

# City of Capitola

## City Council Meeting Agenda

### Thursday, March 23, 2023 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Margaux Keiser  
**Vice Mayor:** Kristen Brown  
**Council Members:** Yvette Brooks, Joe Clarke, Alexander Pedersen

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

*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.*

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

Council Members Yvette Brooks, Joe Clarke, Alexander Pedersen, Kristen Brown, and Mayor Margaux Keiser.

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

#### 3. Presentations

*Presentations are limited to eight minutes.*

A. Annual update from Central Coast Community Energy

#### 4. Additional Materials

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

A. Additional Materials - Item 8B - Correspondence

B. Additional Materials - Item 8C - Correspondence

C. Additional Materials - Item 8D - Correspondence & Updated Final Local Action Notice and Zoning Permit

#### 5. Oral Communications by Members of the Public

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

#### 6. Staff / City Council Comments

*Comments are limited to three minutes.*

#### 7. Consent Items

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

**A.** Consider and Approve 3/9/2023 & 3/16/2023 City Council Meeting Minutes

**B.** Approval of City Check Registers Dated February 17, 2023, and March 3, 2023  
Recommended Action: Approve check registers.

## 8. General Government / Public Hearings

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

**A.** Temporary Village Parking Committee Recommendations  
Recommended Action: Direct staff to prepare the necessary documentation to approve the Temporary Village Parking Committee recommendations.

**B.** Coastal Rail Trail Segments 10 and 11  
Recommended Action: Receive report on the Coastal Rail Trail Segments 10 and 11 Project through the City of Capitola.

**C.** 401 Capitola Avenue Appeal  
Recommended Action: Adopt a resolution affirming the Planning Commission’s decision to deny Application #22-0282 seeking a Conditional Use Permit, Parking Variance, and Coastal Development Permit for a restaurant/café at 401 Capitola Avenue (Capitola Tap House).

**D.** Kennedy Drive Sidewalk Project  
Recommended Action: Approve the plans, specifications, and construction budget of \$214,000 for the Kennedy Drive Sidewalk Project; approve the Coastal Development Permit and the findings listed in the Final Local Action Notice; and authorize the Department of Public Works to advertise for construction bids.

## 9. Adjournment

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### Notice of In-Person & Remote Access

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

#### **Other ways to Watch:**

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

#### **To Join Zoom Application or Call in to Zoom:**

Meeting

link: <https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAydz09>

Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

**To make a remote public comment:**

**Via Zoom Application:** Use participant option to “raise hand”. The moderator will unmute you

**Via Zoom phone call:** Dial \*9 on your phone to “raise your hand”. The moderator will unmute you

**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: [www.cityofcapitola.org](http://www.cityofcapitola.org) and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

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

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

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

**Moss, Julia**

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**From:** Molly Ording <molly.ording@icloud.com>  
**Sent:** Thursday, March 23, 2023 11:26 AM  
**To:** City Council  
**Subject:** Report on Coastal Rail Trail Segments 10 & 11 through Capitola

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Valued City Council Members:

Although I have every intention of attending your meeting this evening, both as a member of the Temporary Village Parking Committee and as a long time resident supporter of the Coastal Rail Trail, a few events have transpired today that may prevent my attendance.

I AM a long time resident as well as a LONG TIME supporter of the Coastal Rail & Trail. For very obvious reasons which seem incredibly lost on the minority GW crew, the populace has voiced their unstinting support over & over for these developments! Now, more than ever with us all feeling the direct effects of climate change on our communities, wise, educated & informed decisions re future rail & trail transportation are REQUIRED!  
I am confident the many bodies tasked with making these long term decisions are intelligent, informed and clear in their mandate -and will NOT be distracted by a small minority of nay sayers who are once more grabbing at straws to deter your progress! OUR progress!

Also in light of my years of involvement as a Village & Monterey Avenue resident, I count on future trail configurations through the Village being major contributors to our long time stated goals of reducing auto traffic & encouraging active ADA transportation via a safe, clear and adequate bike/walking trail through our Village and DISCOURAGING cars from cruising & traversing & polluting theVillage!  
IT CAN BE DONE & Accomplished!

Thank you for your time & attention. I appreciate all your work and study to advance of our shared & long stated goals of reduced emissions & pollution & increased health & safety for all! Do not be deterred!

Most sincerely,  
MOLLY I. ORDING  
218 Monterey Avenue  
Capitola. Calif. 95010

mollyording@ yahoo.com

Sent from my iPhone



**Moss, Julia**

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**From:** Lynne Lampros <lynnelampros@gmail.com>  
**Sent:** Tuesday, March 21, 2023 3:34 AM  
**To:** Froelich, Brian; Moss, Julia  
**Cc:** Amy Cheng  
**Subject:** 401 Capitola  
**Attachments:** Cheng, Amy city council hrg response to staff report 3.23.23.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please submit this Response to Staff Report with the Agenda Packet for March 23, 2023 Item 8. General Government/Public Hearings C. 401 Capitola Ave.

Thank you,

Lynne Lampros  
on behalf of Amy Cheng

Response to Staff Report for Capitola City Council Meeting March 23, 2023

Subject: 401 Capitola Avenue Appeal of Denial of Application #22-0282  
and Consideration of Alternative Proposals

From: Amy Cheng

To the Honorable City Council of the City of Capitola,

Thank you for your consideration of this matter and thanks to Staff for their time on this project.

I would like to respond to the Staff Report for this Agenda item.

1. Appeal of Planning Commission Denial of Application #22-0282

A. Parking:

Staff cites to Capitola Municipal Code Section 17.76.020 (B) (b) [*sic*, actually 17.76.020 (B) (2)] for the proposition that the change of existing use requires additional on-site parking unless a variance is granted.

Applicant would like to point out Capitola Municipal Code Section 17.76.050- On Site Parking Alternatives, which states,

**A. Purpose. This section identifies alternatives to required on-site parking to:**

- 1. Allow for creative parking solutions;**
- 2. Enhance economic vitality in Capitola;**
- 3. Promote walking, biking, and use of transit; and**
- 4. Encourage the efficient use of land resources consistent with the general plan.**

These alternatives to required on-site parking in this section are specifically available only to uses located outside of the MU-V zoning district. 401 Capitola is located just outside the MU-V zoning district.

Therefore Applicant submits that it is appropriate and in accordance with the Municipal Code to consider these alternatives and make the findings for a variance from the parking requirements of a CUP for a restaurant/café.

As Applicant stated at the Planning Commission, this business is located very near the two large public parking lots. Further it is appropriate to consider foot traffic, biking, shuttle and ride share/public transportation in consideration of the alternatives to required on-site parking.

#### B. Improper consideration of the kitchen and food plan:

The Staff report notes that the Planning Commission discussed the shortcomings of the application, including the proposed kitchen and business plan. However the Staff report states that the Commission's denial did not include reference to the kitchen or business plan.

Applicant submits that is somewhat spurious. Denials are phrased succinctly, (as findings being made or not) but the grounds for a Commission's ruling are articulated during discussion. In this case, Applicant notes that both Commissioners Christiansen and Routh emphasized the kitchen and food plan in their decisions. Commissioner Routh led off his comments with that. Commissioner Christiansen entirely premised her decision on the kitchen and food plan, stating that she supported the proposal for alcohol and the amount of seats, but that she could not support the project because the kitchen and food plan needed 'fleshing out.' (See video of Planning Commission hearing on 12/1/22 at the 1:44 point.)

#### C. Unique circumstances remain the same:

This business currently has a parking variance of 4 spots as either a retail or take-out establishment. The Application #22-0282 seeks to expand seating to 26 seats inside and outside on the front porch, which is an intensification that requires 7 additional parking spots. Staff states that "The parking variance issued in 2014, waiving the parking requirement for four parking spaces, is not applicable to the current application, which asks the City to

waive the parking requirement for seven spaces.” This sentence in the Staff Report suggests that the analysis here is contingent on the numbers being the same. That is not Applicant’s point or argument.

Applicant’s point is that the conditions that supported the granting of the variance in 2014 remain the same today. This location has difficult, unique physical circumstances that existed in 2014 when the parking variance was granted for this business as a retail-clothing store, because it could not provide four onsite parking spots. Those difficult and unique physical constraints still exist. Therefore the conditions in support of a variance today – the lack of ability to provide onsite parking in this location - are the same as they were in 2014.

Therefore Applicant does think the findings can be made and it is appropriate for City Council to overturn the Planning Commission’s denial of the project in Application #22-0282.

## 2. Alternate Proposals

If the Council does not overturn the Planning Commission’s denial, Applicant has alternative proposals and is open to proposals suggested by the Council. All the proposed alternatives include the expanded food menu that is referenced in the prior Application and Appeal package filed for this hearing. The goal of all the proposals is to enable Applicant to expand her business draw while also ensuring enough turnover to maximize the amount of customers, done in a safe, family friendly way that promotes community and is a benefit to the City.

A. Remove the request for a parking variance, maintain the six seats and convert NO MORE THAN 50% of the existing taps to beer/wine/hard kombucha for self pour consumption on premises, as is the kombucha and coffee now.

Staff claims this alternative should be denied as it would change the business to a bar or lounge by virtue of its tap system.

Applicant disagrees. If Council members visited the premises or looked in the windows it is apparent that this light, bright, almost sterile interior is

more akin to a juice bar or yogurt shop than a bar/lounge. It is open to minors and has limited hours, closing by 8 pm. It is not a place where people are going to ‘belly up to the bar’ for hours.

Staff report states that a tap system is inherently incompatible with a take out business model because of open container laws and the fact that tap systems are typical of bars, lounges, beer gardens and full service restaurants, where customers intend to stay in the business for longer periods of time. These are not well-founded arguments and there are ways to address these concerns.

Open container issue:

Castagnola Deli & Café has a CUP as a takeout establishment but it also has an ABC license 41, which is what is sought for the business at 401 Capitola Avenue. That license category with the ABC is for an “On-Sale Beer & Wine – Eating Place.” Castagnola is allowed to sell canned beer and wine from a refrigerator. As a takeout deli, this should draw the same concerns regarding open container laws as Staff articulates here. However it is allowed at Castagnola’s. Applicant submits that the concern regarding open container are easily addressed with signage and staff enforcement of “No Alcohol Past This Point” or “No Open Containers Past This Point.”

Length of time issue:

There is no issue right now with the length of time Applicants’ customers can stay on premises consuming non-alcoholic kombucha or coffee. Therefore the length of time a customer is on premises is not a fair criterion to convert a takeout establishment to a bar/lounge.

If the concern with length of time on premises is the amount of alcohol consumption, that can be addressed and enforced by the RFID technology that Applicant has proposed since she first began this process in September 2022. Applicant proposes the RFID technology to ensure the limit of two alcoholic drinks per customer. This limitation can be consistently enforced by the fact that the taps will shut off for the customer after two pours.

Applicant is open to Council suggestion as to the size and number of pours that is acceptable, as well as the number of taps that could be converted.

B. Remove the parking variance, maintain six seats and convert NO MORE THAN 50% of the taps and sell prefilled containers of the beverages from the taps from a refrigerator, while also allowing on-site consumption of self-pour sample/flight size tastings (limited in size and number as Council deems appropriate) and of the prefilled containers from the refrigerator.

Staff's basis for denial of this alternative is again that a tap system is not compatible with a take-out establishment. Applicant responds that her business has and will have far different "business patterns, scale, and impacts" than a bar/lounge. Thus the fact that there are taps at the premises should not be the only measure of the character of this establishment. The totality of the circumstances should be evaluated.

C. Remove the parking variance, maintain six seats and convert NO MORE THAN 50% of the taps and sell prefilled containers of the beverages from the taps from a refrigerator, allowing on-site consumption from the prefilled containers from the refrigerator, but no self pour consumption of alcohol.

Staff's response to this proposal is to state that the 'chain of custody' of a prefilled container is inconsequential and the business would still be functioning as a bar/beer garden/pour room. Applicant disagrees. The containers could be prefilled in the kitchen, before opening hours, away from customers. Some of the taps are located only in the kitchen, where only staff can access. This would not be an "on demand" pour into a container rather than a glass.

However this proposal would enable Applicant to realize more return on her investment in the tap system and offer a more unique experience to the customer.

### 3. Staff's Proposals:

A. Staff has stated they could support a model like Castagnola's – that is a refrigerator selling prefilled, commercially available cans and bottles of beer and wine. Applicant appreciates this offer. However Applicant submits that allowing customers to order food and kombucha or coffee from her taps and then also get a can of outside beer from a refrigerator is not substantially different from being able to get a bottle of a beverage that came from one of

the taps on the premises. And again, offering the beverages from the tap system helps realize more return on her investment in the tap system and distinguishes her business from others that simply sell cans that could be found in the local corner market.

B. Staff also proposed that if Applicant wanted to utilize her tap system for both alcoholic and non-alcoholic beverages than Staff would revoke her CUP as a take out establishment and only allow her a CUP as a retail establishment. Further Staff would only allow her to operate as sales for offsite consumption entirely of her food, non-alcoholic kombucha, coffee and alcoholic beverages. No onsite consumption of even the non-alcoholic kombucha or a cup of coffee.

Applicant suggests this is an unduly harsh alternative. Applicant is not trying to become a market or liquor store. Applicant is trying to create a business that provides community and offers a unique service. Further Applicant notes that English Ales and Armida Winery are both classified as retail, and yet both operate closer to a bar/lounge than a retail store. Applicant realizes that they have different ABC licenses than Applicant is seeking. However the business patterns, scale and impacts are much closer to a bar/lounge than Applicant's business would be.

C. With regard to the question of the additional parking spaces, Applicant was not suggesting that they were going to be new construction on the premises immediately adjacent to her building. Applicant is in talks to lease three of the existing parking spaces under the trestle. Applicant seeks information from Staff as to how many more seats adding those three spaces could yield or asks Council to consider that the request for variance would be reduced by three spaces.

### Conclusion

Applicant is open to the Council's suggestions and wishes to again thank Council and Staff for all the time they have invested in this application.

**Moss, Julia**

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**From:** AM Cheng <1biznfun@gmail.com>  
**Sent:** Tuesday, March 21, 2023 4:52 PM  
**To:** Lynne Lampros  
**Cc:** Moss, Julia; Froelich, Brian  
**Subject:** [PDF] Re: 401 Capitola  
**Attachments:** Bob Edgren supporting letter copy.pdf; Capitola Tap House customers petition sign-up.pdf; Kathleen Byrne supporting letter for city council.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Julia,

I collected two supporting letters and many customer's petition sign-up. Please add them to the agenda for City Council Meeting on March 23, 2023

Thank you,  
Amy

On Tue, Mar 21, 2023 at 11:48 AM Lynne Lampros <[lynnelampros@gmail.com](mailto:lynnelampros@gmail.com)> wrote:

Thank you, Julia.  
Lynne

Sent from my iPhone

On Mar 21, 2023, at 11:41 AM, Moss, Julia <[jmoss@ci.capitola.ca.us](mailto:jmoss@ci.capitola.ca.us)> wrote:

Hi Lynne,

This correspondence has been added to the agenda packet and provided to the City Council/members of the public. You can find it [here](#).

**Julia Moss**

City Clerk - City of Capitola

831.475.7300 x228



**From:** Lynne Lampros <[lynnelampros@gmail.com](mailto:lynnelampros@gmail.com)>  
**Sent:** Tuesday, March 21, 2023 3:34 AM  
**To:** Froelich, Brian <[bfroelich@ci.capitola.ca.us](mailto:bfroelich@ci.capitola.ca.us)>; Moss, Julia <[jmoss@ci.capitola.ca.us](mailto:jmoss@ci.capitola.ca.us)>  
**Cc:** Amy Cheng <[1biznfun@gmail.com](mailto:1biznfun@gmail.com)>  
**Subject:** 401 Capitola

Please submit this Response to Staff Report with the Agenda Packet for March 23, 2023 Item 8. General Government/Public Hearings C. 401 Capitola Ave.

Thank you,

Lynne Lampros

on behalf of Amy Cheng

Dear City Council Members,

Having been or around Capitola since 1973, I have observed a number of developments and our city evolve. Now comes a new popular venue, that being craft beer. I am not sure when or how this popular trend started, but it has exploded nationwide. I remember when wine started appearing in cafes, and tasting rooms emerged, but never as fast as the craft brewing. So with this explosion connoisseurs of beer have grown exponentially. For visitors to a pub, they are often treated with five or so small samples. Much like wine tasting. The hundreds of craft brews has made it difficult for marketing and finding the perfect customers. The answer has come in a concept called tasting at tap room tasting. This is not a place to get inebriated, but a place to taste the many different brews. This is what Amy Cheng of her Capitola Tap house would like to bring to Capitola. This is not new to Santa Cruz County. There was a very popular Self-Pour Taproom in Santa Cruz with the same concept located downtown called the Pour Taproom. This was closed due to COVID issues according to their website.

For those who are not familiar with a Tap room tasting system you are encouraged to visit Amy's Tap room, although now, she only serves 32 flavors of Kombucha, an ancient Asian fermented tea drink. Although she has not been completely Licensed by the ABC to serve beer, she waits for the nod from the city, Community planning has put a block on her endeavor, most likely because it is such a new concept.

Capitola is a city with a long record of making exceptions, and variances. One stands out in my mind was Pizza My Heart. It took moving a mountain to allow that business to open, to have a partial open front and long hours. Just about everything against the current code at that time. I remember the Britannia Arms, securing part of the city park for their patio area, another gift from the Capitola God. I recall the small restaurant now Mijo's, that had a major battle at a city council meeting over allowing seating, which they finally got again against codes. Just recently the city voted to stretch the transient overlay to include another block up Capitola avenue and outside the village. This made dozens of property owners very happy, but reduced long term housing. Inconsistent decisions made by planning can make one dizzy, as rarely are any records kept.

The Capitola Tap House is some 50 feet away from the village zone. If it was located within the zone, approval for the idea and operation, probably would be easily approved. So who are the neighbors? The fire department to the right, the railroad trestle to the left and the museum across the street. Again, this is not a business where customers become inebriated. At the Tap house, drinking would be tightly controlled by purchased cards of two drinks that are inserted in the select brews. Those can be shut off any

time. Of course, food will be served as well. Amy envisions her locale a place where people can come, away from the active Esplanade, sit and enjoy time with friends. Probably a blend of Mr. Toots, Cork and Fork and Trestles. Who wouldn't want more of these type businesses in town?

