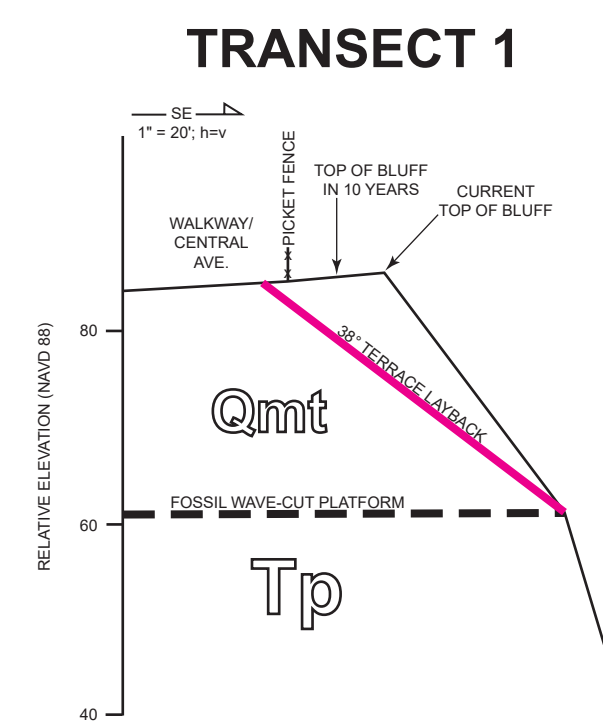
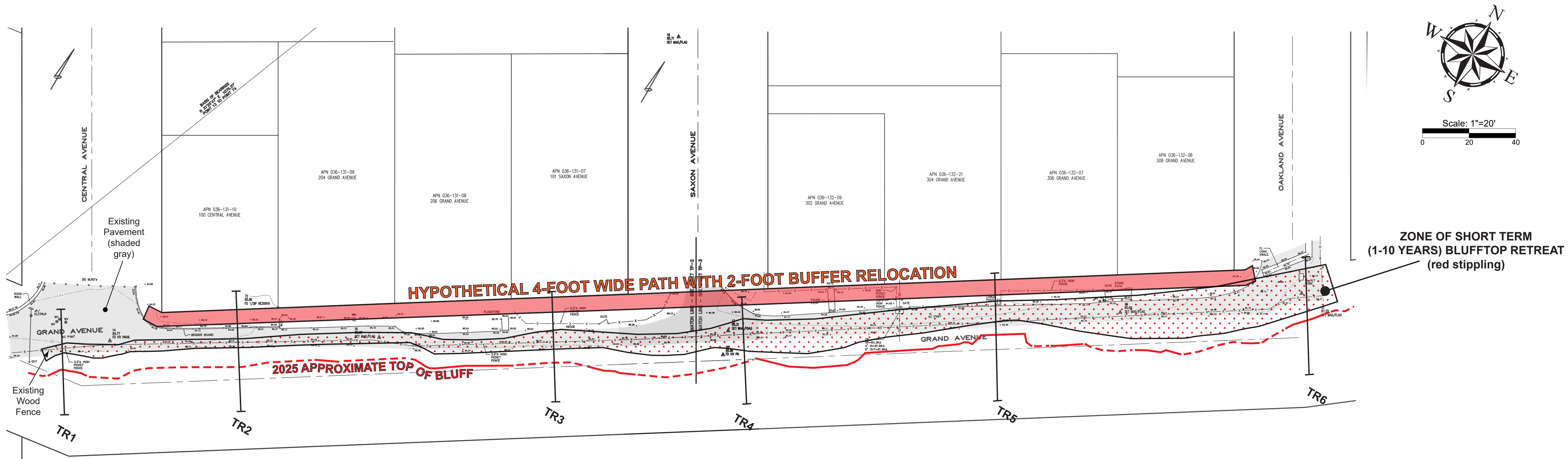
**Transect Note:** Elevations and distances were measured using a hybrid of: Bowman & Williams; Topographic Map of a Portion of the Capitola Grand Avenue Pathway, Sheets TP-2 and TP-3; dated 10-06-2025; original scale: 1"=10'; & 3-D reconstruction of a 2-D photogrammetry drone flight using DJI Terra and ArcGIS Pro.



**Pacific Crest**  
ENGINEERING INC  
Site Plan Without Aerial Photo  
& Geologic Transects  
Grand Avenue Footpath Bluff Retreat Hazard  
& Risk Assessment  
Capitola, California

Date: 14 October 2025	Revised:
Job #2381.2	
Scale: 1"=20'	
Drawn by: MP/ENZ/mp	

**Plate 2**



## TRANSECT EXPLANATION

### EARTH MATERIALS

- Qmt** Marine Terrace Deposits
- Tp** Purisma Formation Bedrock

### SYMBOLS

- Existing footpath
- Hypothetical footpath relocation placed directly adjacent to residential properties (includes 2-foot buffer from seaward edge of path)
- Earth materials contact - dashed where approximate

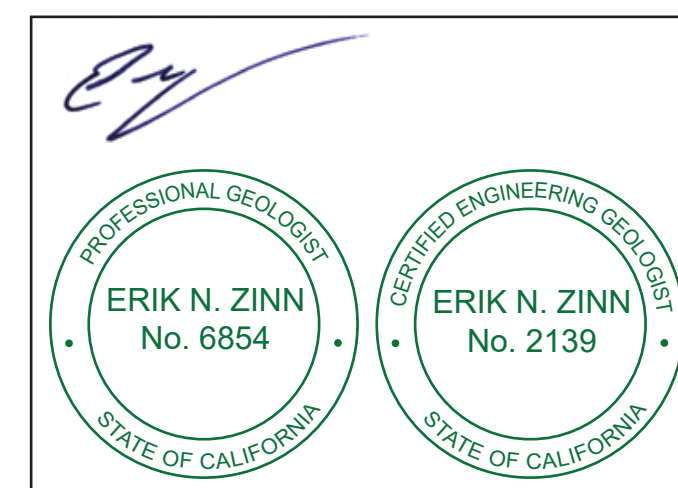
## SITE PLAN EXPLANATION

### SYMBOLS

- Zone of short term (1-10 years) blufftop retreat
- Transect line and location
- Hypothetical footpath relocation placed directly adjacent to residential properties (includes 2-foot buffer from seaward edge of path)

**Base Map:** Bowman & Williams; Topographic Map of a Portion of the Capitola Grand Avenue Pathway, Sheets TP-2 and TP-3; dated 10-06-2025; original scale: 1"=10'

**Transect Note:** Elevations and distances were measured using a hybrid of: Bowman & Williams; Topographic Map of a Portion of the Capitola Grand Avenue Pathway, Sheets TP-2 and TP-3; dated 10-06-2025; original scale: 1"=10'; & 3-D reconstruction of a 2-D photogrammetry drone flight using DJI Terra and ArcGIS Pro.



**Pacific Crest**  
ENGINEERING INC  
Site Plan Showing Zone Of  
Short Term Blufftop Retreat  
Grand Avenue Footpath Bluff Retreat Hazard  
& Risk Assessment  
Capitola, California

Date: 14 October 2025	Revised:
Job #2381.2	
Scale: 1"=20'	
Drawn by: MP/ENZ/mp	

**Plate 3**



1972

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# Grand Avenue Pathway

City Council

October 23, 2025

# Grand Avenue Pathway Background



- Vehicle access closed in 1980s; pathway retained for pedestrians
- Repeated closures and repairs due to ongoing bluff retreat
- 2005: Council voted to maintain an 8-foot walkway within right-of-way
- 2017–2025: Recurrent bluff failures and storm damage leading to multiple relocations



# Grand Avenue Pathway

## Recent Events



- 12/23 & 2/25 storms: major bluff failure between Saxon & Oakland
  - Partial path collapse
  - Drainage damage
- April 2025 Council meeting
  - Steering committee
  - Evaluation of Central Ave to Oakland Ave
- October 2025: hazard assessment completed; drainage repairs finished



# Grand Avenue Pathway

## Bluff Erosion Process



### Episodic Bluff Retreat

- Storms, wave action, earthquakes, and saturation of soil

### Two-Part Failure Process:

#### 1. Wave Erosion of Bedrock

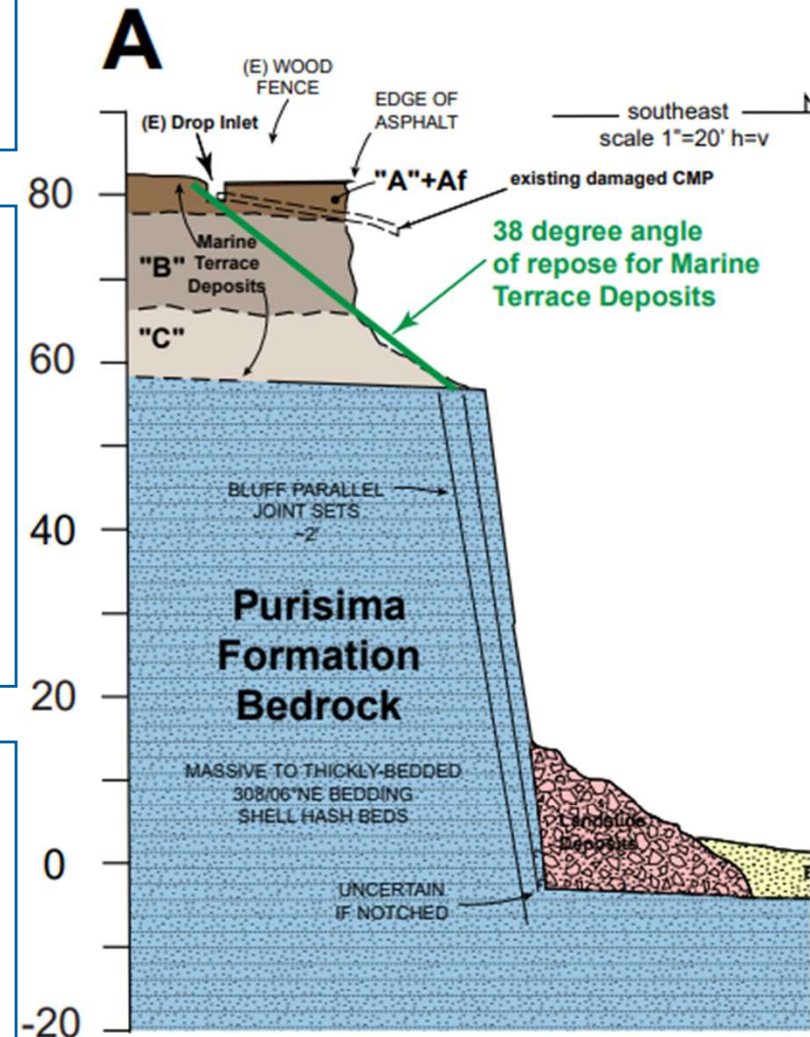
- Waves notch into **Purisima Formation bedrock** until slab topples

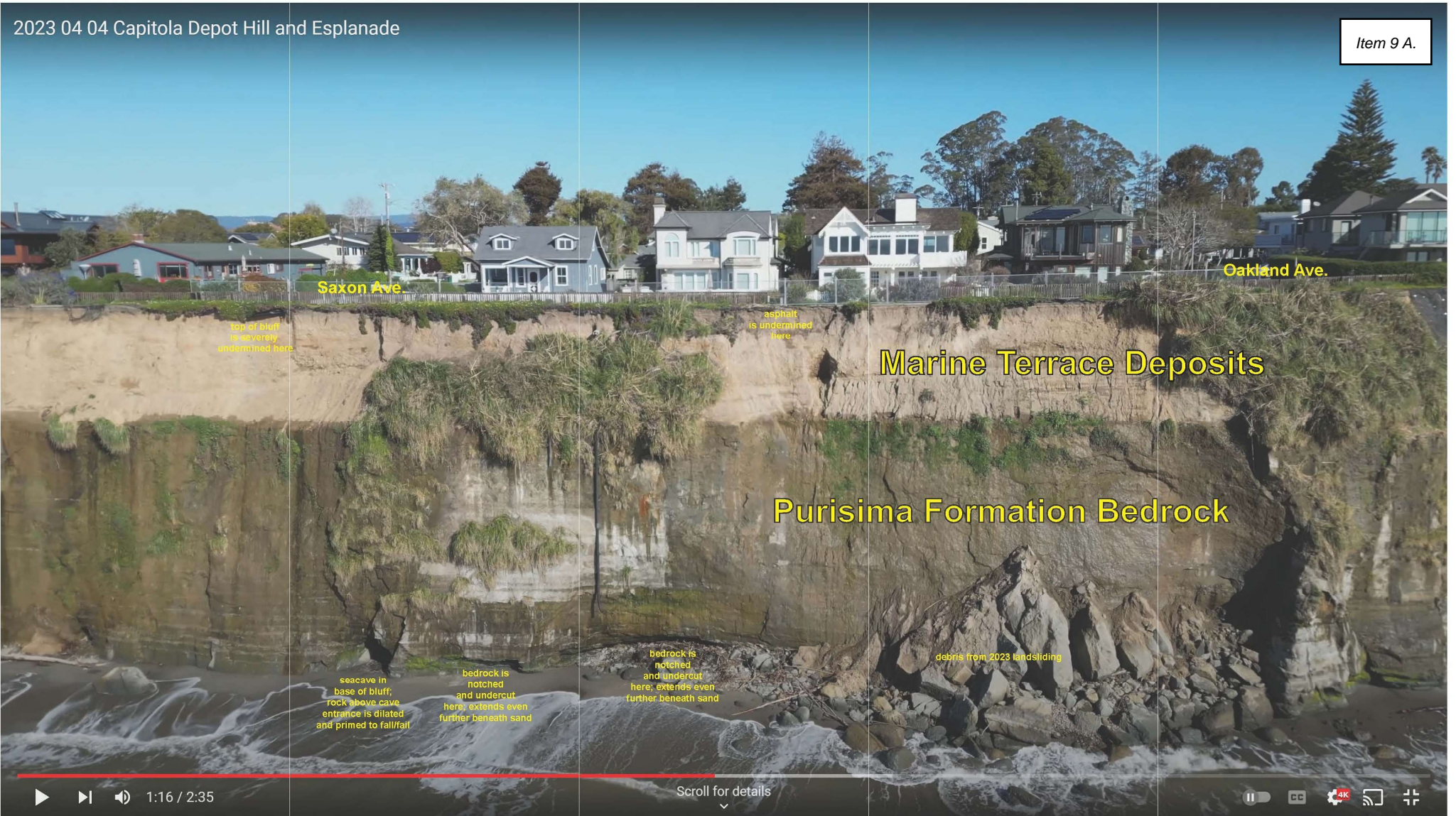
#### 2. Collapse of Upper Bluff


- Overlying marine terrace soils collapse
- Leaves a steep bluff face

### Why It Keeps Failing:

- Loose sand/gravel from marine terrace deposits erodes gradually
- Naturally settle toward a **38-degree slope**
- Wave action restarts the cycle: **erosion never fully stops**





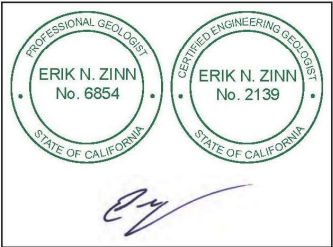


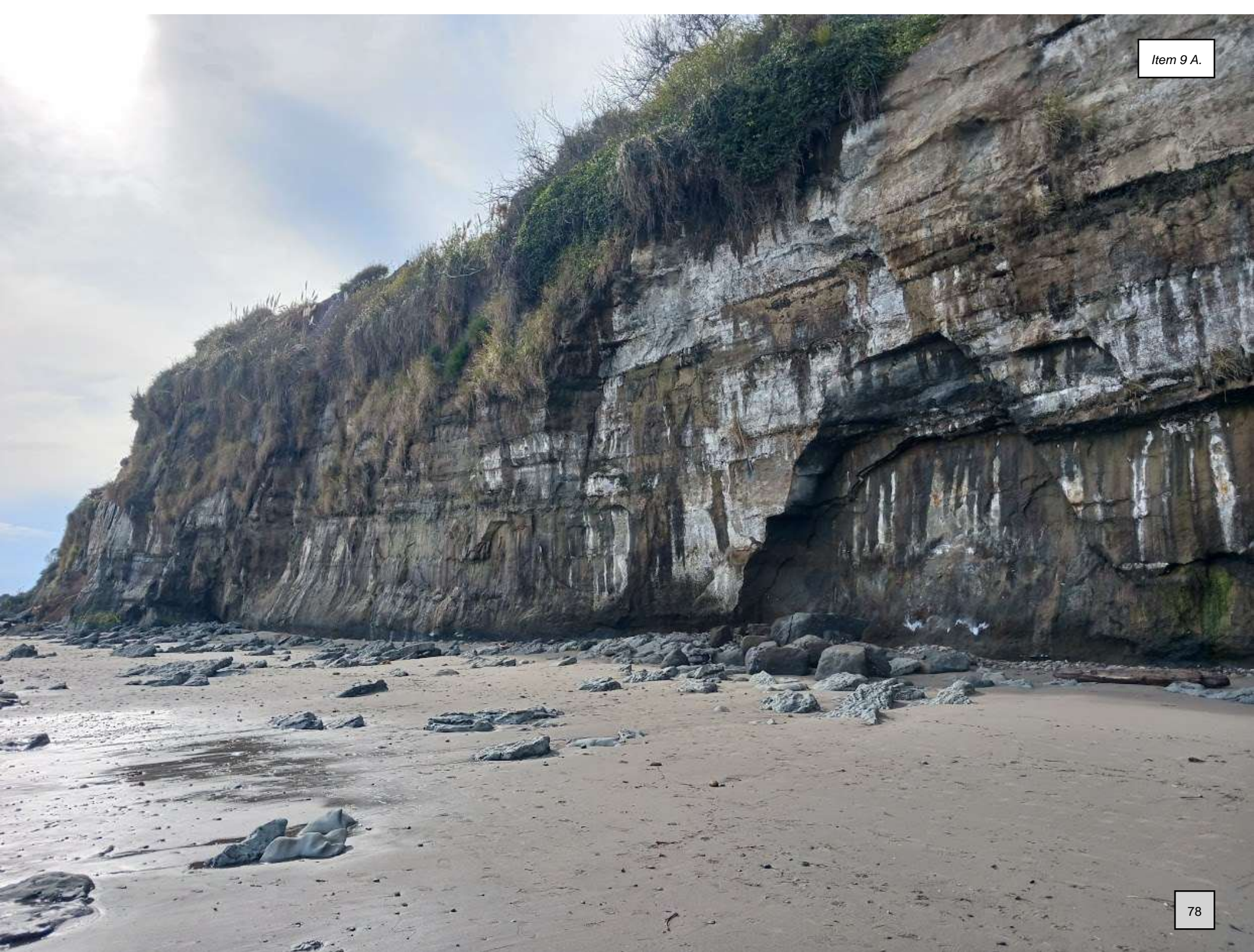
**Pacific Crest**  
ENGINEERING INC

ANNOTATED APRIL 2023  
SNAPSHOT OF COASTAL BLUFF  
City of Capitola  
Grand Avenue Footpath  
Between Saxon Ave. and Oakland Ave.

Date: 8 June 2022	Revised:
Job #2381	
Scale: n/a	<b>Plate 2</b>
Drawn by: ENZ/enz	

BASE PHOTO: Screen shot taken of "2023 04 04 Capitola Depot Hill and Explanade" by Misa Burich; drone video can be accessed at <https://www.youtube.com/watch?v=Lt5N3-Gl5zM&t=1s>





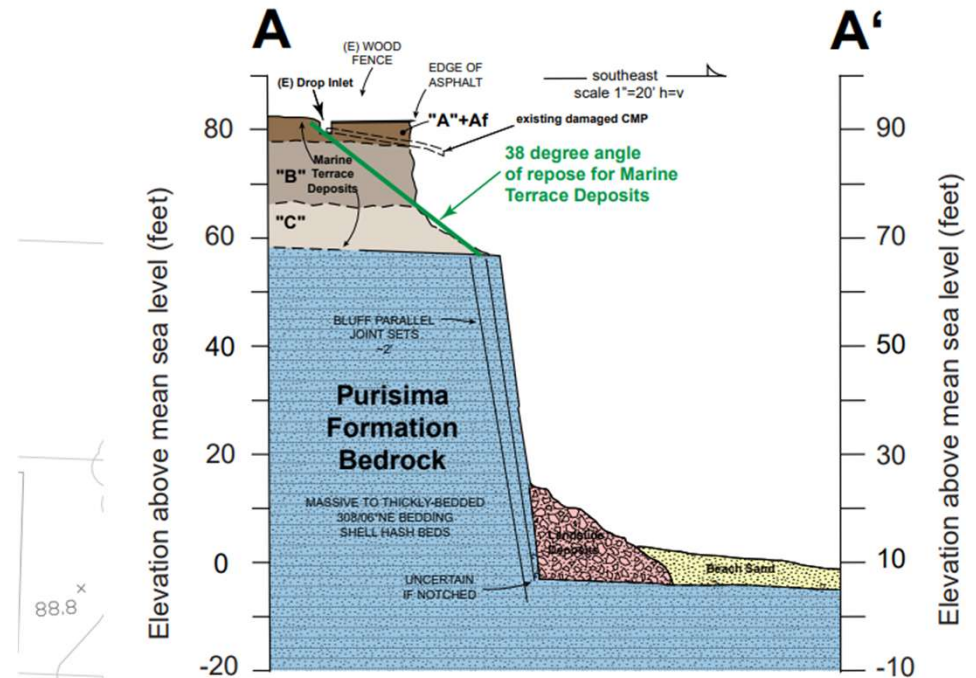
# Grand Avenue Pathway Bluff Retreat Modeling Methods



Two approaches used to estimate bluff-top retreat

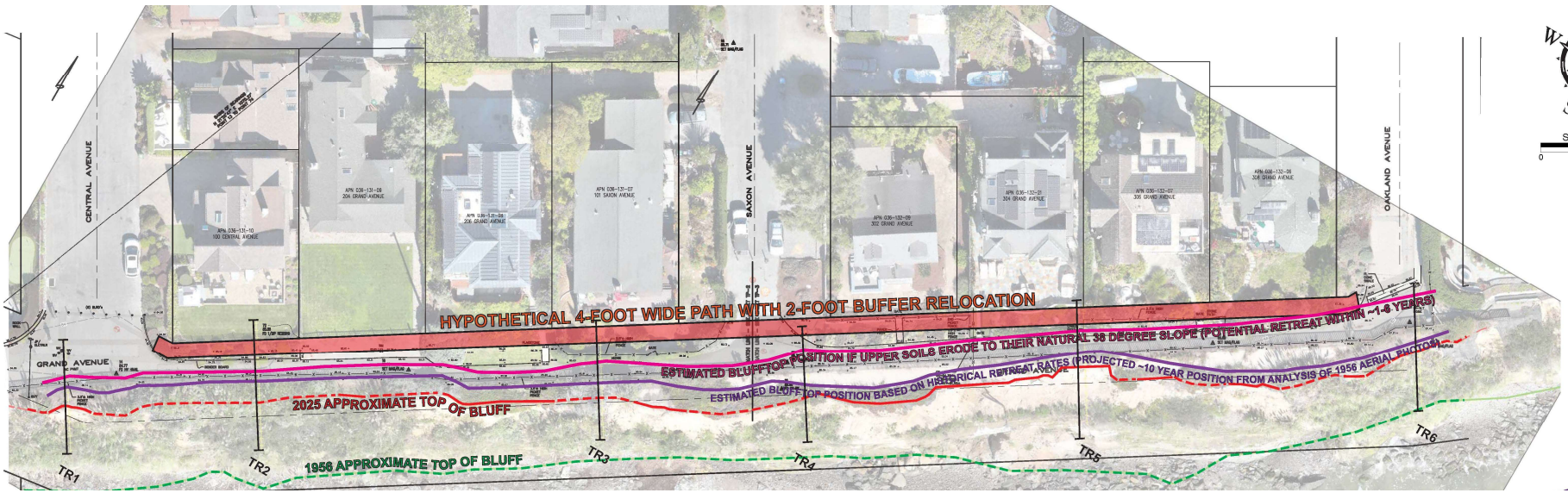
- Historic photo analysis
  - 0.33–0.66 ft/yr
  - $\approx 3$ –7 ft over 10 yrs
- Angle-of-repose model ( $\sim 38^\circ$ )
  - 12–22 ft retreat within 1–6 yrs

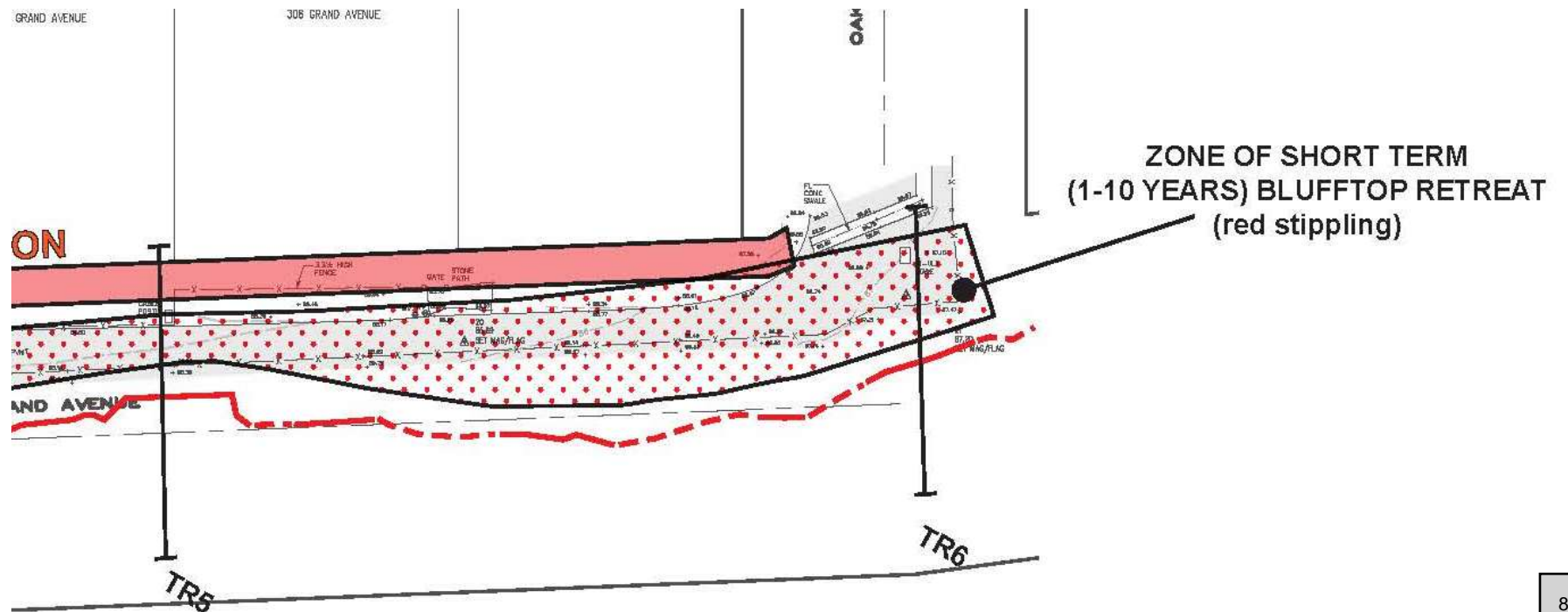
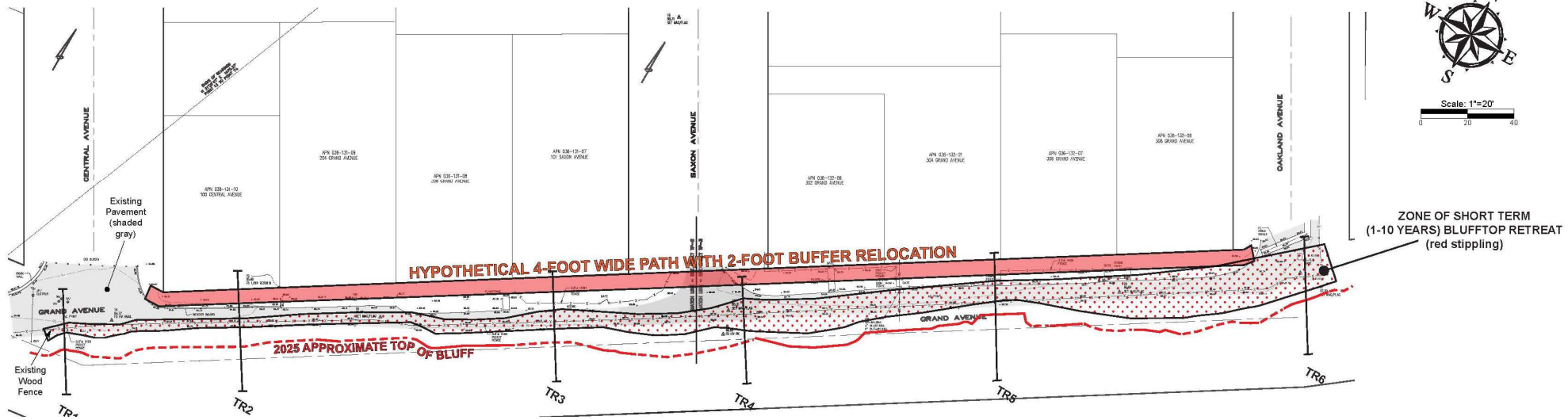
**Expected future retreat lies between these projections**





Scale: 1"=20'





# Grand Avenue Pathway Report Findings



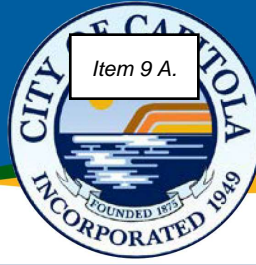
## Bluff Conditions & Pathway Outlook

- Inland alignment could remain usable for ~10 years
- Oakland Ave corner at higher near-term risk
- Erosion control may slow, but not stop, bluff retreat
- Armoring infeasible (tens of millions; multi-year permitting)

## Option for Limited Extension of Pathway Life

- Relocate path as far inland as possible narrowed to 4 feet
- Grading and drainage to prevent runoff at bluff edge

# Grand Avenue Pathway Relocation Potential Next Steps



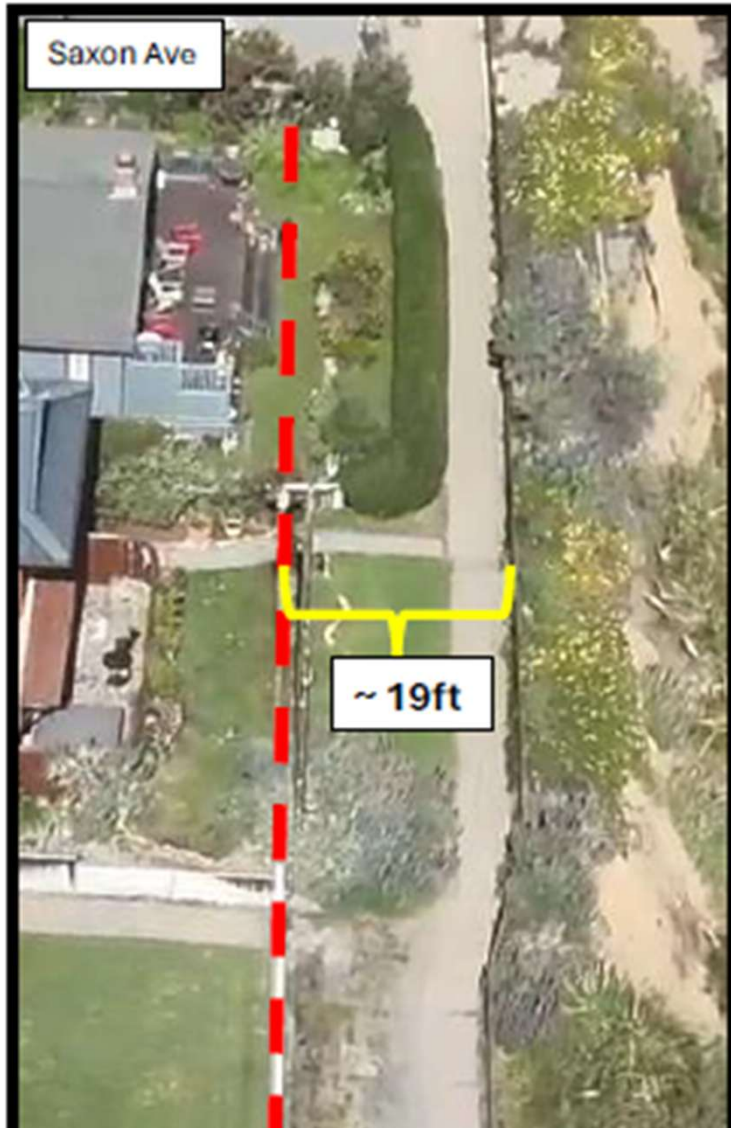
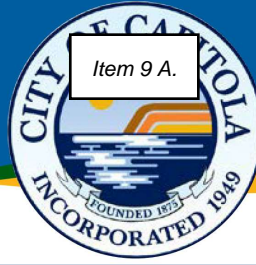
## **Phase 1 – Survey & Data Collection:** Months 0–2

- Complete topographic survey
- Verify drainage and bluff edge locations
- Begin environmental screening
- Identify all encroachments

## **Phase 2 – Concept Design:** Months 2–4

- Develop inland alignment concept
- Engineer grading, drainage, and fencing

# Grand Avenue Pathway Private Encroachments



# Grand Avenue Pathway Relocation Potential Next Steps



## **Phase 3 – Environmental Review & Permitting:** Months 4–10

- Complete CEQA review
- Address encroachments
- Apply for Coastal Development Permit

## **Phase 4 – Final Design:** Months 10–12+

- Finalize grading and drainage plans
- Solicit and award construction contract

# Grand Avenue Pathway Summary & Council Direction



Item	Amount	Status
Geological Evaluation	\$18,090	Completed
Saxon Outfall Drainage Repair	\$39,000	Completed
Design and Permitting	\$40,000–\$50,000	If Council Directs
Construction	\$350,000–\$600,000	If Council Directs

## **Additional Notes:**

- Staff time would be required for coordination, environmental review, and permitting
- Encroachment removal (e.g., fences, landscaping) would occur at the expense of property owners

# Grand Avenue Pathway Summary & Council Direction



## Summary of Findings

- Bluff erosion is ongoing and unavoidable; relocation is only practical near-term option
- Inland realignment could remain usable for ~10 years with proper grading and drainage
- Erosion control may slow but will not stop retreat; armoring is not feasible

## If Moving Forward with Relocation

- Total Estimated Duration: 6-12 months depending on permitting
- Estimated Total Cost: \$400K–\$700K

## Recommended Action

- Receive a report and provide direction to staff as needed

# Ad Hoc Committee to Study Depot Hill Bluff Pathway

Interim Report to City Council  
23-October-2025

# Agenda

- Summary of Current Situation
- History of Events and Studies of Depot Hill Bluff
  - Geological
  - Drainage
- Value of the pathway
- Options for Restoring a Pathway
- Current Situation
  - Pathway from Saxon to Oakland
  - Pathway from Central to Saxon

## Current Situation - BLUF

- The unabated erosion of the Depot Hill bluff has resulted in failure and loss of the Grand Avenue pathway in two locations:
  - Between Oakland and Hollister (significant damage)
  - Between Saxon and Oakland (failure to edge of fencing, pathway temporarily closed)
- The Ad Hoc Committee studied options going forward
  - Inadequate storm drainage needs to be addressed
  - Pathway re-routing is possible

# Overview of the Bluff

Item 9 A.

June 26, 2018

Central

Saxon

Oakland

Hollister

Marine Sediment Layer (~20 feet high)

Purisma Sandstonae formation (~60 feet high)

# Photographs of Bluff Failures

Item 9 A.

Photo Credit : Snapshot taken from video shot on 19 April 2017, provided by Misha Burch. Original video can be seen on Youtube at <https://youtube.be/Y1kqzLPhk>



Oblique Photo Of Study Area On 19 April 2017  
City of Capitola  
Grand Avenue Coastal Bluff Footpath  
Capitola, California

FIGURE #  
**1**  
JOB #  
2017015-G-SC



Saxon to Oakland  
section

Oakland to Hollister  
section

# Timeline of Events and Studies

5 Failures in 5 years

There have been temporary fixes to some drainage after each event

2000

2010

2020

2025

Griggs & Johnson Study 1979

- 1853 – 1973
- Erosion rate Avg. 1 ft/yr

Johnson and Associates Study

- Recommended concrete seawall and improved drainage
- Concurred that erosion avg. 1 ft/yr

Harris & Assoc study of Depot Hill Drainage, May 2007

- Recommended a network of drains to Monterey Ave; cost ~\$800k

Haro and Kasunich study of Drain pipes, January 2010

- Recommended use of Corrugated Metal Pipes (CMP) to well below Marine Layer

Pathway Fails between Oakland and Hollister, April 2017

- Path closed
- Some synthetic netting place over marine sediment layer

Marine layer fails undermining existing fencing between Saxon and Oakland

- RAKC erected a new fence, Feb 2023 approx. 8 feet inland of original

Marine layer fails undermining existing fencing between Saxon and Oakland

- Pathway closed
- Current State

Citizen Committee Formed

- Presented undersealing/groin solution to CC
- Rejected due to expense and expected resistance from Coastal Commission

## Value of the Pathway

- We don't have any hard data but here are the Committee's observations:
  - The pathway is a popular spot for both tourists and City residents
    - Estimate of 200 – 300 pedestrians per day on average
    - Some reduction in traffic after the bluff collapse between Oakland and Hollister in 2017
    - Significant increase in traffic during Covid 19 still remains substantial
    - Tourist traffic is still robust

# Options for Re-storing the Bluff Pathway

1. Do nothing
2. Move pathway onto the city's easement:
  - a. Improve drainage at Saxon Avenue & 302 Grand
  - b. Install pathway on the city's easement (8 houses)
  - c. Move fence to edge of pathway
  - d. Add simple retention system over the latest landslide (between 304 and 308 Grand)
3. Add reinforcement to the bluff at the top to protect the marine layer
4. Implement full Depot Hill drainage plan
5. Install a protective seawall

# Options for Re-establishing the Bluff Pathway (1 of 2)

Item 9 A.

Option	Cost	Risks	Est. Life	Notes
1. Do Nothing	Minor	Utilities would be damaged Potential risk to life Unpredictable erosion	0	Needs better barrier at each end of the pathway Utilities need to be addressed
2. Move pathway onto easement	\$	May only last a year or two	6	Drainage needs to be addressed to improve the life of the new pathway Utilities need to be addressed
3. Reinforce Bluff	\$\$\$	Formation underneath will fail`		Requires study

# Options for Re-establishing the Bluff Pathway

Option	Cost	Risks	Est. Life	Notes
4. Implement full drainage	Current estimate is \$2.4 M	May not solve the long term problem	TBD	Based on Study in 2008 where cost was \$800k
5. Install protective seawall	\$\$\$\$	Coastal Commission approval	Long	Not likely to get CCC approval

## Committee's Conclusion

- The Committee determined the only feasible solution is to move the pathway inland approx. 10 feet
  - Quickest and easiest solution
  - Least expensive option
  - Probably gets 5+ years out of the existing pathway
- Rough Estimate of City's Costs

Item	Cost Estimate (\$k)	Notes
Pathway Design	\$50.0	Based on SSA Landscape Architects Estimate
Netting Retention System	\$29.8	Based on Granite Construction Estimate
Pathway Materials	\$50.0	WAG
Labor	\$0.0	Assuming its feasible the work would be done by RAKC

## Next Steps - simplified

- Fix the drainage outlet at the end of Saxon Avenue (complete)
- Get a landscape designer to create the pathway plans (see Appendix for quotes from SSA)
- Get approval from Public Works for these plans and the plans for the netting
- Order material and set a date for RACK to do the work
- Complete the pathway and the retention system
- Inspection by PW
- Open pathway to public

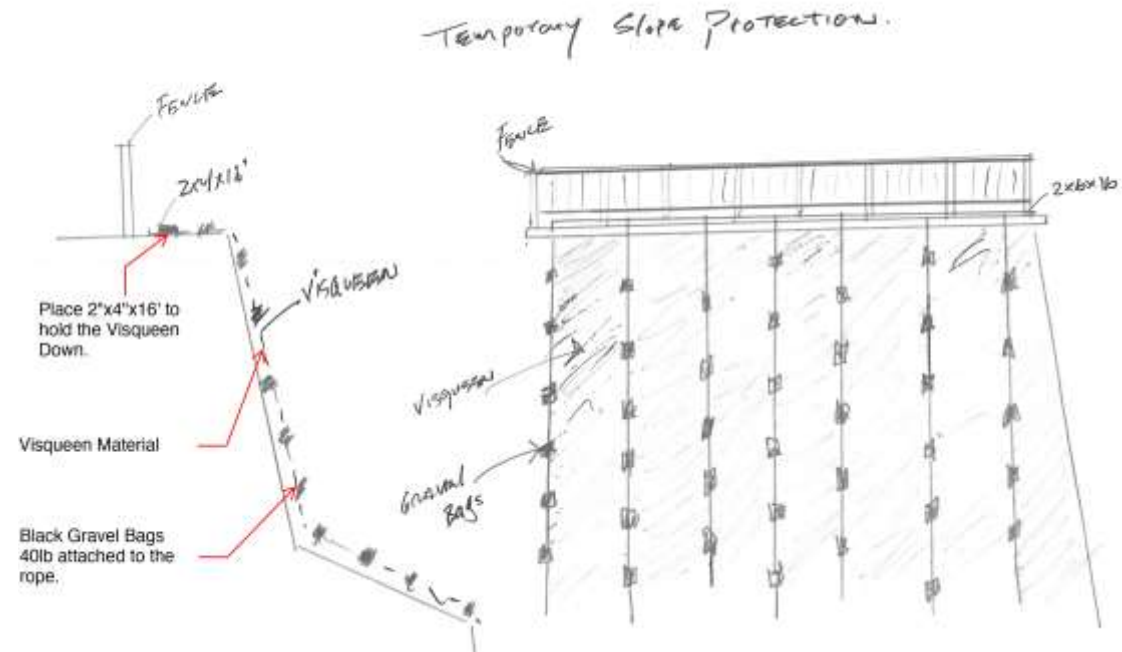
# Appendix

## References

1. Effects of the Santa Cruz Harbor on coastal processes of northern Monterey Bay, California, Griggs, G.B. and Johnson, R.E., 1976
2. Coastline Erosion: Santa Cruz County, Griggs, G.B. and Johnson, R.E., 1979
3. Geological Investigation, Depot Hill Geologic Hazard Abatement District, Rogers E. Johnson and Associates, April 2000
4. \*\*Study of Depot Hill Storm Drainage, Harris & Associates, May 2007 (note: a map of proposed drainage system for Depot Hill with cost estimate provided in May 2008)
5. Depot Hill Drainline Installation, Haro & Kasunich, January 2010
6. \*\*Limited Geological Investigation of coastal bluff failure Grand Avenue near intersection with Oakland Avenue and Hollister Avenue, Capitola, Zinn Geology, May 2017
7. \*\*Limited Geological Investigation of coastal bluff failure Grand Avenue footpath near Intersection with Oakland Avenue and Saxon Avenue, Capitola, Pacific Crest Engineering Inc., June 2023
8. \*\*Updated Geological Investigation of coastal bluff failure Grand Avenue footpath near Intersection with Oakland Avenue and Saxon Avenue, Capitola, Pacific Crest Engineering Inc., April 2025

\*\* - completed for the City of Capitola, Public Works Department

# Netting Retention Concept



Similar concept installed on Bluff at Sacramento

### **PHASE ONE –CONCEPTUAL DESIGN**

1. Attend a kick-off meeting with the CLIENT to review the program and goals.
2. Collect and review all available existing conditions and design information including City of Capitola design standards.
3. Initiate land surveyor to proceed with topographic survey
4. Prepare a base file in AutoCAD format
5. Prepare initial conceptual site plan to include the following program elements
  - a. Pathway location, configuration and material selections
  - b. Preliminary grades
  - c. Location of safety fence, previously designed and installed by community
6. Present Conceptual Site Plan to CLIENT in one meeting.
7. Update Conceptual Site Plan based on CLIENT comments.
8. Publish Final Conceptual Site Plan to CLIENT
9. Coordinate and liaise with CLIENT via phone conference and emails.

### **Conceptual Design Phase Deliverables:**

1. Preliminary Conceptual Site Plan
2. Final Conceptual Site Plan
3. One (1) project kick-off meeting with CLIENT
4. One (1) presentation meeting with CLIENT

# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** Community and Economic Development Department

**Subject:** Economic Development Presentations and Department Update



**Recommended Action:** Receive presentations from local business organizations and receive a presentation from the Community and Economic Development Department on current and upcoming economic development initiatives.

**Background:** Capitola continues to face several challenges in maintaining a resilient local economy. Shifting consumer behaviors and increased competition from online retail have contributed to rising commercial vacancies in key shopping areas, particularly along 41st Avenue and in the Village. At the same time, projected population growth and development pressure require careful fiscal planning to ensure that future projects generate sustainable revenue and service capacity. In addition, Capitola's popularity as a tourist destination has outpaced its current hotel inventory, creating opportunities for targeted hotel development to meet visitor demand and enhance the City's economic base.

During the Fiscal Year 2025-26 budget process, the City renamed the Community Development Department as the Community and Economic Development Department (CED), to reflect the City's expanded focus on economic vitality in addition to building and planning.

The mission of the Community and Economic Development Department, as stated within the FY 2025-26 budget, is to promote development that supports attainable housing, economic opportunities, community wellbeing, and environmental stewardship. The Department provides responsive, high-quality services and programs that enhance the quality of life for residents, businesses, and visitors within Capitola's built and natural environments.

**Discussion:** The City of Capitola collaborates with a range of community partners and organizations to support local businesses, enhance economic vitality, and improve the quality of life for residents and visitors. To strengthen this collaboration, staff has organized a joint presentation and update to the City Council highlighting ongoing economic development efforts, organizational updates, and upcoming initiatives.