The other big trend facing Californias cities is the limitation of cars. The bill signed by Newsom AB2097

*New year, new laws... and beginning in 2023, housing developers and business owners in California will no longer be required to include parking spots for residents and patrons if the project is located at least a half-mile from transit.*

This a clear statement, that housing is more important than autos, so the mandate is to allow businesses and housing be built WITHOUT parking spaces required. Who ever thought they would see the day? It will be interesting to see how that plays out, but essentially our parklet program was just that, taking away parking spaces and adding more seating for dining. Again, this was completely against any pre-existing code.

The Capitola Tap House will be an addition to our city that will be a new much needed concept. Something new, a new experience for locals and visitors. In the process of bending codes, one should ask is the project a plus, or a minus for Capitola. It is difficult to see any negatives in this business concept.

Thank you taking the time to consider my views and opinion.

Bob Edgren  
agren7@yahoo.com

# Capitola Tap House

Please sign if you support me in my "Application for a Restaurant with Food, Beer and Wine"

Name Jenna Keating City/State/or Country Opal Cliff/Santa Cruz

Comments: Amy is wonderful, friendly & inviting. Please embrace her business here in Capitola. We love diversity and new businesses.

Name Lisa Harvey-Duren City/State/or Country Capitola/Santa Cruz

Comments: I love this business and the owner Amy is so friendly and knowledgeable. This shop is a fantastic addition to Capitola Village!!!

Name CAITLIN DEUL City/State/or Country CAPITOLA, CA

Comments: Please allow for this business to survive by allowing them to serve food and beer.

Name Sharon Yorks City/State/or Country Campbell

Comments: Please help this business

Name Dominick King City/State/or Country Capitola, CA

Comments: Amy is a wonderful part of our community. Her business has become an integral part of the village community. The village would flourish with the addition of her food & Bev combo.

# Capitola Tap House

Item 4 B.

Please sign if you support me in my "Application for a Restaurant with Food, Beer and Wine"

Name DARRYL THORNTON City/State/or Country SANTA CRUZ, CA <sup>831-247-2864</sup> (thorn1025@gmail.com)

Comments: THANKS FOR BEING IN CAPITOLA! YOU WERE MISSED. 12/8/22

Name MARK PORTER City/State/or Country Capitola 709 BAY

Comments: Is it not TIME to GO bro. I ~~is~~  
The fire dept needs this beer, wine, kombucha,

Name Reem Bazzar, City/State/or Country Capitola, CA 95010 <sup>peace</sup>

Comments: Thanks for being in Capitola, we need more places like this.

Name Tim Rice City/State/or Country Capitola, CA

Comments: Let's Get this done!

Name Kristen Ricie City/State/or Country Capitola, CA

Comments: This is a great business and all us locals love coming here!  
P.S. We walk here! Please ~~help~~ help this business succeed!



# Capitola Tap House

Item 4 B.

Please sign if you support me in my "Application for a Restaurant with Food, Beer and Wine"

Name Christy Hadland City/State/or Country Capitola

Comments: 1112 Sutherland #3, Capitola 95010  
831. 246-3027 christyhadland@gmail.com

Name Chelsea Layton City/State/or Country \_\_\_\_\_

Comments: welcome capitola tap house to the area!

Name Peter Chapman City/State/or Country Soquel, CA

Comments: this is a great idea ~~and~~ and addition to the community  
pchapman@eguptec.net

Name SARBA BUCKLEY City/State/or Country Santa Cruz CA

Comments: What a great idea! - It will be great once she is allowed to have beer & wine!  
Will be a wonderful addition to the village!

Name Andrew Birnberg City/State/or Country Aptos, CA

Comments: Great addition to the area.

# Capitola Tap House

Item 4 B.

Please sign if you support me in my "Application for a Restaurant with Food, Beer and Wine"

Name ERIC MONTOYA City/State/or Country 5075 EMERZALO ST. CAPITOLA

Comments: OPEN THE BAR!

Name Karen Brooks City/State/or Country Aptos, CA

Comments: I am so excited!

Name CRISTY NORIAN City/State/or Country SANTA CROZ

Comments: FINGERS CROSSED! (PH) CRISTYNORIAN@GMAIL.COM

Name John Grandy City/State/or Country Larkspur CA

Comments: Please support and lets get this going

Name Janet Romanowski City/State/or Country Santa Cruz

Comments: Please support

Kathleen Byrne  
407 Capitola Avenue  
Capitola, CA 95010  
March 21, 2023

Members of the Capitola City Council  
City of Capitola  
Capitola CA 95010

I am writing this letter in support of Amy Cheng's permit application for a "Restaurant that serves Beer and Wine." I am a teacher, author and designer. I have always been innovative in my teaching career, and felt that positivity and praise is extremely important with my students. This approach has carried over to the rest of my life, and that is one of the reasons I would like to welcome and support Amy Cheng to the Capitola Community, and compliment her for her dedication and perseverance in attaining the permit for her restaurant.

Amy has applied for permit to establish a "Restaurant that serves Beer and Wine" The Capitola Municipal Code states that "Restaurants and Cafes" means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than 160 sq. ft. of public area is open to customers. Amy has well over the 160 sq. ft. required, as she has 470 sq. ft. of public area open to customers, she has a great menu that can be served at the restaurant or carried out, and she has installed a beautiful tap system to dispense kombucha, iced tea, nitro coffee, and hopefully beer and wine if her permit is approved through the City Counsel. Amy cannot attain the ABC license, unless the City of Capitola permit is approved first, so it is very important her permit application for a "Restaurant that serves Beer and Wine" is approved. She has also applied through the Alcohol Beverage Control for the License "On-Sale Beer/Wine Eating Place."

The self-serve alcohol and beverage dispense technology is currently legal in 45 states including California. I have personally spoken with an ABC representative in Salinas, and was told self-pour taps are legal in California, and in individuals cities which do not restrict their use for the particular, which is in this case is "Restaurant that serves Beer and Wine. Fortunately, there are no restrictions in the Capitola Code that would disallow the self-pour technology taps for the business for which Amy has applied.

What is so impressive to me is the convenience of the self-pour taps, and the responsible proactive approach the monitored system provides to keep patrons safe, if they choose to have beer or wine. Patrons over 21 are limited to two drinks per person monitored by issuing a card, and this limitation of alcoholic drinks, promotes drinking in moderation, thus not encouraging a long stay at the restaurant. With this limitation, this system is different from a restaurant or bar, in which patrons can easily order alcoholic drinks without the monitoring of the number of drinks consumed. Since the self-pour technology allows the patron to dispense the drink, and it keeps track of the number of drinks, it saves the server time, so more time can be spend for food prep, serving and clean up. The "self-pour" is an interactive hands-on approach which people enjoy, as they can sample several different kinds of drinks before they decide which one they would like.

I have frequented Amy's business often. Many people are visitors to Capitola on their way to the Village or neighbors walking by. The people that drop by are mature and of mixed ages, and in no way a rowdy type. So many of the people comment on how beautiful the outside and inside of the building are. Many say they will check back in to see if the permit has been approved. As a resident of the Neighborhood Mixed Use Zone, and



as a close neighbor, I welcome Amy's business, as the self-pour taps are innovative, the proposed menu unique, and her restaurant would be a great addition to our neighborhood.

Since the seating would be under the front porch area or possibly inside, there are no neighbors that would be disturbed. Capitola Avenue is in front of the building with a hill with trees on the other side of the Capitola Avenue, the railroad trestle is on the left side with an adjacent parking lot, and a parking area for the fire station is on the right side. Since there is no seating on the side next to the trestle, the vacation rental to the rear of the building would not be disturbed. The street traffic on Capitola Avenue exceeds and drowns out any noise that patrons could possibly make with their conversation.

Amy is very dedicated to her goal of providing a safe family oriented restaurant. She welcomes neighborhood friends, out of town guests and children. I have witnessed her outgoing personality, and her huge welcome to all that enter her establishment. She takes pride in her business and the City of Capitola. With all the positives of her new business, I look forward to Amy's permit being approved, as her restaurant will provide a safe, unique and friendly environment to tourists, our Mixed Use Neighborhood residents, and all of Capitola and Santa Cruz County.

Respectfully,

Kathleen Byrne

**Moss, Julia**

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**From:** Bob Edgren <agren7@yahoo.com>  
**Sent:** Wednesday, March 22, 2023 10:26 AM  
**To:** Woodmansee, Chloe  
**Cc:** City Council  
**Subject:** for council meeting packet  
**Attachments:** AMY Cheng XXXmy letter version 4 3 copy(1)(1)

Hello Chloe,

I hope it is not too late to submit this letter for the upcoming city council meetimng.

Bob Edgren  
831-402-2111

March 19, 2023

Dear Honorable Mayor and City Council  
Members

re: Application for Capitola Tap House

Having been or around Capitola since 1973, I have observed a number of developments and our city evolve through many different phases. Now comes a new popular venue, that being craft beer. I am not sure when or how this popular trend started, but it has exploded nationwide. I remember when wine started appearing in cafes, and tasting rooms emerged, but never as fast as the craft brewing craze. So with this explosion connoisseurs of beer have grown exponentially. For visitors to a pub, they are often treated with five or so small samples. Much like wine tasting. The hundreds of craft brews have made it difficult for marketing and finding loyal customers. The answer has come in a concept called tasting at tap rooms. This is not a place to get inebriated, but a place to taste

the many different brews. This is what Amy Cheng of her Capitola Tap house would like to bring to Capitola. This is not new to Santa Cruz County. There was a very popular Tap House in Santa Cruz with the same concept located downtown called the Flow Taproom. This closed due to COVID issues according to their website.

For those who are not familiar with a Tap room tasting system you are encouraged to visit Amy's Tap room, although now, she only serves 32 flavors of Kambucha, an ancient Asian fermented tea drink. Although she has been completely Licensed by the ABC to serve beer she waits for the nod from the city, Community planning has put a block on her endeavor, most likely because it is such a new concept.

Capitola is a city with a long record of making exceptions, and variances. One stands out in my mind was Pizza My Heart. It took moving a mountain to allow that business to open, to have a partial open front and long hours. Just about everything against the current code at that time. I remember the Britannia Arms, securing part of

the city park for their patio area, another gift from the Capitola God. I recall the small restaurant now Mijos, that had a major battle at a city council meeting over allowing seating, which they finally got again against code. Just recently the city voted to stretch the transient overlay to include another block up Capitola avenue and outside the village. This made dozens of property owners very happy, but reduced long term housing. Inconsistent decisions made by planning can make one dizzy, as rarely are any records kept, and answers are relied on one or two people.

The Capitola Tap House is some 50 feet away from the village zone. If it was located within the zone, approval for the idea and operation, probably would be easily approved. So who are the neighbors? The fire department to the right, the railroad trestle to the left and the museum across the street. Again, this is not a business where customers become inebriated. At the Tap house, drinking would be tightly controlled by purchased cards of two maximum drinks that are inserted in the select brews. Those can be

shut off any time. Of course, food will be served as well. Amy envisions her locale a place where people can come, away from the active Esplanade, sit and enjoy time with friends. Probably a blend of Mr. Toots, Cork and Fork and Trestles. Who wouldn't want more of these type businesses in town?

The other big trend facing Californias cities is the limitation of cars. The bill signed by Newsome AB2097

*New year, new laws... and beginning in 2023, housing developers and business owners in California will no longer be required to include parking spots for residents and patrons if the project is located at least a half-mile from transit.*

This a clear statement, that housing is more important than autos, so the mandate is to allow businesses and housing be built WITHOUT parking spaces required. Who ever thought they would see the day? It will be interesting to see how that plays out, but essentially our parklet program was just that, taking away parking

spaces and adding more seating for dining. Again, this was completely against any pre-existing code.

The Capitola Tap House will be an addition to our city that will be a new much needed concept. Something new, a new experience for locals and visitors. In the process of bending codes, one should ask is the project a plus, or a minus for Capitola. It is difficult to see any negatives in this business concept.

Thank you taking the time to consider my views and opinion, I fully support the Capitola Tap House project.

Bob Edgren  
agren7@yahoo.com

**Moss, Julia**

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**From:** SHARON GIUDICE <shash1234@aol.com>  
**Sent:** Thursday, March 23, 2023 10:05 AM  
**To:** City Council  
**Subject:** Application #22-0030

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Honorable Members of Capitola City Council,

I am writing in support of the Capitola Tap House and ask that you reconsider your decision to deny the application for a Conditional Use Permit.

There seems, to me, to be precedent set with the approval of permits for businesses along Capitola Avenue like “Cork and Fork”, “English Ales” and even “Reef Dog Sandwiches” (although I am not sure if they sell alcohol). They do not have on sight parking and there are also surrounded by businesses and housing units.

I do not know the owner of Capitola Tap House personally, but have observed that she had been forced to survive many obstacles in the past two years to try and get a business up and running. Beyond the shut down due to the pandemic, the site has been “red tagged” multiple times. And yet she has persevered.

I think as the very least, a conditional permit should be granted and then perhaps reviewed in 6 months or so.

Thank you for your time, and also for serving on the city council, Sincerely,

Timothy C Kerr  
3031/2 Fanmar Way  
Capitola, CA 95010



**Moss, Julia**

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**From:** reynie lave <renmagfarm@att.net>  
**Sent:** Thursday, March 23, 2023 1:24 PM  
**To:** City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com  
**Subject:** Application #22-0282, 401 Capitola Ave, Agenda Item 8-C

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Esteemed Council Members,

We are writing to you to urge you to deny Application #22-0282 at 401 Capitola Avenue.

We feel that the City of Capitola has parking rules and restrictions for a good reason and each time the City grants a variance to these rules it makes it more difficult to uphold these rules in the future. Continued granting of parking variances detrimentally impacts the already impacted neighborhoods. Granting a parking variance for a restaurant/cafe with seating for 26 with alcohol service pushes parking into our neighborhood. As history has shown us, people look for free parking first no matter how affordable or close paid parking is. We experience this with the merchants, their employees, Jr. Guard parents, beachgoers, and other visitors to the village.

Please uphold the staff recommendation and Planning Commission decision to deny this request.

Thank you so much for your time, consideration, and service.

Reynie Lave  
Margaret Campodonico  
310 Fanmar Way  
Capitola, Ca



# FINAL LOCAL ACTION NOTICE AND ZONING PERMIT

March 23, 2023

Jessica Kahn - Public Works Department  
420 Capitola Avenue  
Capitola, CA 95010

RE: **Notice of Final Action on Project Application #23-0123**

**Kennedy Drive Right-of-Way Between Sir Francis Avenue and Park Avenue #23-0123**

Coastal Development Permit request for sidewalk, bike lane, and vehicle parking improvements on Kennedy Drive between Sir Francis Avenue and Park Avenue.

Environmental Determination: Categorical Exemption 15301, Existing Facilities

Property Owner: City of Capitola

Representative: Public Works Department, City of Capitola, Filed: 03.07.23

The above matter was presented to the City Council on March 23, 2023, and was approved, with the following findings and conditions. Any modifications to the conditions and findings are indicated below in ~~strikeout~~ and underline notation.

## Conditions of Approval:

1. The project approval consists of a Coastal Development Permit for roadway and sidewalk improvements on Kennedy Drive between Sir Francis Avenue and Park Avenue in the R-1 and PD Zoning Districts. The improvements include a new sidewalk with curb and gutter on the south side of Kennedy Drive and a new bicycle lane on the north side of Kennedy Drive. The proposed project is approved as indicated on the final plans reviewed and approved by the City Council on March 23, 2023, except as modified through conditions imposed by the City Council during the hearing.
2. Construction hours shall be limited between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Construction shall be prohibited on weekends or legal holidays except in case of an emergency work approved by the Public Works Director. §9.12.080(B)

**Coastal Development Permit Findings:**

**A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The Kennedy Drive Sidewalk Project conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

**B. The project maintains or enhances public views.**

The Kennedy Drive Sidewalk Project will maintain public views.

**C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The Kennedy Drive Sidewalk Project is located within the Kennedy Drive right-of-way. The improvements will maintain and enhance vegetation and will not have an effect on natural habitats or natural resources.

**D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project involves improved pedestrian, bicycle, and auto circulation and will enhance safety connections to low impact low-cost public recreational access to New Brighton State Beach and the viewpoints along Park Avenue.

**E. The project maintains or enhances opportunities for visitors.**

The project involves improved pedestrian and bicycle circulation and will enhance opportunities for visitors through safer multimodal transportation options.

**F. The project maintains or enhances coastal resources.**

The project involves street improvements on Kennedy Drive and will not negatively impact coastal resources.

**G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

The proposed street improvements comply are consistent with the LCP.

**H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves pedestrian and bicycle improvements along Kennedy Drive, a coastal access route to New Brighton State Beach and Park Avenue viewpoints. The proposed project is consistent with the LCP by providing safe routes to the coast with a new sidewalk and improved bike lanes.

- I. **The proposed project is consistent with the general plan, any applicable specific plan, the zoning code, and the California Environmental Quality Act (CEQA) and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301 of the CEQA Guidelines exempts the alteration of existing public facilities that involve negligible or no expansion of use. Specifically, 15301(c) exempts projects involving existing streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes. The project involves a new sidewalk, new bicycle lane, and related access improvements to an existing roadway. The project will not create additional automobile lanes and involves a negligible expansion of use. No adverse environmental impacts were discovered during review of the proposed project.

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (March 23, 2025) unless otherwise indicated in conditions of approval.

**Moss, Julia**

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**From:** Aurore Sibley <aurore9@yahoo.com>  
**Sent:** Friday, March 17, 2023 5:10 PM  
**To:** City Council  
**Subject:** Sidewalk on Kennedy Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern,

I live in Capitola Knolls between Park Avenue and Saint Francis Avenue and I'm very pleased to hear that a sidewalk is being considered along this stretch of road where many middle school students walk and bike to and from New Brighton middle school each day. My daughter will be among the students there next year. I hope the initiative is approved.

Sincerely,  
Aurore Sibley

[Sent from Yahoo Mail for iPhone](#)

**Moss, Julia**

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**From:** Chris Hadland <chris\_hadland@hotmail.com>  
**Sent:** Saturday, March 18, 2023 9:09 AM  
**To:** City Council  
**Subject:** Sidewalk addition to Kennedy Dr - March 23 agenda item

Hello Council Member -

My wife and I have been residents in the Capitola Knolls condo association for over 22 years. Our condo looks straight out toward the area where the sidewalk is proposed, so I'd like to think that we have an unique perspective on the topic of adding a pedestrian walkway and changing the driving lanes.

We have been in support of a better pedestrian pathway in this location, since we purchased our home in 2000.

The stretch between Park Ave and Sir Francis is moderately traveled in the morning by young students on their way to New Brighton Middle school, from the neighborhoods on the other side of the freeway and Park Ave. Again, this corridor is moderately traveled by students going home in the afternoon. Once again, this corridor is traveled by the young kids that go to the skate and bike park on McGregor. For every adult that travels this stretch on foot or on a bike, there are 10 kids that have to navigate this stretch where currently no pedestrian pathway is provided.

With that said, I believe that it is imperative that we focus on providing a safe travel corridor, especially for our children.

The loss of parking is a minor point. On most days, there is enough parking on one side of the street, that if the other side were gone, the existing side could handle the volume.

One of the crucial times of travel is just before school starts, when parents are driving their kids to school, and other kids are riding their bikes and walking to school. In the current state, the kids are forced into the street because of parked cars on both sides. I believe that this can and should be corrected.

In my opinion, the problem with the current plan is that the bike lane will be subject to cars crossing over into the bike lane on the north side. Even with the car lanes current width, when a car is traveling eastbound (downhill), and cars are parked also facing eastbound, the traveling cars are forced into the westbound traffic lane because of the already narrow lane width, thus causing the westbound traffic to move toward the curb on the North side of the road. Remember that we have 18 wheelers and large dump trucks that drive this section of road too. (Artic Glacier Premium Ice Co and Earth Works to name a few). The current lane width is considerably wider on the North side of the street, then on the south side of the street. Once the proposed changes are made, particularly the reduced width of the car travel lanes, this will become even more of an issue. I am of the opinion that travel in the proposed bike lane will not be safe, especially since it turns into a "Sharrow" lane (shared bike and car) just before the entrance of the Capitola Knolls Sutherland lane entrance. Forcing a bike that is riding up the hill toward the stop sign at Sir Francis, to suddenly share the road with cars that are still traveling at a much greater speed than the bike (riding up the hill), is completely stupid. Most bicyclist that are riding up the hill are at a crawl as they approach the stop sign. I ask you to take your bike to this location and just before the entrance to Sutherland lane, jump on your bike and try to merge with

traffic coming up the hill in the same direction that you are traveling. You will get hit or at least honked it is now, the kids have to share the road as they near the stop sign, but the lane is currently wide enough (just barely) that a kid on a bike and a car can share the width of the current lane. Once the lane is narrowed, that will increase the conflict.

I would like to propose that the parking be on the north side of the street, with the bike lane between the curb and the parking lane. The bike lane would then be protected by parked cars (or the parking lane). The opposite side of the road (the south side) would have the raised sidewalk for pedestrians on foot, and bikes would "share" the lane going DOWN the hill, where a bike can much easier keep up with the speed of the traffic. Sharing a lane going down a hill makes more sense, versus trying to share a lane while riding a bike up a hill makes much less sense.

If the "sharrow" idea heading up the hill prevails, then the bike lane and the NO PARKING needs to extend past the stop sign at the corner of Sir Francis. This now starts to impact the current parking of the residents in the neighborhood and I find this to be a less attractive option.

I find it disappointing that it appears that no neighbors were interviewed by Kimly and Horn, in order to get a perspective of the daily flow of traffic and pedestrians in our neighborhood.  
Thank you for listening.

Chris and Christy Hadland  
chris\_hadland@hotmail.com & christyhadland@gmail.com  
831 840-0194 & 831 246-3027

# Capitola City Council Agenda Report

**Meeting:** March 23, 2023

**From:** City Manager Department

**Subject:** Consider and Approve 3/9/2023 & 3/16/2023 City Council Meeting Minutes



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**Recommended Action:** Approve minutes from the regular meeting on March 9, 2023, and special meeting on March 16, 2023.

**Background:** Attached for Council review and approval are the draft minutes from the regular City Council meeting on March 9, 2023, and special City Council meeting on March 16, 2023.

**Attachments:**

1. 3/9/2023 Regular Minutes
2. 3/16/2023 Special Minutes

**Report Prepared By:** Julia Moss, City Clerk

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



# City of Capitola

## City Council Meeting Minutes

### Thursday, March 09, 2023 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Margaux Keiser  
**Vice Mayor:** Kristen Brown  
**Council Members:** Yvette Brooks, Joe Clarke, Alexander Pedersen

#### Closed Session – 5:30 PM

*Called to order at 5:30 PM. In attendance: Council Members Brooks, Clarke, Pedersen, and Vice Mayor Brown. Absent: Mayor Keiser*

- i. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (§ 54956.9)  
Significant exposure to litigation pursuant to § 54956.9(d)(4): one case

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

1. **Roll Call and Pledge of Allegiance** - *Called to order at 6:02 PM. In attendance: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser.*
2. **Additions and Deletions to the Agenda** - *None*
3. **Presentations**
  - A. The Mayor presented a proclamation declaring March 2023 as Red Cross Month to Antonio Rivas, Executive Board Member on the American Red Cross Central Coast Board.
4. **Report on Closed Session**

*The City Council met and discussed one item on the Closed Session Agenda and took no reportable action.*
5. **Additional Materials**
  - A. Correspondence Received - Item 8B
  - B. Correspondence Received - Item 8C
6. **Oral Communications by Members of the Public** - *None*
7. **Staff / City Council Comments**

*City Manager Goldstein shared a brief update on sandbag availability and storm preparations.*

*Council Member Brooks shared that Capitola received a Grade A rating from the California State of Tobacco Control.*

*Mayor Keiser shared that the new Capitola Museum exhibit will open on March 18th at 11:30 AM.*
8. **Consent Items**
  - A. Consider and Approve 2/23/2023 & 3/1/2023 City Council Meeting Minutes

- B. Capitola Bar & Grill Entertainment Permit Administrative Appeal  
Recommended Action: Set the hearing date and time for the Capitola Bar & Grill administrative appeal for April 13, 2023, at 6:00 PM.
- C. Beach House Rentals, LLC Transient Occupancy Tax Administrative Appeal  
Recommended Action: Set the hearing date and time for the Beach House Rentals, LLC appeal for May 25, 2023, at 6:00 PM.
- D. Ordinance Amending Capitola Municipal Code Sections 8.04.020 and 8.04.080  
Recommended Action: Adopt an ordinance of the City of Capitola amending Capitola Municipal Code Sections 8.04.020 and 8.04.080 regarding the storage of waste collection containers.
- E. Termination of Local Emergency  
Recommended Action: Adopt a resolution terminating the Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus (“COVID-19”).

***Mayor Keiser pulled Item 8B from the Consent Calendar.***

***Motion to approve Items 8A, 8C, 8D, and 8E: Council Member Brooks***

***Seconded: Council Member Clarke***

***Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser***

***Motion to approve Item 8B: Council Member Brooks***

***Seconded: Clarke***

***Voting Yea: Council Members Brooks, Clarke, Pedersen, and Vice Mayor Brown***

***Abstaining: Mayor Keiser***

## **9. General Government / Public Hearings**

- A. Consider Changes to Administrative Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property  
Recommended Action: Approve changes to policy.

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

***Council Member discussion included clarification regarding the best practice for Council Member sponsorship, non-governmental flag approval and denial.***

***Public Comments: None***

***Motion to approve the changes listed in Option 2 with added language regarding***

***Council Member sponsorship procedure: Council Member Clarke***

***Seconded: Vice Mayor Brown***

***Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser***

- B. Fiscal Year 2023-2024 Federal Funding Requests

Recommended Action: Consider requests for Fiscal Year 2023-24 Federal Funding.

***Public Works Director Kahn presented the staff report.***

***Public Comments: None***

***Motion to direct staff to apply for three federal funding sources for three projects: Vice Mayor Brown***

***Seconded: Council Member Brooks***

***Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser***

- C. City Council Orientation Presentation

Recommended Action: Receive presentation and provide feedback regarding potential Administrative Policy updates.

***City Manager Goldstein, City Attorney Zutler, City Clerk Moss, and Assistant to the City Manager Woodmansee presented the staff report.***

***Council Member discussion included guidance for a new Administrative Policy regarding City Council training and travel.***

**10. Adjournment** - *Adjourned at 7:49 PM to a special meeting on March 16, 2023, at 6:00 PM.*

**ATTEST:**

\_\_\_\_\_  
Margaux Keiser, Mayor

\_\_\_\_\_  
Julia Moss, City Clerk

# City of Capitola

## Joint City Council and Planning Commission Workshop Minutes

### Thursday, March 16, 2023 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Margaux Keiser

**Vice Mayor:** Kristen Brown

**Council Members:** Yvette Brooks, Joe Clarke, Alexander Pedersen

#### Special Joint Meeting of the Capitola City Council and Planning Commission – 6 PM

### 1. Roll Call and Pledge of Allegiance

*Meeting called to order at 6:01 PM. In attendance: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser. Also in attendance: Commissioners Estey, Jensen, Wilk, Christiansen, and Chair Westman.*

### 2. Additions and Deletions to the Agenda – None

### 3. Additional Materials

A. Correspondence Received - Item 5A

### 4. Oral Communications by Members of the Public

*John Hakin, resident, spoke about Cabrillo Mobile Home Estates Park.*

*Laura Tucker, resident, spoke about Cabrillo Mobile Home Estates Park.*

*Dianne Deligle, resident, spoke about Cabrillo Mobile Home Estates Park.*

*Marilyn Chop, resident, spoke about Cabrillo Mobile Home Estates Park.*

*Anthony Kresge, Reef Dog Deli owner, spoke about the parklet outdoor dining program.*

*Council Member Brooks asked staff to bring an item back to Council regarding the Cabrillo Mobile Home Estates Park and requested staff to work with Reef Dog Deli regarding their parklet extension request.*

### 5. General Government / Public Hearings

A. Citywide Housing Element Work Session

Recommended Action: Receive a presentation regarding the Housing Element Update and Sites Inventory.

**Community Development Director Herlihy and consultants Veronica Tam and Bret Stinson presented the staff report.**

**The following members of the public provided feedback on the presented map:**

**Laura Tucker, resident      Kalisha Webster, Housing Choices      John Mulry, resident**

**Ralph, resident      Jane Barr, resident**

***Planning Commission and City Council comments included a discussion of density, requirement and timing of a zoning update, trends in ADU development, development of the Capitola Mall, suggestions for evaluation of specific sites, and potential consequences for noncompliance with the Housing Element.***

**6. Adjournment** – *The meeting was adjourned at 8:23 PM to the next regularly scheduled meeting of the City Council on March 23, 2023, at 6:00 PM.*

**ATTEST:**

\_\_\_\_\_  
Margaux Keiser, Mayor

\_\_\_\_\_  
Julia Moss, City Clerk

# Capitola City Council

## Agenda Report

**Meeting:** March 23, 2023

**From:** Finance Department

**Subject:** Approval of City Check Registers Dated February 17, 2023, and March 3, 2023



Recommended Action: Approve check registers.

<b>Account: City Main</b>				
Date	Starting Check #	Ending Check #	Payment Count	Amount
2/17/2023	102691	102788	103	\$ 361,379.88
3/3/2023	102789	102900	119	\$ 643,495.33

The main account check register dated February 3, 2023, ended with check #102690.

<b>Account: Payroll</b>				
Date	Starting Check/EFT #	Ending Check/EFT #	Payment Count	Amount
2/17/2023	21358	21453	96	\$ 175,122.04
3/3/2023	21454	21544	91	\$ 181,310.12

The payroll account check register dated February 3, 2023, ended with EFT #21357.

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

Check/EFT	Issued to	Dept	Description	Amount
102697	American Traffic Solutions Inc	PW	1 <sup>st</sup> half of FY22/23 red light revenue	\$ 10,247.70
102706	Burke Williams and Sorensen LLP	CM	November & December legal services	\$ 29,889.80
102720	Emergency Vehicle Specialists Inc	PD	Cradlepoint installations	\$ 10,469.70
102727	Greenwaste Recovery Inc	PW	Storm cleanup, disposal charge, haul charge	\$ 35,074.51
102747	Moffatt and Nichol	PW	Wharf design, permit, construction support	\$ 10,392.00
102748	Motorola Solutions Inc	PD	Remote speaker microphones, radios, chargers	\$ 31,422.71
102751	Pacific Gas & Electric	PW	February utilities	\$ 18,430.26
1482	CalPERS Member Services Division	CM	PERS contributions PPE 2/4/23	\$ 54,493.58
1484	Internal Revenue Service	CM	Federal taxes & Medicare PPE 2/4/23	\$ 31,388.94

102789	Santa Cruz County Bank	Fin	Pacific Cove financing lease	\$ 82,532.87
102799	Bear Electrical Solutions Inc	PW	41 <sup>st</sup> & Cliff pedestrian polara solar install, 41 <sup>st</sup> & Reposa pedestrian telespar pole install, January traffic signal maintenance	\$ 23,566.50
102803	Burke Williams and Sorensen LLP	CM	January legal services	\$ 30,072.48
102805	California Grey Bears Inc	CDD	CDBG health food program grant	\$ 13,741.44
102837	McKim Corporation	PW	Clares St traffic calming	\$ 136,955.83
102870	Visit Santa Cruz County	Fin	October – December TMD	\$ 57,930.64
102872	Wells Fargo Bank	Fin	January credit card charges	\$ 54,846.79
1487	CalPERS Health Insurance	CM	March health insurance	\$ 63,630.06
1488	CalPERS Member Services Division	CM	PERS contributions PPE 2/18/23	\$ 54,714.88
1490	Internal Revenue Service	CM	Federal taxes & Medicare PPE 2/18/23	\$32,733.93

Attachments:

1. 2-17-23 Check Register
2. 3-3-23 Check Register

Report Prepared By: Leda Laidlaw-Hunter, Accountant I

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

Approved By: Jamie Goldstein, City Manager

City main account checks dated February 17, 2023, numbered 102691 to 102788 totaling \$257,789.00, 5 EFTs totaling \$103,590.88, and 96 payroll EFTs totaling \$176,122.04, for a grand total of \$537,501.92, have been reviewed and authorized for distribution by the City Manager.

As of February 17, 2023, the unaudited cash balance is \$6,277,984.19.

**CASH POSITION - CITY OF CAPITOLA**  
**February 17, 2023**

	<u>2/17/2023</u>
General Fund	\$ (1,032,418.31)
Payroll Payables	\$ 44,836.07
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ 3,410,994.15
Stores Fund	\$ 64,104.45
Information Technology Fund	\$ 290,704.93
Equipment Replacement	\$ 1,049,939.60
Self-Insurance Liability Fund	\$ (306,423.80)
Workers' Comp. Ins. Fund	\$ 151,301.29
Compensated Absences Fund	\$ 110,886.06
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b><u><u>\$ 6,277,984.19</u></u></b>

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

 _____ Jamie Goldstein, City Manager	2/23/23 Date
 _____ Jim Malberg, City Treasurer	2/21/23 Date



# City Checks Issued February 17, 2023

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102691	02/17/2023			ACE PORTABLE SERVICES	\$1,391.52
	Invoice	Date	Description		Amount
	I1963	02/18/2023	General supplies for concert		\$1,391.52
102692	02/17/2023			ADT SECURITY SERVICES INC.	\$243.22
	Invoice	Date	Description		Amount
	ADT012923	01/29/2023	Corp. yard & museum ADT monitoring		\$243.22
102693	02/17/2023			ALBERTO GONZALEZ	\$1,918.35
	Invoice	Date	Description		Amount
	AG011423	01/14/2023	Intermediate crash investigation training		\$1,918.35
102694	02/17/2023			ALLIED UNIVERSAL	\$474.28
	Invoice	Date	Description		Amount
	13761301	02/02/2023	February 2023 Jade Street Park Foot Patrol		\$474.28
102695	02/17/2023			ALLSAFE LOCK COMPANY	\$3.27
	Invoice	Date	Description		Amount
	54087	01/17/2023	Keys		\$3.27
102696	02/17/2023			AMAZON CAPITAL SERVICES	\$671.97
	Invoice	Date	Description		Amount
	1G94-JFQW-1L\	02/01/2023	Wristbands, raffle tickets		\$47.66
	164L-X731-6L1C	02/07/2023	Toys, elastic bracelets, house set, cookie cutters, erasers		\$284.24
	1GGY-Y1TQ-M7	01/22/2023	Office Chairs and Bifold License Holder		\$218.60
	1FFM-VFRM-13,	02/01/2023	Logitech webcam		\$27.24
	1LGH-W4JT-DH,	02/09/2023	Lanyards with ID holder		\$21.24
	1MH1-9CKC-D1	02/09/2023	3 pack i-phone chargers		\$21.77
	1D1R-VMTY-6J6	02/09/2023	High Visibility Vests		\$51.22
			1000 - General Fund	\$622.96	
			2211 - ISF - Information Technology	\$49.01	
102697	02/17/2023			AMERICAN TRAFFIC SOLUTIONS INC.	\$10,247.70
	Invoice	Date	Description		Amount
	INV0048999	01/31/2023	1st Half of FY22/23 Red Light Revenue		\$10,247.70
102698	02/17/2023			APTOS LANDSCAPE SUPPLY INC.	\$268.13
	Invoice	Date	Description		Amount
	597074	02/07/2023	Champagne fines, tamper, dirt		\$177.66
	597087	02/07/2023	Champagne fines		\$90.47
102699	02/17/2023			AT&T	\$9.40
	Invoice	Date	Description		Amount
	ATT020123	02/01/2023	February long distance charges		\$9.40
			1000 - General Fund	\$4.63	
			2211 - ISF - Information Technology	\$4.77	