Three key partner organizations will provide brief presentations to the Council describing their current programs and how they support Capitola's business community:

1. **Capitola Village and Wharf Business Improvement Area (BIA)**

The BIA supports Capitola Village businesses through marketing, events, and coordinated improvements that enhance the visitor experience and support local commerce.

2. **Capitola Soquel Chamber of Commerce**

The Chamber promotes the citywide business community through networking, business development programs, community events, and regional partnerships that attract visitors and strengthen the local economy.

3. **Visit Santa Cruz County**

Visit Santa Cruz County markets the region as a visitor destination, providing data, marketing resources, and cooperative programs that help increase tourism and overnight stays in Capitola.

Community and Economic Development Updates: Current CED projects focused on economic development include the 41<sup>st</sup> Avenue Corridor Plan, Capitola Mall zoning code updates, Wharf Master Plan, business engagement, and on-call economic development consulting services as described below.

#### 41st Avenue Corridor Plan

One of the City's most significant economic development initiatives is the 41st Avenue Corridor Plan, a comprehensive planning effort to reimagine the future of Capitola's primary commercial and transportation corridor. The project will establish a long-term vision that supports mobility improvements, economic vitality, housing opportunities, and a stronger sense of place for residents, businesses, and visitors.

Key focus areas include enhancing multimodal mobility, creating a cohesive visual identity through placemaking and landscaping, incorporating public and green spaces, improving safety and accessibility, and supporting future mixed-use and housing opportunities.

A community meeting introducing the project and the related Capitola Mall Zoning Code updates was held on Wednesday, October 8, 2025. Stakeholder meetings are currently underway. The next steps include drafting design concepts and vision plans, a second round of public outreach, and lastly, a final corridor plan with phasing to be presented to Council. Estimated time of completion is around the new year.

#### Zoning Code Updates

The consultant team for the Capitola Mall zoning code updates includes an economic development consultant to ensure the updated standards will result in an economically sustainable project for both the developer and the City. As part of this effort, the consultant team is considering hotel objective standards intended to attract new, high-quality lodging opportunities that complement retail and entertainment uses and enhance tourism. Supporting hotel development is a great economic development tool, as the City continues to see retail sales tax revenue not keeping up with inflation. A hotel generates transient occupancy tax (TOT) of which 12% of gross hotel revenue is collected, all of which goes directly to the City. By comparison, sales tax is 9.25%, of which the City receives 1.5%. The zoning code updates are anticipated for completion in January 2026.

#### Wharf Master Plan

CED is currently in the process of finalizing a Wharf Master Plan. On June 26, 2025, the City Council directed the consultant, Fuse Architecture, to proceed with a flexible market space, while incorporating a full-service restaurant. The Wharf Master Plan will be utilized in a future request for proposals to solicit private parties interested in developing the plan and leasing the space from the City. The goal of the Wharf Master Plan is to create a cherished community feature on the Wharf and attract visitors to Capitola, which will support the local businesses.

#### Business Engagement Meetings

To foster stronger communication with local businesses, staff is initiating business engagement meetings with individual Capitola business owners. These informal discussions provide an opportunity to discuss local business conditions, City programs, and opportunities for improvement. The meetings help ensure the City remains responsive to business needs and continues to provide high-quality services that support economic growth. Current efforts are focused on the properties within the Capitola Mall block and along 41<sup>st</sup> Avenue to ensure property owners/business owners are aware of the aforementioned upcoming projects. The CED Director has also begun attending the Chamber of Commerce monthly board meetings.

#### On-Call Economic Development Services Contract

During the FY 2025-26 budget setting process, the Council approved an allocation of \$20,000 to further advance Capitola's economic development goals. On September 19, 2025, staff issued a Request for Qualifications (RFQ) for on-call economic development consulting services. The purpose of the RFQ was to identify a qualified consultant capable of providing professional support on a range of economic

development initiatives, including addressing commercial vacancies, conducting fiscal analyses of development proposals, and identifying strategies to incentivize new hotel development.

The consultant will work under the direction of the Community and Economic Development Director to support the City's goals of maintaining long-term economic stability and vitality. Tasks may include the following:

- **Addressing Commercial Vacancies:** The consultant will analyze vacancy patterns and their impacts on the local economy, identify opportunities for retail attraction and tenant diversification, and recommend corridor revitalization strategies. This may include developing incentive programs or partnership opportunities to fill key vacant spaces within the City's commercial districts.
- **Fiscal Analysis of Population Projections and Development Applications:** The consultant will evaluate the fiscal impacts of new development and population growth on City revenues and expenditures. This includes preparing fiscal impact assessments for residential, commercial, and mixed-use projects to inform City decision-making and ensure financial sustainability. These analyses help the City assess net fiscal impacts and align development approvals with long-term infrastructure and service needs.
- **Incentivizing New Hotel Development:** The consultant will assist in identifying feasible hotel development opportunities within Capitola, analyzing tourism trends and lodging demand, and recommending incentive structures to attract new hotel investment. This work will directly support the City's goal of expanding visitor-serving uses and increasing transient occupancy tax (TOT) revenue.
- **Other On-Call Economic Development Support:** As needed, the consultant will provide data analysis, policy review, and strategic recommendations on emerging issues affecting Capitola's economic vitality.

The RFQ closed on October 10<sup>th</sup>, and the City received four proposals in response. Following a review of qualifications and experience, Keyser Marston was selected as the most qualified firm to assist the City. Staff is currently in the process of executing a professional services agreement.

Fiscal Impact: The City Council allocated \$20,000 in the FY2025-26 budget for on-call economic development consulting services.

Report Prepared By: Katie Herlihy, Community and Economic Development Director

Reviewed By: Julia Gautho, City Clerk and Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager



# CAPITOLA VILLAGE

*Business Improvement Association (BIA)*

## **BUSINESS IMPROVEMENT ASSOCIATION**

The Capitola Village and Wharf Business Improvement Association represents the collective voice of the business community within Capitola Village.

Established by local merchants, volunteers and contractors the BIA exists to promote, enhance, and preserve the economic and cultural vitality of this historic coastal district.

# WHY THE BIA EXISTS

Capitola's business community has always played an active role in sharing the charm of the Village and welcoming visitors from near and far.

To build on that spirit, local merchants came together to form the Capitola Village and Wharf Business Improvement Association (BIA) — a self-funded, community-driven organization dedicated to keeping Capitola Village vibrant and thriving.

Today, the BIA remains the only dedicated marketing and beautification arm for Capitola Village, connecting visitors, supporting small businesses, and keeping the Village vibrant year-round.



# WHAT WE DO

## *Marketing & Promotion*

WE MANAGE THE BRAND PRESENCE OF CAPITOLA VILLAGE THROUGH PHOTOGRAPHY, VIDEO, SOCIAL MEDIA, NEWSLETTERS, BLOGS, AND DESTINATION MARKETING CAMPAIGNS THAT ATTRACT VISITORS YEAR-ROUND.

## *Community Events*

WE PRODUCE AND SUPPORT EVENTS THAT DRIVE TOURISM AND FOOT TRAFFIC, SUCH AS THE SIPPING STROLL, BEYOND THE WHARF, AND OUTSTANDING IN THE FIELD.

## *Beautification & Maintenance*

THE BIA FUNDS AND OVERSEES PROJECTS THAT ENHANCE THE VISITOR EXPERIENCE, INCLUDING PALM TREE LIGHTING, LANDSCAPING, AND SEASONAL DÉCOR.

## *Business Support*

WE CONNECT BUSINESS OWNERS WITH LOCAL RESOURCES, CITY CONTACTS, AND MARKETING ASSISTANCE. WE ALSO PROVIDE A NETWORK FOR COLLABORATION AND COMMUNITY BUILDING AMONG MERCHANTS.

## *Economic Impact*

OUR EFFORTS DIRECTLY SUPPORT LOCAL TOURISM, RETAIL, DINING, AND LODGING—CREATING RIPPLE EFFECTS THAT BENEFIT THE WIDER CAPITOLA ECONOMY.

# HOW WE OPERATE

## *Funding Structure*

THE CAPITOLA VILLAGE AND WHARF BUSINESS IMPROVEMENT ASSOCIATION (BIA) IS FUNDED BY ASSESSMENTS FROM APPROXIMATELY 80 LOCAL BUSINESSES AND 120 SHORT-TERM RENTALS WITHIN THE VILLAGE DISTRICT. THESE COLLECTIVE CONTRIBUTIONS ALLOW THE BIA TO INDEPENDENTLY MANAGE MARKETING, EVENTS, AND ENHANCEMENTS THAT BENEFIT THE ENTIRE COMMUNITY.

## *Partnerships & Collaboration*

THE BIA OPERATES INDEPENDENTLY BUT MAINTAINS OPEN COMMUNICATION WITH THE CITY OF CAPITOLA, THE CAPITOLA-SOQUEL CHAMBER OF COMMERCE, AND VISIT SANTA CRUZ COUNTY. WHILE NOT FORMALLY FUNDED OR DIRECTED BY THESE ENTITIES, THE BIA'S MARKETING AND EVENTS OFTEN COMPLEMENT THEIR EFFORTS BY DRIVING VISITORS AND VISIBILITY TO THE CAPITOLA AREA.

## *Leadership & Management*

THE BIA IS LED BY A VOLUNTEER BOARD OF DIRECTORS, SUPPORTED BY A VILLAGE AMBASSADOR AND A PROFESSIONAL MARKETING TEAM (OPPOSITE OF EAST) RESPONSIBLE FOR CREATIVE DIRECTION, COMMUNICATIONS.

## *Budget Allocation*

NEARLY 97% OF THE BIA'S ANNUAL BUDGET IS DEDICATED TO MARKETING, EVENTS, AND BEAUTIFICATION PROJECTS—ENSURING THAT RESOURCES DIRECTLY SUPPORT VISIBILITY, TOURISM, AND THE ONGOING APPEAL OF CAPITOLA VILLAGE.

# OUR MARKETING *Approach*

The Capitola Village & Wharf BIA manages all marketing organically, powered by creativity, consistency, and community connection rather than large ad budgets.

We focus on authentic storytelling that highlights the beauty, people, and experiences that make Capitola special.

Every image, post, and campaign is created locally, with the goal of keeping the Village top of mind year-round.



# OUR CHANNELS



## *Social Media*

DAILY MANAGEMENT OF FACEBOOK AND INSTAGRAM FEATURING LOCAL BUSINESSES, EVENTS, AND SEASONAL STORYTELLING CAMPAIGNS.

## *Email Marketing*

MONTHLY NEWSLETTERS REACHING NEARLY 10,000 SUBSCRIBERS. SHARING VILLAGE UPDATES, ITINERARIES, AND BUSINESS HIGHLIGHTS.

## *Blog & Website Content*

ONGOING STORIES THAT SUPPORT SEO, TOURISM VISIBILITY, AND LOCAL DISCOVERY.

## *Community Engagement*

INTERACTIVE CAMPAIGNS AND USER-GENERATED CONTENT THAT BUILD LASTING CONNECTIONS BETWEEN LOCALS, VISITORS, AND THE BUSINESSES THAT DEFINE CAPITOLA.

# 2025 MARKETING ENGAGEMENT OVERVIEW

ALL RESULTS ARE ORGANIC — NO PAID ADVERTISING.

## *Current Audience Members*

- FACEBOOK: ~27,000
- INSTAGRAM: ~28,500
- EMAIL SUBSCRIBERS: ~19,556

## *Annual Views & Reach*

- FACEBOOK: ~4.2 MILLION IMPRESSIONS
- INSTAGRAM: ~2.2 MILLION IMPRESSIONS
- EMAIL: ~350,000 ANNUAL IMPRESSIONS

## *Takeaways*

- OVER **7 MILLION** TOTAL ORGANIC IMPRESSIONS IN 2025
- STEADY **FOLLOWER GROWTH** ACROSS ALL CHANNELS
- ENGAGEMENT DRIVEN BY AUTHENTIC, COMMUNITY-CENTERED STORYTELLING
- **100% ORGANIC REACH — NO PAID ADS**
- CAPITOLA VILLAGE CONTINUES TO OUTPERFORM REGIONAL AVERAGES AND STRENGTHEN ITS REPUTATION AS A MUST-VISIT COASTAL DESTINATION

# COMMUNITY CONNECTION

# BEYOND MARKETING

Yes, we have a dedicated marketing and communications team supporting the work on the ground — but the real magic happens with the community online.

Behind every post, there's a community decades in the making. People who came here as kids now bring their own families. Visitors share memories of grandparents who spent summers on the beach or met their partners at the Wharf.

Our comment sections have become story threads — living testimonials that keep Capitola's legacy alive and relevant. Every story, share, and tag becomes a conversion: a plan to visit again, book a stay, or bring someone new.

This is what makes our marketing different:  
It's not just reach — it's relationship.



**Yolanda Martinez**  
See you next summer 🙌



**Richard Chapel Stephan**  
Venitian Court...my home in the late 70's...Special Times



**Buni Panick**  
Every thing is better in Capitola.



**Rachel Coston**  
Love the yellow cottage. Many memories there



**Steve Rozzi**  
Our family used to stay in #4 in front



**Joy Cade**  
I literally live on a tropical island, and sights of Capitola still make me swoon ❤️

A couple is sitting on a wooden pier, looking out at the ocean. The man is wearing a dark t-shirt and light-colored pants, and the woman is wearing a white tank top and dark pants. They are both holding drinks. The pier is made of weathered wooden posts. In the background, there is a sandy beach with some people walking, and the ocean with waves breaking. The sky is blue with a few birds flying. The text "SMALL TEAM. BIG IMPACT." is overlaid in large, white, bold letters across the center of the image.

**SMALL TEAM. BIG IMPACT.**

# ECONOMIC & COMMUNITY IMPACT

## *Short-Term Rentals & Local Economy*

- Short-term rentals, which make up one of the largest portions of BIA membership, contribute approximately one-third of the City's Transient Occupancy Tax (TOT) revenue — about \$660,000 of the City's \$2 million total.
- This estimate does not include major Village properties like The Venetian Hotel, Depot Inn, or Capitola Hotel, meaning the true contribution from the Village is even higher.
- Visitor stays generated through BIA marketing campaigns directly increase TOT, sales tax, and local business revenue throughout the city.

## *Business-Led Giving & Community Support*

Beyond their assessments and volunteer hours, BIA business owners consistently give back — donating time, funds, and energy to local causes year-round.

Regular recipients and initiatives include:

- Keep Capitola Salty (Capitola Beach Company) – monthly business-led beach cleanups funded by owners themselves.
- Veteran Surf Alliance & Operation Surf Santa Cruz – supporting veteran ocean therapy programs.
- FLOW (For Love of Water) – ocean conservation education and outreach.
- Jacob's Heart – children's cancer support and family resources.
- Angel Tree & Second Harvest Food Bank – holiday giving and food insecurity relief.
- Local Schools & Churches – sponsorships, donations, and participation in community events.



# OUR IMPACT EXTENDS FAR BEYOND THE VILLAGE.

Even without a city-funded marketing arm, our small district generates roughly a third of Capitola's TOT revenue and continually gives back through direct community action.

The Village isn't just a destination, it's a driving force behind the city's economy and its heart.

# *Our Work Lifts the Whole City.*

When we market the Village, we market Capitola.  
Visitors who see our content don't just visit the beach, they fill hotels,  
eat at restaurants, and shop throughout the city.

Our two-block district drives an outsized share of the city's tourism  
revenue and keeps Capitola top of mind for travelers statewide.



**CAPITOLA VILLAGE IS MORE  
THAN TWO BLOCKS — IT'S THE  
BRAND OF CAPITOLA**

# Thank You to Our Small and Mighty Team

## BOARD LEADERSHIP

---

### CHAIR

**Anthony Guajardo**  
Mijo’s Taqueria

### VICE CHAIR

**Craig Nunes**  
Venetian Residences Short-Term  
Rentals

### COMMUNICATIONS MANAGER

Opposite of East

### CITY COUNCIL LIAISON

Rotating

### MEMBERSHIP SECRETARY

**Carin Hanna**  
Craft Gallery

### TREASURER

**Devon Salter**  
Capitola Reef

### VILLAGE AMBASSADOR

**Karin Anderson**

### VILLAGE WEBMASTER

**Craig Nunes**  
Venetian Residences Short-Term  
Rentals

## BOARD MEMBERS

---

**Matt Arthur**, Capitola Beach Company  
**Amy Bowman**, Homeless Garden Project Store  
**AnnMarie Conrad**, Capitola Wine Bar & Merchants  
**Janelle Cox**, Venetian Residences Short-Term Rentals  
**Josh Fisher**, Left Coast Sausage Works  
**Evelyn Flores**, Venetian Hotel  
**Vicki Guinn**, David Lyng Real Estate  
**Tatiana Lima**, Euphoria Rio Mix  
**Leslie Nielsen**, Cliff Drive Short-Term Rentals  
**Melissa Serriteno**, Caruso’s Tuscan Cuisine

# STATE OF TOURISM: CAPITOLA

Terence Concannon, CATP  
CEO, Visit Santa Cruz County

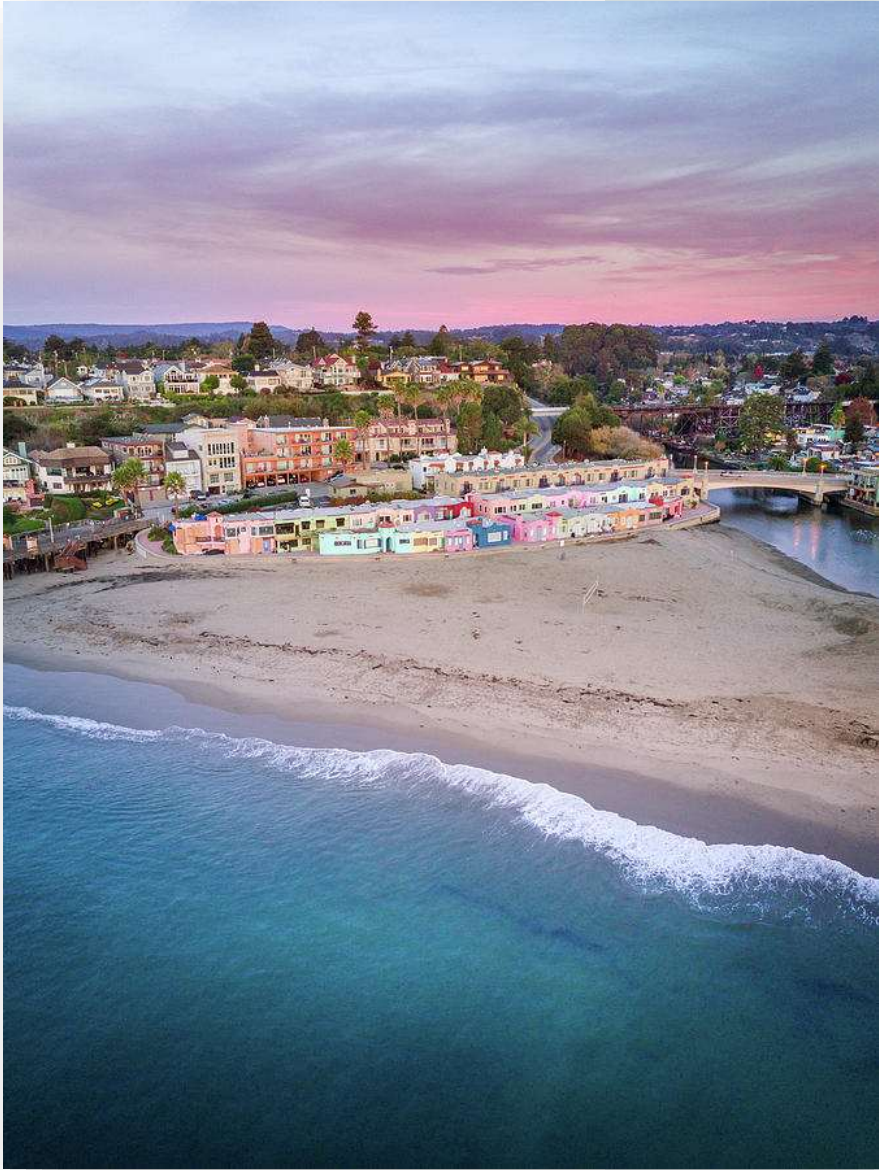




# HOW VSCC OPERATES



- CEO Terence Concannon (since 2023)
- Funded by lodging industry *Tourism Marketing District*
- Tiered assessment for hotels and STVRs
- TMD renewal in 2029
- Board of 25, with 13 representing lodging
- Certified Autism Center
- Experiential Pillars
  - Coastal
  - Redwoods
  - Agriculture
  - Arts & Culture



# FY2025 IN REVIEW

September 2024 – August 2025

Lodging Summary  
September 2024 - August 2025

From  
September 2024

To  
August 2025

Location Hotels  
Santa Cruz

Location Short Term Rentals  
Vacation Area - Capitola (City Limi..

Methodology Code  
ota

Listing Source  
All

PRO Occupancy Toggle  
Adjusted Paid

Aggregated Lodging Performance

Source: STR & KeyData

	Occupancy	ADR	RevPAR	Supply	Demand	Revenue
Sep 2024 - Aug 2025	64.0%	\$189.29	\$121.22	1.7M	1.1M	\$207.3M
% Change vs. Sep 2023 - Aug 2024	-0.3%	-1.1%	-1.3%	-7.5%	-7.8%	-8.8%

Hotel Performance (Santa Cruz)

Source: STR

	Occupancy	ADR	RevPAR	Supply	Demand	Revenue
Sep 2024 - Aug 2025	65.5%	\$182.38	\$119.52	1.6M	1.1M	\$194.1M
% Change vs. Sep 2023 - Aug 2024	0.3%	-1.3%	-1.0%	-0.2%	0.1%	-1.2%

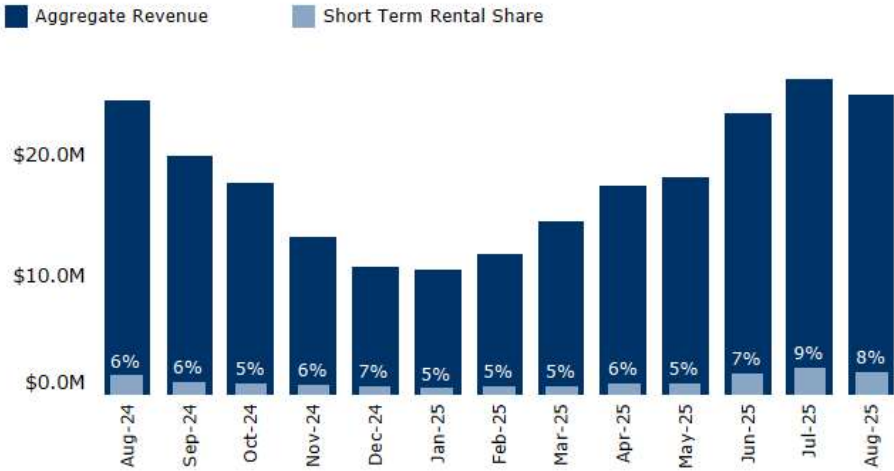
Short Term Lodging (Vacation Area - Capitola (City Limits))

Source: KeyData

	Occupancy	ADR	RevPAR	Supply	Demand	Revenue
Sep 2024 - Aug 2025	35.9%	\$426.81	\$153.24	86.2K	31.0K	\$13.2M
% Change vs. Sep 2023 - Aug 2024	2.4%	10.1%	12.7%	-2.7%	-0.4%	9.6%

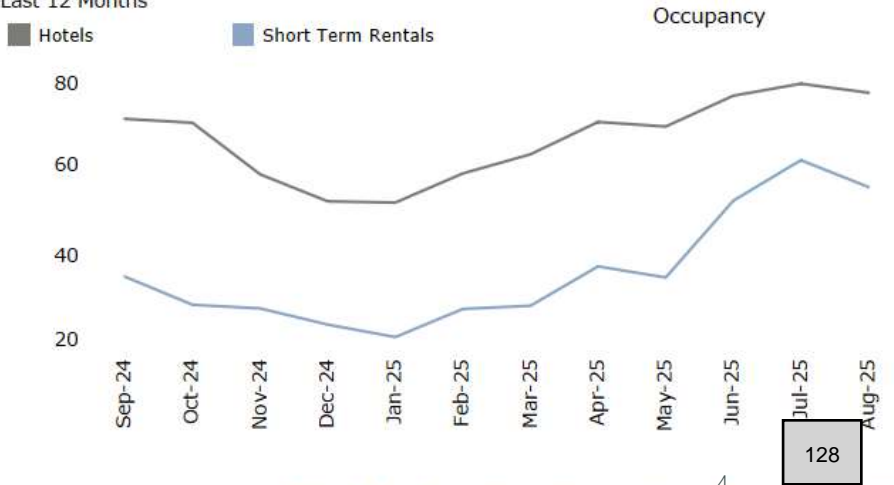
Lodging Revenue & Contribution

Hotels: Santa Cruz; KeyData: Vacation Area - Capitola (City Limits)



Occupancy

Hotels: Santa Cruz; KeyData: Vacation Area - Capitola (City Limits)  
Last 12 Months



# Domestic Visitors

Start Date  
September 01, 2024

End Date  
August 31, 2025

Trip Type  
All

Weekend/Weekday Trips  
All

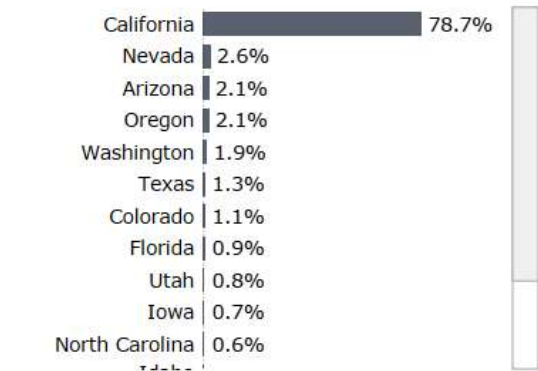
Show Top Origin/POI  
15

Sample Size: 176,910



## Top Visitor Origin States

% Share of Trips

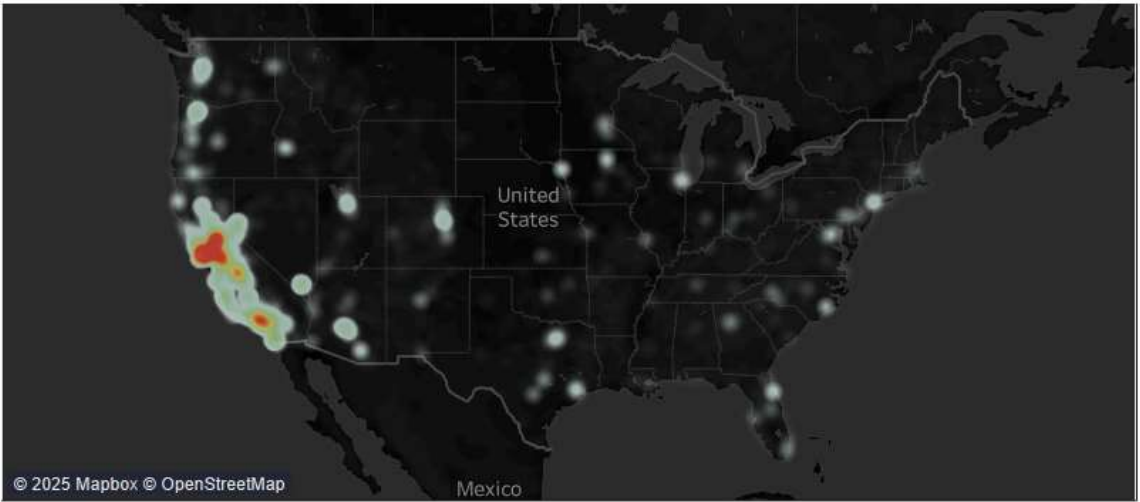


## Top Visitor Origin MSAs

% Share of Trips

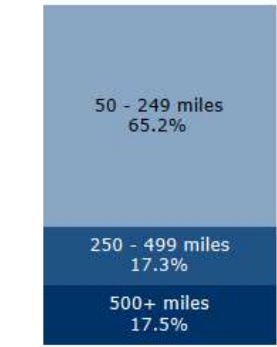


## US Mainland Origin Heat Map



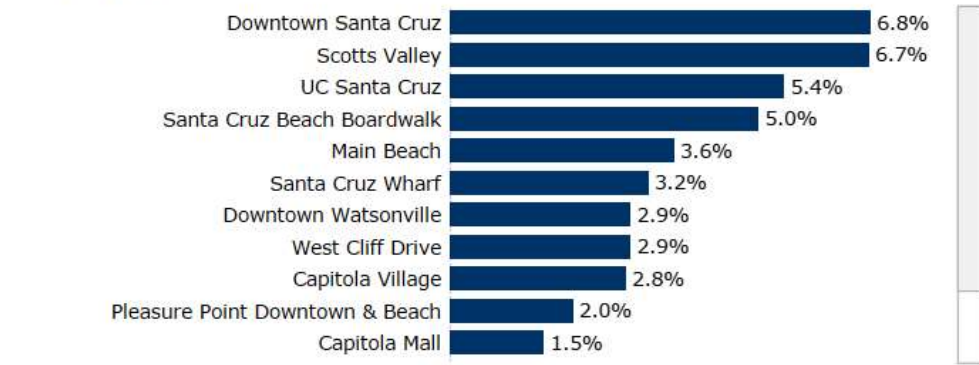
## Distance Share

% Share of Trips

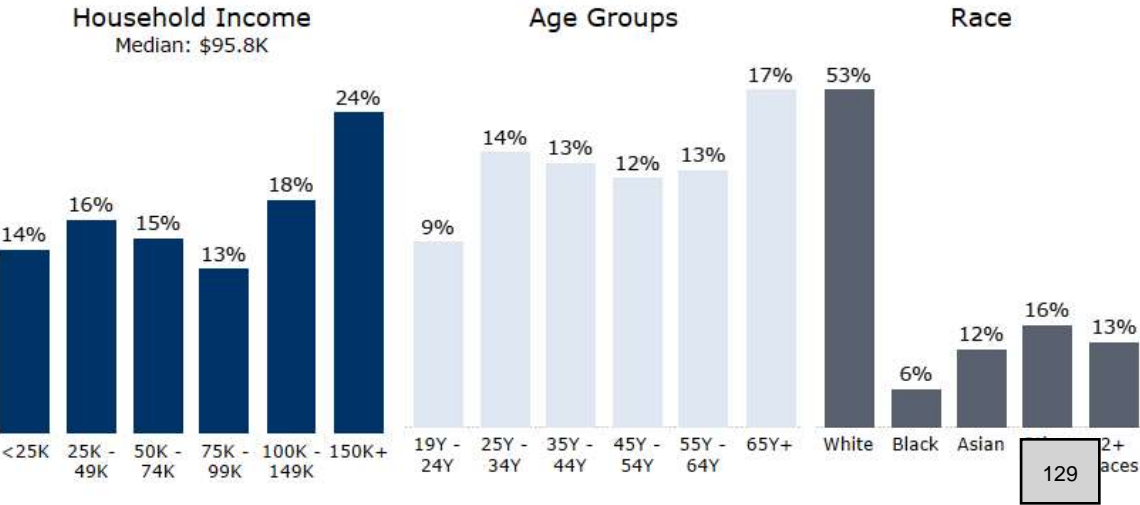


## Top POIs Visited

% Share of Trips



## Demographic Estimates



POI Analysis

Capitola Village

Sample Size: 39,687

Start Date  
August 01, 2024

End Date  
July 31, 2025

Point of Interest  
Capitola Village

Dwell Filter  
0

76.2%

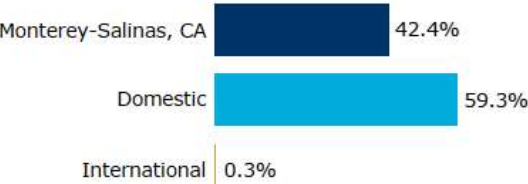
Overnight

40.1%

New Visitors

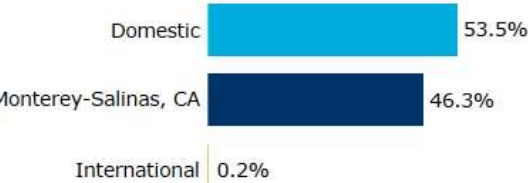
Visitor Breakdown

Unique Visitors



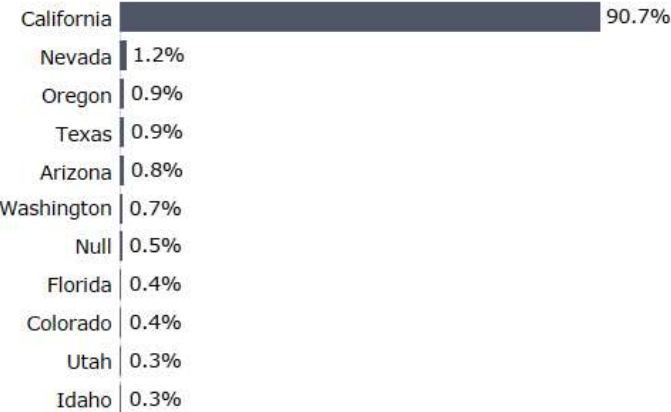
Visits Breakdown

Total Visits

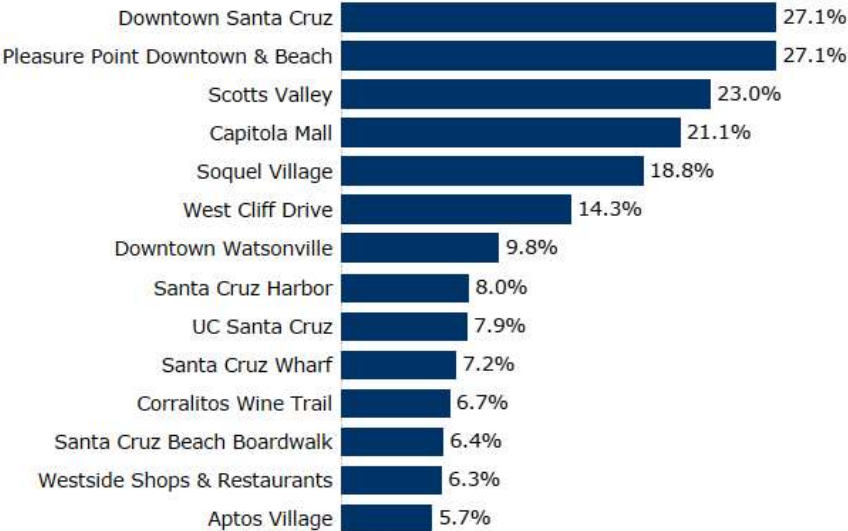


Top Origin Market by State

Unique Visitors, Excluding Monterey-Salinas, CA

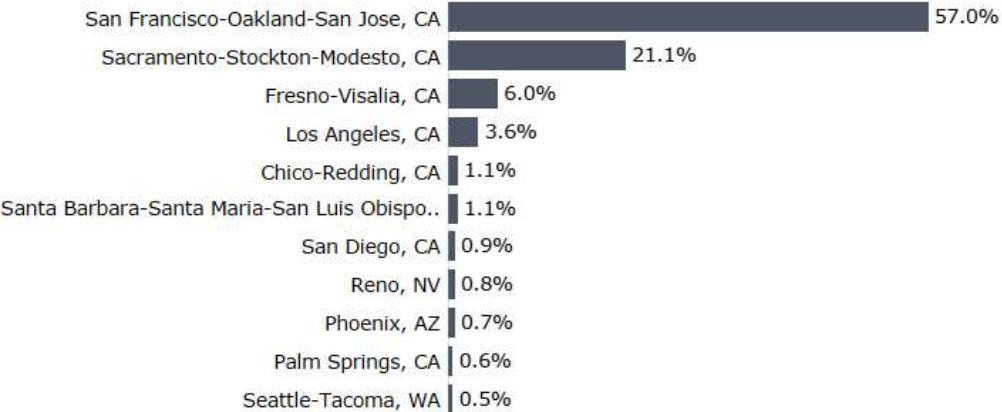


Top Cross-Visited Points of Interest



Top Origin Market by DMA

Unique Visitors, Excluding Monterey-Salinas, CA

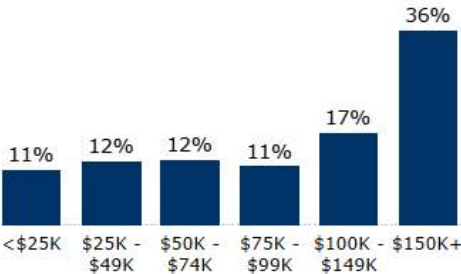


Demographics

Domestic Only

Household Income (in USD)

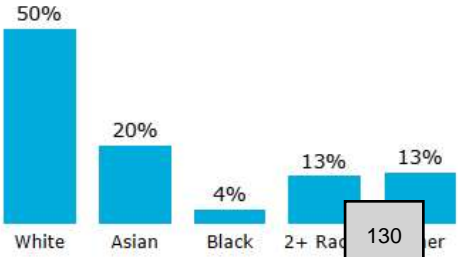
Median: \$125.2K



Age



Race



# RECENT CONTENT & CAMPAIGNS

Celebrating Capitola



# Blogs



Beachside Bliss Capitola



Buzz Worthy Capitola Village Spots


# Social Media Ads



**Visit Santa Cruz**  
★ Favorites · July 11 · 🌐

Discover the colorful architecture and palm-lined streets of California's oldest seaside resort town - Capitola Village. 🌈🌴🏡




SANTACRUZ.ORG  
**Find Beachside Bliss in Capitola, California**  
Brimming with small-town charm, appetizing eateries, whimsical shops, and...  
[Learn more](#)


 Boost this post to get more reach for Visit Santa Cruz. [Boost post](#)

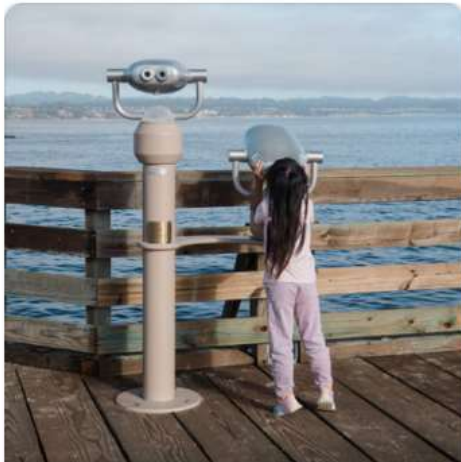
  1.4K


70 comments 75 shares


**Visit Santa Cruz**  
★ Favorites · January 28 · 🌐



Color pops & seaside shops (even in winter): Discover the quintessential California beach town of Capitola Village.

[Learn more](#)

[Learn more](#)

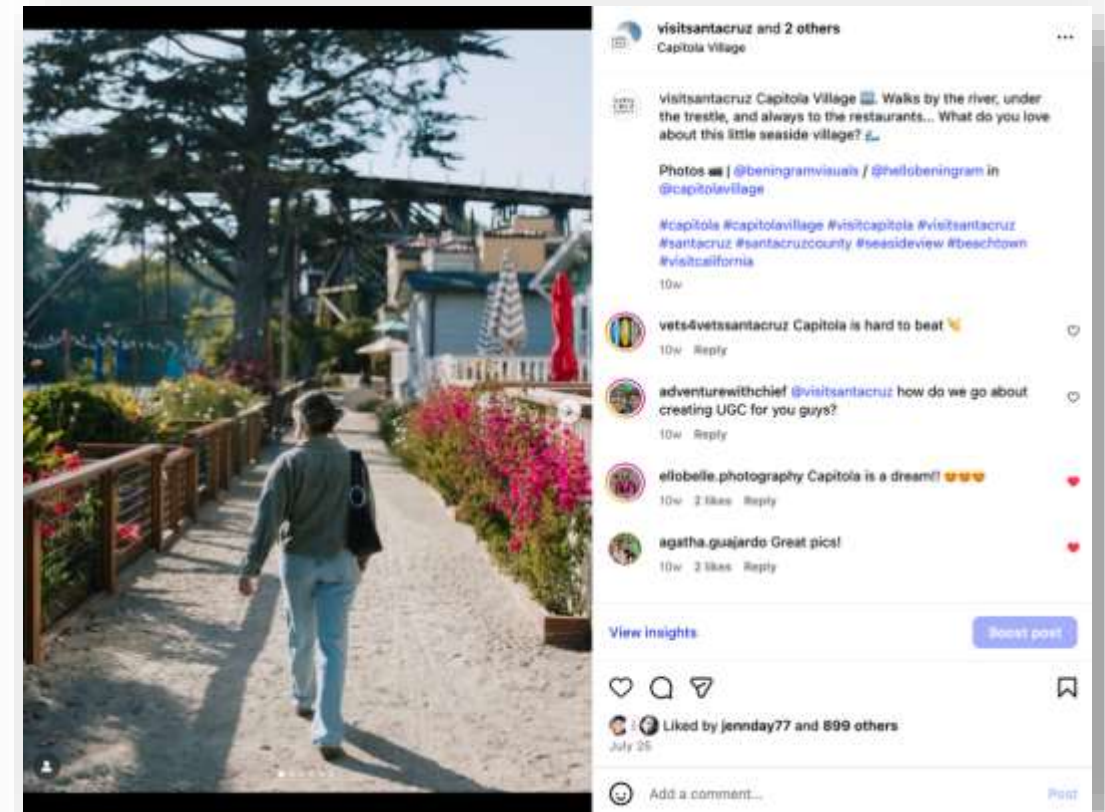
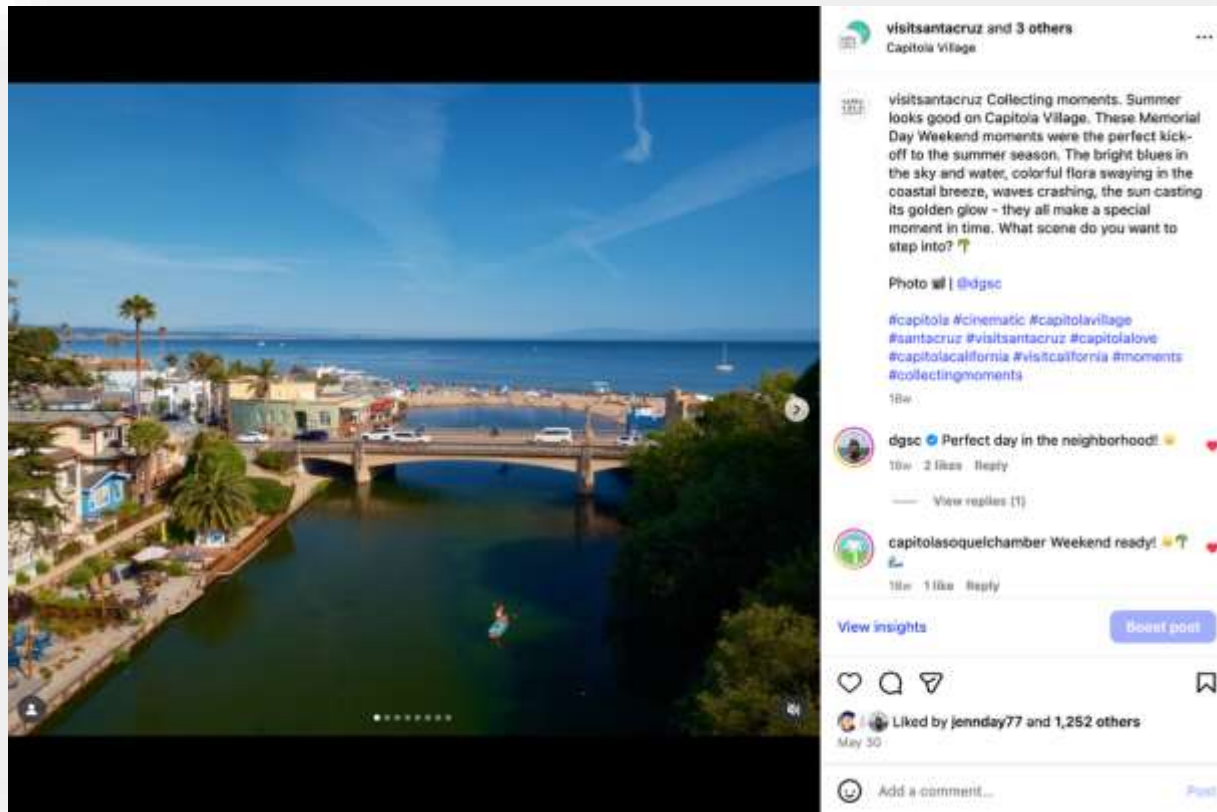
[i](#) [➔](#)

 Boost this post to get more reach for Visit Santa Cruz. [Boost post](#)

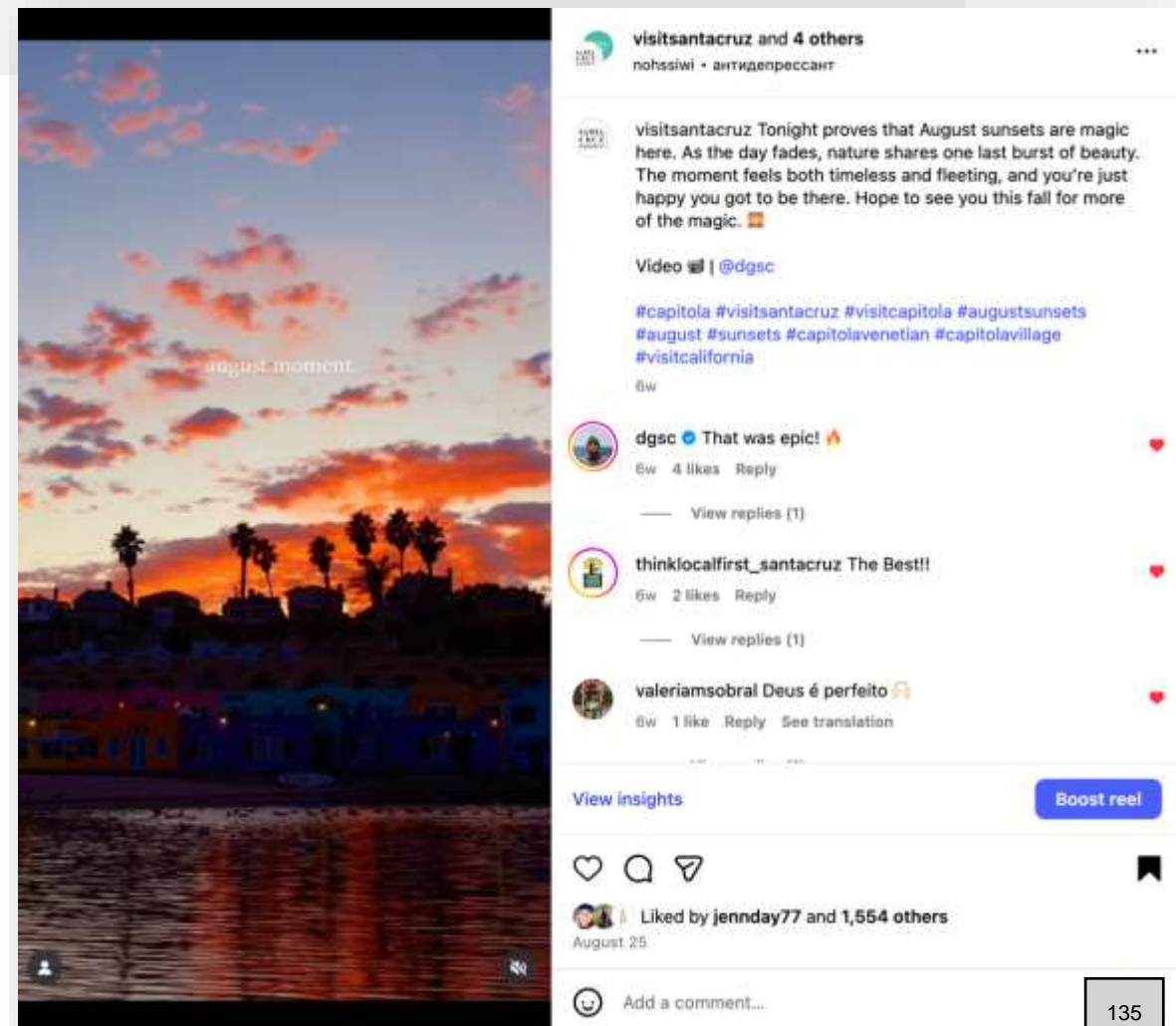
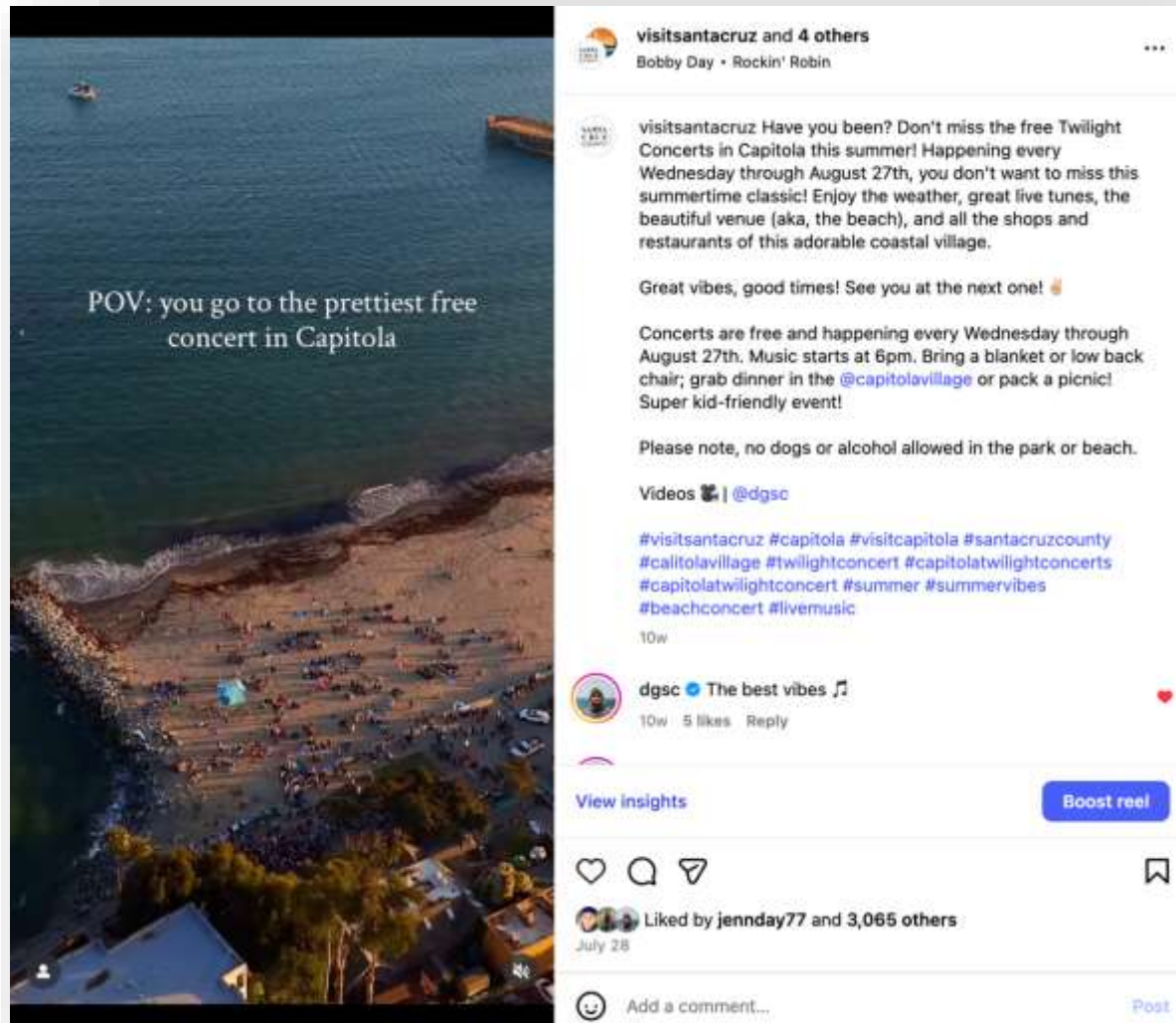
  245

5 comments 29 shares

# Social Media Posts



# Reels/Videos



# Reels/Videos

**visitsantacruz and 3 others**  
The Beach Boys • Fun, Fun, Fun

visitsantacruz There are TWO car shows you don't want to miss this month! The Capitola Rod and Custom Car Show on June 14 and Woodies on the Wharf on June 21! Read below for more details and be sure to add these classic car shows by the beach to your June calendar!