## City Checks Issued February 17, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102700	02/17/2023			AT&T/CALNET 3	\$246.12
	Invoice	Date	Description		Amount
	000019506518	02/13/2023	February telephone service		\$246.12
			1000 - General Fund	\$187.56	
			2211 - ISF - Information Technology	\$58.56	
102701	02/17/2023			AT&T/CALNET 3	\$1,205.24
	Invoice	Date	Description		Amount
	000019507186	02/13/2023	February T-1 access		\$1,205.24
102702	02/17/2023			AXON ENTERPRISE INC.	\$2,171.94
	Invoice	Date	Description		Amount
	INUS130473	01/12/2023	Smart Cartridge and Standard Battery		\$294.74
	INUS131073	01/15/2023	515 Replacement Taser and Tactical Battery		\$1,877.20
			1000 - General Fund	\$294.74	
			1300 - SLESF - Supl Law Enfc	\$1,877.20	
102703	02/17/2023			BECKY ADAMS	\$185.90
	Invoice	Date	Description		Amount
	BA021223	02/12/2023	Instructor payment		\$185.90
102704	02/17/2023			BELLOWS PLUMBING HEATING & AIR	\$747.00
	Invoice	Date	Description		Amount
	170985	12/28/2022	Hydrojetting drain cleaning set		\$747.00
102705	02/17/2023			BROWNELLS INC.	\$871.38
	Invoice	Date	Description		Amount
	2023410009360	01/05/2023	Night Sight Set, Red Dot Sight, Gas Control		\$871.38
102706	02/17/2023			BURKE WILLIAMS AND SORENSEN LLP	\$29,889.80
	Invoice	Date	Description		Amount
	296580	01/31/2023	December Code Enforcement		\$442.50
	296584	01/31/2023	December litigation		\$590.00
	296581	01/31/2023	December planning legal services		\$3,213.00
	296582	01/31/2023	December BHR lawsuit		\$973.50
	296583	01/31/2023	December Fee issues		\$59.00
	296579	01/31/2023	December city attorney services		\$9,611.75
	296578	01/31/2023	December labor & employment legal services		\$810.00
	295232	12/29/2022	November labor and employment legal services		\$755.80
	295233	12/29/2022	November city attorney services		\$11,668.75
	295234	12/29/2022	November planning legal services		\$1,323.00
	295235	12/29/2022	November BHR lawsuit		\$442.50
102707	02/17/2023			CA DEPARTMENT OF JUSTICE	\$98.00
	Invoice	Date	Description		Amount
	634605	02/03/2023	January Recreation fingerprinting		\$49.00
	616261	11/03/2022	Recreation fingerprinting (Past due)		\$49.00

## City Checks Issued February 17, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102708	02/17/2023			CALIFORNIA COAST UNIFORM COMPANY	\$3,627.00
	Invoice	Date	Description		Amount
	9902	12/22/2022	Uniforms		\$3,235.83
	9956	12/15/2022	565 Tailoring Charges		\$10.00
	10004	01/16/2023	Baseball Caps		\$65.24
	10005	01/16/2023	531 Uniform Shirts		\$195.00
	10006	01/16/2023	526 Tailoring Charges		\$20.00
	10007	01/16/2023	528 Tailoring Charges		\$25.00
	10024	01/15/2023	513 Name Tag		\$60.93
	10025	01/15/2023	527 Tailoring Charges		\$15.00
			1000 - General Fund	\$391.17	
			1300 - SLESF - Supl Law Enfc	\$3,235.83	
102709	02/17/2023			CALIFORNIA PARK AND RECREATION SOC	\$550.00
	Invoice	Date	Description		Amount
	CPRS012023	01/20/2023	Recreation member dues		\$550.00
102710	02/17/2023			CAPITOLA PEACE OFFICERS ASSOCIATIO	\$953.00
	Invoice	Date	Description		Amount
	POA021023	02/10/2023	POA & gym dues PPE 2/4/23		\$953.00
			1001 - Payroll Payables		
102711	02/17/2023			CARIN HANNA	\$3,114.09
	Invoice	Date	Description		Amount
	CH020223	02/02/2023	BIA storage, mailchimp, website, events		\$3,114.09
			1321 - BIA - Capitola Village-Wharf BIA		
102712	02/17/2023			CLEAN BUILDING MAINTENANCE CO.	\$5,456.92
	Invoice	Date	Description		Amount
	31574	01/31/2023	January janitorial services		\$5,456.92
102713	02/17/2023			COAST LOCK & SAFE INC.	\$10.60
	Invoice	Date	Description		Amount
	026692	02/14/2023	Keys		\$10.60
102714	02/17/2023			COMMUNITY TELEVISION OF SANTA CRUZ	\$621.50
	Invoice	Date	Description		Amount
	3213	01/31/2023	December televised meetings		\$621.50
102715	02/17/2023			CRYSTAL SPRINGS WATER CO.	\$235.00
	Invoice	Date	Description		Amount
	CSW013123	01/31/2023	Monthly drinking water		\$235.00
102716	02/17/2023			CSG Consultants Inc.	\$163.50
	Invoice	Date	Description		Amount
	B222237	01/03/2023	December building plan review services		\$163.50

## City Checks Issued February 17, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102717	02/17/2023			D & G SANITATION	\$605.73
	Invoice	Date	Description		Amount
	296269	01/31/2023	Skate park hand wash station, portable toilets		\$605.73
102718	02/17/2023			DAVID SCOTT COBABE	\$1,357.20
	Invoice	Date	Description		Amount
	DC021223	02/12/2023	Instructor payment		\$1,357.20
102719	02/17/2023			DOUG HOFKINS	\$280.00
	Invoice	Date	Description		Amount
	28	01/20/2023	Surfing magician for concert		\$280.00
102720	02/17/2023			EMERGENCY VEHICLE SPECIALISTS INC.	\$10,469.70
	Invoice	Date	Description		Amount
	14651	01/30/2023	161 Cradlepoint Installation		\$1,163.30
	14652	01/30/2023	162 Cradlepoint Installation		\$1,163.30
	14661	01/31/2023	181 Cradlepoint Installation		\$1,163.30
	14663	02/01/2023	211 Cradlepoint Installation		\$1,163.30
	14666	02/02/2023	212 Cradlepoint Installation		\$1,163.30
	14667	02/02/2023	201 Cradlepoint Installation		\$1,163.30
	14673	02/03/2023	182 Cradlepoint Installation		\$1,163.30
	14675	02/07/2023	173 Cradlepoint Installation		\$1,163.30
	14679	02/07/2023	172 Cradlepoint Installation		\$1,163.30
			1300 - SLESF - Supl Law Enfc		
102721	02/17/2023			Eric Martin	\$193.83
	Invoice	Date	Description		Amount
	EM010523	01/05/2023	Storm damage inspections + overnight stay in Capitola		\$193.83
102722	02/17/2023			EWING IRRIGATION	\$250.49
	Invoice	Date	Description		Amount
	18580007	01/23/2023	Roundup pesticide		\$250.49
102723	02/17/2023			FLYERS ENERGY LLC	\$6,528.96
	Invoice	Date	Description		Amount
	23-745497	02/02/2023	840 gallons gasoline		\$3,965.45
	23-745496	02/02/2023	80 gallons diesel		\$421.68
	23-751134	02/09/2023	452 gallons gasoline		\$2,141.83
102724	02/17/2023			GARDAWORLD	\$368.21
	Invoice	Date	Description		Amount
	10726985	02/01/2023	February 2023 Armored Transportation Service		\$368.21
102725	02/17/2023			GINA ENRIQUEZ	\$3,356.08
	Invoice	Date	Description		Amount
	GE020523	02/05/2023	Instructor payment		\$3,356.08

# City Checks Issued February 17, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102726	02/17/2023			GOVERNMENT TRAINING AGENCY	\$950.00
	Invoice	Date	Description		Amount
	65351	01/18/2023	513 Traffic Collision Reconstruction Training		\$950.00
102727	02/17/2023			GREENWASTE RECOVERY INC	\$35,074.51
	Invoice	Date	Description		Amount
	0006619853	02/01/2023	Storm cleanup, disposal charge, haul charge		\$35,074.51
102728	02/17/2023			HINDERLITER DELLAMAS AND ASSOCIATE	\$1,250.00
	Invoice	Date	Description		Amount
	SIN025045	12/31/2022	DEC TOT and STR admin fees		\$1,250.00
102729	02/17/2023			HOME DEPOT CREDIT SERVICES	\$3,372.03
	Invoice	Date	Description		Amount
	9520642	02/02/2023	Cable wheel, wire brush, gloves, loctite pl premium		\$73.49
	9613231	01/23/2023	Repair Kit, Cap assembly, regular duty bracket		\$93.84
	2634503	01/30/2023	Yellow pine, respirator, gloves, quick strip, safety glass		\$156.98
	3012724	01/19/2023	Guardrail		\$39.27
	5014781	02/06/2023	Spray paint, 20 volt max battery		\$291.55
	6013613	01/26/2023	Lumber		\$48.27
	8061661	01/24/2023	Flex couplings		\$26.06
	2520152	01/30/2023	Sleeve anchor, flap disc, drill screws		\$93.51
	5521211	02/06/2023	Steel stake, sleeve anchor		\$57.30
	7013433	01/25/2023	Caster, lag screw, mtl cut, flap disc		\$169.31
	4034272	02/07/2023	Homer bucket, lumber, fence post,		\$48.43
	7523157	01/15/2023	Leaf rake, glass cutter		\$39.38
	8611940	01/14/2023	Ultra bright led lights		\$10.77
	8613343	01/24/2023	Sleeve anchor, masonry drill		\$56.90
	3012725	01/19/2023	Scaffold, adhesive		\$79.52
	5621912	02/06/2023	Multi purpose tool, silicone, amps, wipes, disinfectant		\$66.75
	5515602	01/27/2023	Panels, flex sealant, beanie, flange, paint		\$589.26
	8512437	01/04/2023	Utility knife, tape		\$54.35
	8520794	02/03/2023	Bristle, masking paper, brush, clear tape, flex sealant		\$71.55
	8013305	01/24/2023	Lumber, trap adapter, cover raised		\$225.38
	0014317	02/01/2023	Bucket, mixing container, super nozzle, bowl, paint mixer		\$195.86
	2634474	01/30/2023	Epoxy, nozzle, patcher, sand, mirror		\$422.49
	5031308	01/17/2023	Pain cup, density block, staples, brt strt fin, nails		\$148.53
	8640996	01/04/2023	Husky cutter, tube cutter, flex sealant, abs coupling		\$66.84
	7522451	02/14/2023	Trash can		\$93.67
	0614628	02/01/2023	Adhesive		\$30.48
	1511073	02/10/2023	White paper towels		\$70.81
	0014265	02/01/2023	Tip extension		\$51.48
102730	02/17/2023			HUMBOLDT PETROLEUM LLC	\$51.00
	Invoice	Date	Description		Amount
	INV-067828	01/31/2023	Carwash Closing Date 1/31/2023		\$51.00

# City Checks Issued February 17, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102731	02/17/2023			INTERNAL REVENUE SERVICE	\$353.27
	Invoice	Date	Description	Amount	
	CP220	02/06/2023	Penalty & interest	\$353.27	
102732	02/17/2023			INTERNATIONAL BRONZE PLAQUE COMP/	\$195.00
	Invoice	Date	Description	Amount	
	71263	02/08/2023	Memorial plaque	\$195.00	
102733	02/17/2023			JEANI MITCHELL	\$66.69
	Invoice	Date	Description	Amount	
	JM020523	02/05/2023	Instructor payment	\$66.69	
102734	02/17/2023			KATHLEEN BROWN	\$234.00
	Invoice	Date	Description	Amount	
	KB021223	02/12/2023	Instructor payment	\$234.00	
102735	02/17/2023			KATHLEEN SIMPSON	\$77.36
	Invoice	Date	Description	Amount	
	KS020523	02/05/2023	Instructor payment	\$77.36	
102736	02/17/2023			KBA Document Solutions LLC	\$47.59
	Invoice	Date	Description	Amount	
	55Y1342015	02/01/2023	City Hall copier usage 2211 - ISF - Information Technology	\$47.59	
102737	02/17/2023			KIMLEY HORN AND ASSOCIATES INC	\$1,920.00
	Invoice	Date	Description	Amount	
	097763139-1022	10/31/2022	Park Ave traffic calming 1200 - Capital Improvement Fund	\$1,920.00	
102738	02/17/2023			LABORMAX STAFFING	\$1,085.22
	Invoice	Date	Description	Amount	
	26-281041	02/10/2023	2/7-2/10 seasonal labor	\$1,085.22	
102739	02/17/2023			LC ACTION POLICE SUPPLY LTD	\$202.69
	Invoice	Date	Description	Amount	
	447963	01/18/2023	Red Dot Holster	\$202.69	
102740	02/17/2023			LEAGUE OF CALIFORNIA CITIES	\$300.00
	Invoice	Date	Description	Amount	
	8309	02/06/2023	2023 Monterey Bay Division membership dues	\$300.00	
102741	02/17/2023			LLOYD'S TIRE AND AUTO	\$35.00
	Invoice	Date	Description	Amount	
	212090	09/19/2022	Tire service	\$35.00	

# City Checks Issued February 17, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102742	02/17/2023			MASTER CLEANERS	\$1,002.26
	Invoice	Date	Description		Amount
	MC020423	02/04/2023	January 2023 Uniform Cleaning		\$1,002.26
102743	02/17/2023			MBS BUSINESS SYSTEMS	\$488.50
	Invoice	Date	Description		Amount
	440795	01/31/2023	Copier Rate Charge for 11/1/22 - 1/31/23		\$488.50
102744	02/17/2023			MICHAEL G LEW	\$81.12
	Invoice	Date	Description		Amount
	ML021223	02/12/2023	Instructor payment		\$81.12
102745	02/17/2023			MIRACLE PLAYSYSTEMS INC.	\$2,883.77
	Invoice	Date	Description		Amount
	F2023-0102	02/13/2023	Mogul Slide		\$2,883.77
102746	02/17/2023			MISSION LINEN SUPPLY	\$233.49
	Invoice	Date	Description		Amount
	518658829	02/01/2023	Fleet towels, uniform cleaning		\$34.50
	518670755	01/27/2023	Fleet towels, uniform cleaning		\$20.00
	518683319	02/06/2023	Community Center mop and mat service		\$75.00
	518658830	02/01/2023	Corp. Yard linen service		\$103.99
102747	02/17/2023			MOFFATT AND NICHOL	\$10,392.00
	Invoice	Date	Description		Amount
	00774852	12/13/2022	Wharf design, permit, construction support 1200 - Capital Improvement Fund		\$10,392.00
102748	02/17/2023			MOTOROLA SOLUTIONS INC.	\$31,422.71
	Invoice	Date	Description		Amount
	8281537499	01/03/2023	Chargers		\$591.35
	8281541838	01/05/2023	Radios		\$30,085.60
	8281559483	01/26/2023	Remote Speaker Microphones		\$745.76
			1300 - SLESF - Supl Law Enfc	\$591.35	
			2212 - ISF - Equipment Replacement	\$30,831.36	
102749	02/17/2023			O'REILLY AUTO PARTS	\$30.03
	Invoice	Date	Description		Amount
	2763-334022	01/31/2023	O2 Sensor		\$30.03
102750	02/17/2023			OUTDOOR SUPPLY HARDWARE	\$288.43
	Invoice	Date	Description		Amount
	G88205	01/31/2023	Hex sleeve, tip cleaner, mini brush		\$64.28
	G88352	01/31/2023	Threadlocker, bulk fastener		\$24.10
	G86130	01/27/2023	Bulk Fasteners		\$10.99
	G88162	01/31/2023	Paint, concrete, muriatic acid		\$71.95
	G91039	02/06/2023	Scrub Sponge, dish detergent		\$14.91
	G94885	02/14/2023	Extension cord		\$82.61
	G86108	01/27/2023	Cactus, succulent 9cm		\$19.59

## City Checks Issued February 17, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102751	02/17/2023			PACIFIC GAS & ELECTRIC	\$18,430.26
	Invoice	Date	Description	Amount	
	PGE020923-accl	02/09/2023	Wharf Road Rispin Mansion utilities	\$10.44	
	PGE021223-accl	02/07/2023	Pacific Cove parking lot utilities	\$1,218.85	
	PGE021223-accl	02/12/2023	February utilities	\$17,200.97	
			1000 - General Fund	\$11,304.36	
			1300 - SLESF - Supl Law Enfc	\$110.79	
			1310 - Gas Tax	\$6,768.50	
			1311 - Wharf	\$246.61	
102752	02/17/2023			PALACE BUSINESS SOLUTIONS	\$885.52
	Invoice	Date	Description	Amount	
	661666-2	11/01/2022	Organizer tray	\$6.53	
	667938-0	01/03/2023	Paper, pens, white board, erasers, cord	\$101.41	
	668420-0	01/10/2023	Plastic filers, quicknotes	\$199.81	
	668433-0	01/10/2023	Clipboards, flashlight	\$103.55	
	668433-1	01/11/2023	Flashlights	\$113.01	
	670095-0	01/25/2023	Paper	\$154.76	
	669329-0	01/20/2023	Mailers	\$19.29	
	671232-0	02/02/2023	Printing Paper, Notepads, Label Maker Cartridge	\$143.37	
	671232-1	02/03/2023	Pens	\$43.79	
102753	02/17/2023			PETERSON CATERPILLAR	\$594.95
	Invoice	Date	Description	Amount	
	PC080197362	01/31/2023	Filters, sheets, strainer, element as-s	\$594.95	
102754	02/17/2023			PHOENIX GROUP INFORMATION SYSTEMS	\$3,429.37
	Invoice	Date	Description	Amount	
	122022070	01/18/2023	December 2022 Citation Processing	\$3,429.37	
102755	02/17/2023			PK SAFETY SUPPLY	\$281.84
	Invoice	Date	Description	Amount	
	466394	01/05/2023	Earplugs, respirators	\$281.84	
102756	02/17/2023			SAN LORENZO LUMBER	\$952.39
	Invoice	Date	Description	Amount	
	55-0779179	01/10/2023	Towel canister, drain cleaner, gloves	\$31.38	
	55-0785494	02/10/2023	Lumber	\$718.98	
	55-0785386	02/10/2023	Lumber, screws, concrete mix	\$202.03	
102757	02/17/2023			SANTA CRUZ COUNTY AUDITOR-CONTRO	\$8,502.00
	Invoice	Date	Description	Amount	
	SCCO013123	01/31/2023	Citation processing	\$8,502.00	
102758	02/17/2023			SANTA CRUZ MUNICIPAL UTILITIES	\$85.28
	Invoice	Date	Description	Amount	
	SCMU020623	02/03/2023	January water service for medians	\$85.28	