📍 Capitola Rod and Custom Car Show  
📅 Saturday, June 14, 9am - 5pm  
📍 @capitolavillage  
🌟 Featuring Hot Rods, Muscle Cars, Coupes, Roadsters, Customs and Classics – vintage to 1987 – Vendor Booths, Music, Raffle, Trophies, and more.  
📍 Beach and Village Parking Lot 2 (Lower) located behind City Hall at 420 Capitola Avenue. This lot has over 220 spaces and offers a free summer shuttle to the Village.

📍 Woodies on the Wharf  
📅 Saturday, June 21, 10am - 3:30pm  
📍 @santacruzwharf  
🌟 Come see the more than 200 "Woodies", gorgeous, pre-1950s cars that feature wood bodies, line the Santa Cruz Wharf. Stroll the Wharf and enjoy dozens of shops and restaurants and stellar coastal views while you soak up the sun and beauty of Northern California's premier "Woody" show. At 3:30pm, be sure to take part in the Woodies Send-Off Parade!  
📍 Alternative transportation available to the wharf including free bike valet and @the\_santacruz Beach and Downtown

View insights Boost reel

📍 📍 📍

👍 👍 👍 Liked by jennday77 and 663 others  
June 7

😊 Add a comment... Post

**visitsantacruz and 5 others**  
Stick Figure • Shine

visitsantacruz Wish you were here... Capitola Twilight Concert happening now! 🌅 🎵 🍹

Didn't make this one? There are plenty more this summer! Check below for more summer concerts in Santa Cruz County:

🌅 WEDNESDAYS: Capitola Twilight Concerts; Wednesdays thru August 27; 6pm-8pm

🌅 THURSDAYS: Crow's Nest Beach Parties; Thursdays thru August 28; beach BBQ begins at 5:30; band begins at 8:30 (\$5 cover)

🎵 FRIDAYS: Midtown Summer Block Parties; Fridays thru August 29; 5pm-8:30ish

🌅 TUESDAYS: Live Summer Wharf Concert Series; August 12, August 26, and September 9; 6pm-8pm

Those are just a few faves, but there's a whole lot more! Check out bio link and story for dates, times, and details! 📍

Video 📺 | @dgsc

#visitsantacruz #capitola #santacruz #twilightconcert #capitolavillage #summer #summervibes #livemusic

13w

View insights Boost reel

📍 📍 📍

👍 👍 👍 Liked by dgsc and 1,388 others  
July 9

😊 Add a comment...

# Videos



Adventure Awaits! Find Your Awe in Santa Cruz County this Season! (00:31)



Find Your Agricultural Awe in Santa Cruz County (00:15)



Coastal Glory: Find Your Awe in Santa Cruz County (00:31)

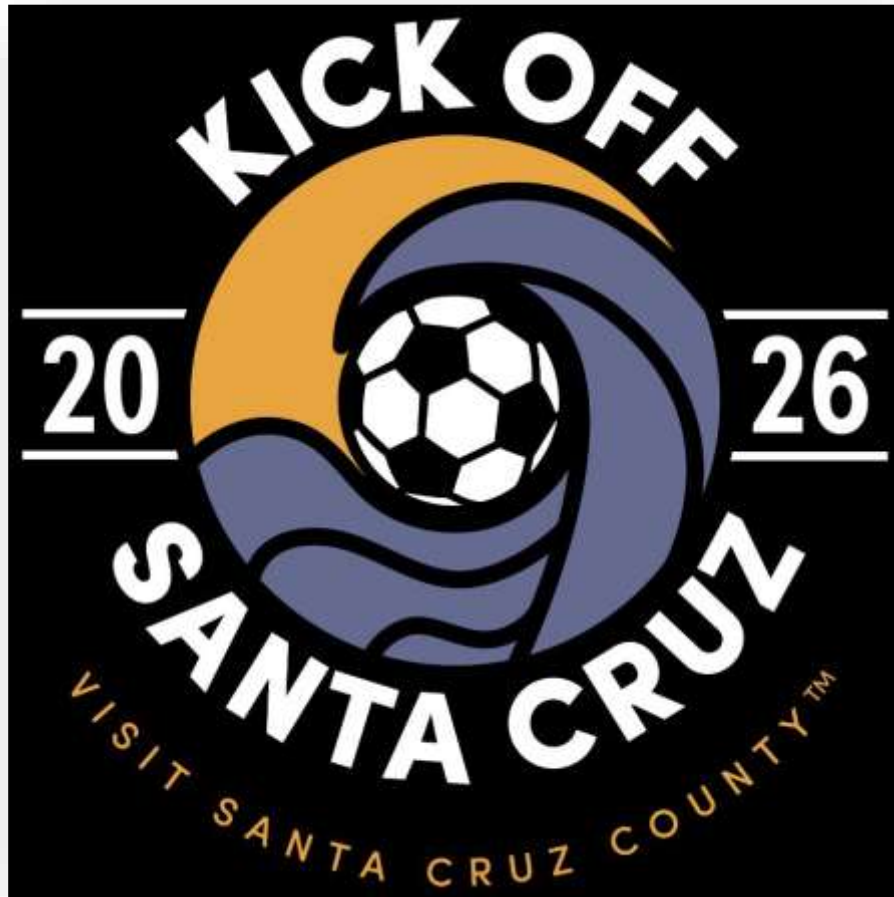


## COLLABORATION WITH VISIT CALIFORNIA

**Facebook** over 2 million organic views :  
1,900 comments : 3,600 shares

**Instagram** 4,600 likes : 265 comments :  
7,902 shares

# KICK OFF SANTA CRUZ 2026



- VSCC official sponsor of Bay Area Host Committee
- County group The Huddle meeting regularly
- Logo and website to be officially unveiled near EOM
- VSCC working with businesses, non-profits and schools to encourage activations, events, special offers
- Watch Parties big and small countywide

# CURRENT & FUTURE INITIATIVES

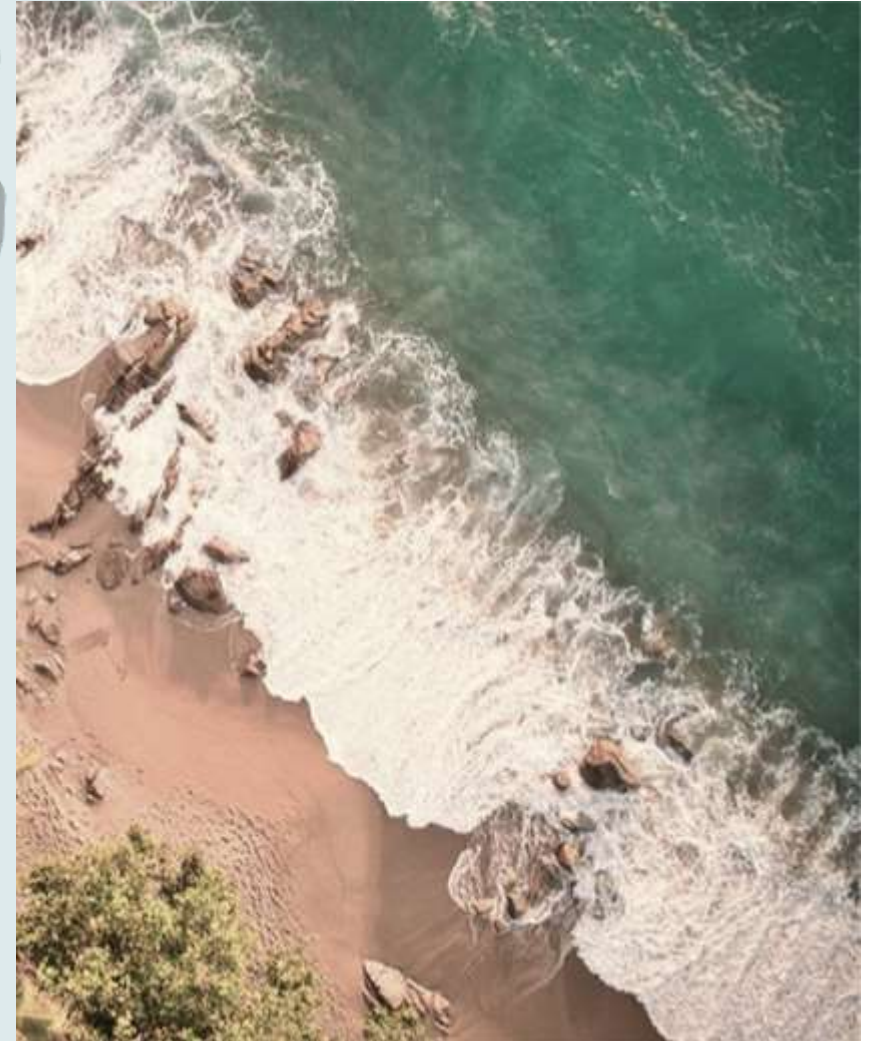
1. New Slogan: Find Your Awe
2. Reimagined Visitor Guide
3. Reimagined Website
4. New office space
5. County's First Visitor Center (opening soon)
6. FIFA World Cup Celebrations
7. SCC Certified Autism Destination





# THANK YOU, CAPITIOLA!

Terence Concannon, CEO, Visit Santa Cruz County  
[tconcannon@santacruz.org](mailto:tconcannon@santacruz.org)





Capitola-Soquel Chamber of Commerce Supporting  
Capitola Businesses



Item 9 B.





# Capitola Village Halloween Parade Sunday, October 26<sup>th</sup>

Item 9 B.



Line up at 1:30 PM in the lower Beach & Village Parking Lot 2 located behind Capitola Police Dept. Parade begins at 2:00 PM.



Trick-or-Treating  
at Village shops following parade.



Ghosts & Goblins,  
Boys & Ghouls welcome!



Hosted by the Capitola-Soquel Chamber of Commerce  
and Capitola Village









Grand Opening Celebration  
Friday, Oct 24th 12-2pm



Ribbon Cutting at 12pm



# Economic Development Updates

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OCTOBER 23, 2025



# Background

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FY 2025-26 Budget: Rename Department:  
Community and Economic Development (CED)  
Department

Department's expanded focus on economic vitality in addition to building and planning.

# CED Mission

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To promote development that supports attainable housing, economic opportunities, community wellbeing, and environmental stewardship. The Department provides responsive, high-quality services and programs that enhance the quality of life for residents, businesses, and visitors within Capitola's built and natural environments.



# Partner Entity Presentations

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1. Capitola Village and Wharf Business Improvement Association
2. Capitola Soquel Chamber of Commerce
3. Visit Santa Cruz

# 41<sup>st</sup> Avenue Corridor Plan

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Establish long-term vision for 41<sup>st</sup> Avenue

- Focus areas: Multimodal mobility, placemaking, public realm, safety and accessibility, and efficiency
- Public Outreach: Stakeholder and community outreach
- Next Steps: Draft community goals from outreach, design concept plan, 2<sup>nd</sup> round community outreach

# Zoning Code Updates

---

- Capitola Mall Updates – Economic consultant on team
- Supporting hotel development is a great economic development tool
  - Hotel transient occupancy tax (TOT) is 12% of which the City receives 100%
  - Sales tax is 9.25%, of which the City receives 1.5%
  - Property tax is 1% of assessed value, of which City receives 7.47% on average

# Wharf Master Plan

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Future Attraction in Capitola Village

June 26, 2025: City Council direction to proceed with flexible market space concept with full-service restaurant

Master Plan scheduled for adoption early 2026

Utilize master plan to attract interested private investors in leasing wharf area and developing the vision.

# Business Engagement

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Stakeholder meetings with local businesses/property owners

Current focus 41<sup>st</sup> Avenue

- Mall Zoning Updates
- 41<sup>st</sup> Avenue Corridor Plan

# On-Call Econ Dev Services

---

- FY 25/26: \$20,000 for on-call ED services
- Request for Qualifications – September 2025.
  - Selected Keyser Marston
- Scope:
  1. Addressing Commercial Vacancies,
  2. Fiscal Analysis of Population Projections and Development Applications,
  3. Incentivizing New Hotel Development,
  4. Other on-call ED support, as needed



Item 9 B.

# Questions/Comments

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# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** Community and Economic Development Department

**Subject:** 2021 CDBG Grant Closeout



**Recommended Action:** Conduct the duly noticed public hearing and receive a report summarizing the accomplishments performed under State CDBG Agreements 21-CDBG-NH-20008, 21-CDBG-NH-20009, and 21-CDBG-NH-20010; solicit citizen input regarding expenditures and accomplishments of the funding received under these contracts; and direct staff to proceed with submitting required documents for closeout to the State.

**Background:** The U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program authorizes the use of funds to assist low- and moderate-income families or aid in the prevention or elimination of slums or blight. There are two types of CDBG programs: “entitlement” and “non-entitlement”. Metropolitan cities and urban counties are entitled to receive annual grants under the “entitlement” program directly from HUD. Metropolitan cities are principal cities or Metropolitan Areas (MAs) or other cities within MAs that have populations of at least 50,000. Urban Counties are within MAs that have a population of 200,000 or more, excluding the population of metropolitan cities within their boundaries.

The “non-entitlement” program is administered by the State Department of Housing and Community Development (HCD). The City has applied for funding under the State’s competitive application process for many years and has been very successful in obtaining funding for various projects/programs, including, but not limited to: the Community Center Renovation Project, the Treasure Cove at Jade Street Park Project, local business assistance, food programs, and housing programs.

In 2021, the City applied for CDBG funding through the State’s competitive NOFA process. The following table lists the state contract, subrecipient, and amount awarded during the 2021 cycle; however, these contracts were not received and executed until 2022.

21-CDBG-NH-20008	Grey Bears	Healthy Food Distribution	\$56,656
21-CDBG-NH-20009	Community Bridges	Meals on Wheels and Lift Line	\$320,700
21-CDBG-NH-20010	Second Harvest	Food Bank	\$119,840
<b>Total Grant Funds</b>			<b>\$497,196</b>

All funding identified has now been fully expended and reimbursed from the Housing and Community Development Department (HCD). It should be noted, the dollars listed above also include “grant administration,” which is allowed and reimbursed by the HCD. These funds were used to pay for City staff time, consultant time, and public hearing notices.

Discussion: Now that all funds have been expended and grant contracts have reached their expiration date, HCD requires grantees to submit closeout documents for each contract. This process involves a public hearing to solicit citizen input regarding expenditures and accomplishments of the funding received under these contracts. Staff is now preparing the closeout documents for the City Manager to review and execute, prior to submittal to HCD.

*Contract 21-CDBG-NH-20008: Grey Bears*

Grey Bears successfully expended their grant funds over the course of a 12-month period. In total, they delivered 63,128 pounds of fresh produce, bread, and pantry staples to approximately 300 homebound seniors. Groceries were delivered weekly to drop-off locations throughout Capitola, including Shadowbrook Restaurant, Mid County Senior Center, and mobile home parks such as Tradewinds, Brookvale Terrace, and Loma Vista. Additionally, a number of seniors received direct grocery delivery to their homes, including residences located in the Jewel Box neighborhood, Clares Street, the Dakota Apartments, and the Bay Avenue Senior Apartments. The funds were used to assist Grey Bears with food purchases, program supplies, and volunteer mileage associated with deliveries.

*Contract 21-CDBG-NH-20009: Community Bridges*

Community Bridges successfully expended their grant funds over the course of a 27-month period, with services beginning in July 2023. The CDBG funds focus on providing meals on wheels to local seniors. These funds have been imperative in providing financial assistance to add breakfast delivery 7 days a week to residents. Since the grant began, Community Bridges has provided 40,829 meals to vulnerable seniors living in Capitola. This meal count includes 18,994 breakfasts and 21,835 dinners. In addition, Community Bridges provided 289 wellness checks to ensure optimum health. Of the participants receiving additional breakfast packs, 96% report that Meals on Wheels helps with their overall household budget, 76% report improved fruit and vegetable intake, 72% report improved consumption of milk, and 72% report that they have been eating breakfast more often than they used to since getting breakfast delivered by Meals on Wheels.

*Contract 21-CDBG-NH-20010: Second Harvest Food Bank*

Second Harvest Food Bank successfully expended their grant funds over the course of a 15-month period. CDBG funding was used to pay for food purchases, supply costs, and personnel costs to operate the food bank. The food bank works with a number of programs and locations to serve the Capitola community and ensure access to nutritional items. On average, the Food Bank distributed approximately 40,000 pounds of food to Capitola residents on a quarterly basis through their various programs.

Fiscal Impact: All CDBG funds utilized under these contracts were 100% grant-funded. There was no impact on the General Fund.

Report Prepared By: Katie Herlihy, Community and Economic Development Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

CDBG  
GRANT  
CLOSEOUT

City Council  
October 23, 2025





# CDBG GRANT CLOSEOUT

## Introduction:

Paul Ashby, Adams Ashby Group

Grant Administrator





# CDBG GRANT CLOSEOUT

Item 9 C.

## Background:

- City applied to HCD in 2021 for 3 public service programs
- 3 State Contracts Received
  - 21-CDBG-NH-20008 (Grey Bears)
  - 21-CDBG-NH-20009 (Community Bridges)
  - 21-CDBG-NH-20010 (Second Harvest)
- Total Grant Funds: \$497,196





# CDBG GRANT CLOSEOUT

Item 9 C.

## Subrecipients:





## CDBG GRANT CLOSEOUT

### Grey Bears: 21-CDBG-NH-20008

- Healthy Food Distribution Program
- \$56,656
- 63,000 lbs. of food
- Deliveries to seniors (approx. 300), including homebound individuals
- Food distribution weekly





## CDBG GRANT CLOSEOUT

### Community Bridges: 21-CDBG-NH-20009

- Meals on Wheels and Lift Line Program
- \$320,700
- Total of 40,829 meals were served
- 289 health/wellness checks





## CDBG GRANT CLOSEOUT

### Second Harvest: 21-CDBG-NH-20010

- Food Bank Program
- \$119,840
- Average of 35,000 lbs. of food per quarter
- Food distribution services at multiple sites serving Capitola residents





## CDBG GRANT CLOSEOUT

- All funding is fully expended and has been reimbursed by HCD.
- Includes funds for “grant administration” to pay for City staff time, consultant time, and public hearing notices.
- \*\* Grey Bears and Second Harvest recently received 2024 CDBG funds to implement the same public services.\*\*





# CDBG GRANT CLOSEOUT

Item 9 C.

## Recommended Action

Receive report on accomplishments for CDBG grants, conduct a duly noticed public hearing to receive comments/feedback from the community and direct staff to proceed with submitting required closeout documents to the State.



# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** Community and Economic Development Department

**Subject:** 2025 Community Development Block Grant Program



**Recommended Action:** Receive staff report, conduct public hearing, and discuss. No action is required.

**Background:** The purpose of this meeting is to provide a general overview of the CDBG program and 2025 Notice of Funding Availability (NOFA) and give residents the opportunity to ask questions and provide feedback on potential applications.

The U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program authorizes the use of funds to assist low- and moderate-income families or aid in the prevention or elimination of slums or blight. There are two types of CDBG programs: “entitlement” and “non-entitlement”. Large cities and urban counties are entitled to receive annual grants under the “entitlement” program direct from HUD, essentially annual payments that are made based on a specific formula. Capitola is in the “non-entitlement” program, administered by the State Department of Housing and Community Development (HCD), where the City can apply for funding under a competitive application process.

On September 30, 2025, HCD released its annual NOFA for approximately \$27 million in federal funds for the CDBG Program. The NOFA acts as a “call for applications”, which outlines applications allowed, amounts, scoring, timelines, etc. Staff has reviewed the NOFA and is now presenting a general overview of the 2025 CDBG application process.

The City has been applying to the CDBG Program for many years and has been quite successful in the most recent NOFAs. Below provides a summary of funds received in the past 5 years and the projects/programs they served:

21-CDBG-NH-20008: Grey Bears	\$56,656
21-CDBG-NH-20009: Community Bridges	\$320,700
21-CDBG-NH-20010: Second Harvest	\$119,840
23A-CDBG-20002: Community Center	\$3,300,000
24-CDBG-10001: Jade Street Park, Grey Bears and Second Harvest	\$3,600,000
CDBG-CV Funding (COVID 19)	\$491,404
<b>TOTAL</b>	<b>\$7,888,600</b>

**Discussion:** Jurisdictions are eligible to apply for up to \$3.6 million with requests for up to three activities. The following activities are eligible under the 2025 CDBG grant:

1. Public Services:

- a. Maximum amount: \$300,000
- b. Maximum number of public services: 2
- c. Eligible public services include: food distribution, Meals on Wheels, homeless services, recreational services, health services, crime prevention, and public safety.
2. Projects include Public Improvement / Public Facilities
  - a. Maximum amount: \$3.3 Million
  - b. Maximum number of projects: 1
  - c. Eligible projects include: streets, sidewalks, storm drains, parks, senior centers, etc.
  - d. Projects must demonstrate readiness at time of application, i.e. NEPA, cost estimate, bid-ready plans and specifications.
3. Programs
  - a. Maximum amount: \$1.5 million
  - b. Maximum number of programs: 1
  - c. Programs include:
    1. Housing Programs: Owner occupied rehabilitation program, homeownership assistance, code enforcement, housing counseling, etc.
    2. Economic Development Programs: Direct financial assistance to for-profit business, microenterprise assistance, and technical assistance.
4. Planning:
  - a. Maximum amount: \$300,000
  - b. Maximum number of planning projects: 2
  - c. Examples include:
    1. Comprehensive Plans
    2. Capital Improvement Plans
    3. Functional Plans for housing, land use, transportation, open space, and recreation.
    4. Feasibility studies for future improvements
    5. Water/sewer/storm drainage master plans

In order to be considered eligible, a suggested activity must meet one or more of the three National Objectives listed in CDBG Federal Statutes:

- Benefit to low- and moderate-income persons;
- Prevention or elimination of slums and blight; or
- Meeting an urgent community need which pose an immediate threat to the health and welfare of the community (State designates when the “urgent need” objective is allowed for a NOFA).

The benefit to low- and moderate-income persons is the most predominately used National Objective. In order to benefit low- or moderate-income persons, the project must either benefit an area that is comprised of at least 51% low- or moderate-income households, or benefits individually qualified households (i.e., each household is income certified). Based on current census data, the City no longer qualifies as a “whole” to meet the 51% benchmark, thus it is required to find projects whose service area fall in specific block groups that meet that minimum (map included as Attachment 1).

For the 2025 NOFA, HCD eliminated the Over the Counter (OTC) component which the City has utilized successfully in the last two years. These applications will no longer be awarded on a first come first served basis but will be competitively ranked and rated on a scoring matrix. The scoring matrix focuses on the following areas: census data, poverty score, capacity, past history, reporting compliance, application completeness, etc. In addition, this year’s NOFA will include a set-aside of money for applicants who haven’t been awarded CDBG funds in the past five NOFA cycles. This set-aside will reduce the available amount of funds that the City can compete for as they have been awarded numerous times in the last five years.

As previously mentioned, the purpose of this meeting is to provide an overview of the CDBG program and 2025 NOFA and give residents the opportunity to provide feedback on potential applications. In addition, staff will be holding another public meeting next month to solicit further community feedback and engagement. Staff will return to Council with a summary on the public input received and project options for Council consideration consistent with CDBG requirements.

Fiscal Impact: CDBG funds are 100% grant funds. Adams Ashby Group, the City CDBG consultant, will be preparing the application for \$10,000. Costs associated with the preparation of the application are an eligible expenditure under the existing CDBG grants that the City currently has with HCD. The City's application for grant funds under this NOFA will not incur any impact to the General Fund.

Attachments:

1. Census Map

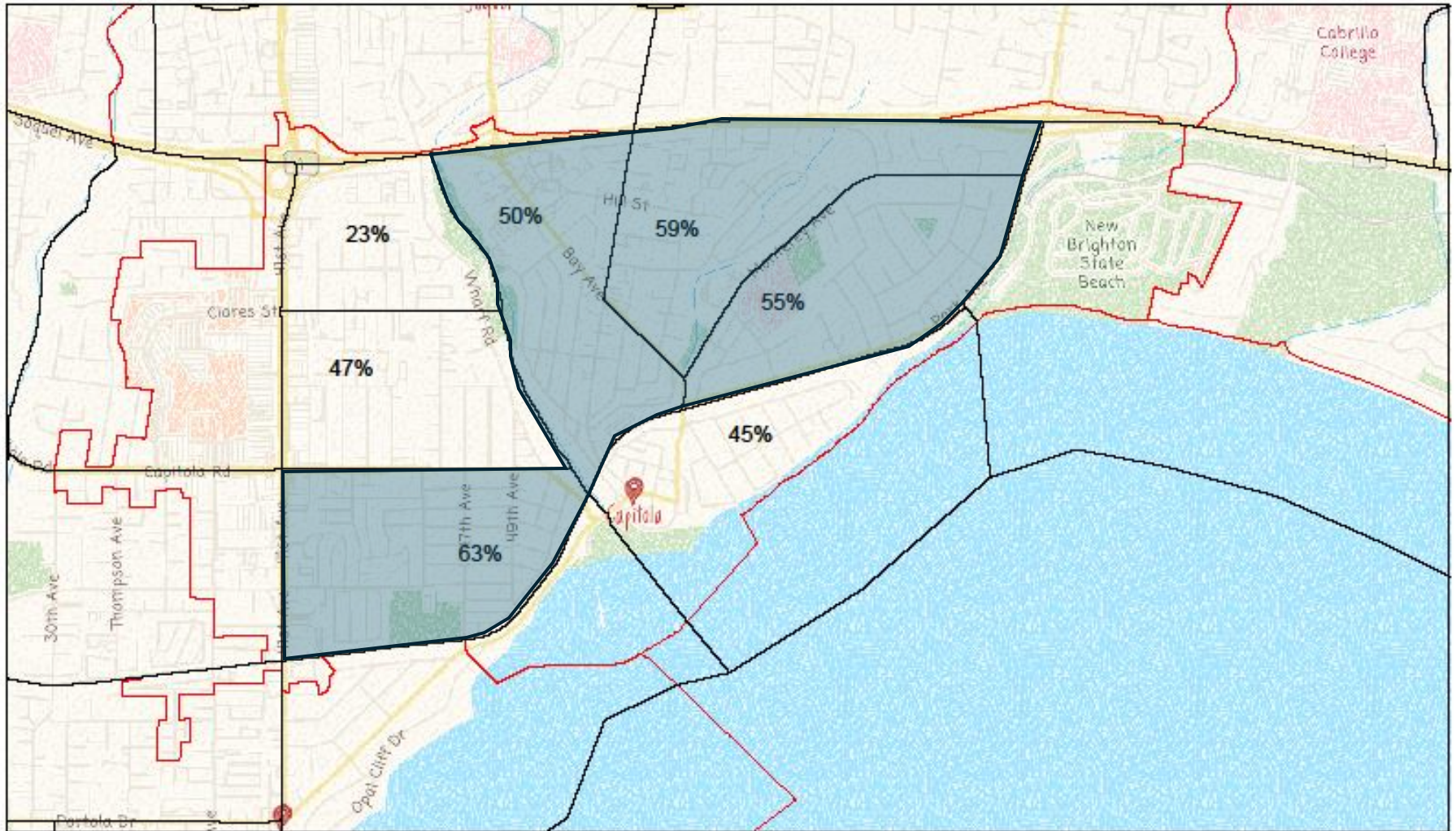
Report Prepared By: Katie Herlihy, Community and Economic Development Director

Reviewed By: Julia Gautho, City Clerk and Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

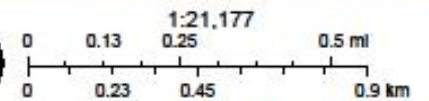
# CDBG Qualified Areas

Item 9 D.



10/10/2025, 2:57:22 PM

- LMISD by Block Groups
- LMISD by County Subdivision
- LMISD by Place
- LMISD by County
- Qualified CDBG Census Block



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community




# Community Development Block Grant (CDBG) Program

- 2025 Notice of Funding Availability

*Public Hearing on October 23, 2025*






## 2025 Notice of Funding Availability (NOFA)

- Capitola in non-entitlement program
- Housing and Community Development Department (HCD) released approximately \$27 million on September 30, 2025
- Funds are provided as grants for wide range of activities, including housing, public services, economic development, infrastructure and more
- All CDBG funds must meet a national objective: benefit low/moderate income persons, aid in prevention of slums and blight, or meet an urgent need



## 2025 NOFA – What's New

- All application will be competitively scored – Over The Counter (OTC) component has been removed.
- A set-aside for applicants who haven't been awarded CDBG funds in past 5 NOFA cycles has been established.
- Scoring system has been updated



# 2025 Notice of Funding Availability

- Jurisdictions are eligible to submit an application with up to three (3) activities of the following combinations
  - 1 Project + 1 Program + 1 Public Service or Planning –OR–
  - 1 Project + 2 Public Service or Planning –OR–
  - 1 Program + 2 Public Service or Planning
  - \*\*NOTE: 2 Projects, 3 Public Services, or 3 Planning applications are not allowed
- Maximum award is \$3.6 million per jurisdiction
- Applications are due January 30, 2026 at 3 PM.




## Activities: Projects (maximum 1)

- Public Improvement / Public Facilities
- Examples include: water, sewer, streets, sidewalks, storm drain, parks, senior centers, etc.
- Application maximum for projects - \$3.3 Million
- Projects must demonstrate readiness at time of application, i.e. NEPA, cost estimate, bid-ready plans and specs, etc.



## Activities: Programs (maximum 1)

- Housing Programs: Owner occupied rehabilitation program, homeownership assistance, code enforcement, housing counseling, etc.
- Economic Development Programs: Direct financial assistance to For-Profit business, microenterprise assistance, and technical assistance
- Application maximum for programs - \$1.5 Million
- City previously used under CV funds and 2014 CDBG



## Activities: Public Services (maximum 2)

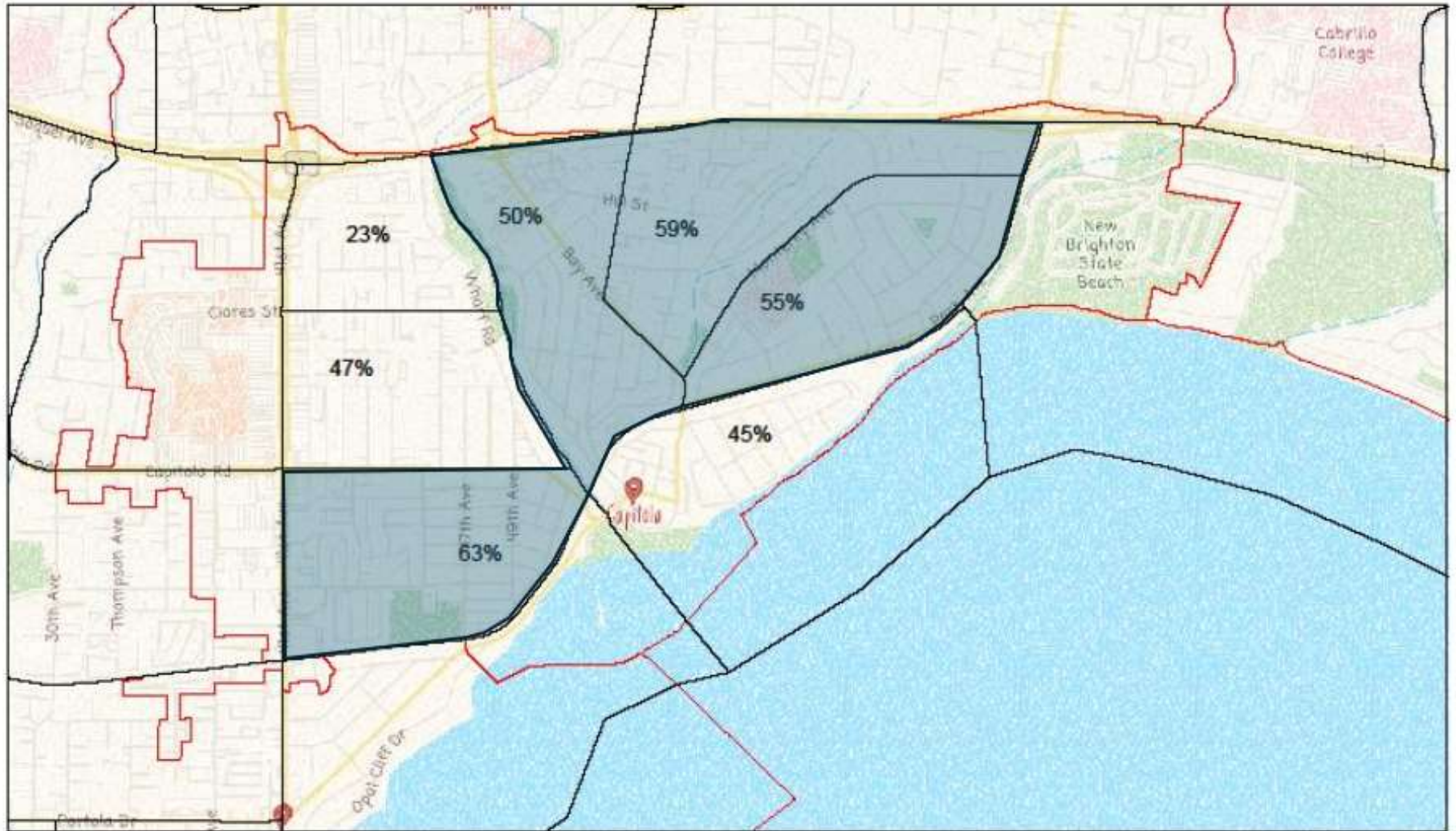
- Application maximum for public services: \$300,000
- CDBG funds may be used to pay for labor, supplies and material for an eligible public service, which may include:
  - Homeless Services
  - Recreational Services
  - Health Services
  - Meals on Wheels
  - Food Distribution
  - Crime prevention and Public Safety, and more.....



# Activities: Planning

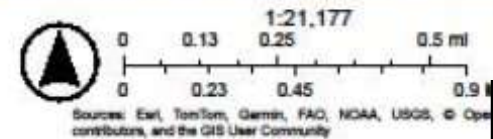
- Application maximum for Planning: \$300,000
- Examples include:
  - Comprehensive Plans
  - Capital Improvement Plans
  - Functional Plans for housing, land use, open space and recreation, transportation, etc.
  - Feasibility studies for future improvements
  - Water/Sewer/Storm Drainage master plans, and more...

## CDBG Qualified Areas



10/10/2025, 2:57:22 PM

- LMISD by Block Groups
- LMISD by County Subdivision
- LMISD by Place
- LMISD by County
- Qualified CDBG Census Block





# Recommendations

- Open Public Hearing
- Receive any public comment
- Close Public Hearing
- Council Discussion
- No Action

# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** Public Works Department

**Subject:** Award of Construction Contracts for the Treasure Cove Playground and Jade Street Park Restroom Renovation Projects



**Recommended Action:** Adopt a resolution awarding the construction contracts for the Treasure Cove Playground Project to SSB Construction, Inc. in the amount of \$2,446,238, and for the Jade Street Park Restroom Renovation Project to CWS Construction Group, Inc. in the amount of \$484,000, authorizing the City Manager to execute both contracts, and authorizing staff to issue notices to proceed upon final execution.

**Background:** In June 2025, the City Council approved construction plans for the Treasure Cove Playground, Jade Street Park public restroom renovation, and Community Center patio improvements, and authorized staff to advertise the projects for competitive bids. Funding for these improvements is supported by local funds, community fundraising led by County Park Friends, and the City's recently awarded \$3.2 million Community Development Block Grant (CDBG) allocation, which fully funds the playground, restroom, and patio scopes.

The Treasure Cove Playground will replace the existing 1999-era playground with a universally accessible, ocean-themed play space designed with extensive public input. The restroom renovation will modernize the existing facility, improving accessibility and capacity. Together with the ongoing Community Center Renovation Project, currently under construction by SSB Contracting, Inc., these projects complete the City's commitments under the Long-Term Use Agreement (LTUA) with the Soquel Union Elementary School District for substantial upgrades at Jade Street Park.

**Discussion:** The Treasure Cove Playground Project was advertised for construction bids on July 21, 2025. A mandatory pre-bid conference and site walk were held on August 5, 2025, and bids were opened on August 21, 2025. The City received four bids, listed below.

Bidder	Bid Amount	Responsiveness Status
S&H Construction	\$2,168,600	Non-Responsive
Galeb Paving	\$2,285,000	Non-Responsive
SSB Contracting, Inc.	\$2,446,238	Lowest Responsive & Responsible
CWS Construction Group, Inc	\$2,785,000	Responsive & Responsible

To be considered for the project, a bid must meet the qualifications outlined within the Notice Inviting Bids and comply with the requirements of the bid documents (responsive). For a bid to be considered responsible, a bidder must show that they are capable of performing the work. Upon review, two of the four bids were determined to be non-responsive. S&H Construction submitted several required CDBG forms that were incomplete or unsigned, and Galeb Paving provided post-bid documentation that did not match subcontractor information submitted at bid time. Because these deficiencies involve mandatory CDBG compliance, both bids were determined to be non-responsive. The lowest responsive and responsible bidder is SSB Construction, Inc. in the amount of \$2,446,238.

The Jade Street Park Restroom Renovation Project was advertised for construction bids on September 12, 2025. A mandatory pre-bid conference and site walk were held on October 1, 2025, and bids were opened on October 14, 2025. The City received three bids, listed below.

Bidder	Bid Amount	Responsiveness Status
CEN-CON, Inc.	\$583,000	Responsive & Responsible
CWS Construction Group, Inc.	\$484,000	Lowest Responsive & Responsible
SSB Contracting, Inc.	\$484,266	Responsive & Responsible

All three bids were complete and met the requirements of the bid documents. Staff verified that CWS Construction Group, Inc. met all CDBG, licensing, and bonding requirements and is the lowest responsive and responsible bidder at \$484,000.

The combined Jade Street Park improvements — including the playground, restroom, patio, and Community Center renovation — remain within budget overall, with total costs approximately \$5,000 over the full program budget, which already includes contingency for the Community Center renovation and patio scopes. To maintain a prudent contingency for the playground and restroom scopes, staff reviewed modest design adjustments to balance cost and functionality.

To achieve an estimated \$180,000 contingency (approximately 6 %) for the playground and restroom projects, staff evaluated several potential scope reductions in coordination with the City's fundraising partner, County Park Friends. The group supported the proposed adjustments, which preserve accessibility and the overall visitor experience while simplifying higher-cost features.

Priority	Potential Change Order	Approx. Cost Impact	Notes
1	Remove artificial-turf seating area within the playground, eliminate concrete seat wall, and shorten ornamental fencing	\$ 96,000 savings	Removes decorative seating and excess fencing while maintaining sensory value and reducing long-term maintenance
2	Remove upgrade to concrete walkway; retain existing walkway (no new concrete)	\$ 83,000 savings	Maintains access at lower finish quality and reduces hardscape cost
<b>Total Potential Savings</b>		<b>\$ 179,000</b>	Represents available contingency for unanticipated costs

Staff intends to implement these change orders sequentially based on funding needs and project timing. The goal is to implement as few changes as possible—or in a way that minimizes project impacts—while maintaining sufficient contingency to fund unanticipated needs. These refinements do not alter the functionality or community benefit of the playground and are appropriate given the low risk of unforeseen conditions for this reconstruction on a previously developed site with well-documented utilities and subsurface conditions. Staff will also work with the contractor to identify other potential cost savings that do not negatively impact functionality or community benefit.

Fiscal Impact: The four Jade Street Park Projects are funded by a combination of General Fund allocations, County Park Friends fundraising, a CNRA grant, and 2024–2025 CDBG allocations. Funding sources are summarized below.