## City Checks Issued February 17, 2023

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102759	02/17/2023			SANTA CRUZ SENTINEL	\$756.55
	Invoice	Date	Description		Amount
	0001365071	01/31/2023	January legal ads		\$756.55
102760	02/17/2023			SECURITY CRIME PREVENTION CORP	\$1,260.80
	Invoice	Date	Description		Amount
	2974	01/30/2023	January 2023 Prisoner Watch and Standby		\$1,260.80
102761	02/17/2023			SOFTWARE ONE INC	\$4,179.84
	Invoice	Date	Description		Amount
	US-PSI-1243223	09/20/2022	Adobe Creative Renewal 2211 - ISF - Information Technology		\$4,179.84
102762	02/17/2023			SOQUEL CREEK WATER DISTRICT	\$2,952.66
	Invoice	Date	Description		Amount
	13-10919-00130:	01/30/2023	13-10919-00 2000 Wharf Road water service		\$58.01
	06-14476-00206:	02/06/2023	06-14476-00 430 Kennedy Drive water service		\$160.25
	42-14952-00206:	02/06/2023	42-14952 Cortez Park irrigation		\$155.43
	42-15297-00206:	02/06/2023	42-15297-00 426 Capitola Ave irrigation		\$149.27
	42-15969-00206:	02/06/2023	42-15969-00 Lawn Way irrigation		\$64.40
	42-16122-00206:	02/06/2023	42-16122-00 Esplanade fountain irrigation		\$66.36
	42-10504-00206:	02/06/2023	42-10504-00 Cliff Drive irrigation		\$64.40
	42-11090-00206:	02/06/2023	42-11090-01 Capitola Road irrigation		\$149.27
	42-11467-00206:	02/06/2023	42-11467-00 Jade Street park irrigation		\$750.02
	42-11517-00206:	02/06/2023	42-11517-00 41st Avenue irrigation		\$149.27
	42-14404-00206:	02/06/2023	42-14404-00 Monterey Ave. Nobel Gulch Park irrigation		\$64.40
	42-16130-00206:	02/06/2023	42-16130-00 Wharf Road irrigation		\$64.40
	42-16136-00206:	02/06/2023	42-16136-00 1400 Wharf Road irrigation		\$131.27
	42-16407-00206:	02/06/2023	42-16407-00 Bay Ave. irrigation		\$64.40
	42-14431-00206:	02/06/2023	42-14431-00 Monterey Ave irrigation		\$732.71
	42-17688-00206:	02/06/2023	42-17688-00 Lawn Way irrigation 2		\$64.40
	42-18238-00206:	02/06/2023	42-18238-00 Capitola Road irrigation		\$64.40
			1000 - General Fund	\$2,821.39	
			1311 - Wharf	\$131.27	
102763	02/17/2023			SPECTRUM BUSINESS	\$3,899.71
	Invoice	Date	Description		Amount
	0000178020123	02/01/2023	February internet service		\$3,899.71
			1000 - General Fund	\$1,712.78	
			2211 - ISF - Information Technology	\$2,186.93	
102764	02/17/2023			TECHKNOWLEDGE GROUP	\$678.00
	Invoice	Date	Description		Amount
	1308v2	02/06/2023	Message archiver 2211 - ISF - Information Technology		\$678.00

## City Checks Issued February 17, 2023

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102765	02/17/2023			THE HOME DEPOT PRO	\$861.42
	Invoice	Date	Description		Amount
	728411844	01/26/2023	Batteries		\$53.54
	728485004	01/27/2023	Industrial paper wipes		\$552.18
	727464091	01/20/2023	Gloves		\$107.80
	727547242	01/23/2023	Bathroom supplies		\$147.90
102766	02/17/2023			THIRD DEGREE COMMUNICATIONS INC.	\$595.00
	Invoice	Date	Description		Amount
	11915	11/25/2022	526 Interview & Interrogation Training		\$595.00
102767	02/17/2023			TODD HANSON	\$2,668.00
	Invoice	Date	Description		Amount
	00027	02/01/2023	Monthly BIA marketing, website management, media boo: 1321 - BIA - Capitola Village-Wharf BIA		\$2,668.00
102768	02/17/2023			UPS	\$19.05
	Invoice	Date	Description		Amount
	0000954791043	01/28/2023	PD Shipping Costs		\$3.00
	0000954791422	10/15/2022	PD Shipping Costs		\$2.15
	0000954791432	10/22/2022	PD Shipping Costs		\$2.15
	0000954791462	11/12/2022	PD Shipping Costs		\$11.75
102769	02/17/2023			US BANK EQUIPMENT FINANCE	\$455.61
	Invoice	Date	Description		Amount
	493594352	02/04/2023	City Hall & Recreation copier leases 1000 - General Fund 2210 - ISF - Stores Fund	\$54.51 \$401.10	\$455.61
102770	02/17/2023			US BANK EQUIPMENT FINANCE	\$303.30
	Invoice	Date	Description		Amount
	493594758	02/04/2023	PD copier lease		\$303.30
102771	02/17/2023			US BANK EQUIPMENT FINANCE	\$315.01
	Invoice	Date	Description		Amount
	493030472	01/29/2023	City Hall Copier Lease 2210 - ISF - Stores Fund		\$315.01
102772	02/17/2023			US BANK PARS Acct 6746022400	\$555.78
	Invoice	Date	Description		Amount
	PARS021023	02/10/2023	PARS contributions PPE 2/4/23 1001 - Payroll Payables		\$555.78
102773	02/17/2023			VERIZON WIRELESS	\$2,935.98
	Invoice	Date	Description		Amount
	9927393453	02/10/2023	February telephone charges		\$2,935.98

# City Checks Issued February 17, 2023

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102774	02/17/2023			VITAL RECORDS HOLDING LLC	\$330.27
	Invoice	Date	Description		Amount
	3302827	01/31/2023	January record storage		\$330.27
102775	02/17/2023			WITMER TYSON IMPORTS INC.	\$2,500.00
	Invoice	Date	Description		Amount
	T14795	02/07/2023	K-9 Boarding and Walking Service		\$250.00
	T14748	02/02/2023	November 2022 K-9 Maintenance Training		\$750.00
	T14775	02/07/2023	December 2022 K-9 Maintenance Training		\$750.00
	T14794	02/07/2023	January 2023 K-9 Maintenance Training		\$750.00
102776	02/17/2023			AGRI-CULTURE	\$500.00
	Invoice	Date	Description		Amount
	YB020323	02/03/2023	Yvette Brooks - Focus Ag 2023		\$500.00
102777	02/17/2023			BRITANNIA ARMS PUB & RESTAURANT, IN	\$4,249.95
	Invoice	Date	Description		Amount
	BA020223	02/02/2023	Outdoor Dining Rent Refund		\$4,249.95
102778	02/17/2023			EL TORO BRAVO, JON & KRISTIE BARON	\$375.00
	Invoice	Date	Description		Amount
	ETB020223	02/02/2023	Outdoor Dining One Month Rent Refund		\$375.00
102779	02/17/2023			ENGLISH ALES BREWERS INC., PETER BL	\$566.66
	Invoice	Date	Description		Amount
	EA020223	02/02/2023	Outdoor Dining One Month Rent Refund		\$566.66
102780	02/17/2023			Gosselin, Tami	\$96.00
	Invoice	Date	Description		Amount
	TG012323	01/23/2023	Citation # 900125865		\$96.00
102781	02/17/2023			JFS INC dba CAPITOLA BOAT & BAIT	\$204.00
	Invoice	Date	Description		Amount
	BLrefund021423	02/14/2023	2023 business license refund		\$204.00
102782	02/17/2023			Liliana Carrisoza	\$6.10
	Invoice	Date	Description		Amount
	LC013123	01/31/2023	Refund overpayment of dental & vision premiums 1001 - Payroll Payables		\$6.10
102783	02/17/2023			Ortiz-Rodriguez, Alejandro	\$277.00
	Invoice	Date	Description		Amount
	AO011823	01/18/2023	22C-01448 Vehicle Tow		\$277.00
102784	02/17/2023			Tony Lindsay	\$500.00
	Invoice	Date	Description		Amount
	2023-00000774	02/18/2023	Stipend for Beyond the Flood Benefit Concert		\$500.00

# City Checks Issued February 17, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102785	02/17/2023			WHARF HOUSE RESTAURANT	\$404.00
	Invoice	Date	Description		Amount
	BLrefund021423	02/14/2023	2023 business license refund		\$404.00
102786	02/15/2023			BEN NOBLE	\$1,920.00
	Invoice	Date	Description		Amount
	1434	12/14/2022	Prep & attend 11/3 PC mtg. prep & attend 11/10 Council r 1313 - General Plan Update and Maint		\$1,920.00
102787	02/15/2023			BEN NOBLE	\$5,160.00
	Invoice	Date	Description		Amount
	1428	11/16/2022	Zoning code clean up & Monarch Cove zone changes 1000 - General Fund \$200.00 1313 - General Plan Update and Maint \$4,960.00		\$5,160.00
102788	02/15/2023			BEN NOBLE	\$4,280.00
	Invoice	Date	Description		Amount
	1422	10/03/2022	Zoning Code clean up amendments 1313 - General Plan Update and Maint		\$4,280.00
<b>Check Totals:</b>					<b>\$257,789.00</b>
<b>EFT</b>					
1482	02/13/2023			CalPERS Member Services Division	\$54,493.58
	Invoice	Date	Description		Amount
	1002302393-8	02/10/2023	PERS contributions PPE 2/4/23 1000 - General Fund (\$0.31) 1001 - Payroll Payables \$54,493.89		\$54,493.58
1483	02/13/2023			EMPLOYMENT DEVELOPMENT DEPARTME	\$9,287.02
	Invoice	Date	Description		Amount
	0-361-699-040	02/10/2023	State taxes PPE 2/10/23 1001 - Payroll Payables		\$9,287.02
1484	02/13/2023			INTERNAL REVENUE SERVICE	\$31,388.94
	Invoice	Date	Description		Amount
	44401037284	02/10/2023	Federal taxes & Medicare PPE 2/4/23 1001 - Payroll Payables		\$31,388.94
1485	02/13/2023			STATE DISBURSEMENT UNIT	\$1,575.68
	Invoice	Date	Description		Amount
	42962375	02/10/2023	Employee garnishments PPE 2/4/22 1001 - Payroll Payables		\$1,575.68
1486	02/13/2023			VOYA FINANCIAL	\$6,845.66
	Invoice	Date	Description		Amount
	VOYA021023	02/10/2023	Employee 457 contributions PPE 2/4/23 1001 - Payroll Payables		\$6,845.66
<b>EFT Totals:</b>					<b>\$103,590.88</b>

# City Checks Issued February 17, 2023

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
<b>Main City Totals</b>				<b>Count</b>	<b>Total</b>
<b>Checks</b>				98	\$257,789.00
<b>EFTs</b>				5	\$103,590.88
<b>All</b>				103	\$361,379.88
<b>Payroll Totals</b>					
<b>Checks</b>				0	\$0.00
<b>EFTs</b>				96	\$176,122.04
<b>All</b>				96	\$176,122.04
<b>Grand Totals:</b>					
<b>Checks</b>				98	\$257,789.00
<b>EFTs</b>				101	\$279,712.92
<b>All</b>				199	\$537,501.92

City main account checks dated March 3, 2023, numbered 102789 to 102900 totaling \$474,575.31, 7 EFTs totaling \$168,920.02, and 91 payroll EFTs totaling \$181,310.12, for a grand total of \$824,805.45, have been reviewed and authorized for distribution by the City Manager.

As of March 3, 2023, the unaudited cash balance is \$6,679,164.94.

**CASH POSITION - CITY OF CAPITOLA  
March 3, 2023**

	3/3/2023
General Fund	\$ (445,972.09)
Payroll Payables	\$ 7,059.94
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ 3,273,398.32
Stores Fund	\$ 63,930.05
Information Technology Fund	\$ 280,985.82
Equipment Replacement	\$ 1,049,939.60
Self-Insurance Liability Fund	\$ (306,423.80)
Workers' Comp. Ins. Fund	\$ 151,301.29
Compensated Absences Fund	\$ 110,886.06
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b>\$ 6,679,164.94</b>

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

 Jamie Goldstein, City Manager	3/3/22 Date
 Jim Malberg, City Treasurer	3/3/23 Date

# City Checks Issued March 3, 2023

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102789	02/28/2023		02/28/2023	SANTA CRUZ COUNTY BANK	\$82,532.87
	Invoice	Date	Description		Amount
	SCCB022823	02/28/2023	Pacific Cove financing lease acct #900380400 1420 - Pac Cove Lease Financing		\$82,532.87
102790	03/03/2023			ADRIENNE HARRELL	\$652.90
	Invoice	Date	Description		Amount
	AH022623	02/26/2023	Instructor payment		\$652.90
102791	03/03/2023			AFLAC	\$1,646.36
	Invoice	Date	Description		Amount
	806388	02/24/2023	February supplemental insurance 1001 - Payroll Payables		\$1,646.36
102792	03/03/2023			AGILITY TRIBE LLC	\$754.00
	Invoice	Date	Description		Amount
	SL021923	02/19/2023	Instructor payment		\$754.00
102793	03/03/2023			ALEX FERBER	\$180.40
	Invoice	Date	Description		Amount
	AF021923	02/19/2023	Instructor payment		\$180.40
102794	03/03/2023			ALLIED UNIVERSAL	\$1,490.30
	Invoice	Date	Description		Amount
	13900636	03/02/2023	March Esplanade park foot patrol		\$525.94
	13900635	03/02/2023	March McGregor skate park foot patrol		\$490.08
	13900621	03/02/2023	March 2023 Jade Street Park Foot Patrol		\$474.28
102795	03/03/2023			ALVAREZ TECHNOLOGY GROUP INC	\$182.50
	Invoice	Date	Description		Amount
	66772	02/17/2023	March antivirus 2211 - ISF - Information Tech		\$182.50

# City Checks Issued March 3, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102796	03/03/2023			AMAZON CAPITAL SERVICES	\$1,380.62
	Invoice	Date	Description		Amount
	1D1N-DY6K-CGCH	02/15/2023	Laptop Power Adapter and Steno Notebooks		\$70.12
	139N-96RH-66TH	02/03/2023	Phone Handset Lifter and Bifold License Holder		\$64.83
	1FXX-N4G7-FKVQ	02/18/2023	Docking station for PD		\$49.04
	136D-CXRY-RYNQ	02/26/2023	Floor lamp, presentation clicker, foot rest, chocolate		\$122.70
	1VJW-FXGM-NRWN	02/26/2023	Ethernet cable		\$7.62
	16QF-6FHP-KCNH	01/22/2023	Refund TV		\$300.17
	1X4Q-NXJP-FC1K	01/26/2023	Memory card, uniform pants		\$145.22
	1R7L-64JM-NDMR	01/27/2023	Steel lawn roller		\$463.15
	1R6J-KJ63-3H9V	01/29/2023	Ground anchors receptacles, baseball anchor plug		\$70.74
	1GYG-6XT4-D93L	02/18/2023	Raffle tickets		(\$17.24)
	1PWD-37JY-3VRP	02/16/2023	Orange wristbands		(\$30.42)
	1C7T-FHKN-7K9N	02/23/2023	Craft kit, skip ball, jump rope, stickers		\$134.69
			1000 - General Fund	\$1,323.96	
			2211 - ISF - Information Tech	\$ 56.66	
102797	03/03/2023			APTOS LANDSCAPE SUPPLY INC.	\$966.83
	Invoice	Date	Description		Amount
	598191	02/22/2023	Enduro Seeds, grass seeds		\$438.18
	596389	01/27/2023	Champagne fines (5 cu yd)		\$528.65
102798	03/03/2023			AXON ENTERPRISE INC.	\$1,244.51
	Invoice	Date	Description		Amount
	INUS083249	07/01/2022	Tactical Batteries and Smart Cartridges		\$1,244.51
102799	03/03/2023			BEAR ELECTRICAL SOLUTIONS INC.	\$23,566.50
	Invoice	Date	Description		Amount
	17975	01/28/2023	January traffic signal maintenance services - routine		\$646.80
	17995	01/28/2023	Janaury traffic signal maintenance services - response		\$3,619.70
	17074	11/07/2022	41st & Reposa pedestrian telespar pole install		\$9,650.00
	17075	11/07/2022	41st & Cliff pedestrian polara solar install		\$9,650.00
			1000 - General Fund	\$19,300.00	
			1310 - Gas Tax	\$ 4,266.50	
102800	03/03/2023			BECKY ADAMS	\$191.10
	Invoice	Date	Description		Amount
	BA022623	02/26/2023	Instructor payment		\$191.10



# City Checks Issued March 3, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102801	03/03/2023			BENEFIT COORDINATORS CORP.	\$5,481.80
	Invoice	Date	Description		Amount
	BP07PW0	02/24/2023	February dental & vision insurance 1001 - Payroll Payables		\$5,481.80
102802	03/03/2023			BRANTLY SANDRETTI	\$1,000.00
	Invoice	Date	Description		Amount
	BS021523	02/28/2023	Education reimbursement - Wal		\$1,000.00
102803	03/03/2023			BURKE WILLIAMS AND SORENSEN LLP	\$30,072.48
	Invoice	Date	Description		Amount
	297560	02/24/2023	January PW legal services		\$1,296.00
	297559	02/24/2023	January planning legal services		\$9,828.00
	297561	02/24/2023	January negotiations legal services		\$985.00
	297557	02/24/2023	January city attorney services		\$16,775.48
	297556	02/24/2023	January labor and employment legal services		\$1,107.00
	297558	02/24/2023	January litigation services		\$81.00
102804	03/03/2023			CALIFORNIA COAST UNIFORM COMPANY	\$180.00
	Invoice	Date	Description		Amount
	10084	02/15/2023	527 Tailoring Charges		\$80.00
	10085	02/15/2023	565 Tailoring Charges		\$30.00
	10086	02/15/2023	528 Tailoring Charges		\$30.00
	10087	02/15/2023	534 Embroidery Charges		\$40.00
102805	03/03/2023			CALIFORNIA GREY BEARS INC.	\$13,741.44
	Invoice	Date	Description		Amount
	GBCDBG-CV1-4	12/31/2022	CDBG health food program grant 1350 - CDBG Grants		\$13,741.44
102806	03/03/2023			CAPITOLA PEACE OFFICERS ASSOCIATION	\$953.00
	Invoice	Date	Description		Amount
	POA022423	02/24/2023	POA & gym dues PPE 2/18/23 1001 - Payroll Payables		\$953.00
102807	03/03/2023			CINTAS CORPORATION	\$426.11
	Invoice	Date	Description		Amount
	5145440584	02/14/2023	First Aid Replenishment		\$426.11