### Jade Street Park Improvements – Project-Level Budget Detail

Category	Amount	Funding Source(s)
<b>Community Center</b>		
Pre-Project Modifications	\$34,000	General Fund
BLRA Design	\$580,000	General Fund
Cummings Construction Management (Pre-CDBG)	\$300,000	General Fund
PG&E Service Upgrade	\$45,000	General Fund
SSB Construction, Inc. Contract	\$4,726,000	CNRA (\$1,000,000), CDBG 2024 (\$3,365,000), General Fund (\$361,000)
Construction Contingency	\$477,000	General Fund
<b>Playground</b>		
Verde Design	\$194,000	General Fund
Verde Construction Support	\$99,000	General Fund
Construction	\$2,446,500	CPF Fundraising (\$965,000), CDBG 2025 (\$1,375,000)
<b>Restroom</b>		
BLRA Design and Construction Support	\$58,000	General Fund
Construction	\$484,000	CDBG 2025
<b>Patio</b>		
BLRA Design and Construction Support	\$70,000	General Fund
SSB Construction, Inc. Contract	\$1,055,000	CDBG 2025
<b>Construction Management</b>		
Cummings Construction Management (New Phase)	\$242,000	CDBG 2025
<b>Total</b>	<b>\$10,810,500</b>	

#### Jade Street Park Improvements – Overall Budget Summary

Funding Source	Revenue	Expenditure
General Fund – Community Center	\$1,800,000	\$1,800,000
CNRA Grant – Community Center	\$1,000,000	\$1,000,000
General Fund – Playground	\$475,000	\$480,500
CPF Fundraising – Playground	\$965,000	\$965,000
CDBG 2024 (Community Center)	\$3,365,000	\$3,365,000
CDBG 2025 (Playground, Restroom, Patio)	\$3,200,000	\$3,200,000
<b>Total</b>	<b>\$10,805,000</b>	<b>\$10,810,500</b>

Environmental Determination: The projects are categorically excluded under the National Environmental Policy Act (NEPA) pursuant to 24 CFR 58.35(a) and exempt under the California Environmental Quality Act (CEQA) Section 15301 for existing facilities. The improvements will remain in the same use and will not result in significant environmental impacts.

Attachments:

1. Resolution
2. Draft Construction Contract – Treasure Cove Playground
3. Draft Construction Contract – Jade Street Park Restroom Renovation

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, 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  
AWARDING CONSTRUCTION CONTRACTS FOR THE TREASURE COVE PLAYGROUND  
PROJECT AND THE JADE STREET PARK RESTROOM RENOVATION PROJECT**

**WHEREAS**, in June 2025, the City Council approved plans and specifications for the Treasure Cove Playground and Jade Street Park Restroom Renovation projects, components of the broader Jade Street Park improvements, and directed staff to solicit bids for construction; and

**WHEREAS**, the City of Capitola published and distributed Notices Inviting Bids in accordance with Capitola Municipal Code Section 3.16.095 (Public Projects – Formal Bid Procedures); and

**WHEREAS**, for the Treasure Cove Playground Project, four bids were received on August 21, 2025; and

**WHEREAS**, two bids were deemed non-responsive due to deficiencies in mandatory Community Development Block Grant (CDBG) compliance, and SSB Construction, Inc. was determined to be the lowest responsive and responsible bidder with a bid amount of \$2,446,238; and

**WHEREAS**, for the Jade Street Park Restroom Renovation Project, three bids were received on October 14, 2025; and

**WHEREAS**, CWS Construction Group, Inc. was determined to be the lowest responsive and responsible bidder with a bid amount of \$484,000; and

**NOW, THEREFORE, BE IT RESOLVED** that that the City Council of the City of Capitola, California, hereby awards the construction contracts as follows:

- Treasure Cove Playground Project – SSB Construction, Inc. – \$2,446,238
- Jade Street Park Restroom Renovation Project – CWS Construction Group, Inc. – \$484,000

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager to execute both construction contracts on behalf of the City and authorizes the Public Works Department to issue Notices to Proceed upon final contract execution.

**I HEREBY CERTIFY** that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 23<sup>rd</sup> day of October, 2025, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Joe Clarke, Mayor

ATTEST:

\_\_\_\_\_  
Julia Gautho, City Clerk

**DOCUMENT 00 5200****AGREEMENT**

THIS AGREEMENT, dated this 23th day of October, 2025, by and between **SSB Contracting, Inc.** whose place of business is located at **1161 Terven Avenue, Salinas, CA (Contractor)**, and **CITY OF CAPITOLA**, a political subdivision of the State of California (Owner), acting under and by virtue of the authority vested in Owner by the laws of the State of California.

**TREASURE COVE AT JADE STREET PARK**

**at 4400 Jade Street, Capitola, CA 95010**

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, Contractor and Owner agree as follows:

**ARTICLE 1 SCOPE OF WORK OF THE CONTRACT****1.01 Work of the Contract**

- A. Contractor shall complete all Work specified in the Contract Documents, in accordance with the Specifications, Drawings, and all other terms and conditions of the Contract Documents (**Work**).

**1.02 Price for Completion of the Work**

- A. Owner shall pay Contractor the following Contract Sum of Two million four hundred forty-six thousand two hundred thirty-eight dollars (\$2,446,238.00) for completion of Work in accordance with Contract Documents as set forth in Contractor's Bid, attached hereto.
- B. The Contract Sum includes all allowances (if any).
- C. The Contract Sum is all inclusive and includes all Work; all federal, state, and local taxes on materials and equipment, and labor furnished by Contractor, its subcontractors, subconsultants, architects, engineers, and" vendors or otherwise arising out of Contractor's performance of the Work, including any increases in any such taxes during the term of this Agreement; and any duties, fees, and royalties imposed with respect to any materials and equipment, labor or services. The taxes covered hereby include (but are not limited' to) occupational, sales, use, excise, unemployment, FICA, and income taxes, customs, duties, and any and all other taxes on any item or service that is part of the Work, whether such taxes are normally included in the price of such item or service or are normally stated separately. Notwithstanding the foregoing, each party shall bear such state or local inventory, real property, personal property or fixtures taxes as may be properly assessed against it by applicable taxing authorities.

**COMMENCEMENT AND COMPLETION OF WORK****1.03 Commencement of Work**

- A. Contractor shall commence Work on the date established in the Notice to Proceed.
- B. Owner reserves the right to modify or alter the Commencement Date.

**1.04 Completion of Work**

- A. Contractor shall achieve Substantial Completion of the entire Work within **180 Calendar Days** from the Commencement Date.
- B. Contractor shall achieve Final Completion of the entire Work within **210 Calendar Days** from the Commencement Date.

## ARTICLE 2 PROJECT REPRESENTATIVES

### 2.01 Owner's Project Manager

- A. Owner has designated the Public Works Director as its Project Manager to act as Owner's Representative in all matters relating to the Contract Documents. If Project Manager is an employee of Owner, Project Manager is the beneficiary of all Contractor obligations to Owner including, without limitation, all releases and indemnities.
- B. Project Manager shall have final authority over all matters pertaining to the Contract Documents and shall have sole authority to modify the Contract Documents on behalf of Owner, to accept work, and to make decisions or actions binding on Owner, and shall have sole signature authority on behalf of Owner.
- C. Owner may assign all or part of the Project Manager's rights, responsibilities and duties to a Construction Manager, or other Owner Representative.

### 2.02 Contractor's Project Manager and Other Key Personnel

- A. Contractor has designated [ ] as its Project Manager to act as Contractor's Representative in all matters relating to the Contract Documents.
- B. Contractor has designated the following other Key Personnel for the Project:

<u>Name</u>	<u>Position</u>
_____	_____
_____	_____
_____	_____

## ARTICLE 3 LIQUIDATED DAMAGES FOR DELAY IN COMPLETION OF WORK

### 3.01 Liquidated Damage Amounts

- A. As liquidated damages for delay Contractor shall pay Owner Five Thousand dollars (\$5,000.00) for each Day that expires after the time specified herein for Contractor to achieve Substantial Completion of the entire Work, until achieved.
- B. As liquidated damages for delay Contractor shall pay Owner Two Thousand Five Hundred dollars (\$2,500.00) for each Day that expires after the time specified herein for Contractor to achieve Final Completion of the entire Work, until achieved.

### 3.02 Scope of Liquidated Damages

- A. Measures of liquidated damages shall apply cumulatively.
- B. Limitations and stipulations regarding liquidated damages are set forth in Document 00 7200 (General Conditions).

## ARTICLE 4 CONTRACT DOCUMENTS

### 4.01 Contract Documents consist of the following documents, including all changes, Addenda, and Modifications thereto:

Document 00 5100	Notice of Award
Document 00 5200	Agreement
Document 00 5500	Notice to Proceed
Document 00 6113.13	Construction Performance Bond
Document 00 6113.16	Construction Labor and Material Payment Bond
Document 00 6290	Escrow Agreement for Security Deposits
Document 00 6325	Substitution Request Form
Document 00 6530	Release of Claims
Document 00 6536	Guaranty
Document 00 7200	General Conditions

Document 00 7301	Supplemental General Conditions
Document 00 7316	Supplemental Conditions – Insurance and Indemnification
Document 00 7320	COVID Requirements
Document 00 7324	In-Use Off-Road Diesel-Fueled Fleets Regulation
Document 00 7380	Apprenticeship Program
Document 00 9113	Addenda 1-4
Specifications	Divisions 1 through 33

- 4.02** There are no Contract Documents other than those listed above. The Contract Documents may only be amended, modified or supplemented as provided in Document 00 7200 (General Conditions).

#### **ARTICLE 5 MISCELLANEOUS**

- 5.01** Terms and abbreviations used in this Agreement are defined in Document 00 7200 (General Conditions) and Section 01 4200 (References and Definitions) and will have the meaning indicated therein.
- 5.02** Contractor and Owner understand and agree that in no instance are the persons signing this Agreement for or on behalf of Owner or acting as an employee, agent, or representative of Owner, liable on this Agreement or any of the Contract Documents, or upon any warranty of authority, or otherwise. Contractor and Owner further understand and agree that liability of Owner is limited and confined to such liability as authorized or imposed by the Contract Documents or applicable law.
- 5.03** Pursuant to Labor Code Section 1771(a), Contractor represents that it and all of its Subcontractors are currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. Contractor covenants that any additional or substitute Subcontractors will be similarly registered and qualified.
- 5.04** In entering into a public works contract or a subcontract to supply goods, services or materials pursuant to a public works contract, Contractor or Subcontractor offers and agrees to assign to the awarding body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. § 15) or under the Cartwright Act (Chapter 2 (commencing with § 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time Owner tenders final payment to Contractor, without further acknowledgment by the parties.
- 5.05** Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations and are deemed included in the Contract Documents, and shall be made available to any interested party on request. Pursuant to Labor Code Sections 1860 and 1861, in accordance with Labor Code Section 3700, every contractor will be required to secure the payment of compensation to Contractor's employees. Contractor represents that it is aware of the provisions of Labor Code Section 3700 that require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor shall comply with such provisions before commencing the performance of the Work of the Contract Documents.
- 5.06** This Agreement and the Contract Documents shall be deemed to have been entered into in the City of Capitola, State of California, and governed in all respects by California law (excluding choice of law rules). The exclusive venue for all disputes or litigation hereunder shall be in the Superior Court for the County of Santa Cruz, California.

IN WITNESS WHEREOF the parties have executed this Agreement in quadruplicate the day and year first above written.

**CITY OF CAPITOLA:**

**CONTRACTOR:**

By: \_\_\_\_\_  
City Manager

Name: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Its: \_\_\_\_\_  
Title (If Corporation: Chairman, President  
or Vice President)

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
(Signature)

Its: \_\_\_\_\_  
Title (If Corporation: Chairman, President  
or Vice President)

**1099 INFORMATION:**

Contractor Taxpayer I.D. No.: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney

**END OF DOCUMENT**

**DOCUMENT 00 5200****AGREEMENT**

THIS AGREEMENT, dated this **23<sup>rd</sup>** day of **October**, 2025, by and between **CWS Construction Group, Inc.** whose place of business is located at **1301 Grant Avenue, Novato, CA** (**Contractor**), and **CITY OF CAPITOLA**, a political subdivision of the State of California (**Owner**), acting under and by virtue of the authority vested in Owner by the laws of the State of California.

**JADE STREET PARK RESTROOM REMODEL**

**at 4400 Jade Street, Capitola, CA 95010**

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, Contractor and Owner agree as follows:

**ARTICLE 1 SCOPE OF WORK OF THE CONTRACT****1.01 Work of the Contract**

- A. Contractor shall complete all Work specified in the Contract Documents, in accordance with the Specifications, Drawings, and all other terms and conditions of the Contract Documents (**Work**).

**1.02 Price for Completion of the Work**

- A. Owner shall pay Contractor the following Contract Sum of Four hundred eighty-four thousand dollars (**\$484,000.00**) for completion of Work in accordance with Contract Documents as set forth in Contractor's Bid, attached hereto.
- B. The Contract Sum includes all allowances (if any).
- C. The Contract Sum is all inclusive and includes all Work; all federal, state, and local taxes on materials and equipment, and labor furnished by Contractor, its subcontractors, subconsultants, architects, engineers, and vendors or otherwise arising out of Contractor's performance of the Work, including any increases in any such taxes during the term of this Agreement; and any duties, fees, and royalties imposed with respect to any materials and equipment, labor or services. The taxes covered hereby include (but are not limited to) occupational, sales, use, excise, unemployment, FICA, and income taxes, customs, duties, and any and all other taxes on any item or service that is part of the Work, whether such taxes are normally included in the price of such item or service or are normally stated separately. Notwithstanding the foregoing, each party shall bear such state or local inventory, real property, personal property or fixtures taxes as may be properly assessed against it by applicable taxing authorities.

**COMMENCEMENT AND COMPLETION OF WORK****1.03 Commencement of Work**

- A. Contractor shall commence Work on the date established in the Notice to Proceed (**Commencement Date**).
- B. Owner reserves the right to modify or alter the Commencement Date.

**1.04 Completion of Work**

- A. Contractor shall achieve Substantial Completion of the entire Work within **60 Working Days** from the Commencement Date.
- B. Contractor shall achieve Final Completion of the entire Work within **70 Working Days** from the Commencement Date.

- C. Working days shall be determined in accordance with the General Conditions. Days may be staggered and not charged when work cannot proceed due to coordination, access limitations, or other constraints as determined by the Owner's Project Manager.

## ARTICLE 2 PROJECT REPRESENTATIVES

### 2.01 Owner's Project Manager

- A. Owner has designated the Public Works Director as its Project Manager to act as Owner's Representative in all matters relating to the Contract Documents. If Project Manager is an employee of Owner, Project Manager is the beneficiary of all Contractor obligations to Owner including, without limitation, all releases and indemnities.
- B. Project Manager shall have final authority over all matters pertaining to the Contract Documents and shall have sole authority to modify the Contract Documents on behalf of Owner, to accept work, and to make decisions or actions binding on Owner, and shall have sole signature authority on behalf of Owner.
- C. Owner may assign all or part of the Project Manager's rights, responsibilities and duties to a Construction Manager, or other Owner Representative.

### 2.02 Contractor's Project Manager and Other Key Personnel

- A. Contractor has designated [ ] as its Project Manager to act as Contractor's Representative in all matters relating to the Contract Documents.
- B. Contractor has designated the following other Key Personnel for the Project:

<u>Name</u>	<u>Position</u>
_____	_____
_____	_____
_____	_____

## ARTICLE 3 LIQUIDATED DAMAGES FOR DELAY IN COMPLETION OF WORK

### 3.01 Liquidated Damage Amounts

- A. As liquidated damages for delay Contractor shall pay Owner Five Thousand dollars (\$5,000.00) for each Day that expires after the time specified herein for Contractor to achieve Substantial Completion of the entire Work, until achieved.
- B. As liquidated damages for delay Contractor shall pay Owner Two Thousand Five Hundred dollars (\$2,500.00) for each Day that expires after the time specified herein for Contractor to achieve Final Completion of the entire Work, until achieved.

### 3.02 Scope of Liquidated Damages

- A. Measures of liquidated damages shall apply cumulatively.
- B. Limitations and stipulations regarding liquidated damages are set forth in Document 00 7200 (General Conditions).

## ARTICLE 4 CONTRACT DOCUMENTS

- 4.01 Contract Documents consist of the following documents, including all changes, Addenda, and Modifications thereto:

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Document 00 5500	Notice to Proceed

Document 00 6113.13	Construction Performance Bond
Document 00 6113.16	Construction Labor and Material Payment Bond
Document 00 6290	Escrow Agreement for Security Deposits
Document 00 6325	Substitution Request Form
Document 00 6530	Release of Claims
Document 00 6536	Guaranty
Document 00 7200	General Conditions
Document 00 7301	Supplemental General Conditions
Document 00 7316	Supplemental Conditions – Insurance and Indemnification
Document 00 7320	COVID Requirements
Document 00 7324	In-Use Off-Road Diesel-Fueled Fleets Regulation
Document 00 7380	Apprenticeship Program
Document 00 9113	Addenda [LIST ADDENDA ISSUED]
Specifications	Divisions 1 through 33
Drawings, Table, Schedules listed in Document 00 0115	

- 4.02** There are no Contract Documents other than those listed above. The Contract Documents may only be amended, modified or supplemented as provided in Document 00 7200 (General Conditions).

## ARTICLE 5 MISCELLANEOUS

- 5.01** Terms and abbreviations used in this Agreement are defined in Document 00 7200 (General Conditions) and Section 01 4200 (References and Definitions) and will have the meaning indicated therein.
- 5.02** Contractor and Owner understand and agree that in no instance are the persons signing this Agreement for or on behalf of Owner or acting as an employee, agent, or representative of Owner, liable on this Agreement or any of the Contract Documents, or upon any warranty of authority, or otherwise. Contractor and Owner further understand and agree that liability of Owner is limited and confined to such liability as authorized or imposed by the Contract Documents or applicable law.
- 5.03** Pursuant to Labor Code Section 1771(a), Contractor represents that it and all of its Subcontractors are currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. Contractor covenants that any additional or substitute Subcontractors will be similarly registered and qualified.
- 5.04** In entering into a public works contract or a subcontract to supply goods, services or materials pursuant to a public works contract, Contractor or Subcontractor offers and agrees to assign to the awarding body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. § 15) or under the Cartwright Act (Chapter 2 (commencing with § 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time Owner tenders final payment to Contractor, without further acknowledgment by the parties.
- 5.05** Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations and are deemed included in the Contract Documents, and shall be made available to any interested party on request. Pursuant to Labor Code Sections 1860 and 1861, in accordance with Labor Code Section 3700, every contractor will be required to secure the payment of compensation to Contractor's employees. Contractor represents that it is aware of the provisions of Labor Code Section 3700 that require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor shall comply with such provisions before commencing the performance of the Work of the Contract Documents.

**5.06** This Agreement and the Contract Documents shall be deemed to have been entered into in the City of Capitola, State of California, and governed in all respects by California law (excluding choice of law rules). The exclusive venue for all disputes or litigation hereunder shall be in the Superior Court for the County of Santa Cruz, California.

IN WITNESS WHEREOF the parties have executed this Agreement in quadruplicate the day and year first above written.

**CITY OF CAPITOLA:**

By: \_\_\_\_\_  
City Manager

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

**CONTRACTOR:**

Name: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Its: \_\_\_\_\_  
Title (If Corporation: Chairman, President  
or Vice President)

By: \_\_\_\_\_  
(Signature)

Its: \_\_\_\_\_  
Title (If Corporation: Chairman, President  
or Vice President)

**1099 INFORMATION:**

Contractor Taxpayer I.D. No.: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney

**END OF DOCUMENT**

# Award of Construction Contracts – Treasure Cove Playground & Jade Street Park Restroom Renovation

City Council  
October 23, 2025

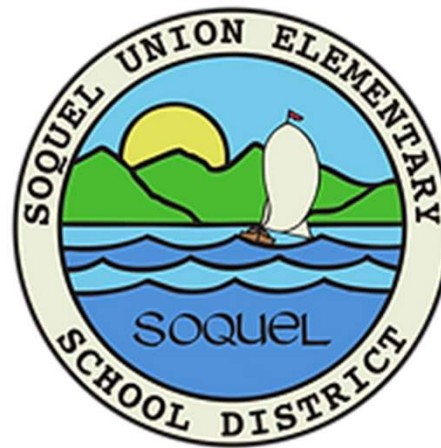


# Award of Construction Contracts

## Background



- In June 2025, Council approved construction plans for:
  - Treasure Cove Playground
  - Jade Street Park Restroom Renovation
  - Community Center Patio Improvements
- Funded through local funds, County Park Friends fundraising, \$3.2M CDBG grant
- Projects fulfill the commitments under LTUA with Soquel Union Elementary School District



# Award of Construction Contracts

## Treasure Cove Playground Overview



- Scope
  - Demolition, grading, utilities, stormwater improvements
  - Hardscape paths and fencing
  - Play zones: 2–5 yrs and 5–12 yrs
  - Site furnishings, irrigation and landscaping
- Engineer's Estimate: \$2.34 million
- Construction Duration: 180 calendar days



# Award of Construction Contracts

## Treasure Cove Playground Bid Results



Advertised July 21, 2025 | Bids opened August 21, 2025

Bidder	Bid Amount	Status
S&H Construction	\$2,168,600	Non-Responsive
Galeb Paving	\$2,285,000	Non-Responsive
SSB Construction	\$2,446,238	Lowest Responsive & Responsible
CWS Construction	\$2,785,000	Responsive & Responsible

**Lowest valid bid:** SSB Construction, Inc. – \$2,446,238  
(4.7 % above estimate)

# Award of Construction Contracts

## Responsive vs. Responsible



### Responsive

- Did contractor submit all required documents?
- Does bid comply with City and federal requirements?
- Is bid package complete and consistent at time of bid opening?
- **If not, the bid is non-responsive and cannot be considered.**

### Responsible

- Does contractor have the experience, staff, and resources to perform the work?
- Do they have a record of reliability and compliance on similar projects?
- Can they deliver project on schedule and within standards?
- **If not, contractor may be deemed non-responsible even if the bid is responsive.**

# Award of Construction Contracts

## What is a “Valid Bid”?



For a bid to count, it must:

- Include all required documents.
- Meet federal CDBG and City requirements.
- Match the bid information submitted at opening.

**If a bid is non-responsive:**

- Number written down cannot be accepted.
- Even if it looks lower, it is not valid or enforceable.
- In this case, the two bids that appeared to be lowest are not valid and therefore are not considered low bids at all.

# Award of Construction Contracts

## Treasure Cove Playground Overview



- Scope
  - Two single-user, all-gender restrooms with adult changing tables
  - New entries, finishes, lighting, and fixtures
  - Roof and rafter repairs, updated electrical
  - Accessible paths
- Engineer's Estimate: \$500,000
- Construction Duration: 90 calendar days



# Award of Construction Contracts

## Restroom Renovation Bid Results



Advertised September 12, 2025 | Bids opened October 14, 2025

Bidder	Bid Amount	Status
CWS Construction Group, Inc.	\$484,000	Lowest Responsive & Responsible
SSB Construction, Inc.	\$484,266	Responsive & Responsible
CEN-CON, Inc.	\$583,000	Responsive & Responsible

**Recommended Award:** CWS Construction Group, Inc. – \$484,000

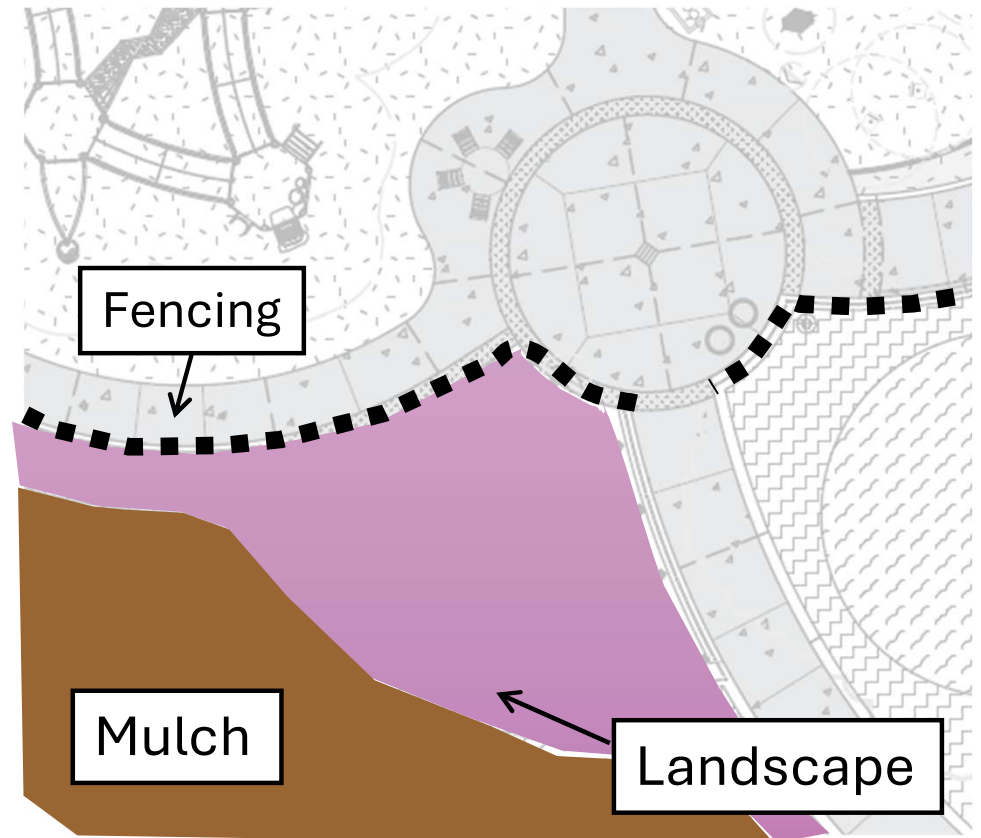
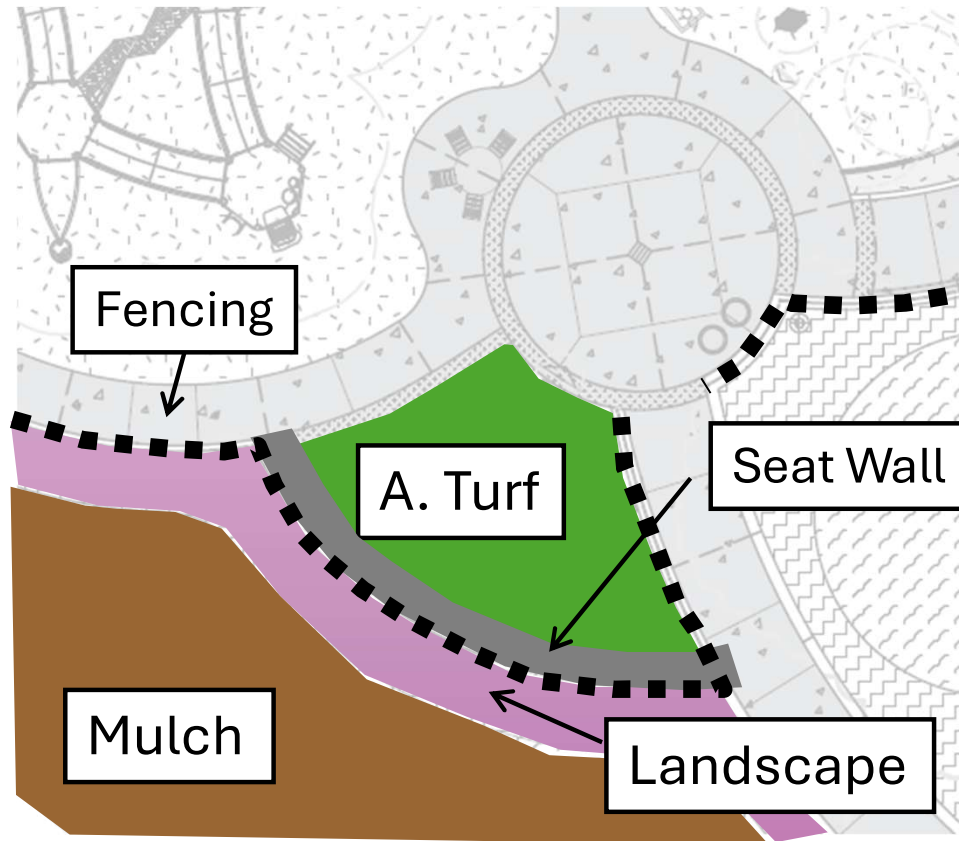
# Award of Construction Contracts

## Scope Review & Budget Balancing



- Jade Street Park improvements remain within overall \$10.8M program budget
  - Estimated costs are ~\$5K over, a negligible variance within Community Center contingency
- Projects must be awarded at bid amounts
  - Adjustments would occur through change orders
- Staff reviewed minor scope refinements with County Park Friends
  - Maintain a new ~6% contingency (\$180K) for the playground and restroom scopes





Remove synthetic turf area  
and seat wall;  
Modify fencing and install  
new planting  
Cost Impact ~\$96,000



Retain DG path; do not  
construct concrete  
Cost Impact ~\$83,000



# Award of Construction Contracts

## Scope Considerations



Priority	Potential Change Order	Approx. Cost Impact	Notes
1	Remove artificial-turf and concrete seat wall, and shorten ornamental fencing	\$ 96,000 savings	Removes decorative seating maintaining sensory value
2	Remove upgrade to concrete walkway; retain existing	\$ 83,000 savings	Maintains access at lower finish quality
<b>Total Potential Savings</b>		\$ 179,000	Available for unanticipated costs

**Staff Recommendation:** Implement cost-saving changes only as needed based on funding needs and timing

# Award of Construction Contracts

## Fiscal Impact – Jade Street (Full Site)



Total Program Budget: \$10.81 million

### Funding Sources

- General Fund – \$1.8 M
- General Fund – \$2.28 M (Community Center & Playground)
- NRA Grant – \$1.00 M
- County Park Friends – \$0.97 M
- CDBG 2024 – \$3.37 M (Community Center)
- CDBG 2025 – \$3.20 M (Playground, Restroom, Patio)

### Major Expenditures

- Community Center – \$6.16 M
- Playground – \$2.74 M
- Restroom – \$0.54 M
- Patio – \$1.13 M
- Construction Management – \$0.24 M

# Award of Construction Contracts

## Project Timeline



Date / Phase	Milestone
Winter 2023 - Summer 2023	Planning & Design
Fall 2024	Project Bid & Award
<b>Week of October 27, 2025</b>	<b>Park Closed for Construction</b>
Winter 2025 - Summer 2026	Construction Period
Summer 2026	Grand Opening Celebration

## Recommended Action

Adopt a resolution awarding construction contracts for Treasure Cove Playground Project to SSB Construction, Inc. in the amount of \$2,446,238, and for Jade Street Park Restroom Renovation Project to CWS Construction Group, Inc. in the amount of \$484,000, authorizing City Manager to execute both contracts, and authorizing staff to issue notices to proceed upon final execution.



# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** City Manager Department

**Subject:** Administrative Policy I-42: Code of Conduct



**Recommended Action:** Approve revisions to Administrative Policy I-42: Council and Board Code of Conduct.

**Background:** In September 2019, the City Council requested that staff develop a code of conduct for City Council Members and appointed members of City advisory bodies. Council adopted Administrative Policy I-42: Council and Board Code of Conduct in September 2020.

The Code of Conduct was developed by a subcommittee of two City Council Members, who worked with staff and the City Attorney's office.

As part of the FY 2025-26 Council goals, the Council identified review and update of the Code of Conduct as a priority. Staff presented an initial report on July 24, 2025, providing information about the complaint process, residency requirements, and the use of City stationery, and seeking Council direction regarding potential updates. Council directed staff to return with revisions reflecting Council feedback.

On October 9, 2025, the City Council continued this item to October 23<sup>rd</sup>.

**Discussion:**

### 1. Complaint Process

At the July 24<sup>th</sup> meeting, Council Members requested a more transparent process for handling complaints while ensuring closure if a complaint does not move forward. Based on that feedback, staff recommends the revisions below to the complaint procedure. These revisions comply with the Brown Act, and streamline and clarify the process for the Council, the community, and staff. The revisions also condense the procedure: rather than a meeting to discuss whether to agendize the complaint and possible dismissal, and another meeting to discuss the actual complaint, the revised procedure would allow the Council to consider and take action or dismiss the complaint in one meeting.

- **Scope of Complaints:** Complaints may not challenge Council votes, policy decisions, or legislative actions.
- **Filing:** Complaints would be filed directly with the City Council at [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us).
- **City Attorney Review:** The Mayor, Vice Mayor, or Clerk would forward the complaint to the City Attorney.
- **Receipt of Complaint:** The Mayor, Vice Mayor, or Clerk would acknowledge receipt of the complaint within five (5) business days.
- **Council Action/Closure:** Within 45 days of receiving the complaint, at a Council meeting, any Councilmember may request the complaint be agendized for discussion at a future Council meeting. The matter will be agendized if [number TBD] Councilmembers vote in favor of the request. At the July 24<sup>th</sup> meeting there was Council discussion, but no final decision regarding whether the threshold to consider a Code of Conduct complaint should be two or three Councilmembers. The policy is currently drafted with this blank, and Council can make a final determination at the meeting.
- **Closure:** If, within 45 days of receipt of the complaint, the Council does not act to agendize it for discussion, the City Clerk or City Attorney will notify the complainant that the complaint has been dismissed.

- **Actions by Council in Response to Complaint:** At a Council meeting, the Council may dismiss the complaint, pass a motion admonishing the subject of the complaint, censure the subject of the complaint, remove the subject from appointments representing the City (including Mayor and Vice Mayor), remove the subject from Boards and Commissions, request additional investigation, or take any other action permitted by law.

## 2. Use of City Letterhead

Staff revised Section 6.2.3 to limit the use of City letterhead to official City business.

Fiscal Impact: There is no fiscal impact associated with the recommended action.

### Attachments:

1. Administrative Policy I-42 (Clean Version)
2. Administrative Policy I-42 (Redline Version)

Report Prepared By: Samantha Zutler, City Attorney

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager



## ADMINISTRATIVE POLICY

Number: I-42  
 Issued: September 10, 2020  
 Jurisdiction: City Council

# CITY COUNCIL AND COMMISSIONER CODE OF CONDUCT

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## 1.0 **Preamble**

The Capitola City Council declares that citizens of the City of Capitola are entitled to have fair, open, ethical, efficient and accountable local government and that City officials should continually strive to earn the public's confidence. Toward that end, these Protocols establish higher standards of conduct for members of the City Council and members of City boards and commissions ("Members") than are currently required under the laws of the State of California.

The Members pledge to hold themselves and other Members responsible for observing the standards set forth in these Protocols, and to enforce these Protocols when necessary to preserve the integrity of City government.

## 2.0 **Core Values**

### **Responsibility**

- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I will keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit
- I will avoid and discourage conduct which is divisive or harmful to the best interests of Capitola
- I make decisions based on the merits of an issue, including research and facts.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

### **Integrity**

- I am honest with my fellow City officials, City staff, members of the community, and others.
- I promote equity and non-discrimination in public agency decision-making.
- I encourage diverse public engagement in our decision-making processes and support the public's right to know.
- I do not accept gifts, services or other special considerations for personal benefit because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my actions as a City Official

### **Respect/Value others**

- I recognize the worth and dignity of individual members and appreciate their individual talents, perspectives and contributions; value in others.
- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.

- I help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential.
- I understand that I am one of five members of the City Council and will work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff.

### **Accountability**

- I am prepared to make decisions when necessary for the public's best interests, whether those decisions are popular or not.
- I do not make promises on behalf of the City without concurrence from the City Council at a duly noticed public meeting.
- I take responsibility for my actions, even when it is uncomfortable to do so.
- I do not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

## **3.0 Setting a Higher Standard within the Existing Framework**

By adopting these Protocols, the Council intends to supplement and not to supersede California's existing legal framework applicable to local governments. Similarly, the Council intends that these Protocols will not merely restate existing legal obligations but will establish a higher standard of conduct for Members in the governance of the City. Members are referred to Appendix "A" (Legal Framework & Resources) for pertinent resources. Members are expected to be familiar with and to seek guidance about the applicability of the legal framework.

## **4.0 Transparency in decision making.**

Transparency in decision making is of the utmost importance in maintaining ethical, representative local governance. Toward that end, Members will adhere to the following standards:

### **4.1 Public Meetings.**

Members will hold public meetings in accordance with the Ralph M. Brown Act (the "Brown Act"). Members will seek guidance from the City Attorney as to the Brown Act requirements and will apply those provisions conservatively in favor of the public's right to participate in public decisions.

### **4.2 Council Communications & Serial Meetings.**

Members will not engage in "serial meetings" with colleagues – a discussion of City issues among a majority of Councilmembers or Commissioners either collectively (i.e. all meeting together) or in a sequence (A talks to B who talks to C). Members

will not use other persons as intermediaries to accomplish a serial meeting or to circumvent the Ralph M. Brown Act.

#### 4.3 Closed Session Discussions.

As part of a properly agendized meeting, Members may only hold sessions closed to the public, pursuant to the advice of the City Attorney, in accordance with the commonly accepted interpretation of Brown Act requirements. Discussions held in closed session are to be directly limited to the matter at hand. Such discussions, along with materials reviewed, are confidential and shall not be disclosed except as the City Attorney may advise.

#### 4.4 Closed Session Materials.

Confidential materials provided in preparation for and during closed sessions must be returned to the City Attorney at the conclusion of the closed session.

### 5.0 **Fairness of Process**

Members will comply with the meeting and hearing procedures set forth by these protocols, the Brown Act, and Rosenberg's Rules of Order. Additionally, in order to cultivate an environment of fairness and to encourage public confidence in City decisions, Members will adhere to the following standards of conduct:

#### 5.1 Decisions on the Merits.

Members will base their decisions on the facts and merits of each matter, not upon personal or other biases, and will strive to make decisions that are in the best interests of the community as a whole.

#### 5.2 Disclose Information.

Prior to any deliberations on a project or matter at a public meeting, Members shall publicly disclose information about the matter that they have obtained from sources, not presented in the staff report (e.g. their own site visit, from the public, from the applicant, etc.), which may influence their decision or that of Members.

Remain neutral on quasi-judicial hearings. A quasi-judicial hearing occurs when;

- a) a hearing is held to apply a rule or standard to an individual person, project or circumstance;
- b) it involves the taking of evidence;
- c) it results in the rendering of a written decision issued by the hearing officer or tribunal (including adoption of findings); and

d) the written decision is based on the facts and arguments submitted at the hearing.

Elected and appointed officials are obligated to remain neutral and unbiased regarding quasi-judicial matters prior to their vote on the matter.

### 5.3 Consider All Sides.

Members should consider the various viewpoints related to a project or matter and afford project applicants and interested persons an adequate opportunity to comment upon a project or matter before action is taken.

### 5.4 Decorum.

To ensure the fairness and integrity of the deliberative process, the presiding officer should preserve decorum and conduct meetings in an orderly manner. Members should remain attentive of the business at hand and conduct themselves in a manner that is civil, polite and respectful. Members should refrain from unnecessarily interrupting speakers and not engage in abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City staff and/or the public.

### 5.5 Attentiveness.

Members should remain attentive at meetings. Members should not make or receive phone calls, text messages or e-mails from the dais. Members should place cellphones and other communication devices in “off” or “silent” mode. Members should refrain from side-bar conversations with other Members while at the dais.

## 6.0 **Ethical Decision Making**

Members should observe the highest standards of ethical conduct in dealing with the community and carrying out their official duties. In every action and decision, Members should avoid even the appearance of impropriety and apply the guidelines for “Making Ethical Decisions” provided below:

### 6.1 Avoiding the Appearance of Impropriety.

6.1.1 Make Ethical Decisions. Members are referred to Appendix “B” (Guidelines for Making Ethical Decisions) for the process Members are encouraged to utilize in making City related decisions.

6.1.2 You May Need to Refrain from Participating. Conflict-of-interest issues are complex. Some situations are not “legal” conflicts of interest but may nevertheless pose the “appearance of impropriety” to the public. If a Member believes they have a conflict, the Member should contact the City

Attorney or FPPC for advice as soon as possible. The Member should not participate in any matter in which they have a conflict.

- 6.1.3 Get Help. To assist in making a decision not to participate, Members should consult the guidelines for Making Ethical Decisions (below), the City Attorney or the FPPC helpline, and/or their constituents.

## 6.2 Ethical Principles to Follow.

### 6.2.1 **Avoid Personal Interests.**

Members are prohibited from using their official positions to influence decisions in which they have a personal financial interest, are members of an interested organization, or have a personal relationship that would be affected.

### 6.2.2 **No Personal Gain.**

Members shall not take advantage of, or use, public property and equipment, public services, confidential public information, public resources, or other opportunities afforded by their office, for personal gain.

### 6.2.3 **City Stationery.**

City stationery or other City resources may not be used by Members to promote personal interests. City letterhead may only be used by Members for official City business.

### 6.2.4 **Appearing before Council.**

Members shall not appear before the City Council or other City board or commission representing any private interest or community group. Members are permitted to speak as a member of the public on any matter related solely to the Council Member's personal interest but may not participate in the matter as a Member.

### 6.2.5 **Gifts.**

Members will refrain from accepting gifts, favors or promises of future benefits that might compromise their independence, or the appearance that they are independent and unbiased.

## 7.0 **Efficiency and Accountability**

The City of Capitola operates under a council-manager form of government under which the Council's role is to provide legislative direction, set City policy and monitor its

implementation. The City Manager serves as the City's administrative head and is responsible for directing the day-to-day operations of the City and for administering all City business.

## 7.1 Members Should Not Interfere with Operations.

### **Implementing this Rule:**

- a) City Manager is responsible for City Personnel Members will not interfere with the appointment, evaluation, discipline, or removal by the City Manager of any Department Head or employee of the City.
  - (i) *Exception – City Attorney.* The City Attorney is hired, appointed, evaluated, and removed directly by the Council.
- b) Orders and Direction to Employees. Only the City Manager or applicable Department Head may give orders and direction to City employees. Members may not direct the work or actions of City employees. (CMC Section 2.08.090)
  - (i) *Requests for Information.* All Members should direct requests for information, research, or reports to the City Manager or applicable Department Head. If there is a legal question it should be directed to the City Attorney. Questions regarding elections and disclosure statements may be addressed to the City Clerk.
  - (ii) *Responses.* Substantive responses to Member's information inquiries will be provided to all Members of the legislative body (e.g. a response to a request by a Councilmember will be provided to all Councilmembers).
  - (iii) *Notifications.* Where the City Manager or Department Head provides general facts or information about the City, a program, or a City event to one Member, the information should be provided to all Members of the legislative body.
- c) Staff Liaisons to City Commissions / Committees and Outside Agencies. Members serving as the City's representative to a City Commission or Committee or to an outside agency may interact directly with the City employee assigned to that effort by the City Manager.
- d) Operations and Service Levels. Criticisms of City operations and service levels may be made only to the City Manager and not to City employees or Department Heads, unless first cleared through the City Manager or expressed in general during a regular Council, board or commission meeting.

- e) Political Solicitation & Activities. Members will not solicit political support from City employees (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.). Members will not engage in political activities at City Hall or other City facilities. This provision is not intended to impair the free exercise of federal and state constitutional and statutory rights by City employees.

## 7.2 Interaction of Members.

### 7.2.1 **Positions of Mayor and Chairperson.**

- a) Honorary Presiding Officer. The positions of Mayor and Mayor Pro Tempore on the City Council and the positions of chairperson and vice chairperson on City boards and commissions are generally considered honorary and ceremonial, but also serve an important procedural role as the presiding officer at meetings of their body. Persons appointed to those positions by a majority of their council, board or commission serve at the pleasure of their appointing body.
- b) Maintain Order, Decorum & Procedure. The Mayor and chairperson are responsible for maintaining order and decorum of their body's meetings and enforcing these policies where necessary. They are responsible for the order of business at meetings, the efficient flow of business during meetings, and for preserving the right of the public to be heard in an orderly fashion.
- c) Ceremonial Head. The Mayor is the ceremonial head of the City and signs all proclamations, officiates at all City functions, and welcomes visiting dignitaries.
- d) Spokesperson. The Mayor is the official spokesperson for the City and has the primary responsibility for communications with the press and public on official City business, with the exception of a state of emergency. During a state of emergency, the Director of Emergency Services may serve as the primary contact for the public, other governing officials and the press. The Mayor will work on press releases and statements to the press with the City Manager and will report the majority position adopted by the Council, and not his or her personal opinion on matters.

### 7.2.2 **At Public Meetings**

- a) Follow Rules of Order, Decorum and Procedure. Members should adhere to the rules of order, decorum and procedure for the conduct of public meetings adopted by the City Council from time to time. Abiding by these rules will maintain civility and the orderly conduct of business.

- b) Keep Conduct Professional. Members should conduct themselves in an orderly, professional, and business-like manner to ensure that the business of the City shall be attended to efficiently and thoroughly.
- c) Keep Comments On-Topic. Public meetings are to attend to and resolve City business. Members should avoid being overly repetitious and should endeavor to limit their comments to the subject matter at hand. Members are encouraged to fully express their views and to explore the views of others, but Members should also be mindful of avoiding lengthy or unproductive debates.
- d) Ask Questions in Advance. When preparing for public meetings, Members are encouraged to provide their questions far enough in advance to the City Manager or City employee responsible for the meeting so that meaningful information and responses can be shared at the meeting.

### 7.2.3 Relations with Fellow Members

- a) Civility. Members should always practice civility. By doing so, Members help the City to fulfill its potential by putting the common good ahead of personal rivalries or irritations. Civility is best fostered by a collective commitment to following established rules of procedure.
- b) Different Points of View. Members should exercise tolerance for the different opinions, perspectives, and points of view of their colleagues and recognize their right to express these views on matters of City business within the established rules of decorum and order of business.
- c) Managing Conflict. Members should manage disagreement with civility and professionalism and not allow disagreement to turn into open conflict or hostility. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City employees and/or members of the public.

### 7.2.4 Public Communication and Appearance

- a) Personal versus City Positions. It is an important part of each Member's responsibility to communicate with the public. In communications regarding City business, it is important to distinguish a Member's personal views and opinions and the adopted City position. When appearing before another governmental agency or organization, the Member should clearly set forth the City's official position, and then may express their own position.

- (i) *Expressing Dissent.* Each Member has a right under the First Amendment to express their views and opinions, even if contrary to the official position of the City. However, Members should express their dissenting views with tact and civility.
- b) Use of Official Titles. Members may use their official title only when conducting official City business, for informational purposes, or as an indication of background and expertise, after having carefully considered whether they are exceeding or appearing to exceed their authority.
- c) Response to Public Communication. Members are encouraged to respond promptly to letters, telephone calls, electronic communication, and other communications received from member of the Public who have requested a response. Members are not required to respond to commercial solicitations or to anonymous, obnoxious or harassing communications.

## 8.0 **Enforcement**

### 8.1 Member Responsibility.

Upon assuming office each Member shall sign a statement affirming that they have received and reviewed these Protocols. Each Member is responsible for adhering to these Protocols as well as the laws that comprise the basic legal framework for local government.

### 8.2 Council Authority.

The City Council has authority, but not the legal obligation, to monitor each Member's adherence to these Protocols and to take corrective action for violations, as provided below.

#### 8.2.1 **Training and Education.**

The City Council may sponsor or require periodic training opportunities for Members to become more familiar with the Protocols and the legal framework (See Appendix "A").

#### 8.2.2 **Councilmembers.**

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, as provided in Section 8.4.3, a majority of the Councilmembers may remove a Councilmember from all Council honorary and/or ceremonial positions and ad-hoc and standing committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

### 8.3 Oath of Office.

All Members take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. In addition, Members commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

### 8.4 Violations.

This Code of Conduct is an expression of the standards of conduct for all elected and appointed Members. This section establishes a process for the filing of and the City's response to complaints that a member has violated this Code of Conduct. This section does not apply to any legislative action taken by a Member, including how a Member votes on an item, or any position a Member takes on any particular item that is before the Council.

#### 8.4.1 **Complaint.**

Where any Board or Commission Member, Councilmember, City employee, or resident of the City believes that a Member has violated this Code of Conduct, they may file a written complaint with the City Council at the following email address: [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us).

The Mayor, Vice Mayor, or City Clerk shall provide the complaint to the City Attorney.

The Mayor, Vice Mayor, or City Clerk will acknowledge receipt to the complainant within five business days of receipt.

Within 45 days of receipt of the complaint, at a City Council meeting, any Councilmember may request the complaint be agendaized for discussion at a future Council meeting. If \_\_\_\_ Councilmembers (for a total of \_\_\_\_ ) agree, discussion will be agendaized at a future meeting.

If, within 45 days of receipt of the complaint, the Council does not act to agendaize it for discussion, the City Clerk or City Attorney will notify the complainant that the complaint has been dismissed.

#### 8.4.2 **Meeting Regarding Complaint.**

If the Council chooses to discuss the complaint at a Council meeting, the Member who is subject to the complaint shall be notified of the meeting and have an opportunity to respond to the complaint at the meeting.

#### 8.4.3 **Actions by Council in Response to Complaint.**

In response to a complaint, the Council may: 1) request further investigation or information; 2) take any of the actions listed below; or 3) take any other action that is permitted by law. Any action requires a majority vote by the Council.

- (i) *Dismissal.* The Council may dismiss the complaint.
- (ii) *Censure.* The Council may censure the Member. Censure is an official expression of disapproval and reprimand by the Council.
- (iii) *Removal from appointments.* The Council may remove the Member from any appointive positions representing the City or, if they are currently serving as Mayor or Vice Mayor, remove them from that position.
- (iv) *Removal of Board Member or Commissioner.* The Council may remove a Board Member or Commissioner from the Board or Commission on which the Board Member or Commissioner serves.

## **APPENDIX A – LEGAL FRAMEWORK & RESOURCES**

### **1.0 Legal Framework**

<u>Law or Regulations</u>	<u>Citation</u>
<u>California Laws</u>	
California Constitutions <i>General City Authority</i>	Article XI §§ 2, 5, 7, & 11.
Ralph M. Brown Act <i>Open Meeting Laws</i>	Government Code §§ 54950 <i>et seq.</i>
California Public Records Act <i>Public Records Disclosure</i>	Government Code §§ 6250 <i>et seq.</i>
California Political Reform Act <i>Conflicts, Disclosures &amp; Campaigns</i>	Government Code §§ 81000 <i>et seq.</i>
FPPC Regulations <i>Conflicts, Disclosures &amp; Campaigns</i>	2 Cal. Code Regs. §§ 18109 <i>et seq.</i>
<i>Legally Required Participation</i>	2 Cal. Code Regs. §18708
California Anti-Self Dealing Law <i>Self Interest in Contracts</i>	Government Code §§ 1090 <i>et seq.</i> ,
California Incompatibility of Office Law <i>Holding Two Public Offices</i>	Government Code § 1126 & § 1099
<u>City of Capitola Documents</u>	
City Municipal Code	
City Council Rules of Order and Protocols	
Reimbursement Policy	
Social Media Policy	
Handbook	
Anti-Harassment and Ethics Training	

## 2.0 Online Resources

<u>Resource</u>	<u>Web Address</u>
State of California <i>Portal to State Websites</i>	<a href="http://www.ca.gov/index.asp">www.ca.gov/index.asp</a>
Official Cal Legislative Information <i>California Bills &amp; Codes Online</i>	<a href="http://www.leginfo.gov">www.leginfo.gov</a>
Cal. Fair Political Practice Commission <i>Conflict of Interest Info</i>	<a href="http://www.ca.fppc">www.ca.fppc</a>
Cal. Attorney General <i>See AG Opinions</i>	<a href="http://www.ag.ca.gov">www.ag.ca.gov</a>
Cal. Senate <i>Bill Information Online</i>	<a href="http://www.senate.ca.gov">www.senate.ca.gov</a>
Cal. Secretary of State <i>Election Information</i>	<a href="http://www.sos.ca.gov">www.sos.ca.gov</a>
League of California Cities <i>Municipal resources</i>	<a href="http://www.cacities.org">www.cacities.org</a>
Institute for Local Government <i>Municipal resources</i>	<a href="http://www.ca-ilg.org">www.ca-ilg.org</a>
Cal. Joint Powers Insurance Authority <i>Risk Management &amp; Training</i>	<a href="http://www.cjpia.gov">www.cjpia.gov</a>
Marrkula Institute for Applied Ethics <i>Ethical Decision Making</i>	<a href="http://www.scu.edu/ethics/practicing/decision">www.scu.edu/ethics/practicing/decision</a>
Institute for Local Self Government <i>Government Ethics</i>	<a href="http://www.ilsg.org">www.ilsg.org</a>

## **APPENDIX B – GUIDELINES FOR MAKING ETHICAL DECISIONS**

**[Please visit the Markkula Center for Applied Ethics at the University of Santa Clara]**

**How to Make an Ethical Decision.** When presented with an opportunity to participate in making a decision for the City, the City Official should:

**A. Recognize whether an ethical issue is involved.**

1. Will the decision result in damage or injury to people?
2. Is there a clear good or bad result?
3. Is the result compelled under the law or does it hinge on budgetary, efficiency, or other community concerns?
4. Ethical decisions are often not the easiest decision nor the most popular.

**B. Get the facts.**

1. Read the staff report and get questions answered by the City Manager in advance.
2. Are there alternatives that would lead to better or worse results?
3. What are the viewpoints of the stakeholders? Are some more important than others?
4. Are there any unanticipated consequences?

**C. Evaluate alternative actions. Which option will:**

1. Produce the most good and do the least harm? (See the Markkula Center's Utility Test.)
  - a. Identify the *alternative actions* that are *possible* and the persons and groups (the stakeholders) *who will be affected* by these actions.
  - b. For each of the most promising alternatives, determine the *benefits and costs* to each person or group affected.
  - c. Select the action in the current situation that *produces the greatest benefits over costs for all* affected.
  - d. Ask *what would happen if* the action were a *policy for all similar situations*.
2. Best respect the rights of all who have a stake? (See The Markkula Center's Rights Test.)

- a. *Identify the right* being upheld or violated.
  - b. Explain why it *deserves the status* of a right.
  - c. Ask whether that *right conflicts with the rights* of others.
3. Treat people equally or proportionately? (See The Markkula Center's Justice Test.)
    - a. What is the *distribution of benefits and burdens*? Is the distribution *fair*?
    - b. If disagreement persists over which outcome is fair, select a *fair process* to decide the issue.
  4. Best serve the community as a whole. (See The Markkula Center's Common Good Test.)
    - a. *Identify* what parts of the *common good* are involved.
    - b. Explain obligations to *promote or protect* the common good.
    - c. Discern whether the proposed action *conflicts with* an obligation to promote or protect the *common good*.
  5. Lead the City Official to act as the sort of person or official as they want to be? (See The Markkula Center's Virtue Test.)
    - a. Will the action help to *make you the kind of person you want to be*?
    - b. Will the action fit the City's reputation or vision of what it would like to be?
    - c. Will the action maintain the right balance between *excellence and success* for the City?

**D. Make a decision and test it.**

1. Which approach best suits the situation and arrives at the *most ethical decision*?
2. Which option is likely to be *most respected* by the Member's colleagues and constituents?

**E. Act and reflect on the outcome.**

1. How can the decision be *implemented* to *best reflect the intention and reasons* for the decision?
2. What was the end result of the decision and what feedback has the City Official received?

**APPENDIX C – Receipt of Code of Conduct**

I affirm that I have read and that I understand, accept and support the City of Capitola City Council and Commissioner Code of Conduct

---

Board, Commission, Committee Position

---

(Print Name)

---

Signature

---

Date



## ADMINISTRATIVE POLICY

Number: I-42  
 Issued: September 10, 2020  
 Jurisdiction: City Council

# CITY COUNCIL AND COMMISSIONER CODE OF CONDUCT

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## 1.0 Preamble

The Capitola City Council declares that citizens of the City of Capitola are entitled to have fair, open, ethical, efficient and accountable local government and that City officials should continually strive to earn the public's confidence. Toward that end, these Protocols establish higher standards of conduct for members of the City Council and members of City boards and commissions (~~collectively~~ "Members") than are currently required under the laws of the State of California.

The Members pledge to hold themselves and other Members responsible for observing the standards set forth in these Protocols, and to enforce these Protocols when necessary to preserve the integrity of City government.

## 2.0 Core Values

### **Responsibility**

- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I will keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit
- I will avoid and discourage conduct which is divisive or harmful to the best interests of Capitola
- I make decisions based on the merits of an issue, including research and facts.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

### **Integrity**

- I am honest with my fellow City officials, City staff, members of the community, and others.
- I promote equity and non-discrimination in public agency decision-making.
- I encourage diverse public engagement in our decision-making processes and support the public's right to know.
- I do not accept gifts, services or other special considerations for personal benefit because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my actions as a City Official

### **Respect/Value others**

- I recognize the worth and dignity of individual members and appreciate their individual talents, perspectives and contributions; value in others.
- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.

- I help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential.
- I understand that I am one of five members of the City Council and will work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff.

### Accountability

- I am prepared to make decisions when necessary for the public's best interests, whether those decisions are popular or not.
- I do not make promises on behalf of the City without concurrence from the City Council at a duly noticed public meeting.
- I take responsibility for my actions, even when it is uncomfortable to do so.
- I do not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

## 3.0 Setting a Higher Standard within the Existing Framework

By adopting these Protocols, the Council intends to supplement and not to supersede California's existing legal framework applicable to local governments. Similarly, the Council intends that these Protocols will not merely restate existing legal obligations but will establish a higher standard of conduct for Members in the governance of the City. Members are referred to Appendix "A" (Legal Framework & Resources) for pertinent resources. Members are expected to be familiar with and to seek guidance about the applicability of the legal framework.

## 4.0 Transparency in decision making.

Transparency in decision making is of the utmost importance in maintaining ethical, representative local governance. Toward that end, Members will adhere to the following standards:

### 4.1 Public Meetings.

Members will hold public meetings in accordance with the Ralph M. Brown Act (the "Brown Act"). Members will seek guidance from the City Attorney as to the Brown Act requirements and will apply those provisions conservatively in favor of the public's right to participate in public decisions.

### 4.2 Council Communications & Serial Meetings.

Members will not engage in "serial meetings" with colleagues – a discussion of City issues among a majority of Councilmembers or Commissioners either collectively (i.e. all meeting together) or in a sequence (A talks to B who talks to C). Members

will not use other persons as intermediaries to accomplish a serial meeting or to circumvent the Ralph M. Brown Act.

#### 4.3 Closed Session Discussions.

As part of a properly agendized meeting, Members may only hold sessions closed to the public, pursuant to the advice of the City Attorney, in accordance with the commonly accepted interpretation of Brown Act requirements. Discussions held in closed session are to be directly limited to the matter at hand. Such discussions, along with materials reviewed, are confidential and shall not be disclosed except as the City Attorney may advise.

#### 4.4 Closed Session Materials.

Confidential materials provided in preparation for and during closed sessions must be returned to the City Attorney at the conclusion of the closed session.

### 5.0 **Fairness of Process**

Members will comply with the meeting and hearing procedures set forth by these protocols, the Brown Act, and Rosenberg's Rules of Order. Additionally, in order to cultivate an environment of fairness and to encourage public confidence in City decisions, Members will adhere to the following standards of conduct:

#### 5.1 Decisions on the Merits.

Members will base their decisions on the facts and merits of each matter, not upon personal or other biases, and will strive to make decisions that are in the best interests of the community as a whole.

#### 5.2 Disclose Information.

Prior to any deliberations on a project or matter at a public meeting, Members shall publicly disclose information about the matter that they have obtained from sources, not presented in the staff report (e.g. their own site visit, from the public, from the applicant, etc.), which may influence their decision or that of Members.

Remain neutral on quasi-judicial hearings. A quasi-judicial hearing occurs when;

- a) a hearing is held to apply a rule or standard to an individual person, project or circumstance;
- b) it involves the taking of evidence;
- c) it results in the rendering of a written decision issued by the hearing officer or tribunal (including adoption of findings); and

d) the written decision is based on the facts and arguments submitted at the hearing.

Elected and appointed officials are obligated to remain neutral and unbiased regarding quasi-judicial matters prior to their vote on the matter.

### 5.3 Consider All Sides.

Members should consider the various viewpoints related to a project or matter and afford project applicants and interested persons an adequate opportunity to comment upon a project or matter before action is taken.

### 5.4 Decorum.

To ensure the fairness and integrity of the deliberative process, the presiding officer should preserve decorum and conduct meetings in an orderly manner. Members should remain attentive of the business at hand and conduct themselves in a manner that is civil, polite and respectful. Members should refrain from unnecessarily interrupting speakers and not engage in abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City staff and/or the public.

### 5.5 Attentiveness.

Members should remain attentive at meetings. Members should not make or receive phone calls, text messages or e-mails from the dais. Members should place cellphones and other communication devices in “off” or “silent” mode. Members should refrain from side-bar conversations with other Members while at the dais.

## 6.0 **Ethical Decision Making**

Members should observe the highest standards of ethical conduct in dealing with the community and carrying out their official duties. In every action and decision, Members should avoid even the appearance of impropriety and apply the guidelines for “Making Ethical Decisions” provided below:

### 6.1 Avoiding the Appearance of Impropriety.

6.1.1 Make Ethical Decisions. Members are referred to Appendix “B” (Guidelines for Making Ethical Decisions) for the process Members are encouraged to utilize in making City related decisions.

6.1.2 You May Need to Refrain from Participating. Conflict-of-interest issues are complex. Some situations are not “legal” conflicts of interest but may nevertheless pose the “appearance of impropriety” to the public. If a Member believes they have a conflict, the Member should contact the City

Attorney or FPPC for advice as soon as possible. The Member should not participate in any matter in which they have a conflict.

- 6.1.3 Get Help. To assist in making a decision not to participate, Members should consult the guidelines for Making Ethical Decisions (below), the City Attorney or the FPPC helpline, and/or their constituents.

## 6.2 Ethical Principles to Follow.

### 6.2.1 **Avoid Personal Interests.**

Members are prohibited from using their official positions to influence decisions in which they have a personal financial interest, are members of an interested organization, or have a personal relationship that would be affected.

### 6.2.2 **No Personal Gain.**

Members shall not take advantage of, or use, public property and equipment, public services, confidential public information, public resources, or other opportunities afforded by their office, for personal gain.

### 6.2.3 **City Stationery.**

City ~~letterhead or~~ stationery or other City resources may not be used by Members to promote personal interests. City letterhead may only be used by Members for official City business.

### 6.2.4 **Appearing before Council.**

Members shall not appear before the City Council or other City board or commission representing any private interest or community group. Members are permitted to speak as a member of the public on any matter related solely to the Council Member's personal interest but may not participate in the matter as a Member.

### 6.2.5 **Gifts.**

Members will refrain from accepting gifts, favors or promises of future benefits that might compromise their independence, or the appearance that they are independent and unbiased.

## 7.0 **Efficiency and Accountability**

The City of Capitola operates under a council-manager form of government under which the Council's role is to provide legislative direction, set City policy and monitor its

implementation. The City Manager serves as the City's administrative head and is responsible for directing the day-to-day operations of the City and for administering all City business.

## 7.1 Members Should Not Interfere with Operations.

### **Implementing this Rule:**

- a) City Manager is responsible for City Personnel Members will not interfere with the appointment, evaluation, discipline, or removal by the City Manager of any Department Head or employee of the City.
  - (i) *Exception – City Attorney.* The City Attorney is hired, appointed, evaluated, and removed directly by the Council.
- b) Orders and Direction to Employees. Only the City Manager or applicable Department Head may give orders and direction to City employees. Members may not direct the work or actions of City employees. (CMC Section 2.08.090)
  - (i) *Requests for Information.* All Members should direct requests for information, research, or reports to the City Manager or applicable Department Head. If there is a legal question it should be directed to the City Attorney. Questions regarding elections and disclosure statements may be addressed to the City Clerk.
  - (ii) *Responses.* Substantive responses to Member's information inquiries will be provided to all Members of the legislative body (e.g. a response to a request by a Councilmember will be provided to all Councilmembers).
  - (iii) *Notifications.* Where the City Manager or Department Head provides general facts or information about the City, a program, or a City event to one Member, the information should be provided to all Members of the legislative body.
- c) Staff Liaisons to City Commissions / Committees and Outside Agencies. Members serving as the City's representative to a City Commission or Committee or to an outside agency may interact directly with the City employee assigned to that effort by the City Manager.
- d) Operations and Service Levels. Criticisms of City operations and service levels may be made only to the City Manager and not to City employees or Department Heads, unless first cleared through the City Manager or expressed in general during a regular Council, board or commission meeting.

- e) Political Solicitation & Activities. Members will not solicit political support from City employees (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.). Members will not engage in political activities at City Hall or other City facilities. This provision is not intended to impair the free exercise of federal and state constitutional and statutory rights by City employees.

## 7.2 Interaction of Members.

### 7.2.1 **Positions of Mayor and Chairperson.**

- a) Honorary Presiding Officer. The positions of Mayor and Mayor Pro Tempore on the City Council and the positions of chairperson and vice chairperson on City boards and commissions are generally considered honorary and ceremonial, but also serve an important procedural role as the presiding officer at meetings of their body. Persons appointed to those positions by a majority of their council, board or commission serve at the pleasure of their appointing body.
- b) Maintain Order, Decorum & Procedure. The Mayor and chairperson are responsible for maintaining order and decorum of their body's meetings and enforcing these policies where necessary. They are responsible for the order of business at meetings, the efficient flow of business during meetings, and for preserving the right of the public to be heard in an orderly fashion.
- c) Ceremonial Head. The Mayor is the ceremonial head of the City and signs all proclamations, officiates at all City functions, and welcomes visiting dignitaries.
- d) Spokesperson. The Mayor is the official spokesperson for the City and has the primary responsibility for communications with the press and public on official City business, with the exception of a state of emergency. During a state of emergency, the Director of Emergency Services may serve as the primary contact for the public, other governing officials and the press. The Mayor will work on press releases and statements to the press with the City Manager and will report the majority position adopted by the Council, and not his or her personal opinion on matters.

### 7.2.2 **At Public Meetings**

- a) Follow Rules of Order, Decorum and Procedure. Members should adhere to the rules of order, decorum and procedure for the conduct of public meetings adopted by the City Council from time to time. Abiding by these rules will maintain civility and the orderly conduct of business.

- b) Keep Conduct Professional. Members should conduct themselves in an orderly, professional, and business-like manner to ensure that the business of the City shall be attended to efficiently and thoroughly.
- c) Keep Comments On-Topic. Public meetings are to attend to and resolve City business. Members should avoid being overly repetitious and should endeavor to limit their comments to the subject matter at hand. Members are encouraged to fully express their views and to explore the views of others, but Members should also be mindful of avoiding lengthy or unproductive debates.
- d) Ask Questions in Advance. When preparing for public meetings, Members are encouraged to provide their questions far enough in advance to the City Manager or City employee responsible for the meeting so that meaningful information and responses can be shared at the meeting.

### 7.2.3 Relations with Fellow Members

- a) Civility. Members should always practice civility. By doing so, Members help the City to fulfill its potential by putting the common good ahead of personal rivalries or irritations. Civility is best fostered by a collective commitment to following established rules of procedure.
- b) Different Points of View. Members should exercise tolerance for the different opinions, perspectives, and points of view of their colleagues and recognize their right to express these views on matters of City business within the established rules of decorum and order of business.
- c) Managing Conflict. Members should manage disagreement with civility and professionalism and not allow disagreement to turn into open conflict or hostility. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, City employees and/or members of the public.

### 7.2.4 Public Communication and Appearance

- a) Personal versus City Positions. It is an important part of each Member's responsibility to communicate with the public. In communications regarding City business, it is important to distinguish a Member's personal views and opinions and the adopted City position. When appearing before another governmental agency or organization, the Member should clearly set forth the City's official position, and then may express their own position.

- (i) *Expressing Dissent.* Each Member has a right under the First Amendment to express their views and opinions, even if contrary to the official position of the City. However, Members should express their dissenting views with tact and civility.
- b) Use of Official Titles. Members may use their official title only when conducting official City business, for informational purposes, or as an indication of background and expertise, after having carefully considered whether they are exceeding or appearing to exceed their authority.
- c) Response to Public Communication. Members are encouraged to respond promptly to letters, telephone calls, electronic communication, and other communications received from member of the Public who have requested a response. Members are not required to respond to commercial solicitations or to anonymous, obnoxious or harassing communications.

## **8.0 Enforcement**

### **8.1 Member Responsibility.**

Upon assuming office each Member shall sign a statement affirming that they have received and reviewed these Protocols. Each Member is responsible for adhering to these Protocols as well as the laws that comprise the basic legal framework for local government.

### **8.2 Council Authority.**

The City Council has authority, but not the legal obligation, to monitor each Member's adherence to these Protocols and to take corrective action for violations, as provided below.

#### **8.2.1 Training and Education.**

The City Council may sponsor or require periodic training opportunities for Members to become more familiar with the Protocols and the legal framework (See Appendix "A").

#### **8.2.2 Councilmembers.**

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, as provided in Section 8.4.3, a majority of the Councilmembers may remove a Councilmember from all Council honorary and/or ceremonial positions and ad-hoc and standing committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

### ~~8.3 Violation of Oath of Office.~~

#### ~~8.3.1~~ 8.3 Oath of Office.

All Members take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. In addition, Members commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

### ~~8.4 Violation of Protocols.~~

#### 8.4 Violations.

This Code of Conduct is an expression of the standards of conduct for all elected and appointed Members. This section establishes a process for the filing of and the City's response to complaints that a member has violated this Code of Conduct. This section does not apply to any legislative action taken by a Member, including how a Member votes on an item, or any position a Member takes on any particular item that is before the Council.

##### 8.4.1 Complaint.

Where any Board or Commission Member, Councilmember, City employee, or resident of the City believes that a Member has violated ~~these Protocols or their Oath of Office~~ this Code of Conduct, they may file a written complaint with the City Clerk who will then provide it to the City Manager and City Attorney. ~~The complaint shall be considered confidential until the City Attorney has determined the appropriate next action.~~ Council at the following email address: [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us).

The Mayor, Vice Mayor, or City Clerk shall provide the complaint to the City Attorney.

The Mayor, Vice Mayor, or City Clerk will acknowledge receipt to the complainant within five business days of receipt.

Within 45 days of receipt of the complaint, at a City Council meeting, any Councilmember may request the complaint be agendaized for discussion at a future Council meeting. If \_\_\_\_\_ Councilmembers (for a total of \_\_\_\_\_) agree, discussion will be agendaized at a future meeting.

If, within 45 days of receipt of the complaint, the Council does not act to agendaize it for discussion, the City Clerk or City Attorney will notify the complainant that the complaint has been dismissed.

##### 8.4.2 Meeting Regarding Complaint.

If the Council chooses to discuss the complaint at a Council meeting, the Member who is subject to the complaint shall be notified of the meeting and have an opportunity to respond to the complaint at the meeting.

#### **8.4.3 Actions by Council in Response to Complaint.**

In response to a complaint, the Council may: 1) request further investigation or information; 2) take any of the actions listed below; or 3) take any other action that is permitted by law. Any action requires a majority vote by the Council.

#### **8.4.2 Investigation.**

~~Within thirty (30) days of receipt of a Complaint as provided in Section 7.4.1., the City Manager and City Attorney shall review the complaint. If, in the City Attorney's determination, the complaint alleges a violation of law, the City Attorney shall determine appropriate next steps.~~

~~For example, a complaint alleging theft of public funds or bribery, or a complaint from a purported whistle-blower (pursuant to California Labor Code Section 1102.5) may be forwarded to the Office of the District Attorney. Complaints alleging other violations of the law may be forwarded to the City's risk-management pool for a determination. The City Attorney shall have the authority to retain an outside investigator to investigate complaints from employees alleging violations of the Fair Employment and Housing Act.~~

~~All complaints, including complaints alleging violations of these protocols and any other City policy or procedure, at the appropriate point in the process as determined by the City Attorney shall be forwarded to the City Council for consideration in open session. The City Council may order an investigation.~~

#### **8.4.3 Enforcement.**

~~The City Council may use any of the following to respond to any and all violations of these protocols: (i) a warning (ii) a written reprimand; or (iii) censure. In addition, the City Council shall have the authority to remove Board or Commission Members from office as a remedy for violations. (CMC 2.12.020 for Planning Commissioners).~~

~~The City Council, Boards and Commissions shall use the following procedure to consider complaints forwarded by the City Attorney:~~

- ~~a) **Receipt of Complaint.** Upon receipt of the complaint, the Council will hold a public meeting at which it will determine whether the~~

~~complaint should be dismissed for the reasons stated in section b)(i), below, or added to a future agenda for further discussion and determination. if the complaint is added to a future agenda, the subject Member shall have the opportunity to address the allegations in the complaint at the future meeting.~~

~~b) **Determination.** The Council shall make a determination on the allegations in the complaint based on the following:~~

~~(i) **Dismissal.** Where the Council determines that no violation occurred or that only a trivial violation occurred, or that the complaint does not have merit for any other reason, the **The Council may dismiss the complaint.**~~

~~(ii) **Reprimand.** The Council may adopt a verbal or written statement reprimanding the subject Member for their conduct. The subject Member may file a rebuttal to the Reprimand with the City Clerk which will become a matter of public record.~~

~~(iii) **Censure.** Where the Council, based on the Report, any statement from the subject Member, and other evidence accepted at a public hearing of the matter, determines that there is substantial evidence that the Member has materially violated one or more provisions of these Protocols, and that such violation(s) impugn the integrity or dignity of the City or that such violations are egregious or chronic in nature, then the Council may adopt a resolution censuring the subject member by condemning their actions, removing the Member from all appointive positions representing the City in front of other governments and agencies, demoting them if they hold a position of mayor, mayor pro tempore, chairman or vice chairman, stating that the violations shall cease, and demanding corrective actions. The subject Member may file a rebuttal to the Censure with the City Clerk which will become a matter of public record.~~

~~c) **Commissioner and Board Member Removal from Office.**~~

~~(i) **Planning Commissioner** — Notwithstanding any of the provisions in this Section 9.0, the City Council may remove a Planning Commissioner by following procedure in CMG Section 2.12.020. Nothing in these Protocols affects or diminishes such power nor vests Planning Commissioners with any additional rights, including, without limitation, rights of procedural due procession.~~

~~(ii) Other Commissioners and Board Members – Notwithstanding any of the provisions in this Section 9.0, the City Council may remove any commissioner or board member appointed by the City Council. Nothing in these Protocols affects or diminishes such power nor vests such commissioners or board members with any additional rights, including, without limitation.~~

(ii) *Censure.* The Council may censure the Member. Censure is an official expression of disapproval and reprimand by the Council.

(iii) *Removal from appointments.* The Council may remove the Member from any appointive positions representing the City or, if they are currently serving as Mayor or Vice Mayor, remove them from that position.

(iv) *Removal of Board Member or Commissioner.* The Council may remove a Board Member or Commissioner from the Board or Commission on which the Board Member or Commissioner serves.

## **APPENDIX A – LEGAL FRAMEWORK & RESOURCES**

### **1.0 Legal Framework**

<u>Law or Regulations</u>	<u>Citation</u>
<u>California Laws</u>	
California Constitutions <i>General City Authority</i>	Article XI §§ 2, 5, 7, & 11.
Ralph M. Brown Act <i>Open Meeting Laws</i>	Government Code §§ 54950 <i>et seq.</i>
California Public Records Act <i>Public Records Disclosure</i>	Government Code §§ 6250 <i>et seq.</i>
California Political Reform Act <i>Conflicts, Disclosures &amp; Campaigns</i>	Government Code §§ 81000 <i>et seq.</i>
FPPC Regulations <i>Conflicts, Disclosures &amp; Campaigns</i>	2 Cal. Code Regs. §§ 18109 <i>et seq.</i>
<i>Legally Required Participation</i>	2 Cal. Code Regs. §18708
California Anti-Self Dealing Law <i>Self Interest in Contracts</i>	Government Code §§ 1090 <i>et seq.</i> ,
California Incompatibility of Office Law <i>Holding Two Public Offices</i>	Government Code § 1126 & § 1099
<u>City of Capitola Documents</u>	

### **City's Charter**

City Municipal Code

City Council Rules of Order and Protocols

Reimbursement Policy

Social Media Policy

Handbook

Anti-Harassment and Ethics Training

## 2.0 Online Resources

<u>Resource</u>	<u>Web Address</u>
State of California <i>Portal to State Websites</i>	<a href="http://www.ca.gov/index.asp">www.ca.gov/index.asp</a>
Official Cal Legislative Information <i>California Bills &amp; Codes Online</i>	<a href="http://www.leginfo.gov">www.leginfo.gov</a>
Cal. Fair Political Practice Commission <i>Conflict of Interest Info</i>	<a href="http://www.ca.fppc">www.ca.fppc</a>
Cal. Attorney General <i>See AG Opinions</i>	<a href="http://www.ag.ca.gov">www.ag.ca.gov</a>
Cal. Senate <i>Bill Information Online</i>	<a href="http://www.senate.ca.gov">www.senate.ca.gov</a>
Cal. Secretary of State <i>Election Information</i>	<a href="http://www.sos.ca.gov">www.sos.ca.gov</a>
League of California Cities <i>Municipal resources</i>	<a href="http://www.cacities.org">www.cacities.org</a>
Institute for Local Government <i>Municipal resources</i>	<a href="http://www.ca-ilg.org">www.ca-ilg.org</a>
Cal. Joint Powers Insurance Authority <i>Risk Management &amp; Training</i>	<a href="http://www.cjpia.gov">www.cjpia.gov</a>
Marrkula Institute for Applied Ethics <i>Ethical Decision Making</i>	<a href="http://www.scu.edu/ethics/practicing/decision">www.scu.edu/ethics/practicing/decision</a>
Institute for Local Self Government <i>Government Ethics</i>	<a href="http://www.ilsg.org">www.ilsg.org</a>

## **APPENDIX B – GUIDELINES FOR MAKING ETHICAL DECISIONS**

**[Please visit the Markkula Center for Applied Ethics at the University of Santa Clara]**

**How to Make an Ethical Decision.** When presented with an opportunity to participate in making a decision for the City, the City Official should:

**A. Recognize whether an ethical issue is involved.**

1. Will the decision result in damage or injury to people?
2. Is there a clear good or bad result?
3. Is the result compelled under the law or does it hinge on budgetary, efficiency, or other community concerns?
4. Ethical decisions are often not the easiest decision nor the most popular.

**B. Get the facts.**

1. Read the staff report and get questions answered by the City Manager in advance.
2. Are there alternatives that would lead to better or worse results?
3. What are the viewpoints of the stakeholders? Are some more important than others?
4. Are there any unanticipated consequences?

**C. Evaluate alternative actions. Which option will:**

1. Produce the most good and do the least harm? (See the Markkula Center's Utility Test.)
  - a. Identify the *alternative actions* that are *possible* and the persons and groups (the stakeholders) *who will be affected* by these actions.
  - b. For each of the most promising alternatives, determine the *benefits and costs* to each person or group affected.
  - c. Select the action in the current situation that *produces the greatest benefits over costs for all* affected.
  - d. Ask *what would happen if* the action were a *policy for all similar situations*.
2. Best respect the rights of all who have a stake? (See The Markkula Center's Rights Test.)

- a. *Identify the right* being upheld or violated.
  - b. Explain why it *deserves the status* of a right.
  - c. Ask whether that *right conflicts with the rights* of others.
3. Treat people equally or proportionately? (See The Markkula Center's Justice Test.)
- a. What is the *distribution of benefits and burdens*? Is the distribution *fair*?
  - b. If disagreement persists over which outcome is fair, select a *fair process* to decide the issue.
4. Best serve the community as a whole. (See The Markkula Center's Common Good Test.)
- a. *Identify* what parts of the *common good* are involved.
  - b. Explain obligations to *promote or protect* the common good.
  - c. Discern whether the proposed action *conflicts with* an obligation to promote or protect the *common good*.
5. Lead the City Official to act as the sort of person or official as they want to be? (See The Markkula Center's Virtue Test.)
- a. Will the action help to *make you the kind of person you want to be*?
  - b. Will the action fit the City's reputation or vision of what it would like to be?
  - c. Will the action maintain the right balance between *excellence and success* for the City?

**D. Make a decision and test it.**

- 1. Which approach best suits the situation and arrives at the *most ethical decision*?
- 2. Which option is likely to be *most respected* by the Member's colleagues and constituents?

**E. Act and reflect on the outcome.**

- 1. How can the decision be *implemented to best reflect the intention and reasons* for the decision?
- 2. What was the end result of the decision and what feedback has the City Official received?

## **APPENDIX C – Receipt of Code of Conduct**

I affirm that I have read and that I understand, accept and support the City of Capitola City Council and Commissioner Code of Conduct

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Board, Commission, Committee Position

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(Print Name)

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Signature

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Date

Summary Report	
Title	<b>compareDocs Comparison Results</b>
Date & Time	10/2/2025 8:32:58 AM
Comparison Time	1.21 seconds
compareDocs version	v5.1.900.2

Sources	
Original Document	Admin Policy I-42 Council and Board Code of Conduct.docx
Modified Document	Admin Policy I-42 Council and Board Code of Conduct 100225.docx

Comparison Statistics	
Insertions	16
Deletions	10
Changes	2
Moves	4
Font Changes	0
Paragraph Style Changes	0
Character Style Changes	0
TOTAL CHANGES	32

Word Rendering Set Markup Options	
Name	Standard
<u>Insertions</u>	
<del>Deletions</del>	
<u>Moves</u> / <del>Moves</del>	
Font Changes	
Paragraph Style Changes	
Character Style Changes	
Inserted cells	
Deleted cells	
Merged cells	
Changed lines	Mark left border.

compareDocs Settings Used	Category	Option Selected
Open Comparison Report after saving	General	Always
Report Type	Word	TrackChanges
Character Level	Word	False
Include Comments	Word	False
Include Field Codes	Word	True
Flatten Field Codes	Word	False
Include Footnotes / Endnotes	Word	True
Include Headers / Footers	Word	True
Image compare mode	Word	Insert/Delete
Include List Numbers	Word	True
Include Quotation Marks	Word	False
Show Moves	Word	True
Include Tables	Word	True
Include Text Boxes	Word	True
Show Reviewing Pane	Word	True
Summary Report	Word	End
Detail Report	Word	Separate (View Only)
Document View	Word	Print





# CITY COUNCIL CODE OF CONDUCT

October 23, 2025



# Code of Conduct Overview

- Developed in September 2019 in response to request from Council.
- Applies to Council, Boards and Commissions.
- Current Council identified review and update of Code of Conduct in FY 2025-26 goals.
- July 24, 2025: Council requested staff prepare updates to use of stationary and enforcement sections.



# Use of City Stationery

- 6.2.3 City Stationery. City ~~letterhead or stationery~~ or other City resources may not be used by Members to promote personal interests. City letterhead may only be used by Members for official City business.

# Use of City Stationery

- What constitutes “City business”? Potential clarification:
- 6.2.3 City Stationery/**Letterhead**. City ~~letterhead or stationery~~ or other City resources may not be used by Members to promote personal interests. **City Council members may use City letterhead when a Councilmember is representing the City and the City’s official position. City letterhead is not to be used for correspondence of Councilmembers representing a personal point of view, or a dissenting point of view from a position the City has established.**
- **6.2.3 City Stationery.**

City letterhead or stationery or other City resources may not be used by Members to promote personal interests.



# Section 8.0 Enforcement

## Overview of Recommended Revisions

- Complaint procedure and handling streamlined.
- If Council opts to consider complaint at Council meeting, procedure is condensed from two meetings to one.
- Includes notification of complainant that complaint was received and, if applicable, dismissed.

# Scope of Complaints

## □ Section 8.4 Violations (NEW SECTION)

This Code of Conduct is an expression of the standards of conduct for all elected and appointed Members. This section establishes a process for the filing of and the City's response to complaints that a member has violated this Code of Conduct. **This**

**section does not apply to any legislative action taken by a Member, including how a Member votes on an item, or any position a Member takes on any particular item that is before the Council.**

# 8.4.1: Complaint

Current Policy	Amended Policy
With City Clerk, who provides to the CM, then CA.	With City Council: citycouncil@ci.capitola.ca.us
No acknowledgement of receipt.	Mayor, Vice, or Clerk acknowledges receipt w/in 5 business days.
No deadline for agendizing.	Within 45 days of receipt, may be agendized for discussion at Council meeting
One Councilmember may agendize discussion.	<b>Two/ three</b> Councilmembers to agendize.
No notification to complainant of dismissal.	W/in 45 days of receipt, if Council does not agendize, Clerk or CA notifies complainant of dismissal <b>OR</b> <b>CM adds to consent calendar for dismissal (similar to government claim).</b>

## 8.4.1. Complaint: *Mediation Options*

- Council recommends that, whenever possible and permitted by the Brown Act, the complainant and subject consider mediation by an independent mediator.
- If the Complaint is agendized for discussion, Council requests the complainant and subject complete and submit to the Council, to be attached to the staff report for the item, affidavits confirming that they have agreed to or attended mediation and, if not, an explanation as to why mediation was unavailable or inappropriate.



## 8.4.2: Meeting Regarding Complaint

- If Council chooses to discuss complaint at a Council meeting, subject is notified of meeting and has an opportunity to respond.



## 8.4.2: Meeting Regarding Complaint: *Procedure for Meeting Options*

- Subject(s) of complaint agree to recuse from the meeting(s) at which the Council hears or deliberates on the complaint, unless it will lead to a lack of quorum, in which case no subject shall recuse.
- Subject and complainant both speak from the podium in the Council chambers.



## 8.4.2: Meeting Regarding Complaint: *Procedure for Meeting Options*

- Potential Meeting Outline:
  - ▣ Staff report
  - ▣ Council questions of staff
  - ▣ Complainant: 10 minutes
  - ▣ Subject: 10 minutes
  - ▣ Public comment
  - ▣ Complainant Rebuttal: 5 minutes
  - ▣ Subject Rebuttal: 5 minutes
  - ▣ Council Questions to Complainant/ Subject
  - ▣ Deliberations
- No formal rules of evidence.
- Any additional information must be provided during the time allotted above or public comment.



## 8.4.3: Actions by Council in Response to Complaint

- In response to a complaint, the Council may: 1) request further investigation or information; 2) take any of the actions listed below; or 3) take any other action that is permitted by law. Any action requires a majority vote by the Council.

## 8.4.3: Actions by Council in Response to Complaint

- *Dismissal.* The Council may dismiss the complaint.
- *Censure.* The Council may censure the Member. Censure is an official expression of disapproval and reprimand by the Council.
- *Removal from appointments.* The Council may remove the Member from any appointing positions representing the City or, if they are currently serving as Mayor or Vice mayor, remove them from that position.
- *Removal of Board Member or Commissioner.* The Council may remove a Board Member or Commissioner from the Board or Commission on which the Board Member or Commissioner serves.

# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** Community and Economic Development Department

**Subject:** 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, an ordinance amending Chapter 15.04 and 15.18 of the Capitola Municipal Code pertaining to adoption of California Building Codes and the California Fire Code, 2005 Edition and portions of the 2024 International Fire Code, as amended by the Central Fire Protection District and ratified by the Capitola City Council.

**Background:** Every three years, the Building, Plumbing, Mechanical, Electrical, Energy, Green Building, Fire Code, and other building codes and standards are updated to include the most current construction and engineering principles and practices. Under the purview of the California Building Standards Commission, the newly revised California Building Standards Codes are published for required local adoption. This process ensures that the latest construction, engineering, and life safety techniques become standard practice throughout the State.

Under applicable provisions of the California Government Code and Health and Safety Codes, when a city is part of a fire protection district, the district adopts the local amendments to the Fire Code. Capitola is part of the Central Fire District (the "District"). The District has forwarded to the City a copy of the District's proposed ordinance adopting local amendments to the 2025 Fire Code, accompanied by findings supporting the amendments, for Council consideration.

The City last adopted updated versions of these codes in 2022. The mandatory effective date of the 2025 California Building Standards Code, including the Fire Code, is January 1, 2026.

**Discussion:** Staff recommends amending the City's building regulations, Title 15 of the Municipal Code, to recognize the adoption of the State Building Standards Codes. The City is permitted to adopt amendments to the State building standards.

The proposed ordinance is included as Attachment 2. Notable changes to the code are outlined below.

### *Part 2: California Building Code*

- Amendments were made to the permit expiration provisions of the code.
- There were no significant updates to the California Historical Building Code. The State Historical Building Safety Board adopted the 2025 California Historical Building Code by carrying forward existing provisions from the 2022 edition without further amendment.

### *Part 2.5: California Residential Code*

- Amendments were made to the permit expiration provisions of the code.
- Amendments include increased fire resistance between units in a duplex.

### *Part 4: California Mechanical Code*

- Amendments were made to the permit expiration provisions of the code.

### *Part 5: California Plumbing Code*

- Amendments were made to the permit expiration provisions of the code.
- Amendments include stricter flow requirements for showers, faucets, and toilets.
- Amendments include new greywater alternative water reuse systems.

- Amendments include higher efficiency water heaters.
- Amendments include ADU-specific requirements around plumbing fixture flow rates, hot water delivery times, and a separate shut-off for ADU water supply.

#### *Part 6: California Energy Code*

- Amendments include tighter requirements on the thermal envelope, requiring better insulation.
- Amendments include more stringent infiltration/envelope sealing requirements.
- Amendments include increased minimum efficiencies for heat pumps.
- Amendments include increased controls for lighting.
- Amendments include more requirements for PV systems.

#### *Part 11: California Green Building Standards Code (CALGreen)*

- Amendments include expanded EV charging requirements for the installation of EV charging receptacles and EV chargers (EVSE).
- Amendments include a stronger emphasis on material reuse and water diversion.
- Amendments include enhanced site development vegetation, landscaping, and minimizing heat islands.

#### Fire Codes

Central Fire District amended the Fire Code by adding section 903.2.4 concerning fire sprinklers in new accessory dwelling units (ADUs). The State Fire Code does not require automatic sprinkler systems for ADUs that are detached from the primary residence and less than 1,200 square feet if the primary residence does not have sprinklers. (California Residential Code, Title 24, Part 2.5, Section R309.2 (2025).) The District has added Section 903.2.4, which sets the following fire protection standards for newly constructed ADUs:

1. All newly constructed ADUs must meet the standards for water supply for firefighting in Section 507.3 and fire department vehicle access in Section 503.1.1. If these cannot be met, the owner can install an automatic residential sprinkler system as an alternative.
2. If the primary residence has fire sprinklers, the ADU must also have fire sprinklers. If the primary residence does not have sprinklers, sprinklers are not required in the ADU if the ADU is attached to the primary residence and 50% or less of the square footage of the primary residence, or if the ADU is detached from the primary residence.

The District is required to provide a copy of its proposed ordinance and adopted findings to the city where the ordinance will apply at least 30 days before adopting the proposed ordinance. The District sent a copy of the proposed ordinance and adopted findings to the City following the District's Special Meeting on September 25, 2025. The City may provide written comments, which will become part of the District's public hearing record, before the District adopts the ordinance. The District is scheduled to consider adoption of the ordinance on November 13, 2025.

After the District adopts the ordinance, it will transmit the adopted ordinance to the City. The Council may then ratify, modify or deny the ordinance, and must transmit its determination back to the District within 15 days. The Fire Code amendments become effective in Capitola when ratified by the City Council.

Staff recommends 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.