# City Checks Issued March 3, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102808	03/03/2023			COMMUNITY ACTION BOARD	\$5,065.09
	Invoice	Date	Description		Amount
	CAB013023	01/30/2023	Rent Assistance 5552 - Cap Hsg Succ - Program Income		\$5,065.09
102809	03/03/2023			COMMUNITY TELEVISION OF SANTA CRUZ COL	\$1,243.00
	Invoice	Date	Description		Amount
	3225	02/23/2023	January televised meetings		\$1,243.00
102810	03/03/2023			COUNTY OF SANTA CRUZ	\$355.50
	Invoice	Date	Description		Amount
	SCC021023	02/10/2023	Antenna Replacement		\$355.50
102811	03/03/2023			CRAIG FEENEY	\$2,595.00
	Invoice	Date	Description		Amount
	153	02/02/2023	All facilities repair services		\$2,595.00
102812	03/03/2023			DEBORAH WU	\$261.32
	Invoice	Date	Description		Amount
	DW022623	02/26/2023	Instructor payment		\$261.32
102813	03/03/2023			ENTENMANN-ROVIN CO.	\$158.37
	Invoice	Date	Description		Amount
	0171278-IN	02/06/2023	500 Flat Badge		\$158.37
102814	03/03/2023			EQUITABLE	\$2,482.25
	Invoice	Date	Description		Amount
	13746169	12/12/2022	February LTD, STD, AD&D, life insurance 1001 - Payroll Payables		\$2,482.25
102815	03/03/2023			EXCEEDIO	\$8,914.95
	Invoice	Date	Description		Amount
	13687	03/01/2023	March IT services 2211 - ISF - Information Tech		\$8,914.95
102816	03/03/2023			FIRST ALARM	\$241.05
	Invoice	Date	Description		Amount
	733509	02/15/2023	Community Center quarterly intrusion system monitoring		\$241.05

## City Checks Issued March 3, 2023

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102817	03/03/2023			FLYERS ENERGY LLC	\$3,934.68
	Invoice	Date	Description		Amount
	CFS-3295916	01/15/2023	Fuel		\$272.87
	23-758754	02/17/2023	228 gallons diesel		\$1,192.70
	23-758753	02/17/2023	511 gallons gas		\$2,419.11
	23-762156	02/23/2023	50 gallons diesel		\$50.00
102818	03/03/2023			FULL CIRCLE TRAINING SOLUTIONS	\$429.00
	Invoice	Date	Description		Amount
	230081	02/22/2023	581 Standard NIBRS Training		\$429.00
102819	03/03/2023			GLASS TECH	\$1,896.89
	Invoice	Date	Description		Amount
	0141779-IN	01/30/2023	Stemless wine glasses 1321 - BIA - Capitola Village-Wharf BIA		\$1,896.89
102820	03/03/2023			GRAINGER	\$441.68
	Invoice	Date	Description		Amount
	9584955257	01/24/2023	Urinal strainers (24)		\$227.85
	9574445319	01/16/2023	Manhole cover bar (2)		\$42.45
	9570216243	01/11/2023	Pipe plug (2)		\$57.79
	9568096748	01/10/2023	Motor start capacitor (6)		\$113.59
102821	03/03/2023			HANYA FOJACO	\$414.70
	Invoice	Date	Description		Amount
	HF022623	02/26/2023	Instructor payment		\$414.70
102822	03/03/2023			HO KUK MU SUL CORPORATION	\$308.10
	Invoice	Date	Description		Amount
	HKMSC022623	02/26/2023	Instructor payment		\$308.10

# City Checks Issued March 3, 2023

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102823	03/03/2023			HOME DEPOT CREDIT SERVICES	\$1,786.97
	Invoice	Date	Description		Amount
	4522929	02/17/2023	Kellogg Patio Plus, Deckmate III, sweet broom, lumber		\$75.74
	8512912	02/23/2023	Blue tarp, garden fence, cable ties, pliers		\$265.88
	3510846	02/08/2023	Disinfectant, polish, cable		\$36.22
	5522801-1	02/16/2023	Spray gun kit, containers, steel wool, gloves, acetone, misc sup		\$191.38
	9624081	02/22/2023	Safety Glass, knife, marker, ratchet strap, square tube		\$62.50
	1511121	02/10/2023	Clamp set, steel roller, rod, grinding discs, storage boxes		\$137.91
	4220083	11/09/2022	Refund lighting supplies		(\$70.03)
	8611941	01/14/2023	Batteries		\$11.85
	8522999	01/14/2023	Headlamp		\$22.68
	8020533	01/24/2023	Steel mag bit holder, hex set, metal cutoff		\$44.59
	6624280	12/27/2022	Paint, markers, USB, duplex self-test, switch, misc supplies		\$558.89
	5632786	01/17/2023	Covers, fast set, hook		\$28.69
	4614526	12/29/2022	Lid, ptrap, mix container, abs couplings, abs cement		\$45.80
	4511560	12/29/2022	Amp wire, sealant, rust stop, knife, stud finder, misc supplies		\$112.54
	4030076	01/28/2023	Ford keys		\$8.65
	4012593	01/18/2023	Magic eraser sheets, outlet		\$64.74
	3643424	11/30/2022	Bins, magic eraser, worm clamps, storage boxes		\$74.96
	3520654	12/30/2022	Couplings, braided line		\$38.42
	9521413	01/03/2023	Wiper blades, extension cord, valve, cleaning powder, hook		\$75.56
102824	03/03/2023			HUMBOLDT PETROLEUM LLC	\$59.50
	Invoice	Date	Description		Amount
	INV-070238	02/15/2023	Carwash Closing Date 2/15/2023		\$59.50
102825	03/03/2023			INTERSTATE BATTERY SYSTEM OF SAN JOSE I	\$128.39
	Invoice	Date	Description		Amount
	120126570	02/21/2023	Car Battery		\$128.39
102826	03/03/2023			JANET RUSSELL	\$643.50
	Invoice	Date	Description		Amount
	JR022623	02/26/2023	Instructor payment		\$643.50
102827	03/03/2023			JIM MALBERG - PETTY CASH CUSTODIAN	\$372.29
	Invoice	Date	Description		Amount
	PC030123	02/28/2023	Petty cash expenses December - February		\$372.29
102828	03/03/2023			Jorge Melgoza	\$215.00
	Invoice	Date	Description		Amount
	JM022323	02/23/2023	Education reimbursement - blueprint reading class		\$215.00

## City Checks Issued March 3, 2023

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102829	03/03/2023			KBA Document Solutions LLC	\$118.75
	Invoice	Date	Description		Amount
	2023-00000808	02/23/2023	Monthly copier usage charges 2211 - ISF - Information Tech		\$118.75
102830	03/03/2023			KELLY BARRETO	\$249.11
	Invoice	Date	Description		Amount
	KB022123	02/21/2023	Benefit concert supplies reimbursement		\$249.11
102831	03/03/2023			KIMLEY HORN AND ASSOCIATES INC	\$640.00
	Invoice	Date	Description		Amount
	097763139-0123	01/31/2023	Park Ave traffic calming 1200 - Capital Improvement Fund		\$640.00
102832	03/03/2023			LABORMAX STAFFING	\$3,154.74
	Invoice	Date	Description		Amount
	26-282587	02/17/2023	Seasonal labor 2/13 - 2/17		\$1,379.66
	26-284112	02/24/2023	Public works seasonal labor 2/18-2/24		\$1,775.08
102833	03/03/2023			LAURA ALIOTO	\$1,462.50
	Invoice	Date	Description		Amount
	LA022623	02/26/2023	Instructor payment		\$1,462.50
102834	03/03/2023			LEWIS TREE SERVICE INC.	\$8,605.80
	Invoice	Date	Description		Amount
	07005-I	01/10/2023	Stockton Ave bridge crane for log jam removal		\$3,771.60
	06858-I	01/10/2023	Remove fallen Eucalyptus from Escalona Dr		\$4,170.60
	07187-I	01/24/2023	Remove failed tree at Monterey and Bay Ave		\$663.60
102835	03/03/2023			LINDE GAS & EQUIPMENT INC.	\$260.48
	Invoice	Date	Description		Amount
	34295440	02/22/2023	Acetylene rental		\$260.48
102836	03/03/2023			LIUNA PENSION FUND	\$1,075.20
	Invoice	Date	Description		Amount
	FL7325	02/24/2023	February LIUNA pension dues 1001 - Payroll Payables		\$1,075.20
102837	03/03/2023			McKim Corporation	\$136,955.83
	Invoice	Date	Description		Amount
	20969	01/27/2023	Clares St traffic calming 1200 - Capital Improvement Fund		\$136,955.83

# City Checks Issued March 3, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102838	03/03/2023			MICHELE FAIA	\$682.50
	Invoice	Date	Description		Amount
	MF022623	02/26/2023	Instructor payment		\$682.50
102839	03/03/2023			MID COUNTY AUTO SUPPLY	\$48.69
	Invoice	Date	Description		Amount
	M-2050389	02/14/2023	Serpentine Belt		(\$38.18)
	M-2050288	02/14/2023	Serpentine Belt		\$40.70
	M-2049924	02/14/2023	Air Filter, serpentine belt		\$46.17
102840	03/03/2023			MISSION LINEN SUPPLY	\$150.12
	Invoice	Date	Description		Amount
	518786744	02/22/2023	Fleet towels, uniform cleaning		\$34.50
	518745461	02/15/2023	Fleet towels, uniform cleaning		\$34.50
	518770568	02/20/2023	Community Center mop and mat service		\$81.12
102841	03/03/2023			NATIONAL LEAGUE OF CITIES	\$1,239.00
	Invoice	Date	Description		Amount
	182170	02/01/2023	Member dues		\$1,239.00
102842	03/03/2023			NIGEL BELTON	\$950.00
	Invoice	Date	Description		Amount
	2731	11/17/2022	Arborist consultation for Liquidambar tree at City Hall		\$950.00
102843	03/03/2023			NORTH BAY FORD	\$221.19
	Invoice	Date	Description		Amount
	286975	10/31/2022	Wiper motor, door scuff plate		\$221.19
102844	03/03/2023			O'REILLY AUTO PARTS	\$355.52
	Invoice	Date	Description		Amount
	2763-260509	01/31/2023	Control arm, strut assembly		\$281.23
	2763-260532	01/31/2023	Refund control arm, strut assembly		(\$281.23)
	2763-338404	02/21/2023	Distributor		\$191.83
	2763-337277	02/16/2023	Cam Sensor		\$36.57
	2763-337390	02/17/2023	Wiper blades, lights		\$127.12
102845	03/03/2023			OUTDOOR SUPPLY HARDWARE	\$126.44
	Invoice	Date	Description		Amount
	G91469	02/07/2023	Garden hoe, machete, hammer		\$65.37
	G99136	02/22/2023	Scissors, black cable tie		\$42.49
	G99130	02/22/2023	3 Bulk Fasteners		\$18.58

## City Checks Issued March 3, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102846	03/03/2023			PALACE BUSINESS SOLUTIONS	\$284.70
	Invoice	Date	Description		Amount
	670134-1	01/25/2023	Water (2 cases)		\$26.96
	670134-0	01/25/2023	Disinfectant wipes (2)		\$102.98
	673725-0	02/27/2023	Printing Paper		\$154.76
102847	03/03/2023			PARKOUR GENERATIONS SANTA CRUZ LLC	\$2,388.75
	Invoice	Date	Description		Amount
	DS022623	02/26/2023	Instructor payment		\$2,388.75
102848	03/03/2023			Paula Yoshiko Suzuki	\$338.00
	Invoice	Date	Description		Amount
	PS021923	02/19/2023	Instructor payment		\$338.00
102849	03/03/2023			PHIL ALLEGRI ELECTRIC INC.	\$9,441.69
	Invoice	Date	Description		Amount
	31783	02/15/2023	Emergency electrical work		\$9,441.69
102850	03/03/2023			PHOENIX GROUP INFORMATION SYSTEMS	\$4,242.76
	Invoice	Date	Description		Amount
	012023070	02/15/2023	January 2023 Citation Processing		\$4,242.76
102851	03/03/2023			ROYAL WHOLESALE ELECTRIC	\$880.76
	Invoice	Date	Description		Amount
	7719-1025122	01/23/2023	Safety glasses, light fixture, cond orange		\$525.67
	7719-1025045	01/19/2023	Plastic bushing, locknut, cond chase npl, heat shrink		\$31.00
	7719-1025029	01/18/2023	Led hsng, heat shmk, gloves, tape, cable tie, plier, drill bit		\$324.09
102852	03/03/2023			RRM DESIGN GROUP	\$4,885.00
	Invoice	Date	Description		Amount
	2757-01-1222	01/16/2023	Capitola Housing Element Update 1313 - General Plan Update and Maint		\$4,885.00
102853	03/03/2023			SAN LORENZO LUMBER	\$320.05
	Invoice	Date	Description		Amount
	55-0787333	02/17/2023	Lumber		\$36.82
	55-0787398	02/17/2023	Lumber		\$118.88
	55-0788108	02/22/2023	Lumber		\$79.55
	55-0782301	01/26/2023	Lumber		\$47.92
	55-0782403	01/26/2023	Lumber		\$36.88

# City Checks Issued March 3, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102854	03/03/2023			SANTA CRUZ AUTO PARTS INC.	\$636.04
	Invoice	Date	Description		Amount
	14508-462893	02/14/2023	Fuel, activator		\$636.04
102855	03/03/2023			SANTA CRUZ COUNTY INFORMATION SERVICE	\$1,327.02
	Invoice	Date	Description		Amount
	SCISD120122	02/21/2023	December 2022 Open Query Charges		\$663.51
	SCISD010123	02/21/2023	January 2023 Open Query Charges		\$663.51
102856	03/03/2023			SECURITY CONTRACTOR SERVICES, INC	\$450.00
	Invoice	Date	Description		Amount
	0308141-IN	02/17/2022	Baricade rental		\$450.00
102857	03/03/2023			SOQUEL CREEK WATER DISTRICT	\$1,289.44
	Invoice	Date	Description		Amount
	08-15299-0021323	02/13/2023	08-15299-00 Monterey Ave. water		\$156.72
	08-15562-0021323	02/13/2023	08-15562-00 Cliff and Fairview water service		\$42.34
	09-15964-0021323	02/13/2023	09-15964-00 Monterey Ave. Esplanade water		\$719.11
	10-16317-0022123	02/21/2023	10-16317-00 420 Capitola Ave. water		\$217.99
	10-16315-0022123	02/21/2023	10-16315-00 504 Beulah Dr. water		\$45.24
	10-16316-0022123	02/21/2023	10-16316-00 426 Capitola Ave. water		\$108.04
102858	03/03/2023			STAPLES ADVANTAGE	\$489.06
	Invoice	Date	Description		Amount
	3528781246	01/26/2023	Pens, Lens Cleaners, Post-Its, Tape and Paper Clips		\$105.98
	3529843277	02/03/2023	Compressed Gas Dusters and File Folders		\$67.01
	3530190175	02/08/2023	Cups, Plates, Utensils, Napkins and Laminating Pouches		\$316.07
102859	03/03/2023			SUPERIOR PRESS	\$45.39
	Invoice	Date	Description		Amount
	4647608	02/24/2023	Bank deposit slip books		\$45.39
102860	03/03/2023			T MOBILE	\$193.80
	Invoice	Date	Description		Amount
	TM022123	02/21/2023	February cell phone usage - acct # 947590665		\$193.80
102861	03/03/2023			THE HOME DEPOT PRO	\$2,712.36
	Invoice	Date	Description		Amount
	730731148	02/10/2023	Paper towels, bin liners, enzyme, cleaner		\$1,130.38
	730871605	02/10/2023	Pens, pencils, containers		\$80.05
	731802229	02/17/2023	Paper towels, cleaner, liners, toilet seat covers, toilet paper		\$1,394.13
	731934774	02/17/2023	Gloves		\$107.80



## City Checks Issued March 3, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102862	03/03/2023			THE PRINT GALLERY	\$5,371.82
	Invoice	Date	Description		Amount
	25266	01/31/2023	T-shirts for benefit concert		\$5,371.82
102863	03/03/2023			THERESA NELSON	\$214.50
	Invoice	Date	Description		Amount
	TN021923	02/19/2023	Instructor payment		\$214.50
102864	03/03/2023			TPX COMMUNICATIONS	\$1,692.77
	Invoice	Date	Description		Amount
	167416235-0	02/23/2023	February phone service		\$1,692.77
			1000 - General Fund	\$907.52	
			2211 - ISF - Information Tech	\$785.25	
102865	03/03/2023			TRANSPORTATION ALLIANCE BANK INC.	\$1,175.57
	Invoice	Date	Description		Amount
	675465	02/21/2023	Pivot rods and dirt shoes		\$1,175.57
			1310 - Gas Tax		
102866	03/03/2023			UNITED WAY OF SANTA CRUZ COUNTY	\$20.00
	Invoice	Date	Description		Amount
	UW022823	02/24/2023	February United Way contributions		\$20.00
			1001 - Payroll Payables		
102867	03/03/2023			UPEC LIUNA LOCAL 792	\$841.50
	Invoice	Date	Description		Amount
	UPEC022823	02/28/2023	February UPEC dues		\$841.50
			1001 - Payroll Payables		
102868	03/03/2023			US BANK EQUIPMENT FINANCE	\$174.40
	Invoice	Date	Description		Amount
	495095424	02/22/2023	City Hall copier lease		\$174.40
			2210 - ISF - Stores Fund		
102869	03/03/2023			US BANK PARS Acct 6746022400	\$694.72
	Invoice	Date	Description		Amount
	PARS022423	02/24/2023	PARS contributions PPE 2/18/23		\$694.72
			1001 - Payroll Payables		