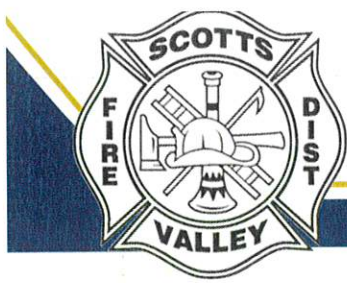
Attachments:

1. Central Fire Letter to City Council
2. Draft Ordinance
3. Building Municipal Code
4. Fire Code
5. Central Fire Resolution Fire Code
6. Central Fire Resolution State Housing Law

Report Prepared By: Katie Herlihy, Community and Economic Development Director

Reviewed By: Julia Gautho, City Clerk and Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager



September 24, 2025

Capitola City Council

Re: Adoption of the 2025 California and the 2024 International Fire Codes with amendments

Dear Mayor:

At the special board meeting on September 22, 2025, the Board of Directors of Central Fire District adopted the following:

- Resolution 2025-17 - A resolution of finding Modification to State Housing Law.
- Resolution 2025-16 - A Resolution of Intent to Adopt an Ordinance adopting the 2025 California and 2024 International Fire Codes with amendments.

A Public Hearing has been scheduled for November 13, 2025 at 8:30 a.m. at the Administrative Offices located at 930 17<sup>th</sup> Avenue, Santa Cruz California, for the proposed Ordinance prior to consideration of adoption of said Ordinance by the Central Fire District Board of Directors.

In compliance with the provisions of the Health and Safety Code, please find copies of Resolutions 2025-16 and 2025-17 and a copy of proposed ordinance 2025-3 for your review. If you have any questions, please contact me at (831) 316-3478.

Sincerely,

Erin Collins  
Interim Fire Marshal

Enc. Resolution 2025-16  
Resolution 2025-17  
Draft of Ordinance 2025-3

**DRAFT ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING CHAPTER 15.04 AND 15.18 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. 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, 2025 edition.
- B. The California Electrical Code, 2025 edition.
- C. The California Mechanical Code, 2025 edition.
- D. The California Plumbing Code, 2025 edition.
- E. The California Fire Code, 2025 edition as amended by the Central Fire Protection District.
- F. The California Residential Code, 2025 edition.
- G. The California Referenced Standards Code. 2025 edition.
- H. The California Energy Code, 2025 edition.
- I. The California Green Building Standards Code, 2025 edition.
- J. The California Administrative Code, 2025 edition.
- K. The California Historical Building Code, 2025 edition.
- L. The California Existing Building Code, 2025 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 2. Section 15.04.050 Modifications to the California Building Code.

The following modifications apply to the California Building Code:

A. 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.

**SECTION 3** Section 15.04.060 Modifications to the California Mechanical Code.

The following modifications apply 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 4** Section 15.04.080 Modifications to the California Plumbing Code.

The following modifications apply to the California Plumbing 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 5** Section 15.04.090 Modifications to the California Green Building Standards Code.

The following modifications apply to the California Green Building Standards Code

A. Add Section 101.12 Creation of Green Building Fund:

Building Permits which are required to comply with the California Green Building Standards Code shall be assessed a fee equal to 0.0025 times the overall valuation of the project. Revenues collected shall be maintained by the Finance Department as a revolving green building fund and shall be used only for program management, training, publications, public educational purposes, incentive programs and materials and supplies necessary to promote sustainable development, water conservation, storm water pollution prevention and climate action planning activities.

**SECTION 6** Section 15.18 Green Building Regulations 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 23rd day of October, 2025 and was passed and adopted by the City Council of the City of Capitola on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, by the

Building and Fire Code Ordinance Adoption  
2025

Item 9 G.

following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Joe Clarke, Mayor

ATTEST:

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Julia Gautho, City Clerk

## **Title 15**

### **BUILDINGS AND CONSTRUCTION**

#### **Chapters:**

- 15.04 Building and Fire Codes**
- 15.05 Board of Building Appeals**
- 15.08 Fire Protection**
- 15.10 Expedited Solar Permitting Ordinance**
- 15.12 Mobile Homes**
- 15.14 Mobile Home Transportation**
- 15.16 Moving Buildings**
- 15.18 Green Building Regulations**
- 15.20 Floodplain Management**
- 15.28 Excavation and Grading**

## Chapter 15.04

### BUILDING AND FIRE CODES

Sections:

- 15.04.010 Adoption of California Building Codes.
- 15.04.020 Penalty for violation.
- 15.04.040 Residential doorway width.
- 15.04.050 Modifications to the California Building Code.
- 15.04.060 Modifications to the California Residential Code.
- 15.04.070 Modifications to the California Mechanical Code.
- 15.04.080 Modifications to the California Plumbing Code.

#### **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, 2022 Edition, which edition incorporates the International Building Code, 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, 2022 Edition, which incorporates the 2021 National Electrical Code as published by the National Fire Protection Association, NFPA 70.

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

D. The California Plumbing Code, 2022 Edition, which incorporates the 2021 Edition of the Uniform Plumbing Code.

E. The California Fire Code, 2022 Edition, as amended by the Central Fire Protection District Fire Code, 2021 Edition.

F. The California Residential Code, 2022 Edition, which incorporates the International Residential Code, 2021 Edition.

G. The 2022 California Referenced Standards Code.

H. The California Energy Code, 2022 Edition.

I. The California Green Building Standards Code, 2022 Edition.

J. The California Administrative Code, 2022 Edition.

K. The California Historical Building Code, 2022 Edition.

L. The California Existing Building Code, 2022 Edition, which incorporates the International Existing Building Code, 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. (Ord. 1056 § 2, 2022; Ord. 1035 § 1, 2019; Ord. 1007 § 2, 2016; Ord. 987 § 2, 2014; Ord. 951 § 1, 2011; Ord. 927 § 1, 2007; Ord. 842 § 1, 2002; Ord. 812 § 1, 1999; Ord. 784 § 1, 1995; Ord. 733, 1992; Ord. 712, 1991; Ord. 684 § 1, 1989; Ord. 607 § 1 (part), 1986; Ord. 592 § 1, 1985; Ord. 549 § 2, 1984; Ord. 511 § 1, 1981; Ord. 496, 1981; Ord. 489, 1980; Ord. 479 § 2, 1980)

**15.04.020 Penalty for violation.**

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of said codes shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars or by imprisonment not to exceed six months or by both such fine and imprisonment. (Ord. 479 § 3, 1980)

**15.04.040 Residential doorway width.**

Residential structures not regulated by Chapter 11 of the California State Building Code shall have a minimum clear width of thirty inches at all doorways, through which any user may pass, excluding shower doors, closet or pantry doors when the back wall of the closet or pantry is less than three feet from the door. (Ord. 784 § 2, 1995; Ord. 607 § 1 (part), 1986; Ord. 502, 1981)

**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 of this section:

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. Section 1905.1.8. Amend 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.

(Ord. 1056 § 3, 2022; Ord. 1007 § 3, 2016; Ord. 987 § 3, 2014; Ord. 927 § 2, 2007; Ord. 842 § 2, 2002)

**15.04.060 Modifications to the California Residential Code.**

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.

**R403.1.3. Seismic reinforcing.**

a) Concrete footings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, 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 D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> 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 D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> 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 D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> 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 D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, 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)<sup>a,b,c,d, e</sup>

e) R602.10.4.4. Limits on methods GB and PCP. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, 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 D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

(Ord. 1056 § 4, 2022; Ord. 1035 § 2, 2019; Ord. 1007 § 4, 2016; Ord. 987 § 4, 2014)

**15.04.070 Modifications to the California Mechanical Code.**

The following modification is made to the California Mechanical Code:

A. Section 104.4.3 of the California Mechanical Code 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.

(Ord. 1056 § 5, 2022)

**15.04.080 Modifications to the California Plumbing Code.**

The following modification is made to the California Plumbing 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.

(Ord. 1056 § 6, 2022)

## Chapter 15.05

### BOARD OF BUILDING APPEALS

#### Sections:

- 15.05.010 Purpose.
- 15.05.020 Access appeals board.
- 15.05.030 Access appeals board jurisdiction.
- 15.05.040 General appeals board.
- 15.05.050 General appeals board jurisdiction.
- 15.05.060 Appeals, how made.
- 15.05.070 Procedures.
- 15.05.080 Access appeals board review of findings and determinations.
- 15.05.090 Board hearings, how set.
- 15.05.100 Chapter 2.52 not applicable.

#### **15.05.010 Purpose.**

State law requires that the city adopt and implement various standard codes such as the Uniform Building Code. (See municipal code Chapter 15.04.) Various provisions of the uniform codes provide a right of appeal from the decision or determinations of the building official. The purpose of this chapter is to specify certain matters related to any such appeal process. (Ord. 793 § 1 (part), 1996)

#### **15.05.020 Access appeals board.**

“Access appeals board” as used in this chapter means an appeals board as contemplated by subsection 4 of the Uniform Building Code (1994) Section 101.17.11 (or any successor to that section) and Health & Safety Code 19957.5. Its membership shall be as set forth in Health & Safety Code Section 19957.5(b) which reads as follows:

Two members of the appeals board shall be physically handicapped persons, two members shall be persons experienced in construction, and one member shall be a public member.

Such board members shall be appointed by or terminated by, and at the discretion of, the Capitola city council, which shall have similar authority to appoint and terminate the terms of one or more alternates to each of the classifications of board members. Any appointment of alternates should designate them as “first alternate, second alternate, etc.” The board may make rules regarding its procedures providing they are not contrary to applicable state law. (Ord. 793 § 1 (part), 1996)

#### **15.05.030 Access appeals board jurisdiction.**

The access appeals board shall have jurisdiction to review “findings and determinations in accordance with subsection 4 of the 1995 Uniform Building Code Section 101.17.11 or any applicable succeeding statute.” It shall also have authority to hear appeals made to it pursuant to Health & Safety Code Section 19957.5. (Ord. 793 § 1 (part), 1996)

#### **15.05.040 General appeals board.**

“General appeals board” as used in this chapter refers to the board of appeals mandated by Section 105.1 of the Uniform Building Code. It shall have three regular members who meet the qualifications required by Section 105.1, namely, “members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees...” of the city.

Such board members shall be appointed by or terminated by, and at the discretion of, the Capitola city council, which shall have similar authority to appoint and terminate the terms of one or more alternates of board members. Any appointment of alternates should designate them as “first alternate, second alternate, etc.”

The board may make rules regarding its procedures providing they are not contrary to applicable state law.

The general appeals board shall conduct its proceedings in accordance with Section 19957.5(b) of the Health & Safety Code. (Ord. 793 § 1 (part), 1996)

**15.05.050 General appeals board jurisdiction.**

The general board of appeals shall hear appeals as required by the Uniform Building Code Section 105.1, namely “decisions or determinations made by the building official relative to the application and interpretation of [that] code” subject to the limitation of Uniform Building Code Section 105.2, namely, “The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.” However, in any situation in which there is an issue that falls under the jurisdiction of both the access appeals board and the general appeals board, the matter shall be heard by the access appeals board. (Ord. 793 § 1 (part), 1996)

**15.05.060 Appeals, how made.**

Any appeal of an action by the building official must be made within seven working days from notice of the underlying determination. Appeals shall be in writing on a form provided by the building official with an appeal fee of fifty dollars. The building official, after receiving proper application for appeal, shall notify the chairperson of the board and set a hearing within thirty working days of receipt of completed appeal application. (Ord. 793 § 1 (part), 1996)

**15.05.070 Procedures.**

The access appeals board shall follow the procedures set forth in applicable uniform codes. (See Uniform Building Code Section 105.1.) (Ord. 793 § 1 (part), 1996)

**15.05.080 Access appeals board review of findings and determinations.**

The access appeals board review of proposed findings and determinations pursuant to subsection 4 of Uniform Building Code Section 101.17.11, if no person has appealed any such proposed findings and determinations, shall be referred to the access appeals board by the building official in a timely manner. (Ord. 793 § 1 (part), 1996)

**15.05.090 Board hearings, how set.**

Unless rules adopted by one of the above-described boards otherwise prescribe, the building official shall schedule hearings by the board after making reasonable efforts to determine feasible dates for the regular board members. Whenever regular board members are unable to attend on the scheduled date, the building official shall attempt to arrange for the attendance of an alternate board member. (Ord. 793 § 1 (part), 1996)

**15.05.100 Chapter 2.52 not applicable.**

Decisions of the access appeals board and general appeals board are final and not reviewable by the city council, Chapter 2.52 of this code notwithstanding. (Ord. 793 § 1 (part), 1996)

## **Chapter 15.08**

### **FIRE PROTECTION\***

Sections:

15.08.010     Fireworks.

\*     Prior history: Ords. 262, 289 and 337.

**15.08.010     Fireworks.**

The city council, by resolution, may allow the sale of fireworks, notwithstanding any contrary provision in the Uniform Fire Code. (Ord. 549 § 3, 1984)

## Chapter 15.10

### EXPEDITED SOLAR PERMITTING ORDINANCE

Sections:

- 15.10.010 Purpose and findings.
- 15.10.020 Definitions.
- 15.10.030 Applicability.
- 15.10.040 Solar energy system requirements.
- 15.10.050 Applications and documents.
- 15.10.060 Permit review and inspection requirements.

#### **15.10.010 Purpose and findings.**

The purpose of this chapter is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and Assembly Bill 2188 (Chapter 521, Statutes 2014, California Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and expanding the ability of property owners to install solar energy systems. This chapter allows the city to achieve these goals while protecting the public health and safety. (Ord. 1002 § 1 (part), 2015)

#### **15.10.020 Definitions.**

As used in this chapter:

A. “Solar energy system” means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

B. “Small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and all state and city health and safety standards.
3. A solar energy system that is installed on a single- or two-family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the city.

C. “Electronic submittal” means the utilization of electronic email or submittal via the Internet.

D. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

E. “Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

F. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

1. For water heater systems or solar swimming pool heating systems: an amount exceeding ten percent of the cost of the system, but in no case more than one thousand dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten percent, as originally specified and proposed.

2. For photovoltaic systems: an amount not to exceed one thousand dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent as originally specified and proposed. (Ord. 1002 § 1 (part), 2015)

**15.10.030 Applicability.**

A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.

B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

C. A conditional use permit and/or design review may be required for properties on the city's list of historic resources as deemed necessary by the community development director. (Ord. 1002 § 1 (part), 2015)

**15.10.040 Solar energy system requirements.**

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the city.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 1002 § 1 (part), 2015)

**15.10.050 Applications and documents.**

A. All documents required for the submission of an expedited solar energy system application shall be made available on the city website.

B. Electronic submittal of the required permit application and documents by email, or the Internet shall be made available to all small residential rooftop solar energy system permit applicants.

C. The city's building division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

D. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research. (Ord. 1002 § 1 (part), 2015)

**15.10.060 Permit review and inspection requirements.**

A. The building official shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The building division shall issue a building permit, the issuance of which is nondiscretionary, within five business days upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. The building official may require an applicant to apply for a conditional use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the planning commission.

B. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.

C. If a conditional use permit is required, the planning commission may deny the application if it makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city council.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city, on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. The City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

G. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

H. Only one inspection shall be required and performed by the building division for small residential rooftop solar energy systems eligible for expedited review.

I. The inspection shall be done in a timely manner and should include consolidated inspections.

J. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized. (Ord. 1002 § 1 (part), 2015)

## Chapter 15.12

### MOBILE HOMES

#### Sections:

15.12.010 Trailers on private property.

#### **15.12.010 Trailers on private property.**

A. It is unlawful for any person to place, keep or maintain any mobile home on any land within the city without the express permission of the owner of such land; and no persons shall allow or suffer to permit any mobile home to be placed, kept or maintained on any land owned or controlled by him or her except in mobile home park for which a permit has been issued by the building department; except that when only one single-family residence exists on a lot, the occupant of any single-family dwelling may allow not more than one mobile home of a nonpaying guest to be placed, kept or maintained thereon for a period not exceeding sixty days in any period of twelve months by securing a permit as provided in subsection B of this section and otherwise complying with the provisions of this chapter relating thereto.

This section shall not pertain to a single trailer merely stored on any premises and not used for sleeping or living purposes.

B. Any person desiring a permit to place or maintain a single mobile home as provided for in subsection A of this section, shall file with the building department an application therefor within forty-eight hours after said mobile home is placed upon the ground of said single-family dwelling, on a form to be furnished by said department. Said application shall describe the property where said mobile home is to be located, either by street and number or by legal description, shall give the date of expiration of the permit, a statement by the applicant that any toilet in said mobile home will be sealed off so that it cannot be used during the period of its stay on said property and that said trailer will be used solely for its sleeping accommodations. Permits issued under this subsection shall expire sixty days after the date of issuance and no other such permit shall be issued for the same lot or parcel of land during the ten months following such expiration date.

The building official is authorized in the exercise of reasonable discretion to revoke any permit issued pursuant to this section if, after due investigation, he or she determines that the holder thereof has violated any of the provisions of this chapter.

C. Each application for a permit for a single auto trailer as provided for in this section shall be accompanied by a fee of five dollars. (Ord. 791 § 2, 1996; Ord. 305 § 4, 1968)

## Chapter 15.14

### MOBILE HOME TRANSPORTATION

#### Sections:

- 15.14.010 Permit required.
- 15.14.020 Contents of permit application.
- 15.14.030 Permit fee.
- 15.14.040 Obstructing streets.
- 15.14.050 Penalties for violations.

#### **15.14.010 Permit required.**

It is unlawful for any person to transport a mobile home to or from a mobile home park in the city over the public streets or alleys of the city without first filing a written permit application and without first securing a permit from the police department to do so in the manner provided in this chapter. (Ord. 848 § 1 (part), 2003)

#### **15.14.020 Contents of permit application.**

A. Applications for permits to transport a mobile home shall be filed with the police department a minimum of three business days prior to the anticipated mobile home transportation and at a minimum shall contain the following information:

1. The route on which the mobile home is proposed to be transported and its destination;
2. The loaded height of the mobile home;
3. The proposed transportation date and hours;
4. Proof of insurance evidencing coverage in an amount sufficient to reimburse the city for any damage to city streets or other public improvements or public or private property which might occur as a result of the mobile home transportation process. (Ord. 848 § 1 (part), 2003)

#### **15.14.030 Permit fee.**

A fee of fifty dollars shall be paid to the police department prior to the issuance of the mobile home transportation permit. (Ord. 848 § 1 (part), 2003)

#### **15.14.040 Obstructing streets.**

No person owning or having charge of the transportation of any mobile home over and upon the public streets of the city shall permit said mobile home to stand on any street for a period longer than twelve hours. (Ord. 848 § 1 (part), 2003)

#### **15.14.050 Penalties for violations.**

A. Any person who violates any of the provisions of this chapter or who violates any of the terms and conditions of any permit issued pursuant to this chapter is guilty of an infraction and is further deemed guilty of a separate offense for each and every day during which any such person is in violation.

B. In addition to enforcing penalties for any such violation, the city may institute civil or administrative action to enjoin any violation of any provision of this chapter or secure any other appropriate legal or equitable relief or monetary penalties.

C. In addition to all other penalties imposed by this code, the transportation of any mobile home in violation of this chapter shall constitute a public nuisance and the same may be abated by appropriate legal or administrative action. (Ord. 848 § 1 (part), 2003)

## Chapter 15.16

### MOVING BUILDINGS

Sections:

- 15.16.010 Purpose.
- 15.16.020 Relocation permit – Required.
- 15.16.030 Relocation permit – Application.
- 15.16.040 Relocation permit – Hearing procedure.
- 15.16.050 Relocation permit – Issuance.
- 15.16.060 Relocation permit – Denial.
- 15.16.070 Appeal.
- 15.16.080 Relocation agreement and bond.
- 15.16.090 Moving permit – Required.
- 15.16.100 Moving permit – Application contents – Bond.
- 15.16.110 Obstructing streets.
- 15.16.120 Obstructing public conveyances.
- 15.16.130 Displacement of wires.
- 15.16.140 Penalty for violation.

**15.16.010 Purpose.**

The purpose of this chapter is to establish a method whereby neighborhoods may be protected from encroachment by structures of an incompatible nature through the house moving procedure, and to regulate the moving of structures into and within the city. (Ord. 111 § 1, 1957)

**15.16.020 Relocation permit – Required.**

No permit for the moving of any building or structure to any premises located within the city shall be issued until the owner thereof, or his or her duly authorized agent, has first secured a relocation permit in the manner provided in this chapter. (Ord. 111 § 2, 1957)

**15.16.030 Relocation permit – Application.**

An application for a relocation permit shall be filed at the office of the secretary of the planning commission, and shall contain the following information:

- A. The name, address and telephone number of the person making the application;
- B. The present street address and assessor's parcel number, or subdivision lot and block number;
- C. The street address and assessor's parcel number, or subdivision lot and block number of the property upon which it is proposed to relocate the structure;
- D. A plot plan of the proposed site drawn at an accurate scale of not less than one inch equals ten feet, showing the lot lines and their dimensions, the proposed location of structures to be placed thereon, and their dimensions, the distances between buildings on the lot, and the dimensions of all yards, side, front and rear;
- E. Ten photographs four inches by five inches in size, showing all of the front and as much of one side of the structure as is possible. The photographs shall clearly show the character of the structure and its size and condition;
- F. A list of alterations, of any, proposed to be made to the building;
- G. A list of the names and addresses as shown on the most recent equalized assessment roll of all persons owning property within the zone of interest. Said zone of interest shall include all parcels in whole or in part within a distance of three hundred feet of the exterior limits of the property to which it is proposed to move the structure;
- H. A copy of the written inspection report, which the owner or his or her duly authorized agent, will obtain from the office of the building inspector.

A fee of seventy-five dollars shall be paid upon application for relocation permit. Said fee is not refundable if permit is not granted. (Ord. 111 § 3, 1957)

**15.16.040 Relocation permit – Hearing procedure.**

A. Upon receipt of an application for a relocation permit, accompanied by a written inspection report and recommendation of the building inspector, the secretary of the planning commission shall set a date for a public hearing on said application, to be held not less than twenty-one days after receipt of said report and application. The secretary of the planning commission shall mail a notice of said hearing not less than five days prior to the date thereof to all owners of property within the zone of interest and shall post not less than eight notices within the zone of interest. The planning commission shall accept and evaluate evidence concerning the proposed relocation of said residential structure. Their determination shall be based upon the compatibility of the structure in question with existing structures and the general character of the area in which it is proposed to relocate. Points to be considered are: comparable economic values, age, architectural style, and physical condition.

B. At the public hearing, tenant or owner within the zone of interest may appear to support or protest the granting of the relocation permit. The findings of the planning commission shall be recorded, and said records shall be kept on file in the office of the secretary of the planning commission. (Ord. 111 § 4, 1957)

**15.16.050 Relocation permit – Issuance.**

If the planning commission finds in favor of the applicant's request, the planning commission shall issue a permit for the relocation of said residential structure on the proposed new site. The planning commission may impose whatever conditions are deemed necessary to assure compatibility of said structure with the area in which it is proposed to be relocated. (Ord. 111 § 5, 1957)

**15.16.060 Relocation permit – Denial.**

If the planning commission denies the applicant's request, the secretary of the planning commission shall so inform the applicant, and shall state in writing the reasons for the denial. (Ord. 111 § 6, 1957)

**15.16.070 Appeal.**

A. The applicant may, within fifteen calendar days of the decision of the planning commission, appeal to the city council in writing, offering evidence to demonstrate the compatibility of the residential structure to the area of the proposed new location.

B. The records of the planning commission shall be submitted to the city council for their use in considering said appeal. The decision of the city council shall be final. (Ord. 111 § 7, 1957)

**15.16.080 Relocation agreement and bond.**

After a relocation permit has been secured and before a moving permit may be obtained, the owner shall execute an agreement with the city guaranteeing that the terms of the relocation permit will be complied with in full within ninety days after the building has been moved. Said agreement shall give the city the right to demolish the building if the agreement is violated. A faithful performance bond in the amount of five hundred dollars shall be executed by the owner and shall inure to the benefit of the city to guarantee the cost of said demolition. In lieu of said faithful performance bond, a cash deposit in said amount may be made with the city clerk. (Ord. 111 § 8, 1957)

**15.16.090 Moving permit – Required.**

It is unlawful for any person to move any building or structure over the public streets or alleys of the city without first filing a written application, and without first securing a permit from the building inspector so to do in the manner provided in this chapter. (Ord. 111 § 9, 1957)

**15.16.100 Moving permit – Application contents – Bond.**

A. The application for a permit to move a building or structure shall be filed with the building inspector and shall contain the following:

1. A copy of the relocation permit issued by the planning commission unless the building or structure is to be moved to a location outside the city;
2. The route on which the building is proposed to be moved;

3. The loaded height of the building;
4. The proposed moving date and hours.

B. A moving permit shall not be issued until after the person, firm or corporation so applying therefor has first delivered to the clerk of the city a surety bond running to the city in the sum of five thousand dollars, which bond shall be conditioned that the parties so desiring to move a building or structure in the city will strictly comply with all the conditions and, requirements of this chapter and of any ordinances hereafter passed by the city council regulating housemoving and the building code and zoning ordinance of the city as the same now exist or as they may be hereafter amended, and that said party will pay any and all damages which may result by reason of any structure moving in the city by said party, his or her agent, employees or workmen, to any fence, tree, pavement, street, sidewalk, cable, electric or steam railroad line or to any electric telephone or telegraph lines belonging to the city or to any telegraph or telephone company or to any railway company having a franchise in the city, and conditioned further that said party and said principal will save, indemnify and keep harmless the city against all liabilities, damages, judgments, costs and expenses which may in any way accrue against the city in consequence of the granting or exercising of such permit, and will in all things strictly comply with the conditions of such permit.

C. Any such bond filed by any person, firm or corporation shall operate as a bond for the purpose required by this chapter for the term of one year from the date of the filing thereof insofar that no other or additional bond need be given by any such party for the removal of buildings or structures in the city during the period of one year.

D. Such permit shall specify the character of the building to be removed, the place from which and to which the building is to be moved, and the streets on, over or through which said removal may be made; and said building shall not be moved on, over, or through any other street except those named in said permit.

E. No permit for the removal of a building or structure shall be issued until after the payment of the sum of twenty-five dollars therefor to the city. This twenty-five dollar fee is in addition to the fee required for remodeling, constructing or reconstructing of a building as provided in the building code. (Ord. 111 § 10, 1957)

**15.16.110 Obstructing streets.**

No person, firm or corporation owning or having charge of the removal of any building or structure through the public streets of the city shall permit said building to stand on any street, lane, alley or public grounds for a longer period than twenty-four hours except by written permission obtained from the superintendent of streets. (Ord. 111 § 11, 1957)

**15.16.120 Obstructing public conveyances.**

No person, firm or corporation owning, or having charge of the removal of any building, shall permit the same to obstruct any electric road in operation, or any steam railroad, except between the hours of two a.m. and five a.m. (Ord. 111 § 12, 1957)

**15.16.130 Displacement of wires.**

It is unlawful for any person, firm or corporation to remove any building or structure where such removal will require the cutting or displacement of any overhead electrical wires, until after forty-eight hours notice in writing has been given by the person proposing to move such building to the firm or corporation owning or operating such electric wires or appurtenances shall, within twenty-four hours thereafter, furnish the person proposing such removal an estimate showing the maximum cost of removal and displacement of such wires, and such wires shall be removed and replaced in such manner as the person owning or operating them determines to be necessary for the safety of the public; and the entire expense of such removal and replacement shall be borne by the person, firm or corporation proposing such removal. (Ord. 111 § 13, 1957)

**15.16.140 Penalty for violation.**

A. Any person, firm or corporation, violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than ten dollars or more than five hundred dollars, or by imprisonment for not less than five days nor more than six months, or by both such fine and imprisonment.

B. Every such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any building or structure moved by such person, firm or corporation in violation of the provisions of this chapter continues in such condition and shall be punishable therefor as provided in this section.

C. In addition to enforcing said penalties for any such misdemeanor, the city may institute civil action to enjoin any violation of any provision of this chapter or secure any other appropriate legal or equitable relief, including abatement.

D. The removal of any building in violation of this chapter and the failure to remove, remodel, locate and complete the same in accordance with the terms of the permits, shall constitute such building or structure a public nuisance and the same may be abated by appropriate legal action. (Ord. 111 § 14, 1957)

## Chapter 15.18

### GREEN BUILDING REGULATIONS

#### Sections:

- 15.18.010 Purpose and findings.
- 15.18.020 Definitions.
- 15.18.030 Standards for compliance.
- 15.18.040 Exceptions.
- 15.18.050 Maintenance of document.
- 15.18.060 Method of compliance.
- 15.18.070 Exceptional design.
- 15.18.080 Creation of green building fund.

#### **15.18.010 Purpose and findings.**

The city finds that green building design, construction and operation can have a significant positive effect on energy and resource efficiency, waste and pollution generation, and the health and productivity of a building's occupants over the life of the building. The second purpose is to create healthy work and living environments increasing the productivity of workers and residents and visitors to the city by improving indoor air quality and lighting.

The intent of this chapter is to help promote the environmental sustainability of natural resources and improvement of the interior environment by efficiently redirecting the use of recyclable materials away from landfills, by introducing recycled content and materials created with low embodied energy materials in construction, and by reducing the energy consumption needs of structures by making use of efficient construction methods.

The city also finds that green design and construction decisions made by the city in the construction and remodeling of city buildings can result in significant cost savings to the city over the life of the buildings. The city also recognizes that it must lead by example in order to have the general populace follow suit and therefore commits itself to the practice of green building for all new and remodeling construction on city owned buildings and structures.

The city additionally finds that water conservation, storm water pollution prevention, and greenhouse gas reductions advance the city's general plan goals to promote resource conservation, clean and healthy air and water, and overall environmental sustainability. (Ord. 1017 § 4 (Exh. B) (part), 2018)

#### **15.18.020 Definitions.**

"Addition" means a structure expansion that is physically connected to a previously existing building.

"Interior remodel" means a change or alteration in only the interior of a building that does not increase its net square footage.

"New construction" means a new building not physically connected to a previously existing building.

"Nonhabitable residential structure" means a building on a residential property that is not legally habitable, such as a garage or shed.

"Nonresidential" means not meeting the definition of "residential."

"Remodel" means a change or alteration in a building that does not increase its net square footage.

"Residential" means single-family, accessory dwelling units, or multifamily residences. (Ord. 1017 § 4 (Exh. B) (part), 2018)

#### **15.18.030 Standards for compliance.**

Persons constructing a new building, adding to or substantially remodeling a building in the city of Capitola shall participate in the Capitola green building program. In order to obtain a building permit for any new building,

addition or substantial remodel in excess of those exempted in Section 15.18.040, each project must include elements from the program checklist equal to or exceeding the following:

**Table 1: Nonresidential (Commercial) Actions and Point Requirements**

Total Points Possible	75
Action	Points required to receive action:
C-1. Receipt of building permit*	7
C-2. Green building award	40

\* Exceptions: These points are not required for nonresidential additions and remodels totaling less than one thousand square feet, or interior-only nonresidential remodels of any size.

**Table 2: Residential New Construction Actions and Point Requirements**

Total Points Available	460	
Action	Points required to receive action:	
	First 350 square feet	Each additional 100 square feet or fraction thereof
R-N-1. Receipt of building permit	10	1.5
R-N-2. Green building award	60	3.5

**Table 3: Residential Remodel and Addition Action Point Requirements**

Total Points Available	464	
Action	Points required to receive action:	
	First 350 square feet	Each additional 100 square feet or fraction thereof
R-A/R-1. Receipt of building permit*	5	1.1
R-A/R-2. Green building award	35	2.5

\* Exception: These points are not required for additions and/or remodels of less than three hundred fifty square feet.

(Ord. 1017 § 4 (Exh. B) (part), 2018)

**15.18.040 Exceptions.**

The following are exempt from the provisions of this chapter:

- A. Additions and remodels of less than three hundred fifty square feet of any residential dwelling structure.
- B. Additions and remodels of less than one thousand square feet and interior remodels of any nonresidential structure.
- C. Equipment and nonstructural modifications of any residential or nonresidential structure.
- D. Nonhabitable residential structures of less than one thousand square feet.
- E. General maintenance of any structure.
- F. Historical structures where the historic fabric would be compromised. (Ord. 1017 § 4 (Exh. B) (part), 2018)

**15.18.050 Maintenance of document.**

Building and planning staff shall update the green building program documentation and checklist to reflect advances in green building techniques and materials and to make necessary modifications in program implementation on an annual basis. (Ord. 1017 § 4 (Exh. B) (part), 2018)

**15.18.060 Method of compliance.**

The chief building official and/or the community development director shall maintain the following documents for the public:

- City of Capitola: Standards for Green Building Compliance
- New Home Green Points Check List for Residential Buildings
- New Building Green Points Check List for Non-Residential Buildings

These documents shall be to aid in the design and certification of new residential and nonresidential buildings and significant remodels and additions thereto. Every applicant of a building permit not exempted by Section 15.18.040 (Exceptions) shall complete and submit the appropriate check list for their project as well along with the standard application documents. All compliance measures shall be clearly delineated on plan sets. (Ord. 1017 § 4 (Exh. B) (part), 2018)

**15.18.070 Exceptional design.**

Designers and builders employing exceptional design, construction practices and/or maintenance features may have their project modified from the strict interpretation of the program if in the opinion of the community development director or building official such features exhibit at least a twenty percent increase in points over the minimum standards for a green building award as outlined in Section 15.18.030 (Standards for compliance). Exceptional designs shall also be recognized by the city and eligible to receive a plaque that may be displayed on the structure. (Ord. 1017 § 4 (Exh. B) (part), 2018)

**15.18.080 Creation of green building fund.**

Building permits which are required to comply with the green building regulations shall be assessed a fee equal to 0.0025 times the overall valuation of the project. Revenues collected shall be maintained by the finance department as a revolving green building fund and shall be used only for program management, training, publications, public educational purposes, incentive programs, and materials and supplies necessary to promote sustainable development, water conservation, storm water pollution prevention, and climate action planning activities. (Ord. 1017 § 4 (Exh. B) (part), 2018)

## Chapter 15.20

### FLOODPLAIN MANAGEMENT

#### Sections:

- 15.20.010 Statutory authorization.
- 15.20.020 Findings of fact.
- 15.20.030 Statement of purpose.
- 15.20.040 Methods of reducing flood losses.
- 15.20.050 Abrogation and greater restrictions.
- 15.20.060 Interpretation.
- 15.20.070 Warning and disclaimer of liability.
- 15.20.080 Severability.
- 15.20.090 Basis for establishing the areas of special flood hazard.
- 15.20.100 Definitions.
- 15.20.110 Designation of the floodplain administrator.
- 15.20.120 Duties and responsibilities of the floodplain administrator.
- 15.20.130 Compliance.
- 15.20.140 Development permit.
- 15.20.150 Appeals.
- 15.20.160 Standards of construction.
- 15.20.170 Standards for utilities.
- 15.20.180 Standards for subdivisions.
- 15.20.190 Development standards for manufactured homes and manufactured home parks and subdivisions in floodplain area.
- 15.20.200 Standards for recreational vehicles.
- 15.20.210 Standards within floodways.
- 15.20.220 Coastal high hazard areas.
- 15.20.230 Variance procedure.
- 15.20.240 Conditions for variances.
- 15.20.250 Approval of variances.
- 15.20.260 Nonconforming structures in floodplain.
- 15.20.270 Variance appeal procedure.
- 15.20.280 Disclosure requirement.

#### **15.20.010 Statutory authorization.**

The Legislature of the state of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city of Capitola does hereby adopt the following floodplain management regulations. (Ord. 1017 § 5 (Exh. C) (part), 2018)

#### **15.20.020 Findings of fact.**

The flood hazard areas of the city of Capitola are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses. (Ord. 1017 § 5 (Exh. C) (part), 2018)

#### **15.20.030 Statement of purpose.**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly

throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e., mudflow) or flood-related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.040 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.050 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.060 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.070 Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may

be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Capitola, any officer or employee thereof, the state of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.080 Severability.**

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.090 Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated June 3, 1986, and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated June 3, 1986, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. The FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city by the floodplain administrator. The study, FIRMS and FBFMs are on file at 420 Capitola Avenue, city of Capitola. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.100 Definitions.**

For the purposes of this chapter, the following words, phrases and terms shall have the meanings ascribed to them by this section:

A Zone. See “Special flood hazard area.”

“Accessory structure” means a structure that is either:

1. Solely for the parking of no more than two cars; or
2. A small, low cost shed for limited storage, less than one hundred fifty square feet and one thousand five hundred dollars in value.

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Alluvial fan” means a geomorphologic feature characterized by cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

“Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter.

“Area of shallow flooding” means a designation A or AH zone on the Flood Insurance Rate Map (FIRM) where: the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See “Special flood hazard area.”

“Area of special flood-related erosion hazard” is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated a zone E on the Flood Insurance Rate Map (FIRM).

“Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “one-hundred-year flood”). Base flood is the term used throughout this chapter.

“Base flood elevation (BFE)” means the elevation shown on the Flood Insurance Rate Map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

“Breakaway walls” are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building. See “Structure.”

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as zone V1-V30, VE, or V.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 14, 1984.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

“Flood,” “flooding” or “floodwater” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

“Flood Hazard Boundary Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood.”

“Floodplain administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain area” means the land on either side of a creek or other watercourse which may be subject to flooding. “Floodplain area” includes the one-hundred-year floodplain as determined by the Federal Flood Insurance Program and shown on both the Flood Insurance Rate Map and Flood Boundary and Floodway Map, each dated June 3, 1986.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, when possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

“Flood-related erosion” means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

“Flood-related erosion area” means a land area adjoining the shore of a lake or other body of water which, due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

“Flood-related erosion area management” means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

“Floodway encroachment lines” means the lines marking the limits of floodways on federal, state and local floodplain maps.

“Floodway fringe” is the area of the floodplain on either side of the “regulatory floodway” where encroachment may be permitted.

“Fraud and victimization” means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city of Capitola will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use, the intended purpose of which cannot be performed unless the use is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo and passengers, and ship-building and ship-repair facilities, but does not include long-term storage or related manufacturing facilities.

“Habitable floor” means floors usable for living purposes, which includes working, sleeping, eating or recreation, or combination thereof. A floor used only for storage purposes is not a habitable floor.

“Hardship” means the exceptional hardship that would result from a failure to grant the requested variance. The city of Capitola requires that the variance must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbor likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “basement” definition).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:

- a. The flood openings standard in Section 15.20.160(C)(3);
- b. The anchoring standards in Section 15.20.160(A);
- c. The construction materials and methods standards in Section 15.20.160(B); and
- d. The standards for utilities in Section 15.20.170.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the city of Capitola substantial damage/improvement procedures. See Section 15.20.120(B)(1).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mudslide" describes a condition where there is river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

"Mudslide prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after August 14, 1984, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 14, 1984.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protective, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred-Year Flood or 100-Year-Flood. See "Base flood."

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

“Public safety and nuisance” as related to Section 15.20.230 means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing water surface elevation more than one foot.

“Sand dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sheet Flow Area. See “Area of shallow flooding.”

“Special flood hazard area (SFHA)” means an area having special flood, mudslide or flood-related erosion hazards and shown on the FHBM or FIRM as zone A, AO, A1-A30, AE, A99, AH, E. M. V1-V30, VE or V.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

V Zone. See “Coastal high hazard area.”

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

“Watercourse” means a lake, river creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplain or coastal or riverine areas. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.110 Designation of the floodplain administrator.**

The building official is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.120 Duties and responsibilities of the floodplain administrator.**

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

**A. Permit Review.** Review all development permits to determine:

1. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city of Capitola; and
5. All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

**B. Development of Substantial Improvement and Substantial Damage Procedures.**

1. Using FEMA publication FEMA 213, “Answers to Questions About Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining “market value.”
2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

**C. Review, Use and Development of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 15.20.090, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 15.20.160 through 15.20.220.

Note: A base flood elevation may be obtained using one of two methods from the FEMA publication FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-Year) Flood Elevations” dated July 1995.

**D. Notification of Other Agencies.**

1. Alteration or Relocation of a Watercourse.

- a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
- b. Submit evidence of such notification to the Federal Emergency Management Agency; and
- c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation Changes Due to Physical Alterations.

- a. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
- b. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 15.20.160(C)(1) and Section 15.20.190 (lowest floor elevations);
2. Certification required by Section 15.20.160(C)(2) (elevation or floodproofing of nonresidential structures);
3. Certification required by Section 15.20.160(C)(3) (wet floodproofing standard);
4. Certification of elevation required by Section 15.20.180(A)(3) (subdivisions and other proposed development standards);
5. Certification required by Section 15.20.210(B) (floodway encroachments);
6. Information required by Section 15.20.220(F) (coastal construction standards); and
7. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.20.150.

G. Remedial Action. Take action to remedy violations of this chapter as specified in Section 15.20.130.

H. Biennial Report. Complete and submit biennial report to FEMA.

I. Planning. Assure community’s general plan is consistent with floodplain management objectives herein. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.130 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.140 Development permit.**

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.20.090. Application for a development permit shall be made on forms furnished by the city of Capitola. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 15.20.090 or 15.20.120(C);
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.20.160(C)(2) and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.20.160(C)(2).

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.20.160(C)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 15.20.120(E). (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.150 Appeals.**

The city of Capitola shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.160 Standards of construction.**

In all areas of special flood hazards the following standards are required:

A. Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 zones, elevated to or above the base flood elevation;
- b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified;
- c. In an A zone, without BFEs specified on the FIRM (unnumbered A zone), elevated to or above the base flood elevation; as determined under Section 15.20.120(C).

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

2. Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection (C)(1) of this section or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection (C)(1) of this section, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of subsections (C)(2)(a) and (b) of this section are satisfied. Such certification shall be provided to the floodplain administrator.

3. Flood Openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a. For nonengineered openings:
  - i. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one foot above grade;
  - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater; and

- iv. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or
  - b. Be certified by a registered civil engineer or architect.
- 4. Manufactured Homes. See Section 15.20.190.
- 5. Garages and Low Cost Accessory Structures.
  - a. Attached Garages.
    - i. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See subsection (C)(3) of this section. Areas of the garage below the BFE must be constructed with flood-resistant materials. See subsection B of this section.
    - ii. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
  - b. Detached Garages and Accessory Structures.
    - i. “Accessory structures” used solely for parking (two-car detached garages or smaller) or limited storage (small, low cost sheds), as defined in Section 15.20.100, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
      - (A) Use of the accessory structure must be limited to parking or limited storage;
      - (B) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
      - (C) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
      - (D) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
      - (E) The accessory structure must comply with floodplain encroachment provisions in Section 15.20.210; and
      - (F) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection (C)(3) of this section.
    - ii. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Sections 15.20.160 through 15.20.220. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.170 Standards for utilities.**

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  - 1. Infiltration of floodwaters into the systems; and
  - 2. Discharge from the systems into floodwaters.
- B. On-site waste disposal systems are prohibited per Chapter 13.04, Sewers. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.180 Standards for subdivisions.**

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is the lesser, shall:

1. Identify the special flood hazard areas (SFHAs) and base flood elevations (BFEs).
2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:
  - a. Lowest floor elevation;
  - b. Pad elevation;
  - c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.190 Development standards for manufactured homes and manufactured home parks and subdivisions in floodplain area.**

A. All manufactured homes that are placed or substantially improved on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall:

1. Within zones A1-30, AH, and AE on the community’s Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Within zones V1-30, V, and VE on the community’s Flood Insurance Rate Map, meet the requirements of Section 15.20.220.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, AE, V1-30, V, and VE on the community’s Flood Insurance Rate Map that are not subject to the provisions of subsection A of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.200 Standards for recreational vehicles.**

A. All recreational vehicles placed in zones A1-30, AH, AE, V1-30 and VE will either:

1. Be on the site for fewer than one hundred eighty consecutive days; or
2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the permit requirements of Section 15.20.140 and the elevation and anchoring requirements for manufactured homes in Section 15.20.190.

B. Recreational vehicles placed on sites within zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of subsection A of this section and Section 15.20.220. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.210 Standards within floodways.**

Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the city of Capitola.

B. Within an adopted regulatory floodway, the city of Capitola shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If subsections A and B of this section are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 15.20.160 through 15.20.220. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.220 Coastal high hazard areas.**

Within coastal high hazard areas, zones V, V1-30, and VE, as established under Section 15.20.090, the following standards shall apply:

A. All new residential and nonresidential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

B. All new construction and other development shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 15.20.100. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

D. Fill shall not be used for structural support of buildings.

E. Manmade alteration of sand dunes which would increase potential flood damage is prohibited.

F. The floodplain administrator shall obtain and maintain the following records:

1. Certification by a registered engineer or architect that a proposed structure complies with subsection A of this section; and
2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.230 Variance procedure.**

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city of Capitola to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.240 Conditions for variances.**

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; provided, that the procedures of Sections 15.20.110 through 15.20.150 and 15.20.160 through 15.20.220 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section 15.20.100) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the “minimum necessary,” considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city of Capitola need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city of Capitola believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the Santa Cruz County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.250 Approval of variances.**

A. In passing upon requests for variances, the city of Capitola shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional “hardship” to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see “Public safety and nuisance” (Section 15.20.100)), cause “fraud and victimization” of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections A, B and D of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Section 15.20.240(A) and the purposes of this chapter, the city of Capitola may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.260 Nonconforming structures in floodplain.**

A structure which was lawful before enactment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued as a nonconforming structure subject to the following condition: If any nonconforming structure is destroyed by flood, earthquake, tsunami or for another cause to the extent of fifty percent or more of its fair market value immediately prior to the destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.270 Variance appeal procedure.**

A. Appeal procedure for all decisions made under this chapter shall be in conformance with standard appeal procedures of Chapter 2.52 of this code.