# City Checks Issued March 3, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102870	03/03/2023			VISIT SANTA CRUZ COUNTY	\$57,930.64
	Invoice	Date	Description		Amount
	VSCC123122	02/27/2023	October - December TMD		\$57,930.64
102871	03/03/2023			WE ALL RIDE SANTA CRUZ	\$622.13
	Invoice	Date	Description		Amount
	4175884	02/16/2023	Battery		\$197.06
	4175652	01/25/2023	Rear tire, tire road, shop material		\$425.07
102872	03/03/2023			WELLS FARGO BANK	\$15,777.22
	Invoice	Date	Description		Amount
	WF020323	02/03/2023	January credit card charges		\$15,777.22
102873	03/03/2023			WESTERN EXTERMINATOR COMPANY	\$156.40
	Invoice	Date	Description		Amount
	31286620	02/03/2023	February City Hall rodent control		\$78.20
	31286621	02/03/2023	February turnouts rodent control		\$78.20
102874	03/03/2023			37th Parrell	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102875	03/03/2023			Alfaro	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102876	03/03/2023			Bargetto	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102877	03/03/2023			Big Basin	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102878	03/03/2023			Bolivia Wine	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00

## City Checks Issued March 3, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102879	03/03/2023			Bottle Jack	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102880	03/03/2023			Burrell School	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102881	03/03/2023			Charment	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102882	03/03/2023			CITY OF WATSONVILLE	\$250.00
	Invoice	Date	Description		Amount
	23194	02/16/2023	Inflatable attractions		\$250.00
102883	03/03/2023			Cio La Chance	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102884	03/03/2023			Devon Salter	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102885	03/03/2023			English Ale	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102886	03/03/2023			Guerrero, Tina	\$41.00
	Invoice	Date	Description		Amount
	TG021423	02/14/2023	Citation # 544124062		\$41.00

# City Checks Issued March 3, 2023

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102887	03/03/2023			Hallcrest / S.C. Scrumpy	\$400.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$400.00
102888	03/03/2023			Jimenez, Delia	\$43.00
	Invoice	Date	Description		Amount
	DJ021423	02/14/2023	Citation # 900126124		\$43.00
102889	03/03/2023			Jones, Janel	\$86.00
	Invoice	Date	Description		Amount
	JJ022223	02/22/2023	Citation # 200144963		\$86.00
102890	03/03/2023			Left Bend	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102891	03/03/2023			Moose Mountain Vinyards	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102892	03/03/2023			Naumann	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102893	03/03/2023			Otovo, Jasmine	\$72.00
	Invoice	Date	Description		Amount
	JO022223	02/22/2023	Citation # 900123658		\$72.00
102894	03/03/2023			Pelican Ranch	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102895	03/03/2023			Roudon Smith	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00

# City Checks Issued March 3, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
102896	03/03/2023			Storrs	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102897	03/03/2023			Valley Vista	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102898	03/03/2023			War Room Cellars	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102899	03/03/2023			Wargin	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
102900	03/03/2023			Wright Station	\$200.00
	Invoice	Date	Description		Amount
	SS021623	02/16/2023	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$200.00
<b>Check Totals:</b>					<b>\$474,575.31</b>
<b><u>EFT</u></b>					
1487	03/03/2023			CalPERS Health Insurance	\$63,630.06
	Invoice	Date	Description		Amount
	1002311362	03/01/2023	March health insurance		\$63,630.06
			1000 - General Fund	\$ 4,191.48	
			1001 - Payroll Payables	\$59,438.58	
1488	02/27/2023			CalPERS Member Services Division	\$54,714.88
	Invoice	Date	Description		Amount
	1002311250-4	02/24/2023	PERS contributions PPE 2/18/23		\$54,714.88
			1000 - General Fund	(\$ 0.29)	
			1001 - Payroll Payables	\$54,715.17	

# City Checks Issued March 3, 2023

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1489	02/27/2023	02/28/2023		EMPLOYMENT DEVELOPMENT DEPARTMENT	\$9,644.50
	Invoice	Date	Description		Amount
	0-271-234-784	02/24/2023	State taxes PPE 2/18/23 1001 - Payroll Payables		\$9,644.50
1490	02/27/2023	02/28/2023		INTERNAL REVENUE SERVICE	\$32,733.93
	Invoice	Date	Description		Amount
	30903702	02/24/2023	Federal taxes & Medicare PPE 2/18/23 1001 - Payroll Payables		\$32,733.93
1491	02/27/2023	02/28/2023		STATE DISBURSEMENT UNIT	\$1,176.91
	Invoice	Date	Description		Amount
	43120556	02/24/2023	Employee garnishments PPE 2/18/23 1001 - Payroll Payables		\$1,176.91
1492	02/27/2023	02/28/2023		VOYA FINANCIAL	\$6,884.74
	Invoice	Date	Description		Amount
	VOYA022423	02/24/2023	Employee 457 contributions PPE 2/18/23 1001 - Payroll Payables		\$6,884.74
1493	02/24/2023	02/28/2023		WEX HEALTH INC.	\$135.00
	Invoice	Date	Description		Amount
	0001668817-IN	01/31/2023	January COBRA and FSA admin.		\$135.00

Type EFT Totals: \$168,920.02

Main City Totals	Count	Total
Checks	112	\$474,575.31
EFTs	7	\$168,920.02
All	119	\$643,495.33

Payroll Totals	Count	Total
Checks	0	\$0.00
EFTs	91	\$181,310.12
All	91	\$181,310.12

Grand Totals:	Count	Total
Checks	112	\$474,575.31
EFTs	98	\$350,230.14
All	210	\$824,805.45

# Capitola City Council

## Agenda Report

**Meeting:** March 23, 2023

**From:** Finance Department

**Subject:** Temporary Village Parking Committee Recommendations



**Recommended Action:** Direct staff to prepare the necessary documentation to approve the Temporary Village Parking Committee recommendations.

**Background:** On April 28, 2022, the City Council approved the Temporary Village Parking Committee (TVPC) goals and made appointments to the ad hoc committee. The appointments consisted of three City residents, three Village business representatives, one member of the Finance Advisory Committee, and two members of the City Council as follows:

- Dennis Norton – City resident – Committee Chairperson
- Margaux Keiser – Vice Mayor – Vice Chairperson
- Jacques Bertrand – City Councilmember
- Anthony Guajardo – Village business representative
- Vicki Guinn – Village business representative
- Carin Hanna – Village business representative
- Molly Ording – City resident
- Peter Wilk – City resident
- Anthony Rovai – Finance Advisory Committee representative

The ad hoc committee also received staff support during its duration. City staff included:

- Andy Dally – Police Chief
- Katie Herlihy – Community Development Director
- Tracie Hernandez – Police Records Manager
- Jessica Kahn / Steve Jesberg – Public Works Director
- Jim Malberg – Finance Director

The City Council approved the following committee goals at the time of formation:

- Examine parking meter rates to determine if there should be an inflation adjustment.
- Evaluate equity between permit costs/utility for Village parking.
- Examine changes to parking program rules and rates to encourage use of Upper and Lower Beach and Village parking lots.
- Evaluate opportunities to reduce parking impacts on neighborhoods, without expanding permit zones or Coastal Commission approval of permit rules.

The TVPC did NOT review the following:

- Changes in parking meter zone areas
- Changes to permit parking program boundaries.
- Consider new parking meter areas or permit areas.

Discussion: The TVPC met seven times during the summer and fall of 2022 to review and discuss parking meter rates, parking permits, parking signage, and renaming the Upper and Lower Beach & Village Parking lots. The TVPC is making the following recommendations for City Council consideration.

- Parking Rates
  - Increase parking rates from \$1.50 per hour to \$2.00 per hour in the Village and maintain three-hour maximum.
  - Increase parking rates from \$1.00 per hour to \$2.00 per hour on Cliff Drive and maintain twelve-hour maximum.
  - Increase parking rates from \$0.50 per hour to \$1.00 per hour in the Upper and Lower Beach and Village parking lots and maintain twelve-hour maximum.
- Parking Permits
  - Add Holidays as a parking permit requirement on Fanmar/Terrace and the 300 block of San Jose Avenue (currently only restricted on weekends)
  - Transferrable permits – Capitola Hotel – increase from \$50 per year to \$365 per year, maximum of 10 permits allowable.
  - Surf & Coffee Permits – increase from \$50 per year to \$55 per year and increase number of permits from 75 to 100.
- Parking Signs
  - Replace existing signs with surfboard design to be consistent with the new sign in the Village.
  - Install parking signs (banners) over Capitola Avenue near entrance to Beach & Village parking lots as well as over parking lot entrances on Bay Avenue and Monterey/Park Avenue.
  - City staff should work with County Assessor and USPS to change parking lot address from 426 Capitola Avenue to Bay, Monterey, and Park Avenue entrance addresses to make it easier to find with online mapping applications.
  - City staff should work with Google Maps, Apple Maps, Waze, etc. to move pin when searching for parking to Bay, Monterey, and Park Avenue entrances.
- Other
  - Rename Upper and Lower Beach & Village parking lots to Capitola Beach & Village Lot #1 and Capitola Beach & Village Lot #2 and make sure signs state that it is All Day Parking.
  - City staff should explore options to notify motorists when Esplanade parking is full.

If the City Council desires to implement any of the TVPC recommendations related to parking meter rates, staff will begin the process of updating the Municipal Code and submitting for Coastal Commission certification which takes approximately six months to complete.

Fiscal Impact: Increases to the rates for parking meters and parking permits would increase revenues from those sources depending upon the amount of increase. The TVPC recommendations as presented would result in an estimated increase in revenues of \$400,000 annually.



Attachments:

1. Temporary Village Parking Committee Summary & Recommendations

Report Prepared By: Jim Malberg, Finance Director

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

Approved By: Jamie Goldstein, City Manager

## Temporary Village Parking Committee Summary and Recommendations March 23, 2023

The following report reflects the majority view of the committee members which consisted of Village residents and merchants as well as two members of the City Council and a member of the Finance Advisory Committee.

### Executive Summary

The following recommendations are made as an effort to alleviate traffic in the Village by directing visitors to the Upper and Lower Beach and Village parking lots while also maintaining a revenue source for administering the parking program.

#### Specific Recommendations:

- Parking Rates
  - ❖ Increase parking rates from \$1.50 per hour to \$2.00 per hour in the Village and maintain three-hour maximum. *(Estimated revenue increase = \$161,000)*
  - ❖ Increase parking rates from \$1.00 per hour to \$2.00 per hour on Cliff Drive and maintain twelve-hour maximum. *(Estimated revenue increase = \$97,000)*
  - ❖ Increase parking rates from \$0.50 per hour to \$1.00 per hour in the Upper and Lower Beach and Village parking lots and maintain twelve-hour maximum. *(Estimated revenue increase = \$157,000)*
- Parking Permits
  - ❖ Add Holidays as a parking permit requirement on Fanmar / Terrace and the 300 block of San Jose Avenue (currently only restricted on weekends)
  - ❖ Transferrable permits – Capitola Hotel – increase from \$50 per year to \$365 per year, maximum of 10 permits, allow additional accommodations for availability of parking spaces, and consider dedicated space in front of the hotel at same \$3,400 annual cost as outdoor dining program.
  - ❖ Surf & Coffee Permits – increase from \$50 per year to \$55 per year and increase number of permits from 75 to 100.
- Parking Signs
  - ❖ Replace existing signs with surfboard design to be consistent with the new sign in the Village.
  - ❖ Install parking signs (banners) over Capitola Ave. near entrance to Beach & Village parking lots as well as over parking lot entrances on Bay Avenue and Monterey/Park Avenue.
  - ❖ City staff should work with County Assessor and U.S.P.S. to change parking lot address from 426 Capitola Ave. to Bay, Monterey, and Park Ave. entrance addresses to make it easier to find with mapping Aps.
  - ❖ City staff should work with Google Maps, Apple Maps, Waze, etc. to move pin when searching for parking to Bay, Monterey, and Park Ave. entrances.

- Other
  - ❖ Rename Upper and Lower Beach & Village parking lots to Capitola Beach & Village Lot #1 and Capitola Beach & Village Lot #2 and make sure signs state that it is All Day Parking.
  - ❖ City staff should explore options to notify motorists when Esplanade parking is full.
- Action Items
  - ❖ Parking Committee recommendation to City Council
  - ❖ City Council Municipal Code update
  - ❖ Submit update to Coastal Commission for certification
  - ❖ Coastal Commission adoption or conditional approval
    - Coastal Commission certification is a 6-month process

### Background

On April 28, 2022, the City Council approved the Temporary Village Parking Committee (TVPC) Goals and made appointments to the committee consisting of three City residents, three Village business representatives, one member of the Finance Advisory Committee, and two members of the City Council.

### Committee Organization

The organizational meeting was held on May 31, 2022, in the Community Room. During the meeting the committee appointed a Chairperson and Vice Chairperson, adopted the meeting schedule, reviewed the workplan and goals, and reviewed parking meter areas and rates.

- Members of the TVPC consist of:
  - Dennis Norton – City resident – Committee Chairperson
  - Margaux Keiser – Vice Mayor – Vice Chairperson
  - Jacques Bertrand – City Councilmember
  - Anthony Guajardo – Village business representative
  - Vicki Guinn – Village business representative
  - Carin Hanna – Village business representative
  - Molly Ording – City resident
  - Anthony Rovai – Finance Advisory Committee representative
  - Peter Wilk – City resident
- City staff support:
  - Andy Dally – Police Chief
  - Katie Herlihy – Community Development Director
  - Tracie Hernandez – Police Records Manager
  - Jessica Kahn / Steve Jesberg – Public Works Director
  - Jim Malberg – Finance Director

The TVPC met seven times during the summer and fall. While the committee members recognized that the priorities of the residents and merchants are not always consistent, they worked together to achieve a common ground to maintain a vibrant Village attractive to residents and supportive of compatible businesses and services for residents and visitors alike.

### Committee Goals

- Examine parking meter rates to determine if there should be an inflation adjustment
- Evaluate equity between permit costs / utility for Village parking
- Examine changes to parking program rules and rates to encourage use of Upper and Lower Beach and Village parking lots
- Evaluate opportunities to reduce parking impacts on neighborhoods, without expanding permit zones or Coastal Commission approval of permit rules
- The TVPC did NOT review the following:
  - Changes in parking meter zone areas
  - Changes to permit parking program boundaries
  - Consider new parking meter areas or permit areas

### Committee Workplan

The following workplan was adopted to achieve the goals of the TVPC:

<b>Goal</b>	<b>Actions</b>
Examine parking meter rates to determine if there should be an inflation adjustment.	<ul style="list-style-type: none"> <li>• Review data regarding how parking costs have changed</li> <li>• Compare rates to other coastal cities</li> <li>• Evaluate change in CPI since last adjustment</li> <li>• Evaluate ratio of parking rates in Village to Beach and Village Parking Lots</li> </ul>
Evaluate equity between permit costs/utility for Village Parking	<ul style="list-style-type: none"> <li>• Review data regarding costs for various parking permit types, and rights associated with each</li> <li>• Compare costs to existing per space meter revenue</li> </ul>
Examine changes to parking programs rules and rates to encourage use of upper and lower Beach and	<ul style="list-style-type: none"> <li>• Examine if there are new permit variants that could be offered at low/no cost</li> <li>• Examine if other permit rates can be adjusted to encourage use of remote lots</li> </ul>

Evaluate opportunities to reduce parking impacts on neighborhoods, without expanding permit zones or Coastal Commission-approve permit rules	<ul style="list-style-type: none"> <li>Evaluate parking permit rules, that are not subject to Coastal Commission review</li> </ul>
Parking Committee will not review:	
<ol style="list-style-type: none"> <li>Changes in parking meter zone areas</li> <li>Changes permit parking program boundaries</li> <li>Consider new parking meter areas or permit areas</li> </ol>	

### Information Reviewed

The TVPC reviewed and discussed the following information:

- Coastal Commission opinion
  - Overall support
  - Coastal Plan amendment
  - Individual CDP's (permitting)
- Review of existing parking rates for coastal California cities
- Review of the rules and boundaries of the existing permit parking programs authorized in the Village and surrounding neighborhoods
- Parking meter and Permit parking historic revenue analysis
- Identify all necessary zoning and policy changes
- CEQA compliance review if necessary
- Inflation rates since last update
- Location and type of parking signage throughout City

### Observations

- The committee discussed various parking rate structures including variable rates related to peak and non-peak seasons. Also discussed were creating free parking areas or free parking seasons in the Beach & Village lots to encourage use of those parking lots. Ultimately the TVPC reached consensus that keeping the program as simple as possible would be the best approach.
- Many visitors encounter difficulties using the parking pay stations and ease of use should be a consideration when current pay stations require replacement.
- The parking permit program is working as intended with the exception of possible equity adjustments related to transferable parking permits.
- Utilizing consistent signage and increasing that signage could be instrumental in directing visitors to the Upper and Lower Beach & Village parking lots during high traffic time periods.
- Additional revenues generated could be utilized for program enhancements such as equipment upgrades and additional signage.

## Recommendations

- Parking Rates
  - ❖ Increase parking rates from \$1.50 per hour to \$2.00 per hour in the Village and maintain three-hour maximum. *(Estimated revenue increase = \$161,000)*
  - ❖ Increase parking rates from \$1.00 per hour to \$2.00 per hour on Cliff Drive and maintain twelve-hour maximum. *(Estimated revenue increase = \$97,000)*
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  - ❖ Replace existing signs with surfboard design to be consistent with the new sign in the Village.
  - ❖ Install parking signs (banners) over Capitola Ave. near entrance to Beach & Village parking lots as well as over parking lot entrances on Bay Avenue and Monterey/Park Avenue.
  - ❖ City staff should work with County Assessor and U.S.P.S. to change parking lot address from 426 Capitola Ave. to Bay, Monterey, and Park Ave. entrance addresses to make it easier to find with mapping Apps.
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- Other
  - ❖ Rename Upper and Lower Beach & Village parking lots to Capitola Beach & Village Lot #1 and Capitola Beach & Village Lot #2 and make sure signs state that it is All Day Parking.
  - ❖ City staff should explore options to notify motorists when Esplanade parking is full.

## Summary

Parking in the Village has been and will continue to be an ongoing challenge. It is important that the City Council continue to engage with residents and business owners looking for ways to continually improve the parking program. In order to maintain a vibrant Village, it is crucial that the experiences of residents, business owners, and visitors are pleasant, and parking is a critical part of that experience.