B. The director of public works shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

C. Any applicant to whom a variance is granted should be given written notice that the structure will be permitted to be built in variance with these rules and that the cost of flood insurance will be commensurate with the increased risk resulting from such variance. (Ord. 1017 § 5 (Exh. C) (part), 2018)

**15.20.280 Disclosure requirement.**

A person who is acting as an agent for a seller of real property which is located within an area of special flood hazard, or the seller if he or she is acting without an agent, shall disclose to any prospective purchaser the fact that the property is located within an area of special flood hazard. The community development director may adopt methods of informing owners and real estate sales persons of this requirement. (Ord. 1017 § 5 (Exh. C) (part), 2018)

## Chapter 15.28

### EXCAVATION AND GRADING

#### Sections:

- 15.28.010 Scope and intent.
- 15.28.020 Definitions.
- 15.28.030 General provisions.
- 15.28.040 Hazardous conditions.
- 15.28.050 Permit exemptions.
- 15.28.060 Permit application and requirements.
- 15.28.070 Fees.
- 15.28.080 Bonds.
- 15.28.090 Design standards for cut and excavations.
- 15.28.100 Design standards for fill.
- 15.28.110 Design standards for cut and fill setbacks.
- 15.28.120 Design standards for drainage and terraces.
- 15.28.130 Design standards for erosion and sediment control.
- 15.28.140 Inspection reports and compliance.

#### **15.28.010 Scope and intent.**

This chapter sets forth guidelines, rules, regulations and minimum standards to control excavation, grading, clearing, erosion control, and maintenance, including cut and fill embankments; requires control of all existing and potential conditions of accelerated erosion; establishes administrative procedures for issuance of permits; and provides for approval of plans and inspections during construction and maintenance. (Ord. 511 § 2 (part), 1981)

#### **15.28.020 Definitions.**

For the purpose of this chapter, the following terms shall have the meanings set out in this section:

1. “Accelerated erosion” means rapid erosion caused by human induced alteration of the vegetation, land surface topography or runoff patterns. Evidence of accelerated erosion is indicated by exposed soils, active gullies, rills, sediment deposits, or slope failures caused by human activities.
2. “Access and building envelope” means an area delineated on the site plan within which all grading, land clearing, and other disturbances for construction of access and/or building will be confined.
3. “Approved erosion controls specialist” means a person who has a certificate of qualifications and is recognized by the city engineer as capable of preparing erosion control and grading plans.
4. “Bedrock” means in place, solid, undisturbed rock.
5. “Bench” means a relatively level step excavated into earth material on which fill is to be placed.
6. “Borrow” means earth material acquired from an offsite location for use in grading on a site.
7. “Civil engineer” means a professional engineer licensed in California to practice civil engineering works.
8. “Clearing” means the removal of vegetation and debris down to bare soil by any method.
9. “Compaction” means the densification of earth and solids or fill by mechanical means.
10. “Development permit” means a city permit issued for new land use activities, including but not limited to minor land division, building, grading, land clearing, subdivision, and planned unit development.
11. “Drainage course” means a well defined, natural, or manmade channel which conveys stormwater runoff either year round or intermittently.

12. "Earth material" means rock, natural soil, or any combination thereof.
13. "Engineering geologist" means a geologist licensed to practice in California and experienced and knowledgeable in engineering geology.
14. "Erosion" means the wearing away of the ground surface by the actions of water, wind, ice, gravity, or a combination thereof.
15. "Erosion hazards" means areas susceptible to significant erosion because of soils conditions, condition and steepness of a slope, rock type, vegetation, or other site factors.
16. "Excavation" means the mechanical removal of earth materials.
17. "Fill" means the deposit of earth materials placed by artificial means.
18. "Grade" means the vertical location of the ground surface or the degree of rise or descent of a slope.
  - a. "Existing grade" means the grade prior to land disturbance.
  - b. "Rough grade" means an approximate elevation of the ground surface conforming to the approved plan.
  - c. "As graded or finished grade" means the final grade which conforms to the approved plan.
19. "Grading" means any excavation, filling, leveling, or combination thereof.
20. "Grading official," for purposes of this chapter means the city official(s) in charge of the city inspection or the application processing contemplated by the particular section of this chapter. It may be the building official, the community development director, or the public works director, or their subordinates.
21. "Key" means a designed, compacted fill placed in a trench excavated in undisturbed earth material beneath the toe of a proposed fill slope to develop shearing resistance. (See Figure 1 of Ordinance 511.)
22. "Land disturbance" means clearing, excavating, grading, or other manipulation of the natural terrain.
23. "Owner" means the person(s) or entity owning the equitable (as distinguished from a trustee's legal title) interest in the property. Unless clearly rebutted by other evidence, this will be presumed to be the owners shown in the county recorder's office.
24. "Permittee" means the person in whose name the permit to undertake land disturbance activities has been issued and the owner. Where appropriate, this includes the employees and agents of the foregoing.
25. "Riparian corridor" means those areas identified in Sections 17.64.040 and 17.64.050.
26. "Road gradient (%)" means vertical rise or distance multiplied by one hundred and divided by horizontal run or distance.
27. "Runoff" means the movement of surfacewater over ground surface or paved areas.
28. "Sediment" means eroded earth material that is carried by water, wind, gravity or ice and deposited into channels, lakes, rivers or other areas.
29. "Site" means a parcel of land or contiguous parcels where land disturbance including erosion control, clearing, grading, or construction are performed or proposed.
30. "Slope" means an included ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
31. "Soil" means naturally occurring mineral and organic earth materials overlying bedrock or parent material.

32. “Stream” means any watercourse as designated by a solid line or dash and three dots symbol shown on the largest scale of United States Geological Survey map most recently published.

33. “10-year storm” means a storm with such intensity and duration that its magnitude would only be exceeded on the average once every ten years.

34. “100-year storm” means a storm with such intensity and duration that its magnitude would only be exceeded on the average once every one hundred years.

35. “Terrace” means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

36. “Topsoil” means eight to sixteen inches of loose, friable, organic, and fertile earth materials on top of a soil profile, usually the A-horizon.

37. “Waterbreak” means a ditch, dike, dip, or combination thereof, constructed to effectively divert water as an aid to erosion control. (Ord. 677 § 9(A), 1989; Ord. 511 § 2 (part), 1981)

**15.28.030 General provisions.**

No person shall cause or allow the persistence of a condition on any site that could cause accelerated erosion. Accelerated erosion shall be controlled and/or prevented by the responsible person or the property owner by using measures outlined in subsequent sections as applicable. Additional measures may be necessary, and may be specifically required by the grading official. (Ord. 511 § 2 (part), 1981)

**15.28.040 Hazardous conditions.**

Whenever the grading official determines that an existing excavation or embankment or cut or fill has become a hazard to life or limb, or endangers property of others or adversely affects the safety, use, or stability of a public way or drainage channel or causes significant detriment to the natural resources of the area, the owner of the property upon which the excavation, cut, or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the grading official, shall, within the period specified therein, repair or eliminate such condition so as to eliminate the hazard and be in conformance with the requirements of this chapter. Where feasible, erosion problems shall be controlled no later than the beginning of the next rainy season (approximately October 15th). (Ord. 511 § 2 (part), 1981)

**15.28.050 Permit exemptions.**

Excavation, grading, filling, clearing, and/or erosion control work requires a permit within the coastal zone. Only those activities that qualify for exemptions or waivers of permit requirements pursuant to Chapter 17.44 (Coastal Overlay Zone) may be exempted. Outside of the coastal zone, the following exemptions apply:

A. Subdivisions. When erosion control and grading plans comply with this chapter and have been approved at the time a subdivision map was approved;

B. Building Pads and Driveways. Grading, when done with a valid building permit;

C. Emergency Work. Outside of the coastal zone, work necessary to preserve life or property; provided, however, that when emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the grading official within twenty-four hours after commencement of the work. Thereafter, the person shall obtain a permit pursuant to Section 15.28.060 and perform such work as may be determined by the grading official to be reasonably necessary to correct any erosion or conditions with a potential to cause erosion resulting from the emergency work. In the coastal zone the provisions of Section 17.44.170 shall apply to emergency work;

D. Excavations. An excavation which does not exceed ten cubic yards and is less than two feet in depth, or which does not create a cut slope greater than three feet in height and steeper than two horizontal to one vertical. This exemption is permitted only once per site;

E. Fill. A fill, except when in a riparian zone, containing earth materials only which is less than two feet in depth, is placed on natural terrain with a slope flatter than five horizontal to one vertical, does not exceed ten cubic yards on

any one site, does not alter or obstruct a drainage course, and will not be used for structural support or roadways. This exemption is permitted only once per site;

F. Basements and Footings. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill except as provided under subsection E of this section, made with the material from such excavation nor exempt any excavation having an unsupported depth greater than five feet after the completion of such structures;

G. Cemeteries. Cemetery graves;

H. Refuse Disposal. Refuse disposal sites which are permitted and actually being controlled pursuant to other city regulations, and excavations for in and community sewage disposal systems made pursuant to other city permits;

I. Soil Investigations. Exploratory excavations under the direction of soils engineer or engineering geologist where such excavation is to be returned to the original condition under the direction of such engineer or geologist within forty-five days after the start of work;

J. Agricultural Work. Use of land operated under a conservation plan by a resource conservation district. Routine plowing, harrowing, disking, listing, leveling, and similar operations necessary to prepare a field for a crop. Not exempted shall be initial grading to convert land from nonproductive to crop-producing use;

K. Public Works. Work in connection with public improvement projects for which inspection is provided by the city or other public agency. (Ord. 685 §§ 10, 15, 1989; Ord. 677 § 9(B), 1989; Ord. 511 § 2 (part), 1981)

**15.28.060 Permit application and requirements.**

A. Generally. Except as exempted in Section 15.28.050, a permit shall be obtained from the city by the owner(s) of the property (or agent when authorized in writing) for each site. Approval of a permit for a new development shall require the abatement of any existing human-induced or accelerated erosion problems on the property.

B. Plans and Specifications. Two sets of plans, plus supporting data, shall be required for each application when required by the grading official. Plans shall be drawn to scale upon substantial material, minimum size eighteen inches by twenty-four inches, and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and all relevant laws and regulations. The first sheet of each set of plans shall include the location and assessor's parcel number(s) of work, the name, telephone number, and address of the owner(s), and the name, telephone number, and address of person by whom they were prepared. The plans shall include the following information in writing, diagrams, and/or scale drawings:

1. Statements as to the specific intention or ultimate purpose for which the grading is being done;
2. General location and vicinity of the proposed site;
3. Property lines and accurate contours of the existing ground and details of terrain and area drainage without existing vegetation. Contour intervals shall be two feet when the natural ground slope is less than twenty percent, and five feet when slope is more than twenty percent. Contours shall overlap fifteen feet onto adjacent properties;
4. Limiting dimensions, elevations or finished contours to be achieved by the grading and proposed drainage channels and related construction, including proposed vegetation, landscaping, and comparison of runoff without project and with project. Finished grade contours will be shown as they relate to surrounding property contours;
5. Detailed plans showing the location of all temporary and permanent structure(s) and nonstructure erosion and sediment control devices, of all surface and subsurface drainage devices, wall, cribbing, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area with the complete drainage network and the estimated runoff of the area served by any drains. The location, capacity and condition of any ravines and drainage courses in the pathway of offsite runoff or drainage shall be indicated;

6. The planned direction and disposition of all storm drainage flow (with approximate grade) from all buildings, yards, lots, driveways, parking areas, and streets;
7. Vegetative erosion control and revegetation measures for all surfaces exposed or expected to be exposed during grading activities as a part of overall erosion and sediment control plans;
8. Locations of buildings or structures on the property where the work is to be performed and the approximate location of buildings or structures on adjacent lands owned by other owners which are within fifteen feet of the property line, or which may be affected by the proposed operations;
9. A statement of the quantity of excavation and fill;
10. Specifications, when required, shall contain information covering construction and material requirements;
11. Estimated starting and completion dates;
12. Soil description, including soil types, depth, erodibility, and vegetative establishment and growing capabilities;
13. Extent and manner of tree cutting and/or vegetative clearing including a disposal plan;
14. A provision for stockpiling topsoil when necessary for erosion control or landscaping;
15. North arrow, written and graphic scales.

C. Engineering Requirements. The building official may require that a civil engineer or other qualified professional shall prepare and sign the plans and specifications and be coordinator and liaison between other professionals, owners, contractors, and the city staff in the following instances:

1. Subdivisions of more than four lots;
2. Grading in excess of ten cubic yards;
3. Planned unit developments, planned developments, and major (as determined by the community development director) use permits;
4. Other projects likely to cause major land disturbance as determined by the grading official.

D. Engineering Reports. Unless waived by the grading official, each application for a permit shall be accompanied by two sets of supporting data consisting of a soil and/or civil engineering report and/or engineering geology report, and/or any other reports necessary.

1. The soil engineering report shall include data regarding feasibility of the site for the proposed uses; recommendations for grading, including site preparation and placement of fill; nature, distribution, erosion hazards and strength of existing surface and subsurface soils; foundation recommendations; finished slope stability; design of buttress fills; recommendations for seismic and erosion control; and surface and subsurface drainage.
2. The civil engineering report shall include hydrological calculations of runoff for 10-year and 100-year storm frequencies; conclusions and recommendations for adequate erosion control and grading procedures; comparison of runoff without and with project; design criteria for corrective measures, including the existing and/or required safe storm drainage capacity outlet of channels both on and off-site; and opinions and recommendations covering adequacy of site to be developed by the proposed grading.
3. The engineering geology report shall include an adequate description of the geology of the site; description of potential geologic hazards; conclusions and recommendations regarding the effects of geologic conditions on the proposed development; and opinions and recommendations covering the adequacy and stability of the geologic subsurface of cuts and fill loads to be developed by the proposed grading.

4. Recommendations included in the reports, when approved by the grading official, shall be incorporated in the plans and specifications.

E. Variances. A request for, variance from the provisions of this chapter, the permit conditions, or the plan specifications may be approved, conditionally approved, or denied by the city planning commission. A request for a variance must state in writing the provision to be varied, the proposed substitute provision, when it would apply and its advantages.

F. Work Time Limits. The permittee shall fully perform and complete all the work required to be done within the time limits specified. If no time limit is specified the permittee shall complete the work within one hundred, eighty working days after the date of the issuance of the permit. If work has not started within one hundred eighty days after the permit is issued, it expires. If work authorized is started and suspended or abandoned for one hundred eighty calendar days, the permit also expires unless stoppage has been authorized in writing by the grading official. If the permittee is unable to complete the work within the specified time, he or she shall, prior to the expiration of the permit, present in writing a request for an extension of time, setting forth the reasons for the requested extension. If in the opinion of the grading official an extension is warranted, additional time may be granted for the completion of the work. (Ord. 511 § 2 (part), 1981)

**15.28.070 Fees.**

Fees, if any, necessary to implement this chapter shall be as set forth by city council resolution. (Ord. 511 § 2 (part), 1981)

**15.28.080 Bonds.**

The grading official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be done. In lieu of surety bond, the applicant may file a cash bond or instrument of credit with the grading official in an amount equal to that which would be required in the surety bond. (Ord. 511 § 2 (part), 1981)

**15.28.090 Design standards for cut and excavations.**

A. Generally. Unless otherwise recommended in the soil engineering and/or engineering geology reports approved by the grading official, cuts and excavations shall conform to the provisions of this section.

B. Slope. The slope of cut surface shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than two horizontal to one vertical, and shall not exceed twenty feet in vertical height or exceed seventy-five feet slope (horizontal) distance without a bench or terrace break. Due to individual site soils and geology, flatter and shorter slope lengths may be required, or steeper and longer slope lengths may be allowed upon review by the grading official when he or she finds this consistent with the building and safety. Cut slopes shall be rounded off so as to blend in with natural terrain. (See Figure 2 of Ordinance 511.)

C. Stockpiles. Stockpile material for trenches and pits will be put upslope of the excavation to be promptly backfilled and compacted into trenches and pits. Excavated material not needed at the site will be removed or disposed of at a location approved by the grading official.

D. Vegetative Protection. All earth cuts shall be planted or otherwise protected from the storm runoff erosion within thirty days of the completion of final erosion control and grading work. Planting shall be irrigated to establish a root system before the rainy season, if necessary in the opinion of the grading official. (Ord. 511 § 2 (part), 1981)

**15.28.100 Design standards for fill.**

A. Generally. Unless otherwise recommended in the soil engineering and/or engineering geology reports approved by the grading official, fill shall conform to the provisions of this section.

B. Fill Location. Fill shall not be constructed on natural slopes steeper than two to one unless an engineer devises a method of placement which will ensure the fill will remain in place. The toe of the fill shall be no closer than twelve feet horizontally to the top of existing or planned cut slopes. The area beyond the toe of the fill shall be sloped for sheet overflow or a drain shall be provided. (See Figure 3 of Ordinance 511.)

C. Fill Slopes. The slope of fill surfaces can be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two to one and shall not exceed twenty feet vertical height or seventy-five feet slope (horizontal) distance without a terrace break. Due to individual soil properties, shorter and flatter slopes may be required or steeper and longer slopes may be allowed upon review by the grading official if he or she finds the deviations consistent with stability and safety. Fill slopes shall be rounded off so as to blend with the natural terrain. (See Figure 2 of Ordinance 511.)

D. Ground Preparation. Natural ground surface over which fills are planned shall first be cleaned of all trash, vegetation, stumps, debris, noncomplying fill, topsoil and other unsuitable materials and shall be scarified prior to the placement of the fill. Where slopes are five to one or steeper, a key, ten feet wide minimum, shall be dug into undisturbed, solid competent soil or bedrock beneath the toe of the proposed fill. The key must be cut and approved as a suitable foundation for fill before placing any fill. (See Figures 1 and 3 of Ordinance 511.)

E. Materials Permitted. Only earth material free from tree stumps, detrimental amounts of organic matter, trash, garbage, sod, peat and/or similar materials shall be used. Rocks and/or broken concrete larger than six inches in greatest dimension shall not be used unless the method of placement is approved by the grading official. Topsoil may be used in the top twelve-inch surface layer to aid in planting and landscaping.

F. Compaction of Fill. All fills shall be compacted to a minimum relative dry density of ninety percent as determined by ASTM D-1557-78 or CALTRANS test method under California 216. Field density verification must be submitted for any fill twelve inches or more in depth where such fill may support the foundation for a structure. A higher relative dry density and/or additional compaction tests may be required at any time by the grading official.

G. Vegetative Protection. All earth fill shall be planted or otherwise protected from the effects of storm runoff within thirty days of the completion of final grading and planting shall be irrigated to establish a root system, if necessary in the opinion of the grading official. (Ord. 511 § 2 (part), 1981)

**15.28.110 Design standards for cut and fill setbacks.**

A. Generally. Unless otherwise recommended in the approved soil engineering and/or engineering geology reports and shown on the approved grading plan, setbacks shall conform to this section and be no less than as shown in Figure 4 of Ordinance 511.

B. Minimum Setbacks. Tops and toes of cut and filled slopes shall be set back from property boundaries and structures as far as necessary for the safety of the adjacent properties and to prevent damage resulting from water runoff, by flooding, erosion of the slopes, or by sediment deposition. (See Figure 4 of Ordinance 511.)

C. Stream and Riparian Setbacks. Tops and toes of cut and/or filled slopes shall be set back far enough to prevent encroachment upon streams, floodplains, channels, or bodies of standing water and to provide and maintain an undisturbed protective strip between the grading and the riparian corridor. This strip shall have sufficient filter capacity as determined by the grading official to prevent degradation of water quality. If it is determined that the filter capacity of the protective strip is insufficient, additional erosion control may be required by increasing the width of the protective strip or with structural measures and/or by seeding, planting, mulching of bare soil areas.

D. Retaining Walls. Retaining walls when keyed into stable foundations and capable of sustaining the design loads, may be used to reduce the required cut and fill setbacks when recommended by the civil or soil engineers, or geologist and approved by the grading official. Other restrictions and/or minimums may be increased or relaxed upon review by the grading official if he or she finds the deviations consistent with safety and stability and to provide access for slope maintenance and drainageways. (Ord. 511 § 2 (part), 1981)

**15.28.120 Design standards for drainage and terraces.**

A. Generally. Drainage facilities and terraces shall conform to the provisions of this section-unless otherwise indicated on the approved permit and plans. To the greatest extent possible, peak storm drainage runoff and sediment rates may not exceed predevelopment rates. A pro rata share of the cost of offsite erosion sediment, and flood-control improvements and/or for maintenance to the principal drainageway may be required by the grading official to handle the increased peak runoff and/or sediment generated by the development if greater than predevelopment rates.

B. Runoff Calculations. Plans and specifications prepared for subdivisions of five acres or more shall show, by table and/or calculations, the peak rates of storm runoff both before and after development. A combination of storage and controlled release of stormwater runoff may be required.

C. Drainage Facilities.

1. Disturbance of natural drainageways shall be kept to a minimum and existing drainage courses shall not be obstructed or obliterated without mitigating measures installed that have been approved by the grading official.
2. Whenever a grading operation obstructs or impairs the flow of runoff in an existing drainage course, a culvert, bridge or other suitable drainage facility designed and acceptable to the grading official shall be installed to convey the flow past the point of impairment. No construction materials or construction byproducts shall be discarded in any drainageway or riparian zone.
3. Drainage facilities shall be culverts, pipe drains, paved, rock, or vegetative channels designed to safely carry existing and potential offsite runoff from a fully developed area upstream as well as local onsite surface and subsurface waters to the nearest adequate drainage course designated for such purposes by the grading official. Properly designed energy dissipators are required at the point of discharge.
4. Culvert size and industry standard materials shall be used in accordance with city standard design criteria and as approved by the grading official. Minimum diameter shall be twelve inches.
5. Cuts, fills, and retaining walls shall have subsurface drainage facilities as necessary for stability.
6. Berms, ditches, interceptor drains, or swales, shall be constructed at the top of cut and fill slopes when necessary for protection against water runoff. Minimum size interceptor drains above cut slopes with a tributary drainage area greater than forty feet measured horizontally or an area larger than one-third acre shall be paved with three inches of reinforced concrete or gunite and shall be twelve inches deep with thirty-six inches paved width and discharge into down drain. Energy dissipators may be required by the grading official.
7. At least a one percent grade will be required toward an improved storm drainage facility, either existing or planned, from all building sites, pads, yards, roof drains, driveways, and etc.
8. Grading equipment shall not disturb or cross flowing streams unless absolutely necessary and only with prior approval from the grading official. The California Department of Fish and Game shall be consulted and appropriate permits obtained for any activities undertaken in areas subject to their jurisdiction.

D. Terraces.

1. Terraces at least six feet in width shall be established at not more than twenty-foot vertical intervals or seventy-five-foot slope horizontal intervals. Suitable access shall be provided to permit proper grading and maintenance of these terraces. Where only one terrace is required, it shall be at mid height. (See Figure-4 of Ordinance 511.)
2. Swales or interceptor pipes or drains, ditches, on terraces and on the top of cut slopes, shall be designed to carry water and sediment to safe disposal structures and areas and shall have a minimum gradient of one percent and must be paved with concrete or gunite not less than three inches in thickness or other paved or vegetative approved nonerodible surface. They shall have a minimum depth of one foot and a minimum paved or protected area of five feet. (See Figure 4 of Ordinance 511.) A revegetation and maintenance plan may be required by the grading official. (Ord. 677 § 9(C), 1989; Ord. 511 § 2 (part), 1981)

**15.28.130 Design standards for erosion and sediment control.**

A. Generally. Buildings and access envelopes shall be delineated on the development plans when necessary to keep disturbance out of particularly erodible areas. New lots shall not be created which will require access road and driveways to cross slopes exceeding fifty percent (two to one) for distances greater than fifty feet. Exposed soil shall be protected from erosion by temporary and/or permanent measures. Such protection may consist of mulching, plastic sheeting, and/or vegetation.

B. Slope. Structures on existing slopes exceeding thirty percent shall utilize pole, step or other such foundation that does not require major excavations or fillings. (See Figure 3 of Ordinance 511.)

C. Runoff Control. Where concentrated runoff will occur, it will be carried in pipe or culvert conduits or over a nonerodible surface (paved, rock, or vegetated) with discharge points clearly shown on the development plans. All conduits must have proper energy dissipators at the point of discharge when necessary to prevent erosion.

D. Building Site Runoff. Runoff from buildings, roads, driveways and the total site area shall be controlled by berms, swales, ditches, structures, vegetative filter strips and/or catchbasins to prevent the escape of sediment from the site.

E. Vegetative Removal. Development plans shall indicate the areas where vegetation is to be removed and replaced within the building and access envelopes. Vegetation removal shall be limited to that amount necessary to conduct the permitted activity and as indicated on the approved development plan. The method and time shall be such that the erosive effects are minimized. When work is allowed, native groundcover shall not be cleared, destroyed, burned, or disturbed more than fifteen days prior to grading or construction work unless approved in advance by the grading official.

F. Vegetative Disposal. Vegetation removed during clearing operations shall be disposed of by chipping, used as mulch, compost, and/or by burning. Burning shall comply with local air quality standards and no long branches or charred pieces shall be permitted to remain.

G. Topsoil. To promote regrowth of vegetation, the topsoil shall be stockpiled and reapplied upon completion of grading on slopes of less than five-to-one (twenty percent). Soil stockpiles and exposed soil shall be protected from erosion at all times.

H. Temporary Vegetation. Temporary vegetation sufficient to stabilize the soil as permanent vegetation cover is maturing shall be established on all disturbed areas as needed and as each stage of grading is completed.

I. Winter Operations – October 15th to April 15th.

1. Land disturbance or development operations may be restricted or temporarily halted between October 15th and April 15th (the normal rainy season), and/or other times whenever the grading official determines that the weather, soil, slope and general site conditions may cause serious accelerated erosion or sediment damage either onsite or downstream.

2. When land development work is allowed during the normal, rainy winter season, adequate erosion and sediment control measures must be in place during any land disturbance, and temporary erosion control measures must be applied to all soils bared at the end of each day.

3. During winter, sufficient erosion control materials of straw, plastic, netting, etc., shall be kept on the site at all times to be installed immediately by the permittee upon advent of any rainfall or wind that may be expected to cause accelerated erosion.

4. All cut and fill slopes without established vegetation between October 15th and April 15th shall be mulched. The mulching shall be anchored by punching or tacking into the soil or by the use of netting. A minimum of one thousand pounds of straw, or equivalent, per each ten thousand square feet of slope surface will be required to be anchored. Any additional amount may be required by the grading official.

5. Within ten working days after seeding, fertilizing and/or mulching, the permittee will commence irrigation of the seeded areas or slopes and shall continue until the rains come and/or the groundcover is fully developed. Berms, diversion catchbasins, etc., shall be installed prior to seeding and mulching.

6. All erosion control plantings and mulching shall be closely monitored throughout the winter and runoff problems corrected promptly. All erosion and/or slippage of banks shall be repaired by the permittee at his or her expense.

J. Dust. Dust from grading operations must be controlled. The permittee may be required to keep adequate equipment on the grading site to prevent dust problems.

K. Erosion Control Coordination with Project Installation.

1. All vegetative and/or structural measures required to safely discharge any accelerated runoff generated by the project shall be installed during the first or initial construction phase of the project.
2. Land shall be developed in increments of workable size which can be completed in a single construction season. Erosion and sediment control measures shall be coordinated with a sequence of grading, development, and construction operations and all necessary erosion control measures shall be put in effect prior to the commencement of the next work increment and/or winter rainy season.
3. Prior to completion and final acceptance of the project, all erosion control measures must be in place and all exposed bare soil shall be mulched, fertilized and otherwise prepared so that it is planted to a permanent vegetative cover. Native or naturalized vegetation should be used. The grading official may require watering of planted areas to initiate and assure growth.

L. Livestock. Where necessary to assure that water quality is not affected by the keeping of livestock, vegetative buffer and/or filter strips shall be established on all downhill sides of areas where livestock are kept. The width of the buffer strip shall be determined by the grading official. Also, additional erosion control measures, such as diversion, dissipators and sediment basins may be required to control runoff from these areas where livestock have destroyed and torn up protective vegetation.

M. Maintenance. All onsite erosion control facilities shall be properly maintained by the owners for the life of the project so that they do not become nuisances with stagnant water, heavy algae growth, insect breeding, odors, discarded debris, and/or safety hazards. Vegetative maintenance required may include mowing, fertilization, irrigation and/or reseeding. (Ord. 511 § 2 (part), 1981)

#### **15.28.140 Inspection reports and compliance.**

A. General. Excavation, grading, filling, clearing and erosion control work requiring a permit shall be subject to inspection by the grading official in lieu of inspection by city staff employees, the grading official may require supervision, regular inspection, and special testing be performed and certified by the licensed professional who prepared the approved plan; or the grading official may require supervision, inspection, and testing be done by an independent approved testing agency to ensure compliance with this chapter and the permittee's permit conditions.

B. Inspections Required. The following inspections shall be required:

1. Presite inspection to determine the suitability of the proposed project and the existing and potential erosion and sediment hazards;
2. Periodic ongoing inspection during project progress, including compaction and special testing as may be required by the approved plan;
3. Final inspection determining compliance with terms and conditions of this chapter and permit.

C. Required Reports. Upon completion of the rough grading work and at the final completion of the work, the grading official may require the following reports and drawings and supplements thereto:

1. An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. He or she shall provide approval that the work was done in accordance with the final approved grading plan.
2. A soil grading report prepared by the soils engineer, including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. He or she shall provide approval as to the adequacy of the site for the intended use.

3. A geologic grading report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He or she shall provide approval as to the adequacy of the site for the intended use as affected by geologic factors.

D. Notification. The permittee shall notify the grading official two working days prior to the beginning of the operation authorized by the permit, and one complete working day prior to any inspection or testing requested by the permittee.

E. Final Inspection. The permittee or his or her agent shall notify the grading official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.

F. Right of Entry. Filing of an application for a permit under this chapter constitutes a grant of permission for the city to enter the permit area for the purpose of administering this chapter from the date of the application to the termination of the erosion control maintenance period. If necessary, the grading official shall be supplied with a key or lock combination, or permitted to install a city lock. (Ord. 511 § 2 (part), 1981)

**Central Fire District of Santa Cruz County  
Fire Code**

**ORDINANCE NO. 2025-03**

**An ordinance of the Central Fire District adopting the 2025 edition of the California Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Central Fire District providing for the issuance of permits and collection of fees therefore; repealing the Previous Adoption of the 2022 California Fire Code and all other ordinances and parts of the ordinances in conflict therewith.**

**PART 1**

**The Central Fire District Fire Code does ordain as follows:**

That portion of the 2025 California Fire Code that imposes substantially the same requirements as are contained in the International Fire Code, 2024 Edition published by the International Code Council and the California Building Standards Commission with Errata, together with those portions of the International Fire Code, 2024 Edition, including Appendices B, BB, C, CC, D, I, N and O as published by the International Code Council not included in the California Fire Code, and Appendix P as published by the California Building Standards Commission as modified and amended by this ordinance, are adopted by this reference into this code, and are hereby collectively declared to be the Fire Code of the Central Fire District, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees for same; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Central Fire District are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Part 2 of this ordinance.

**PART 2**

**Ordinance No. 2023-01 of the Central Fire District is hereby repealed and replaced with Ordinance 2025-03 to read as follows:**

**California Fire Code Adopted.**

That portion of the 2025 California Fire Code that imposes substantially the same requirements as are contained in the International Fire Code, 2024 Edition published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, 2024 Edition, including Appendices B, BB, C, CC, D, I, N and O published by the International Code Council not included in the 2025 California Fire Code, and Appendix P as published by the California Building Standards Commission as modified and amended by this ordinance, are adopted by this reference into code, and are hereby collectively declared to be the Fire Code of the Central Fire District for the purpose of regulating and governing the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, conditions hazardous to life or property in the occupancy and use of buildings and premises, the operation, installation, construction, location, safeguarding and maintenance of attendant equipment, the installation and maintenance of adequate means of egress not provided for by the building code, and providing for the issuance of permits and collection of fees for same.

**Section 35.101.1 is amended – Title.**

Section 101.1 of Chapter 1 of the Fire Code of the Central Fire District is amended to read as follows:

**35.101.1 - Title.** These regulations shall be known as the Fire Code of the Central Fire District hereinafter referred to as “this code.”

**Section 35.102.1 is amended – Construction and design provisions.**

Section 102.1 of Chapter 1 of the Fire Code of the Central Fire District is amended to read as follows:

**35.102.1 - Construction and design provisions.** The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions where required in Chapter 11.
4. Existing structures, facilities and conditions that, in the opinion of the fire code official, constitute a distinct hazard to life or property.
5. Existing Structures, Alterations and Repairs. All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the external walls of a building, or result in the removal, modification, replacement and/or repair of fifty percent or more of the existing internal structural and/or non-structural framework, independently or in combination thereof, within a five year period, the entire building shall be made to conform to the current provisions of this chapter. The determination under this section of the requirement for upgrading any existing structure to full conformance with current provisions of this Chapter shall be at the sole discretion of the Fire Code Official.

**Section 35.102.9 is amended - Matters not provided for.**

Section 102.9 of Chapter 1 of the Fire Code of the Central Fire District is amended to read as follows:

**35.102.9 - Matters not provided for.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

The fire chief is authorized to render interpretations of this code and to make and enforce rules, supplemental regulations and standards in order to carry out the application and intent of its provisions. Such interpretations, rules, regulations and standards shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours. Those standards promulgated by the Santa Cruz County Fire Chiefs Association shall be deemed as prima facie evidence of compliance with this code.

**Section 35.103.5 is added – Law enforcement powers.**

Section 103.5 of Chapter 1 of the Fire Code of the Central Fire District is added to read as follows:

**35.103.5 - Law enforcement powers.** The fire code official and his/her deputies shall have the powers of law enforcement officers in performing their duties under this code. When requested to do so by the fire code official, the chief of police or county sheriff of the jurisdiction is authorized to assign such available law enforcement as necessary to assist the fire code official with enforcing the provisions of this code.

**Section 35.105.1 is amended – General.**

Section 105 of Chapter 1 of the Fire Code of the Central Fire District is amended to read as follows:

**35.105.1 - General.** Permits shall be in accordance with Sections 105.1.1. through 105.6.25 or other provisions of this code as required by the jurisdiction having authority. When required by the fire code official, a permit shall be obtained. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

**Sections 112.1 through 112.4 are deleted and replaced – Means of Appeals.**

Sections 112.1 through 112.4 of Chapter 1 of the Fire Code of the Central Fire District are deleted and replaced to read as follows:

**Section 35.112.1 is added - Board of appeals established.**

Section 112.1 of Chapter 1 of the Fire Code of the Central Fire District is added to read as follows:

**35.112.1—Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be:

1. For the Santa Cruz County Fire Department, the Board of Supervisors of Santa Cruz County, or a sub-committee as appointed by the Board of Supervisors of Santa Cruz County; or,
2. For the independent Fire Districts in Santa Cruz County, the Board of Directors of the Fire District, or a sub-committee as appointed by the Board of Directors of the Fire District.

The fire code official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board may adopt additional rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

**Section 35.112.2 is added – Limitations on Authority.**

Section 112.2 of Chapter 1 of the Fire Code of the Central Fire District is added to read as follows:

**35.112.2 Limitations on Authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

**Section 35.112.3 is added - Qualifications.**

Section 112.3 of Chapter 1 of the Fire Code of the Central Fire District is added to read as follows:

**35.112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the jurisdiction.

**35.112.4 is added – Appeals process.**

112.4 of Chapter 1 of the Fire Code of the Central Fire District is added to read as follows:

**35.112.4.1 - Initiating appeal.** Any beneficially interested party has the right to appeal the order served by the fire code official by filing a written "NOTICE OF APPEAL" with the office of the fire code official within fourteen (14) days after service of such order. The notice shall state the order appealed from, the identity and mailing address of the appellant, and the specific grounds upon which the appeal is made.

**35.112.4.2 - Stay of order.** The filing of a properly completed notice of appeal shall have the effect of staying the implementation of the order appealed from, until the final decision of appeal.

**Exception:** Orders affecting acts or conditions which in the opinion of the fire code official, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion, or release.

**35.112.4.3 - Hearing of appeal.** Following is the process for establishing and hearing appeals:

1. The Board of Appeals, or the secretary thereof, shall set the matter to be heard at a date within thirty days of receipt of such notice of appeal. Written notice of the time and place set for hearing shall be served on the appellant by first class mail to the mailing address given in the notice of appeal at least five days prior to the date set for the hearing. The fire code official shall transmit to the Board of Appeals all records related to the appeal.
2. At the hearing on the appeal, the appellant shall, in the first instance present evidence in support of the grounds enumerated in her/his notice of appeal. The fire code official shall next present evidence in support of her/his order. The appellant and the fire code official shall each have one opportunity to rebut the evidence presented by the other. The hearing shall be de novo in all respects.

**35.112.4.4 - Decision of the board of appeals.** Upon hearing the appeal, the Board of Appeals may issue a decision affirming, modifying or vacating the order of the fire code official. The decision shall be in writing and shall be served upon the appellant by first class mail to the mailing address given in the notice of appeal.

**35.112.4.5 - Time of decision.** The Board of Appeals shall have the power to continue any hearing and may, in its discretion, take the appeal under submission. The Board of Appeals shall render a decision not later than the seventh day following the date the matter was taken under submission, and forthwith notify the interested parties as previously set forth.

**Section 35.113.4 is amended – Violation penalties.**

Section 113.4 of Chapter 1 of the Fire Code of the Central Fire District is amended to read as follows:

**35.113.4 - Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction.

Acts denominated as infractions shall not be punishable by imprisonment. Every violation determined to be an infraction is punishable by:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation of the same provision of this code within one year;
3. A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within one year.

A person charged with an infraction shall not be entitled to a trial by jury. A judgment that a person convicted of an infraction be punished by fine may also provide for the payment to be made within a specified time or in specified installments, contingent upon the person giving his written promise to either pay the fine as provided or to appear in court on the due date. Any person who willfully violates any such written promise is guilty of a misdemeanor.

Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 35.113.4.1 is amended – Abatement of violation.**

Section 113.4.1 of Chapter 1 of the Fire Code of the Central Fire District is amended to read as follows:

**35.113.4.1 - Abatement of violation.** In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Any violation of this code shall be deemed a public nuisance pursuant to Santa Cruz County Code Section 1.12.050 and/or the County of Santa Cruz Fire Code. In the event that a public nuisance is not abated in accordance with the fire code official's order or the order of the Board of Appeals, if any, the fire code official may, upon securing approval of the Board of Supervisors of the County of Santa Cruz, or if violation is in a fire district, the Board of Directors of said District, proceed to abate the nuisance by force account, contract, or any other method deemed most expedient by the Board. The cost of such abatement may be charged to the owner of record or assessed to the property in a manner provided in Sections 1.14.040 through 1.14.080 of the County of Santa Cruz Fire Code.

**Section 35.113.4.2 is added – Enforcement.**

Section 113.4.2 of Chapter 1 of the Fire Code of the Central Fire District is added to read as follows:

**35.113.4.2 - Enforcement.** The fire code official and her/his delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed a violation of any of the provisions of this Code in their presence.

Upon making such an arrest, the fire code official or her/his delegated subordinate shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this Section.

**Section 35.114.4 is amended – Failure to comply.**

Section 114.4 of Chapter 1 of the Fire Code of the Central Fire District is amended to read as follows:

**35.114.4 - Failure to comply.** It is unlawful for any person, firm or corporation to violate or fail to comply with any lawful order of the fire code official; fail to comply with an order by the Board of Appeals; or, fail to comply with an order of the court of competent jurisdiction within the time fixed therein. Every such violation shall be deemed a misdemeanor and shall be punishable by a fine of not more than \$500.00 plus court assigned fees or by imprisonment not exceeding 1 year in the county jail, or both such fine and imprisonment.

**Section 35.202 is amended – Definition of All-Weather Surface.**

Definition of All-Weather Surface in Section 202 of Chapter 2 of the Fire Code of Central Fire District is added after Alcohol-Blended Fuels to read as follows:

**ALL WEATHER SURFACE.** An all-weather surface shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and asphaltic concrete for grades exceeding 15%. No grade shall be allowed to exceed 16% in State Responsibility Area (SRA) or 20% in Local Responsibility Area (LRA).

**Section 35.202 is amended – Definition of Bridge.**

Definition of Bridge in Section 202 of Chapter 2 of the Fire Code of the Central Fire District is added after Breakout to read as follows:

**BRIDGE.** A bridge shall be defined as a structure designed to carry a roadway over a depression or obstacle.

**Section 35.202 is amended – Definition of De Novo.**

Definition of De Novo in Section 202 of Chapter 2 of the Fire Code of the Central Fire District is added after Deluge System to read as follows:

**DE NOVO.** adj. Latin for "anew," which means starting over, as in a trial de novo. For example, a decision in a small claims case may be appealed to a local trial court, which may try the case again, de novo.

**Section 35.202 is amended – Definition of Greenhouse.**

Definition of Greenhouse in Section 202 of Chapter 2 of the Fire Code of the Central Fire District is added after Grandstand to read as follows:

**GREENHOUSE.** A greenhouse is a structure with walls and roof made chiefly of a non-combustible, transparent material, such as glass, in which plants requiring regulated climatic conditions are grown. Construction within the greenhouse is also of a non-combustible nature.

**Section 35.202 is amended – Definition of Local Responsibility Area (LRA).**

Definition of Local Responsibility Area (LRA) in Section 202 of Chapter 2 of the Fire Code of the Central Fire District is added after Listed to read as follows:

**LOCAL RESPONSIBILITY AREA (LRA).** Shall mean lands on which neither the state nor the federal government has any legal responsibility for providing fire protection. Local responsibility areas include incorporated cities and cultivated agriculture lands. Local responsibility area fire protection is typically provided by city fire departments, fire protection districts, special districts, counties, and by CAL FIRE under contract to local government.

**Section 35.202 is amended – Definition of Stage.**

Definition of Stage in Section 202 of Chapter 2 of the Fire Code of the Central Fire District is added after Sprinkler Express Riser to read as follows:

**STAGE.** A space within a building utilized for entertainment or presentations, which includes overhead hanging curtains, drops, scenery or stage effects other than lighting and sound. Stage area shall be measured to include the entire performance area and adjacent backstage and support areas not separated from the performance area by fire-resistance rated construction. Stage height shall be measured from the lowest point on the stage floor to the highest point of the roof or floor deck above the stage.

**Section 35.202 is amended – Definition of State Responsibility Area (SRA).**

Definition of State Responsibility Area (SRA) in Section 202 of Chapter 2 of the Fire Code of the Central Fire District is added after Standpipe System, Classes Of to read as follows:

**STATE RESPONSIBILITY AREA (SRA).** Shall mean lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125-4127; and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 1, Sections 1220-1220.5 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the State of California.

**Section 35.202 is amended – Definition of Turnaround.**

Definition of Turnaround in Section 202 of Chapter 2 of the Fire Code of the Central Fire District is added after Tube Trailer to read as follows:

**TURNAROUND.** A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Maximum grade in all directions may not exceed 5% and maximum distance from the structure is 150 feet (45,720 mm) or as approved by the fire code official. Design of such area may be found in Santa Cruz County Fire Prevention Officers Standards.

**Section 35.202 is amended – Definition of Turnout.**

Definition of Turnout in Section 202 of Chapter 2 of the Fire Code of the Central Fire District is added after Turnaround to read as follows:

**TURNOUT.** A widening in a roadway to allow vehicles to pass. Design of such area may be found in Santa Cruz County Fire Prevention Officers Standards.

**Section 35.304.1.3 is amended - Vegetation.**

Section 304.1.3 of Chapter 3 of the Fire Code of the Central Fire District is amended to read as follows:

**35.304.1.3 - Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be maintained around and adjacent to buildings and structures. A firebreak shall be made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any building or structure.

When required by state law, or local ordinance, rule or regulation, an additional fire protection zone or firebreak may be made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure.

Vegetation clearance requirements in the wildland-urban interface areas shall be in accordance with Part 7 of Title 24 California Code of Regulations (California Wildland-Urban Interface Code).

**Section 35.305.4 is amended – Deliberate or negligent burning**

Section 305.4 of Chapter 3 of the Fire Code of the Central Fire District is amended to read as follows:

**35.305.4 Deliberate or negligent burning.** It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property. Any person or entity violating this section is guilty of a misdemeanor; however, any violation of this section may, in the discretion of the district attorney, be charged and prosecuted as an infraction.

**Section 35.307.2 is amended – Permit required.**

Section 307.2 of Chapter 3 of the Fire Code of the Central Fire District is amended to read as follows:

**35.307.2 - Permit required.** When required by the CAL FIRE Fire Chief for the San Mateo-Santa Cruz Unit, a permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval permit shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. In addition, open burning is not allowed within the Local Responsibility Area of Santa Cruz County without the approval of the local fire chief having jurisdiction over that property.

The open burn season for Santa Cruz County unless otherwise declared shall be December 1<sup>st</sup> through April 30<sup>th</sup> of the calendar year. Within areas designated State Responsibility Area, open burn season shall not be declared between May 1<sup>st</sup> and the date CAL FIRE declares, by proclamation, that hazardous fire conditions have been abated for that year.

During the open burn season pile burning is allowed under CAL FIRE permits provided that all conditions specified in the permits are followed. Monterey Bay Area Unified Air Pollution Control District (MBARD) permits may also be required given the location, time of year, and type of burn. Responsibility for obtaining the proper MBARD permit rests with the applicant.

**Section 35.311.5 is amended – Placards.**

Section 311.5 of Chapter 3 of the Fire Code of the Central Fire District is amended to read as follows:

**35.311.5 – Placards.** When required by the fire code official, any building or structure determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards shall be marked as required by Sections 311.5.1 through 311.5.5.

**Section 35.501.3 is amended – Construction documents.**

Section 501.3 of Chapter 5 of the Fire Code of the Central Fire District is amended to read as follows:

**35.501.3 – Construction documents.** Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. When grading work is needed for the access road(s) within the jurisdiction of Santa Cruz County, application for a grading permit shall be made with the Santa Cruz County Planning Department pursuant to the Santa Cruz County Grading Ordinance. Such Permits shall be reviewed by the Santa Cruz County Environmental Coordinator as required.

**Section 35.503 is added – Fire Apparatus Access Roads.**

Section 503 of Chapter 5 of the Fire Code of the Central Fire District is added and amended below.

**Section 35.503.2.1 is amended – Dimensions.**

Section 503.2.1 of Chapter 5 of the Fire Code of the Central Fire District is amended to read as follows:

**35.503.2.1 – Dimensions.** Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) except for approved security gates in accordance with Section 503.7, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). In addition, areas within 10 feet (3048 mm) on each side of portions of highways, public and private streets and roads which are ordinarily used for vehicular traffic shall be cleared of flammable vegetation and other combustible growth.

Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, are exempt provided that they do not form a means of readily transmitting fire.

**EXCEPTIONS:**

1. Outside of the Urban Services Line as established by the County of Santa Cruz, access roads shall be a minimum of 18 feet wide for all access roads or driveways serving more than two habitable structures, and 12 feet for an access road or driveway serving two or fewer habitable structures. Where it is environmentally inadvisable to meet these criteria (due to excessive grading, tree removal or other environmental impacts), a 12-foot wide all-weather surface access road with 12-foot wide by 35-foot long turnouts located approximately every 500 feet may be provided with the approval of the fire code official.

2. Inside of the Urban Services Line, private access roads extending from a public road shall be a minimum of 18 feet wide for all access roads or driveways serving more than two habitable structures, and 12 feet for an access road or driveway serving two or fewer habitable

structures. Where it is environmentally inadvisable to meet these criteria (due to excessive grading, tree removal or other environmental impacts), a 12-foot wide all-weather surface access road with 12-foot wide by 35-foot long turnouts located approximately every 500 feet may be provided with the approval of the fire code official.

3. Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved by the fire code official.

**Section 35.503.2.1.1 is added – Vegetation clearance along access roads.**

Section 503.2.1.1 of Chapter 5 of the Fire Code of the Central Fire District is added to read as follows:

**35.503.2.1.1 – Vegetation clearance along access roads.** Areas within 10 feet (3048 mm) horizontal and 15 feet (4572 mm) vertical on each side of portions of highways, public and private streets, roads and driveways which are ordinarily used for vehicular traffic shall be cleared of flammable vegetation and other combustible growth. Design of such area may be found in Santa Cruz County Fire Prevention Officers Standards.

**Exception:** Single specimens of trees, ~~ornamental shrubbery~~ or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, are exempt provided they do not form a means of readily transmitting fire at the discretion of the fire code official.

**Section 35.503.2.3 is amended – Surface.**

Section 503.2.3 of Chapter 5 of the Fire Code of the Central Fire District is amended to read as follows:

**35.503.2.3 - Surface.** An all-weather surface shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and asphaltic concrete for grades exceeding 15%. No grade shall be allowed to exceed 16% in State Responsibility Area (SRA) or 20% in Local Responsibility Area (LRA).

**Section 35.503.2.4 is amended – Turning radius.**

Section 503.2.4 of Chapter 5 of the Fire Code of the Central Fire District is amended to read as follows:

**35.503.2.4 – Turning radius.** In the State Responsibility Area (SRA) no roadway shall have a horizontal inside radius of curvature of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius; 2 feet to those from 100-200 feet. In the Local Responsibility Area (LRA) the minimum centerline radius shall be 35 feet.

**Section 35.503.2.5.1 is added – New dead-end access roads.**

Section 503.2.5 of Chapter 5 of the Fire Code of the County of Central Fire District is amended to read as follows:

**35.503.2.5.1 – New dead-end access roads.** New dead-end roads are prohibited, without secondary access, serving more than one parcel in new minor land divisions or subdivisions which exceed the following distances from an adequate through road unless approved by the applicable fire protection agency, the Department of Public Works, and by the Planning Commission; in no case shall a new dead-end road exceed ½ mile in length.

Urban & Suburban General Plan and LCP Land Use Plan designation	500'
Rural General Plan and LCP Land Use Plan designation	1000'
Mountain General Plan and LCP Land Use Plan designation	1500'

**Section 35.503.2.6.1 is added – Width.**

Section 503.2.6.1 of Chapter 5 of the Fire Code of the Central Fire District is added to read as follows:

**35.503.2.6.1 - Width.** All bridges shall be a minimum of 20 feet of clear width. The fire code official may allow the width to be reduced for access to U or R-3 occupancies in accordance with Objective 6.5 – Fire Hazards of the Santa Cruz County General Plan.

**Section 35.503.2.6.2 is added – Certification.**

Section 503.2.6.2 of Chapter 5 of the Fire Code of the Central Fire District is added to read as follows:

**35.503.2.6.2 - Certification.** Every private bridge hereafter constructed shall be engineered by a licensed civil or structural engineer and approved by the fire code official. Certification shall be provided by the licensed engineer in writing that the bridge complies with the design standard required by this section to the fire code official.

**Section 35.503.2.6.3 is added – Recertification.**

Section 503.2.6.3 of Chapter 5 of the Fire Code of the Central Fire District is added to read as follows:

**35.503.2.6.3 - Recertification.** Every private bridge shall be recertified every ten years or whenever deemed necessary by the fire code official. Such recertification shall be in accordance with the requirements of 503.2.6.2.

**Section 35.503.2.6.4 is added – Existing private bridges.**

Section 503.2.6.4 of Chapter 5 of the Fire Code of the Central Fire District is added to read as follows:

**35.503.2.6.4 - Existing private bridges.** An existing private bridge not conforming to these regulations may be required to conform when in the opinion of the fire code official, such repairs are necessary for public safety.

**Section 35.503.2.6.5 is added – Fees.**

Section 503.2.6.5 of Chapter 5 of the Fire Code of the Central Fire District is added to read as follows:

**35.503.2.6.5 - Fees.** All fees charged for the purpose of certification or recertification shall be at the owner's expense.

**Section 35.503.2.7 is amended – Grade.**

Section 503.2.7 of Chapter 5 of the Fire Code of the Central Fire District is amended to read as follows:

**35.503.2.7 – Grade.** The grade for all roads, streets, private lanes and driveways shall not exceed 16% in State Responsibility Area (SRA) and 20% in Local Responsibility Area (LRA).

**Section 35.503.6 is added – Gates.**

Section 503.6 of Chapter 5 of the Fire Code of the Central Fire District is amended to read as follows:

**35.503.6 – Gates.** The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

All Gates providing access from a road to a driveway, or within any access road, shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least 2 (two) feet wider than the access road being secured, but in no case shall the width be less than 14 (fourteen) feet unobstructed horizontal clearance and unobstructed vertical clearance of 15 (fifteen) feet. When gates are to be locked, the installation of a key box or other acceptable means for immediate access may be required as in Section 506.1

**Section 35.505.2 is amended – Street and road signs.**

Section 505.2 of Chapter 5 of the Fire Code of the Central Fire District is amended to read as follows:

**35.505.2 - Street and road signs.** Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. Posting of any road names and numbers not authorized by the Office of Street Naming and Numbering of the County of Santa Cruz, and the fire code official is prohibited.

**Section 35.507.3 is amended – Fire flow.**

Section 507.3 of Chapter 5 of the Fire Code of the Central Fire District is amended to read as follows:

**35.507.3 – Fire flow.** Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method, Appendix B, or Appendix BB (for school buildings as scoped in BB 101.1)

Parcels not within the boundaries of a public or private water purveyor shall have a minimum water supply capable of supplying a flow of 500 gallons per minute for 20 minutes (10,000 gallons) for all new fire sprinklered (NFPA 13D) dwellings, residential additions in excess of 500 square feet, and other structures classified as a residential accessory uses such as garages, storage buildings, barns, etc..

Privately owned water that is not supplied by a licensed water purveyor shall:

1. serve no more than two dwellings and no more than 10,000 square feet of habitable dwelling space, and;
2. be provided pursuant to a recorded covenant that runs with the land if the water supply originates from another parcel. If a water purveyor supplies the water, the applicant must submit with the building plan written verification from the licensed purveyor that the water supply meets the flow requirement.

**Exception:** A 2% reduction will be allowed for flow supplied by approved stationary water tanks, to account for the nominal standardized capacity of such tanks.

**Section 35.507.5.7 is added – Painting.**

Section 507.5.7 of Chapter 5 of the Fire Code of the Central Fire District is added to read as follows:

**35.507.5.7 – Painting.** When required by the fire code official, fire hydrants shall be painted in accordance with NFPA 291 and Santa Cruz County Fire Prevention Officers Standards.

**Section 35.509.1.2 is added – Alternate power sources.**

Section 509.1.2 of Chapter 5 of the Fire Code of the Central Fire District is added to read as follows:

**35.509.1.2. - Alternate power sources.** All permanent installations of electrical generators, wind generators, solar photovoltaic cells, or other power sources shall be approved by the building code official. In addition to all applicable provisions of Title 24 CCR for any such installation, a sign reading:

“WARNING – This premise is provided with an Alternate Power Source. Disconnection of

commercial power may not disable the electrical power source”

shall be permanently affixed. Sign shall be red in color with a minimum of ½” tall contrasting lettering and shall be permanently affixed on each electrical panel subject to back-feed from alternate power sources. Any and all power disabling switches shall be clearly labeled.

**CFC Sections 903.2 through 903.2.10.2 are deleted and replaced – Automatic Sprinkler Systems.**

Sections 903.2 through 903.2.10.2 of Chapter 9 of the Fire Code of Central Fire District are deleted and replaced to read as follows:

**35.903.2 - Where required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

**35.903.2.1 - New structures.** An automatic fire sprinkler system shall be provided in all new occupancies as defined in Chapter 3 of the California Building Code, regardless of type of construction and/or floor area, unless otherwise pre-empted by the California Health and Safety Code. Any occupancy not specifically mentioned shall be included in the group that it most nearly resembles based on the proposed life and fire hazard;

**Exceptions:**

1. Private garages, carports, sheds not more than 1,000 square feet (93 m2) of total floor area shall not require fire sprinklers where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code.
2. Sheds exceeding 1,000 square feet, (93 m2) but not exceeding 3,000 square feet (278 m2) shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates that the applicant's proposal does not increase the fire hazard or fire load.
3. Agricultural buildings as defined in Appendix Chapter C, of the California Building Code having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, not exceeding 25 feet (7620 mm) in height and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code.
  - a. Not exceeding 2,000 square feet (186 m2) or as exempted by the fire chief, shall not require fire sprinklers.
  - b. Exceeding 2,000 square feet (186 m2) but not exceeding 5,000 square feet, shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates the applicant's proposal does not increase the fire hazard or fire load.
  - c. Greenhouses of non-combustible construction shall not require fire sprinklers.
4. Group B and Group M Occupancies not more than 500 square feet (46.5 m2) shall not require fire sprinklers where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code, Table 508.3.3.
5. For public school state-funded construction projects see CFC Section 903.2.19.

**35.903.2.1.4 - Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

**Exceptions:**

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.

2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with section 425.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).  
When not used in accordance with Section 504.2 or 506.3 of the California Building Code an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

**35.903.2.1.5 - Group R-3 congregate residences.** An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 congregate living facilities with 16 or fewer residents.

**35.903.2.1.6 - Care facilities.** An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in care facilities with 5 or fewer individuals in a single-family dwelling.

**35.903.2.2 - Existing buildings and structures except for one- and two-family dwellings.** An automatic sprinkler system shall be installed in existing buildings and structures, except One- and Two-Family Dwellings, after the effective date of this code, when a building permit is issued to allow additions to be made, as follows:

1. For existing buildings less than 6,000 square feet in gross floor area when an addition to the building causes the structure to exceed 6,000 square feet, the entire structure shall be provided with an automatic sprinkler system.
2. For existing buildings larger than 6,000 square feet in gross floor area when an addition is equal to or greater than 10% of the existing square footage or when extensive renovation or remodeling is done to more than 50% of the gross floor area, the entire structure shall be provided with an automatic sprinkler system.

For the purposes of this section, extensive renovation or remodeling shall be defined as any change, addition or modification in construction or occupancy or structural repair or change in primary function to an existing structure made by, on behalf of or for the use of a public accommodation or commercial facility that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.

All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the external walls of a building, or result in the removal, modification, replacement and/or repair of fifty percent or more of the existing internal structural and/or non-structural framework, independently or in combination thereof, within a five year period, the entire building shall be made to conform to the current provisions of this chapter. The determination under this section of the requirement for upgrading any existing structure to full conformance with current provisions of this Chapter shall be at the sole discretion of the Fire Code Official.

**Exceptions to Section 35.903.2.2 (1 and 2)**

- (a) **Group A2.** An automatic sprinkler system shall be provided throughout stories containing Group A-2 occupancies and throughout all stories from the Group A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:
  1. The fire area exceeds 5,000 square feet (464 m<sup>2</sup>).

2. The fire area has an occupant load of 100 or more.
  3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
  4. The structure exceeds 5,000 square feet (465 m<sup>2</sup>), contains more than one fire area containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of not less than 4-hour fire-resistance rating without openings.
- (b) **Group A-5.** Occupancies exceeding 1,000 square feet in the following areas: concession stands, retail areas, press boxes and other accessory use areas shall have an automatic sprinkler system installed.
- (c) **Assembly occupancies on roofs.** Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A occupancies, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.  
**Exception:** Open Parking garages of Type I or Type II construction.
- (d) **Multiple fire areas of Group A-1, A-2, A-3 or A-4** occupancies share exit or exit access components and the combined occupant load of these fire areas is 300 or more.
- (e) **Group B.** Regardless of square footage, an automatic sprinkler system shall be provided for Group B occupancies as follows:
1. **Ambulatory Care Facilities.** An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exist at any time:
    - a. Four or more care recipients are incapable of self-preservation.
    - b. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor as well as all floors below where such care is provided, and all floors between the level of ambulatory care and the nearest level of exit discharge, the level of exit discharge, and all floors below the level of exit discharge.

**Exception:** Floors classified as an open parking garage are not required to be sprinklered.
  2. **Laboratories involving research and development or testing.** An automatic sprinkler system shall be installed throughout the fire areas utilized for the research and development or testing of lithium-ion or lithium metal batteries.
- (f) **Group F-1 occupancies.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:
1. A Group F-1 fire area exceeds 6,000 square feet (1115 m<sup>2</sup>).
  2. A Group F-1 fire area is located more than three stories above grade plane.
  3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 5,000 square feet (2230 m<sup>2</sup>).

**Group F-1 Woodworking Operations.** An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet (232 m<sup>2</sup>) in area that generate finely divided combustible

waste or use finely divided combustible materials. [SFM] A fire wall of less than 4-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separate fire areas.

**Group F-1 Distilled Spirits.** An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits.

**Group F-1 Upholstered Furniture or Mattresses.** An automatic sprinkler system shall be provided throughout a Group F-1 fire area that exceeds 2,500 square feet (232 m<sup>2</sup>) used for the manufacture of upholstered furniture or mattresses.

- (g) **Group H occupancies** shall be provided with an automatic sprinkler system.
- (h) **Group I occupancy** fire areas shall be provided with an automatic sprinkler system.

**Exceptions:**

- (1) Those areas exempted by Section 407.6 of the California Building Code.
  - (2) Group I-2 occupancies, or any alterations thereto, located in Type IA construction in existence on or before March 4, 1972 as required in California Health and Safety Code Section 13113(d).
- (i) **Group I-2 occupancies.** An existing, unsprinklered Group I-2, nurses' stations open to fire-resistive exit access corridors shall be protected by an automatic sprinkler system located directly above the nurses' station. It shall be permitted to connect the automatic sprinkler system to the domestic water service.
  - (j) **Group I-3 occupancies.** Every building, or portion thereof, where inmates or persons are in custody or restrained shall be protected by an automatic sprinkler system conforming to NFPA 13. The main sprinkler control valve or valves and all other control valves in the system shall be locked in the open position and electrically supervised so that at least an audible and visual alarm will sound at a constantly attended location when valves are closed. The sprinkler branch piping serving cells may be embedded in the concrete construction.
  - (k) **Group M occupancy** used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet.
  - (l) **Group M.** An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:
    - 1. A Group M fire area exceeds 12,000 square feet (1115 m<sup>2</sup>).
    - 2. A Group M fire area is located more than three stories above grade plane.
    - 3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).
    - 4. **[SFM] The structure exceeds 24,000 square feet (465 m<sup>2</sup>), contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of not less than 4-hour fire-resistance rating without openings.**
  - (m) **Group S-1 occupancies** used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.
  - (n) **Group S-1 occupancies** exceeding 2,500 square feet used for the storage of upholstered furniture or mattresses shall have an automatic sprinkler system installed.
  - (o) **Group S-1** fire areas exceeding 5,000 square feet used for the repair of commercial motor vehicles.

- (p) Structures where the area for the storage of tires exceeds 20,000 cubic feet shall be equipped throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.
  - (q) **Group U** occupancies exceeding 1,000 square feet shall have an automatic sprinkler system installed. Group U occupancies not exceeding 1,000 square feet are exempt where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code.
  - (r) Sheds exceeding 1,000 square feet but not exceeding 3,000 square feet shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates that the applicant's proposal does not increase the fire hazard or fire load.
  - (s) Agricultural buildings as defined in Appendix Chapter C, of the California Building Code having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, not exceeding 25 feet (7620 mm) in height and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code.
    - i. Not exceeding 2,000 square feet (186 m<sup>2</sup>) or as exempted by the fire chief, shall not require fire sprinklers.
    - ii. Exceeding 2,000 square feet (186 m<sup>2</sup>) but not exceeding 5,000 square feet, shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates the applicant's proposal does not increase the fire hazard or fire load.
    - iii. Greenhouses of non-combustible construction shall not require fire sprinklers.
3. Any alteration and/or repair within a building that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed work, thus, creating fire sprinkler protection throughout the entire building.
  4. Any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Chief, requires that the entire structure be provided with an automatic sprinkler system.
  5. Any combination of addition, alteration, repair and/or change of use shall comply with Sections 903.2.11 through 903.6.

**Exceptions to Section 35.903.2.2:**

- (a) Seismic or Accessibility improvements.
- (b) Any exemption otherwise allowable under the Fire Code, if in the discretion of the Fire Chief, the safety of the public is not compromised.
- (c) Exterior improvements and work not requiring permits as provided in the Building Code.
- (d) Work requiring only a mechanical, electrical, plumbing and/or demolition permit.

**35.903.2.3 - Existing one- and two-family dwellings.** An automatic sprinkler system shall be installed in existing one- and two-family dwellings, after the effective date of this code, when a building permit is issued to allow additions to be made, as follows:

1. Any addition is made which increases the total existing square footage by 50% or more.
2. The proposed total floor area exceeds the available fire flow as specified in Section 507.1 or

APPENDIX B.

3. Any addition to a one- or two-family dwelling that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed work, thus, creating fire sprinkler protection throughout the entire dwelling.

**Exceptions to Section 35.903.2.3:**

- (a) Additions of 500 square feet or less when the proposed total floor area does not exceed the available fire flow are exempt from fire sprinklers unless the dwelling is already protected by a fire sprinkler system.

**Section 35.903.2.4 – is added – Accessory Dwelling Unit (ADU)**

Section 903.2.4 of Chapter 9 of the Fire Code of the Central Fire District is added to read as follows:

**Accessory Dwelling Unit(s).** The following is included for clarification of the requirements for newly constructed accessory dwelling units. All newly constructed ADUs are required to comply with the standards for fire protection such as water supply and fire department access contained in Chapter 5 of this code.

1. Accessory Dwelling Units constructed on lots with an existing sprinklered primary residence:
  - a) Attached to main residence – fire sprinklers required.
  - b) Detached from main residence, fire sprinklers required.
2. Accessory Dwelling Units constructed on lots with an existing non-sprinklered primary residence:
  - a) Attached to main residence and is less than or equal to 50% of the existing sq.-ft. of the primary residence – fire sprinklers not required.
  - b) Detached from main residence – fire sprinklers not required
3. Accessory Dwelling Units are required to comply with the standards for fire protection such as water supply and fire department access set forth in Chapter 5 of this code.
  - a) Water supply for fire protection shall be a minimum of 1,000 gpm for 60 minutes as required in §507.3 and Appendix B Table 105.1(1) of this code.
  - b) Access for new ADUs and JADUs shall be within 150 feet of all portions of the structure in accordance with §503.1.1 of this code.

Where a newly constructed accessory dwelling unit does not meet these fire protection standards, an automatic residential sprinkler system may be utilized as an alternative to items 3(a) and, or 3(b) above.

**Section 35.903.3.1.3 is amended – NFPA 13D sprinkler systems.**

Section 903.3.1.3 of Chapter 9 of the Fire Code of the Central Fire District is amended to read as follows:

**35.903.3.1.3 - NFPA 13D sprinkler systems.** Automatic sprinkler systems installed in one and two-family dwellings, Group R-3 and R-4 congregate living facilities and townhouses, non-habitable structures classified as accessory to a residential use and not intended for commercial usage or mercantile, shall be permitted to be installed throughout in accordance with NFPA 13D and installation guidelines as promulgated by the Santa Cruz County Fire Chiefs Association.

**Section 35.903.3.7 is amended – Fire department connections.**

Section 903.3.7 of Chapter 9 of the Fire Code of the Central Fire District is amended to read as follows:

**35.903.3.7 - Fire department connections.** Fire department connections for automatic sprinkler systems shall be installed in accordance with Section 912. Buildings equipped with a fire sprinkler system in accordance with this chapter shall have a fire department connection located within 100 feet (183m). The

location of the fire department connections shall be approved by the fire code official.

**Exception:** Single- and two-family dwellings protected by a fire sprinkler system in accordance with Section 903.3.1.3.

### **Section 35.3905.1.3 is amended – Operation**

Section 3905.1.3 of Chapter 39 of the Fire Code of the Central Fire District is amended to read as follows:

**35.3905.1.3 – Operation.** Activation of the gas detection system shall result in all of the following:

1. Initiation of distinct audible and visual alarm signals in extraction room.
2. Deactivation of all heating systems located in the extraction room.
3. Activation of the mechanical ventilation system, where the system is interlocked with gas detection.
4. De-energize all light switches and electrical outlets.
5. For detection levels at or exceeding 25% of the LEL/LFL shall result in the activation of the building's fire alarm system.

### **Section 35.5303.5.3 is amended – Securing compressed gas containers, cylinders and tanks.**

Section 5303.5.3 of Chapter 53 of the Fire Code of the Central Fire District is amended to read as follows:

**35.5303.5.3 - Securing compressed gas containers, cylinders and tanks.** Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity. Securing of compressed gas containers, cylinders and tanks shall be by one of the following methods:

1. Securing containers, cylinders and tanks to a fixed object with ~~one~~ two or more non-combustible restraints. The object used to anchor the restraint to shall be capable of withstanding the anticipated load(s) imposed. Anchor(s) shall be attached to a structural framing member or similar.
2. Securing containers, cylinders and tanks on a cart or other mobile device designed for the movement of compressed gas containers, cylinders or tanks.
3. Nesting of compressed gas containers, cylinders and tanks at container filling or servicing facilities or in seller's warehouses not accessible to the public. Nesting shall be allowed provided the nested containers, cylinders or tanks, if dislodged, do not obstruct the required means of egress.
4. Securing of compressed gas containers, cylinders and tanks to or within a rack, framework, cabinet or similar assembly designed for such use.

**Exception:** Compressed gas containers, cylinders and tanks in the process of examination, filling, transport or servicing.

### **CHAPTER 56 is amended - EXPLOSIVES AND FIREWORKS.**

Chapter 56 of the Fire Code of the Central Fire District is amended to read as follows:

**35.5601.1.3 – Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the County of Santa Cruz.

**Exception:** The use of fireworks for fireworks displays, pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.

**35.5601.2 – Permit required.** Permits shall be required as set forth in 105.5 and regulated in accordance with this section. Permits for explosives as contained within this chapter, with the exception of display fireworks, shall be obtained by the Law Enforcement Agency of Jurisdiction.

**35.5601.2.2 - Sale and retail display.** ~~Persons shall not construct a retail display nor offer for sale explosives, explosive materials or fireworks on highways, sidewalks, public property or in Group A or E occupancies within Santa Cruz County.~~

**CHAPTER 90 is added – SUPPRESSION AND CONTROL OF FIRE IN WILDFIRE RISK AREAS.**

Chapter 90 of the Fire Code of the Central Fire District is added to read as follows:

**35.9001 - SCOPE.** The unrestricted use of grass-, grain-, brush- or forest-covered land in wildfire risk areas is a potential menace to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities shall be in accordance with Chapter 90.

**35.9002 - RESTRICTED ENTRY.** The fire code official shall determine and publicly announce when wildfire risk areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildfire risk areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the wildfire risk area is closed to entry, is prohibited.

**Exceptions:**

1. Residents and owners of private property within wildfire risk areas and their invitees and guests going to or being upon their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

**35.9003 - TRESPASSING ON POSTED PROPERTY.**

**35.9003.1 - General.** When the fire code official determines that a specific area within a wildfire risk area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

**35.9003.2 - Signs.** Approved signs prohibiting entry by unauthorized persons and referring to §9002 shall be placed on every closed area.

**35.9003.3 - Trespassing.** Entering and remaining within areas closed and posted is prohibited.

**Exception:** Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

**35.9004 - USE OF FIRE ROADS AND FIREBREAKS.** Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner which obstructs the entrance to a fire road or firebreak.

**Exception:** Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or firebreaks unless located 16 feet (4877 mm) or more above such fire road or firebreak.

**35.9005 - USE OF MOTORCYCLES, MOTOR SCOOTERS AND MOTOR VEHICLES.** Motorcycles, motor scooters and motor vehicles shall not be operated within wildfire risk areas, without a permit by the fire code official, except upon clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

**35.9006 - LIABILITY FOR DAMAGE.** The expenses of fighting fires which result from a violation of this chapter shall be a charge against the person whose violation caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the fire code official in the same manner as in the case of an obligation under a contract, expressed or implied.

### PART 3

The geographic limits referred to in certain sections of the Fire Code of the Central Fire District are hereby established as follows:

**Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited.** The limits referred to in Sections 5704.2.9.6.1 and 5706.2.4.4 of the Fire Code of the County of Santa Cruz in which the storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is restricted are hereby established as the incorporated area of the political boundary of the Central Fire District.

**Exceptions:** Such use is allowed in the following zoning districts:

1. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in A or A-1 Zones;
2. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in M-1, M-2 or M-3 Zones;
3. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in NR Zones.

**Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited.** The limits referred to in Section 5806.2 of the Fire Code of the Central Fire District in which storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as the political boundary of the County of Santa Cruz.

**Exceptions:**

1. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-2 Zone with a Conditional Use Permit issued by the Planning Department.
2. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-3 Zone.

**Establishment of limits for storage of Liquefied Petroleum Gas.** The limits referred to in Section 6104.2 of the Fire Code of the County of Santa Cruz are hereby limited to a maximum of 2,000 gallons water capacity within the political boundary of the County of Santa Cruz.

### PART 4

Ordinance No. 2025-03 of the Central Fire District entitled “2025 Fire Code”, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

### PART 5

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the Central Fire District hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

### PART 6

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Part 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

### PART 7

That the Clerk of the Board is hereby ordered and directed to cause a notice of this ordinance to be published in a newspaper in general circulation in accordance with Section 6066 of the California Government Code.

#### PART 8

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2026 pursuant to Health and Safety Code Section 18941.5. This Ordinance shall remain in full force and effect until a subsequent superseding ordinance becomes effective.

**PASSED AND ADOPTED** this 22nd day of September 2025, by the Board of Directors of the Central Fire District by the following vote:

YES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Chairperson of the Central Fire District Board of Directors

**ATTEST:**

\_\_\_\_\_  
Clerk of the Board

**APPROVED AS TO FORM:**

\_\_\_\_\_  
District Council

DISTRIBUTION: Board of Supervisors

RATIFIED \_\_\_\_\_

DENIED \_\_\_\_\_

MODIFIED \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the Board of Supervisors of the County of Santa Cruz  
by the following vote:

**AYES:** \_\_\_\_\_ SUPERVISORS

**NOES:** \_\_\_\_\_ SUPERVISORS

**ABSENT:** \_\_\_\_\_ SUPERVISORS

**ABSTAIN:** \_\_\_\_\_ SUPERVISORS

\_\_\_\_\_  
Chairperson of the Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Clerk of the Board

**DISTRIBUTION:** County Administrative Office  
County Counsel  
Planning Department  
General Services Department/O.E.S.  
State of California Housing & Community Development  
Office of the California State Fire Marshal

**BEFORE THE BOARD OF DIRECTORS  
OF THE CENTRAL FIRE DISTRICT  
OF SANTA CRUZ COUNTY**

**RESOLUTION 2025-16**

On the Motion of: Hess

Duly Seconded by: Huslan

The following Resolution is hereby adopted.

**NOTICE OF INTENT TO ADOPT THE 2025 CALIFORNIA FIRE CODE AND 2024 INTERNATIONAL FIRE CODE WITH AMENDMENTS AND PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE AND EXPLOSION AND FOR PROVIDING FOR THE ISSUANCE OF PERMITS AND ESTABLISHING CERTAIN FEES.**

The Board of Directors of the Central Fire District of Santa Cruz County ("District"), on November 13, 2025 at 9:00 a.m. will conduct a Public Hearing to consider adoption of a District Ordinance which would adopt the 2025 California Fire Code and the 2024 International Fire Code with amendments, and to prescribe regulations governing conditions hazardous to life and property from fire and explosion and to provide for the issuance of permits and establishing certain fees. The meeting will be held at the Administrative Offices of the Central Fire District, 930 17<sup>th</sup> Avenue, Santa Cruz, CA 95062.

Copies of the proposed Ordinance are available for review at the District Office, located at 930 17<sup>th</sup> Avenue, Santa Cruz, CA 95062, and on the District website at [www.centrafire.org](http://www.centrafire.org).

**PASSED AND ADOPTED** by the Board of Directors of the Central Fire District of Santa Cruz County, County of Santa Cruz, State of California, at a special meeting held on September 22, 2025, by the following roll call vote:

AYES	<u>4</u>	DIRECTORS
NOES	_____	DIRECTORS
ABSENT	<u>1</u>	DIRECTORS
ABSTAIN	_____	DIRECTORS

  
John Lucchesi, Board Chair

ATTEST:   
Board Secretary

APPROVED AS TO FORM:   
Counsel for the District

DATED: 9/22/25

**BEFORE THE BOARD OF DIRECTORS  
OF THE CENTRAL FIRE DISTRICT  
OF SANTA CRUZ COUNTY**

**RESOLUTION 2025-17**

On the Motion of: Faulkner

Duly Seconded by: Hess

The following Resolution is hereby adopted.

**RESOLUTION FINDING MODIFICATION OF STATE HOUSING LAW BY  
ORDINANCE 2025-03, REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS**

WHEREAS, Health and Safety Code Section 13869.7 provides that a fire protection district organized under the Bergeson Fire District Law may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code, and;

WHEREAS, Health and Safety Code Section 13869.7 provides that any such changes or modifications that are more stringent and relate to fire and panic safety are subject to subdivision (b) of Health and Safety Code Section 18941.5, and;

WHEREAS, subdivision (b) of Health and Safety Code Section 13869.7 allows a fire district / 18941.5 allows a city or county to establish more restrictive building standards reasonably necessary because of local climatic, geological or topographical conditions after making the findings required by Health and Safety Code Section 17958.7.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that insofar as Ordinance 2025-03 of the Central Fire District may change or modify the State Housing Standards adopted pursuant to Health and Safety Code Section 17922, as to the requirement for installation of an automatic sprinkler system in all new buildings and in specific cases, existing buildings when altered, the Board of Directors of the Scotts Valley Fire Protection District, after duly noticed and held public meeting, expressly finds that such change or modification to Section 903 et al of Part 9 of the California Building Standards Code is reasonably necessary because of local conditions as more specifically set forth as follows:

1. The Central Fire District is extraordinarily inaccessible for firefighting purposes due to mountainous topography; or
2. The Central Fire District poses an extreme fire hazard due to the high percentage of forested land (approximately 50%),
3. The Central Fire District is subject to major disasters such as earthquakes, flooding, landslides and major wildland fires which greatly limit traditional fire suppression capabilities for individual property protection. The Central Fire District is situated on and near the most active seismic zones in California, the San Andreas, San Gregorio, Zayante, and Hayward Faults. The great potential for earthquakes influences our community. As witnessed in the 1989 Loma Prieta Earthquake, a major seismic event will create a demand on fire protection services, and through the use of automatic fire suppression systems, the potential for a catastrophic fire loss to a community can be partially mitigated.
4. The Central Fire District is favored with many sources of high quality water, including springs, wells, reservoirs, and surface streams, mutual and municipal water companies. However, the

underground water sources are becoming depleted and extensive steps have been taken to reduce the amount of water consumed. The water supply in the Central Fire District makes extensive use of automatic fire sprinkler systems feasible as a means to reduce our dependency on large volumes of water for fire suppression.


5. The local climatic conditions affect acceleration, intensity and size of fire in the community. Times of little or no rainfall, create extremely hazardous conditions when a fire is introduced to the environment. Fires in structures can easily spread to the wildland as well as a fire in the wildland into a structure. Such devastating fires can be witnessed by reviewing the damage to the environment and property from the CZU Fire, Summit Fire, Trabing Fire, Loma Fire, Martin Fire and Lexington Fire to name a few.
6. Most of the roadways connecting our community are classified as rural arterial and collectors. These roadways in many cases do not allow for 2-way traffic to safely pass. Additionally, during events such as wildfires, earthquake and flooding, the roadways have proven to be less than adequate for the response of emergency vehicles.
7. The experience and efficiency of automatic fire sprinkler systems within the Central Fire District exceed those of the National Fire Protection Association which indicate that automatic fire sprinkler systems have established an efficiency record of approximately 96% satisfactory performance in the United States since 1925. The local statistics show that all fires have been extinguished with fewer than 2 fire sprinkler heads activating, and that no further fire suppression was necessary upon arrival of fire suppression forces.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the Secretary of the Board is directed to mail a copy of these findings together with the modification or change expressly marked and identified to the California Department of Housing and Community Development and obtain a file stamped endorsed copy from the commission for retention in the District's office.

PASSED AND ADOPTED by the Board of Directors of the Central Fire District, County of Santa Cruz, State of California, at a special meeting held on September 22, 2025 by the following roll call vote:

AYES	<u>4</u>	DIRECTORS
NOES	_____	DIRECTORS
ABSENT	<u>1</u>	DIRECTORS
ABSTAIN	_____	DIRECTORS

ATTEST:

  
Board Secretary

  
Board Chair John Lucchesi

APPROVED AS TO FORM:

  
Samantha Zutler, District Counsel



# Building & Fire Code Updates

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OCTOBER 23, 2025

# Background

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Update building code every 3 years to most current construction and engineering principles and practices.

California Building Standards Codes require local adoption.

City is part of Central Fire District and must adopt local amendments to Fire Code.

# Code Amendments

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Recommending all updates of California Building Standards Code

- Increased fire resistance
- Stricter flow for showers, faucets, and toilets
- New greywater alternative water reuse systems
- Higher efficiency water heaters
- ADU specific requirements for plumbing
- California Energy Code increased efficiency.
- California Green Building Standards.
  - Expand EV charger requirements, reuse and water diversion, and enhanced site development
  - Remove green building code.



# Code Amendments

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## Exceptions:

- 180-day expiration of building permits due to inactivity
- Fire-related exceptions due to very high-risk areas

# Recommendation

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Introduce for first reading, by title only, waiving further reading, an ordinance amending Chapter 15.04 and 15.18 of the Capitola Municipal Code pertaining to adoption of California Building Codes and the California Fire Code, 2005 Edition and portions of the 2024 International Fire Code, as amended by the Central Fire Protection District and ratified by the Capitola City Council.

# Capitola City Council

## Agenda Report

**Meeting:** October 23, 2025

**From:** City Manager Department

**Subject:** November 20 Meeting



**Recommended Action:** Provide direction for the November 20, 2025, City Council meeting.

**Background:** On August 28, 2025, Council Member Westman requested an all-day special meeting to be held on a Saturday to discuss ongoing and pending City projects in Capitola. Council Members Morgan and Jensen voiced support for Council Member Westman's request for such a meeting.

On September 25, 2025, the City Council directed staff to repurpose the November 20<sup>th</sup> regularly scheduled City Council meeting to discuss: City revenue sources and financial projections, as well as a number of specific projects of community interest, including: Capitola Mall, 41st Avenue changes, Stockton Street Bridge, Cliff Drive Resiliency Project, the Park at Rispin Mansion Project, City Hall property, Esplanade Project, update on Jade Street Projects, anticipated street projects, plans for a Village hotel, bluff erosion on Depot Hill, sea level rise study, plans to help the Village be more resilient to storm damage, Capitola Wharf and Wharf Master Plan, annexation feasibility study, and a 5 Year CIP.

Council also indicated the list could be adjusted if staff identified other items of interest, or if items were already scheduled for completion.

**Discussion:** Following Council's direction on September 25<sup>th</sup>, staff identified the following proposed list of topics to be presented on November 20:

- Overview of City finances and revenue
- Loss of Local Control
- 5-year CIP
- Capitola Mall
- 41st Avenue Corridor Study
- Village Hotel
- Wharf Master Plan
- Pavement Management
- Upper 41<sup>st</sup> Ave - Overcrossing Project
- Bay Avenue Corridor
- Cliff Drive
- Update on Caltrans Highway 1 project/closures
- Resiliency & Sea Level Rise
- City Hall Property
- Stockton Bridge
- Cliff Drive
- Depot Hill Bluffs
- Esplanade Park
- Jade Street Community Center and Treasure Cove Playground
- Park at Rispin Mansion
- Police Radio & Records Projects
- How to remain connected with Capitola's local government

On September 25<sup>th</sup>, the Council identified the regularly scheduled November 20<sup>th</sup> Council meeting as the date and time for this discussion. Capitola Municipal Code Section 2.04.110.B requires regular meetings of the Council be held in Council Chambers at City Hall. The Council Chambers can accommodate an audience of around 50 people and has technology to record, broadcast, and livestream public meetings.

However, if Council anticipates a larger crowd for the November 20<sup>th</sup> meeting, staff can reserve the New Brighton Middle School Performing Arts Center, where the City has held several successful community outreach meetings. Meetings held at the Performing Arts Center may be recorded for an additional cost but cannot be live streamed. If Council wishes to change the meeting venue, staff will prepare documents to cancel the regularly scheduled November 20<sup>th</sup> Council meeting and schedule the meeting at New Brighton Middle School as a special meeting.

Staff is seeking direction on whether the Council prefers to hold the meeting in a traditional Council meeting format or in a "Town Hall" format. In a Town Hall format, staff and the Mayor would be seated at the front of the room and Councilmembers seated in the audience. In the traditional meeting format, all five Councilmembers would be seated at the front of the room.

Based on Council direction regarding the meeting format - town hall versus traditional Council meeting – staff will prepare an agenda making the format clear. Regardless of the format, public comment will be required.

#### *Meeting Materials*

Staff intends to publish the meeting material, with a relatively brief staff report but include the presentation slides regarding each item on Friday, November 14.

Following Council direction on October 23<sup>rd</sup>, staff will begin promoting the meeting and preparing meeting materials. Staff intends to promote the November 20<sup>th</sup> meeting through the City newsletter, social media, and the City website.

In an effort to summarize the list of topics to be presented, staff will prepare a short summary document for the projects being presented, similar to a longer format newsletter. Questions arising from public comments or Council discussion can be included in these materials after the meeting. In addition, if Council is looking to structure the meeting more as a town hall, staff can look into the feasibility of incorporating a short question and answer session.

Fiscal Impact: As currently planned, there is no fiscal impact associated with the November 20<sup>th</sup> meeting. If the Council wishes to host the meeting at New Brighton Middle School Performing Arts Center, there is a \$350 facility use fee. If the Council wishes to record the meeting, the costs to record are estimated to be \$3,000.

Report Prepared By: Jamie Goldstein, City Manager

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

# November 20 Meeting

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OCTOBER 23, 2025

# Background

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September 25: Council directed staff to repurpose November 20 regular meeting to discuss:

City revenue sources, financial projections, & specific projects of community interest

# Proposed Topics

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- Overview of City finances and revenue
- Loss of Local Control
- 5-year CIP
- Capitola Mall
- 41st Avenue Corridor Study
- Village Hotel
- Wharf Master Plan
- Pavement Management
- Upper 41st Ave - Overcrossing Project
- Bay Avenue Corridor
- Cliff Drive
- Update on Caltrans Highway 1 project/closures
- Resiliency & Sea Level Rise
- City Hall Property
- Stockton Bridge
- Cliff Drive
- Depot Hill Bluffs
- Esplanade Park
- Jade Street Community Center and Treasure Cove Playground
- Park at Rispin Mansion
- Police Radio & Records Projects
- How to remain connected with Capitola's local government

# Meeting Location

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## Regular Council Meeting

Must be at Capitola City Hall  
Council Chambers

Broadcasted & recorded

Capacity for ~50

## Special Meeting

Can be held offsite, eg New  
Brighton Middle School  
Performing Arts Center

No broadcast; can be  
recorded at cost

Larger attendance can be  
accommodated

# Meeting Format

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## Traditional Council Meeting

Mayor led with full Council in the front of the room

Public Comment

Potential for Council action

## Town Hall-Style Meeting

Staff/Mayor led

Council in audience

Public Comment

No Council action

Possible Q&A Period

Typical Council Meeting



Town Hall Meeting



# Council Direction

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## Meeting Topics:

- Confirm proposed list

## Meeting Format:

- Meeting location
- Traditional Council Meeting vs. Town Hall

## Other Requests?

**Subject: Request for Formal City Action Regarding RTC Communications and Property Impact**

I respectfully submit this request for entry into the public record at the October 23, 2025 Council meeting.

The **Santa Cruz County Regional Transportation Commission (RTC)** has accepted and applied for state grant funding for its proposed “rail and trail” project **despite clear legal restrictions** governing the corridor through Capitola.

The corridor was acquired under the **State Proposition 116 Passenger Rail Program**, which limits its use to **passenger-rail purposes only** unless that restriction is formally amended by the **California Transportation Commission (CTC)**. No such amendment exists.

In addition, the **Thompson Deed**—the recorded trust instrument for this corridor—specifies that the property is to be used **for rail purposes only**, and that trails or other non-rail uses are **not within compliance** of its terms.

Despite these restrictions, the RTC’s current trail plan both **crosses the Capitola trestle within the rail corridor** and, in other areas, **departs the corridor entirely**, targeting established residential property. This combination—accepting state funds while advancing an unapproved, non-compliant design—creates serious legal and ethical exposure for all participating jurisdictions.

Compounding this, residents of Capitola’s Castle Estates have received letters from the RTC citing *California Civil Code §846.5(a)*—a statute that allows **temporary survey access only** and provides **no authority to remove, relocate, or condemn homes**. The language of those letters has left homeowners in fear and uncertainty, unable to sell, refinance, or relocate for family or medical reasons. They are effectively **trapped in real-estate limbo**, suffering financial and emotional harm without due process or compensation.

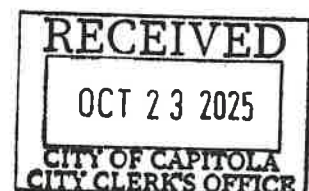
In one particularly troubling case, a resident who sought clarification directly from RTC **Supervising Transportation Planner Grace Blakeslee** was told that if she remained on her property beyond the stated removal date, **she could be arrested**. This statement, made absent any lawful authority or court order, is profoundly unacceptable and underscores the urgent need for municipal oversight and correction.

I have **formally sent two written demands** to the RTC requesting that it issue letters **releasing any claim or interest** in these properties and clarifying that the agency has **no current intent or authority** to remove or disturb homes. Those requests remain unanswered.

Accordingly, I now request that the **City of Capitola formally transmit a written request to the RTC** demanding that these clarification and release-of-interest letters be issued immediately to all affected residents. Such action would affirm the City’s commitment to lawful process, fiscal responsibility, and compassion for Capitola residents who have borne the consequences of administrative silence.

**Respectfully submitted,**

Damon Meyer  
Santa Cruz Resident  
Email: [Damon.camop@gmail.com](mailto:Damon.camop@gmail.com)





## SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

1101 Pacific Avenue, Suite 250, Santa Cruz, CA 95060-4418 • (831) 460-3200 • [info@sccrtc.org](mailto:info@sccrtc.org)

July 7, 2025

Roxanne Stanley  
or Current Resident  
1099 38th Avenue, Unit 71  
Santa Cruz, CA 95062

RE: Notice of SCCRTC Consultant Access to Castle Estates Mobile Home Park; Civil Code Section 846.5(a)

Dear Resident of Castle Estates Mobile Home Park,

I am reaching out on behalf of the Santa Cruz County Regional Transportation Commission (SCCRTC) regarding steps that our agency is taking to resolve unauthorized encroachments on the Santa Cruz Branch Rail Line (SCBRL). In January 2024, SCCRTC identified that encroachments from Castle Estates Mobile Home Park within the SCBRL right-of-way are in conflict with the Segment 10 and 11 Coastal Rail Trail Project and must be removed by June 30, 2025. To date these encroachments have not been removed and the SCCRTC must move forward with collecting on-site information to inform options for removing or relocating unauthorized encroachments.

To collect the information that SCCRTC needs to address options for removal, a surveyor will be accessing the Castle Estates Mobile Home Park property the week of July 21 to survey individual lots and mobile home park facilities. Surveyors will be collecting exterior measurements of mobile home coaches and the location of certain site fixtures and property markers. Under Civil Code section 846.5(a), land surveyors are afforded the right of entry to a property to investigate and to perform surveys. The SCCRTC is taking all precautions to make sure that the work is conducted safely and efficiently with as little disruption to residents as necessary.

Additionally, we have enclosed a voluntary household questionnaire. The information collected through this questionnaire will be used to evaluate whether residents are eligible for assistance programs related to the encroachment removal. We kindly ask that you complete the attached survey and return by July 27. If you are in need of translation services, please advise by indicating at the top of the form.

It is a priority for the SCCRTC to work collaboratively on a path forward to address the removal of these encroachments and staff will be addressing questions from residents at the July 17 Santa Cruz Mobile Home Commission Meeting.

Sincerely,

*Bella Kressman*

Bella Kressman, Real Property Specialist

[www.sccrtc.org](http://www.sccrtc.org)

MEMBER AGENCIES Cities of Capitola, Santa Cruz, Scotts Valley and Watsonville, County of Santa Cruz, Santa Cruz Metropolitan Transit District, Caltrans