# Capitola City Council

## Agenda Report

**Meeting:** March 23, 2023

**From:** Public Works Department

**Subject:** Coastal Rail Trail Segments 10 and 11



**Recommended Action:** Receive report on the Coastal Rail Trail Segments 10 and 11 Project through the City of Capitola.

**Background:** The Santa Cruz County Regional Transportation Commission (RTC) adopted the Monterey Bay Sanctuary Scenic Trail (MBSST) Master Plan in November 2013. The Master Plan laid out an overview of the Coastal Rail Trail, a proposed 32-mile-long paved multi-use pathway for bicyclists and pedestrians along the RTC-owned Santa Cruz Branch Rail Line (SCBRL). The Master Plan divided the Coastal Rail Trail into 20 segments. The cities of Capitola, Santa Cruz, Watsonville, and County of Santa Cruz all adopted the MBSST Master Plan in 2014.

In November 2016, over two-thirds of Santa Cruz County voters approved a 1/2-cent sales tax to fund transportation projects and programs (Measure D). Seventeen percent of Measure D revenues are allocated for active transportation (development and construction of the Coastal Rail Trail and maintenance of the corridor). Over the 30-year life of the Measure, active transportation allocations are forecasted to be approximately \$178 million. However, there is insufficient Measure D revenue to fully fund the construction costs of the entire 32-mile Coastal Rail Trail. The most effective use of Measure D funds is to leverage them for larger state and federal grant opportunities.

### *County of Santa Cruz Segments 10 and 11 Project Description*

The Coastal Rail Trail Segments 10 and 11 Project is being led by the County of Santa Cruz (County) in coordination with the City of Capitola and the RTC, as the owner of the Santa Cruz Branch Rail Line right-of-way. The Segments 10 and 11 Project under development by the County is an approximately 4.5-mile ADA-accessible bicycle/pedestrian path that generally extends along the SCBRL corridor from 17th Avenue in Live Oak to State Park Drive in the Seacliff neighborhood. The Segments 10 and 11 Project is currently in the preliminary design and environmental review phase, with an Environmental Impact Report (EIR) scheduled for public review in October 2023 and certification in March 2024. Schematic plans for both an "Ultimate Trail" configuration, where the trail is constructed next to the railroad tracks, and an "Interim Trail" configuration, where the tracks are removed and the trail is constructed in the existing location of the railroad tracks as part of an optional first phase, have been developed.

Consistent with the 2016 Measure D Ordinance and the strategy to use Measure D funding to leverage state and federal grant opportunities, the County of Santa Cruz applied for, and was awarded, \$67.6 million in competitive grant funding from the California Transportation Commission (CTC) through the State Active Transportation Program (ATP) in December 2022 for Coastal Rail Trail Segments 10 and 11. With matching funds from Measure D, this funding is sufficient to fully fund the Ultimate Trail configuration with construction anticipated to start in Fiscal Year 2026/27.

The Ultimate Trail configuration for the Segments 10 and 11 Project is consistent with the MBSST Master Plan and aligns the trail on the inland side of the railroad tracks from 17<sup>th</sup> Avenue in Live Oak and into the City of Capitola to 47<sup>th</sup> Avenue. The trail alignment switches to the coastal side of the rail tracks at 47<sup>th</sup> Avenue and continues on the coastal side of the rail tracks, generally parallel to Cliff Drive, until the eastern end of the City of Capitola public parking spaces. Here, the trail ends at the existing crosswalk that brings pedestrians from the inland to the coast side of Cliff Drive (see Attachment 1, page 2). The Project proposes reconfiguring the public parking spaces in this location to allow for construction of the trail between the rail and public parking and to maintain an uphill bicycle lane on Cliff Drive. The project

also proposes to replace the existing narrow informal staircase from Opal Street to Cliff Drive with a wider staircase, an improved and formalized rail crossing (subject to California Public Utilities Commission (CPUC) approval), and a small trail plaza at the eastern end of the public parking spaces.

The trail starts again at the Monterey/Park Avenue intersection continues to State Park Drive in the unincorporated area of the County, consistent with the MBSST Master Plan. The trail is aligned on the coast side of the railroad tracks from Monterey Ave to Mar Vista Dr. At Mar Vista Dr, the trail alignment switches to the inland side of the railroad tracks until the eastern terminus of Segment 11 at State Park Dr. The project proposes to formalize the existing informal trail from Coronado St. down to New Brighton State Beach. Proposed improvements include an accessible ramp from the Coronado St. and Park Ave intersection to the Rail Trail with a formalized rail crossing (subject to CPUC approval) and a new concrete staircase from the trail to the New Brighton State Beach parking lot.

The approximately 0.5 mile portion of the Coastal Rail Trail between the pedestrian crossing at Cliff Dr to the Monterey/Park intersection is not included in the Ultimate Trail configuration, due to the structural condition of the Capitola Trestle, which spans Soquel Creek and Capitola Village.

Due to structural considerations, the Trail cannot be attached or cantilevered from the Trestle. Additionally, there is insufficient room to build an adjacent trail structure next to the Trestle. Due to these constraints, the MBSST Master Plan considered that Coastal Rail Trail facilities across Soquel Creek would be included in future design plans for a new rail bridge replacement at Soquel Creek and that access the Trail would use existing surface streets and sidewalks to cross Soquel Creek and travel through Capitola Village.

The Interim Trail configuration considered structural reinforcements and replacement of the tracks with a light-weight deck to accommodate bicycles and pedestrians; however, this option is not being pursued due to regulatory issues and RTC's plans to consider Trestle replacement as part of the Zero-Emission Passenger Rail Concept Report and EIR, which will study a new passenger rail system between Pajaro Junction in Monterey County and Natural Bridges Dr. in the City of Santa Cruz, and will also include development of trail segments between Rio Del Mar Blvd. and Pajaro that have not advanced past the planning stage. Work on the passenger rail and trail concept report is expected to start in 2023 and take approximately two years to complete. Once the concept report is completed, RTC will pursue environmental clearance and eventual funding to construct, operate, and maintain the project.

Discussion: Staff has been in discussions with County of Santa Cruz and RTC staff regarding potential bicycle and pedestrian enhancements along the MBSST through Capitola Village.

Staff for the County and RTC have proposed constructing circulation improvements along the MBSST through Capitola Village as part of a separate project rather than including it in the construction of the proposed trail adjacent to the rail tracks. Specific project features have yet to be identified, however, potential improvements could include additional and expanded sidewalks, pedestrian crossings, Class III and/or IV bike facilities, and new striping and signage.

Note that the Project currently does includes some minor improvements along the MBSST through the Village, including signage directing trail users between the two trail ends.

Improvements to the bicycle and pedestrian network within Capitola Village are not part of the County's Segments 10 and 11 Project scope, so would not be eligible for the County's CTC ATP grant funds. However, improvements would be eligible for Measure D active transportation funding to improve the MBSST through Capitola Village. Similar to the Coastal Rail Trail, the most effective use of these funds is to leverage them for a larger grant opportunity.

One option to address the situation would be for Capitola to define desired bicycle and pedestrian enhancements in the Village through a public active transportation planning process. This would be similar to Active Transportation Plans (ATPs) completed by other local jurisdictions in Santa Cruz County with a focus on the Village. RTC staff has indicated the RTC would assist the City in scoping and applying for grant funding to develop a Village ATP. A Village ATP would be useful to improve circulation to and through the Village, regardless of the Coastal Rail Trail. City staff, in coordination with RTC and the



County of Santa Cruz, could pursue several grant funding opportunities. The current proposed funding plan is described below.

Winter 2023-2024	Capitola applies for Caltrans FY 2024-25 Sustainable Transportation Planning Grant to develop a Capitola Village ATP
Spring/Summer 2024	Capitola Project awarded planning funding for Capitola Village ATP
Summer/Fall 2025	Capitola completes Village ATP Plan
Spring/Summer 2026	Capitola applies for a State Active Transportation Plan Grant to complete design, environmental, permitting for projects identified in the Village ATP
Winter 2026	Project awarded construction funding
July 2027	Construction funds allocated

Between now and applying for FY 2024-25 Sustainable Transportation Planning Grant, City staff would work with the County of Santa Cruz and RTC to better define project needs, preferred options, and general scope and schedule.

Fiscal Impact: The City has not expended any funds to date to identify connections from Coastal Rail Trail Segments 10 & 11 to Capitola Village. Local match funding to support proposed grant applications could include Measure D Active Transportation Allocations.

Attachments:

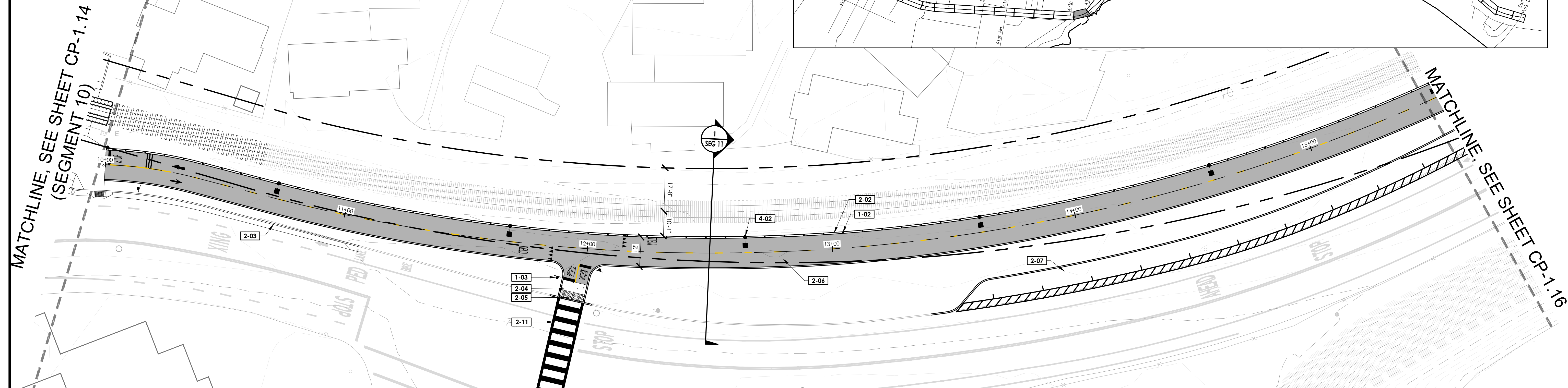
1. Coastal Rail Trail Segments 10 and 11 in Capitola City Limits

Report Prepared By: Jessica Kahn, Public Works Director

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

Approved By: Jamie Goldstein, City Manager

**DIG ALERT**  
DIAL TOLL FREE  
**811**  
AT LEAST 2 DAYS  
BEFORE YOU DIG

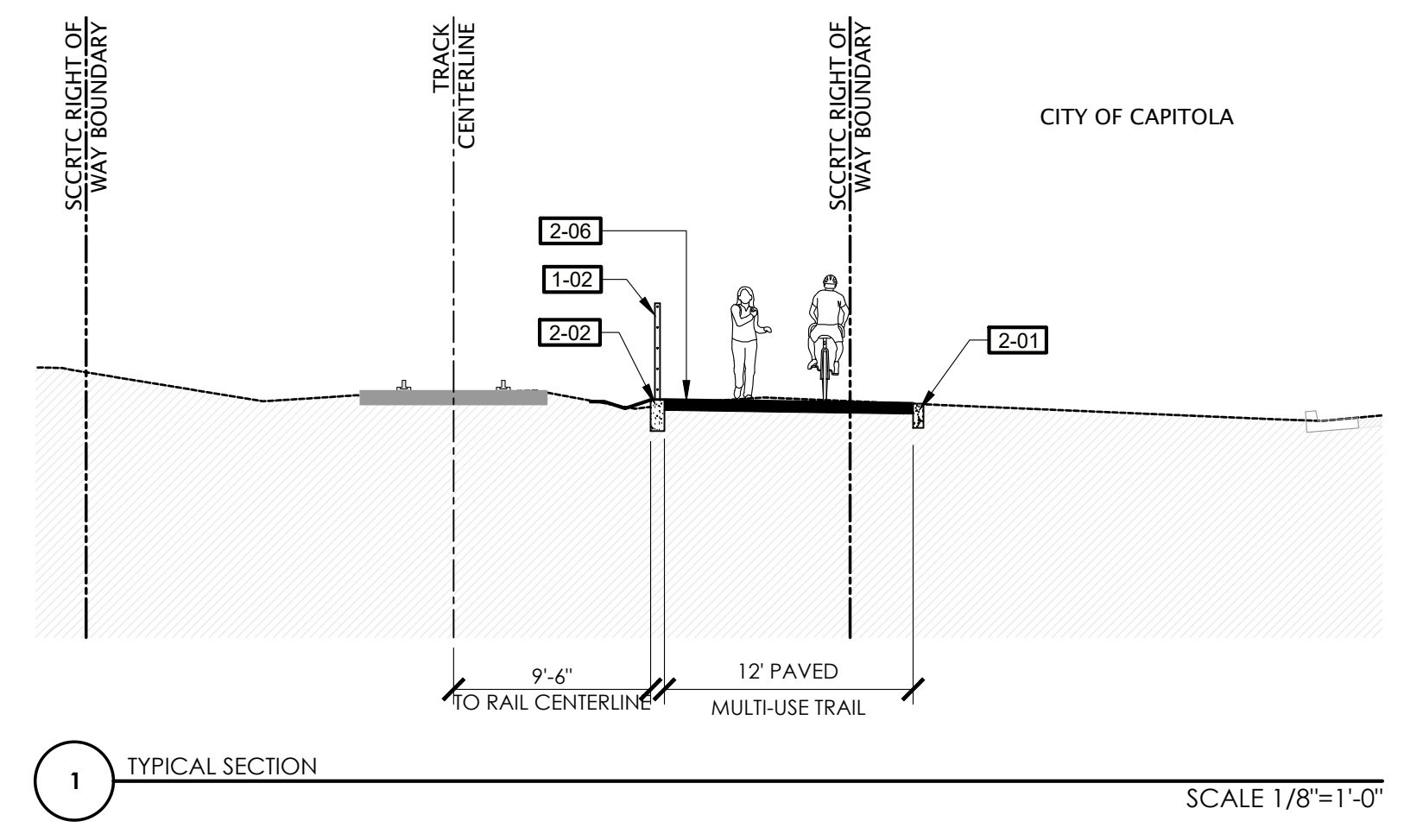
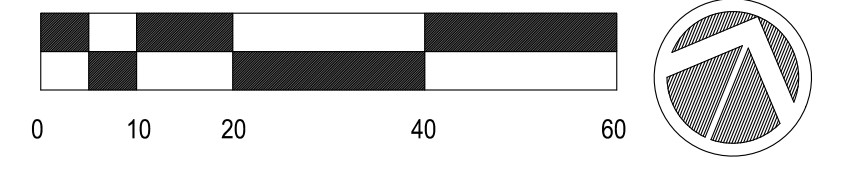


**REFERENCE NOTES SCHEDULE**

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1-01	CONCRETE TRACK PANEL	2-07	HMA PAVEMENT (ROAD)
1-02	SEPARATION FENCING	2-08	CONCRETE SIDEWALK
1-03	PROPOSED SIGN	2-09	CONTINENTAL CROSSWALK STRIPING
1-04	RELOCATED PAY STATION	2-10	CROSSBIKE MARKINGS
1-05	TRASH RECEPTACLES	2-11	LADDER CROSSWALK STRIPING
1-06	BENCH	2-12	PROPOSED AT-GRADE CROSSING
1-07	CROSSWALK BARRIER	2-13	PROPOSED STAIRS
1-08	BIKE RACKS	2-14	TRAIL CHICANE
1-09	FLEXIBLE BOLLARD	<b>STRUCTURAL</b>	
1-10	GUARDRAIL SYSTEM	3-01	RETAINING WALL, SEE WP SHEETS
<b>PEDESTRIAN AND TRAFFIC CONTROL</b>		3-02	VIADUCT
2-01	6" WIDE CURB	3-03	ABUTMENT
2-02	8" WIDE CURB	3-04	BRIDGE
2-03	6" CURB AND GUTTER	<b>UTILITIES</b>	
2-04	CURB RAMP	4-01	PIP EXISTING RAIL EQUIPMENT
2-05	DETECTABLE WARNING SURFACE	4-02	PROPOSED LIGHT
2-06	HMA PAVEMENT (TRAIL)	4-03	NEW LIGHT FIXTURE ON EXISTING POLE
		4-05	SOLAR LED W1 1-15 CROSSING SIGN

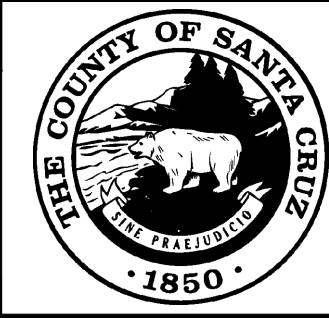
**LEGEND**

SYMBOL	DESCRIPTION
(Dashed line)	SCCRTC RIGHT OF WAY
(Dotted line)	CITY LIMITS
(Solid line)	EXISTING FENCE
(Line with cross-hatch)	FENCE OR GUARDRAIL ON CURB, WALL, VIADUCT OR BRIDGE
(Line with vertical hatching)	RETAINING WALL, SEE WP SHEETS
(Circle with dot)	PROPOSED LIGHTS
(Stippled pattern)	CONCRETE PAVEMENT
(Diagonal hatching)	HMA PAVEMENT (TRAIL)
(Cross-hatch pattern)	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
(Diagonal hatching, other angle)	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK
(Stippled pattern, other)	DECOMPOSED GRANITE
(Cross-hatch pattern, other)	DECORATIVE PAVERS



PRELIMINARY  
NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION



**COUNTY OF SANTA CRUZ**  
DEPARTMENT OF PUBLIC WORKS  
701 Ocean Street, Room 410  
Santa Cruz, CA 95060

**RAIL TRAIL SEGMENTS 10 & 11**  
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)  
CONSTRUCTION KEYNOTE PLANS

REFERENCES  
FIELD BOOK:  
DRAWING #:  
CP-0193-06-RWT-S11

DATE 02/10/2023  
DRAWN KS  
DESIGN KS/MS  
CHECKED MS

SCALE AS SHOWN  
CP-1.15  
VAULT NO.

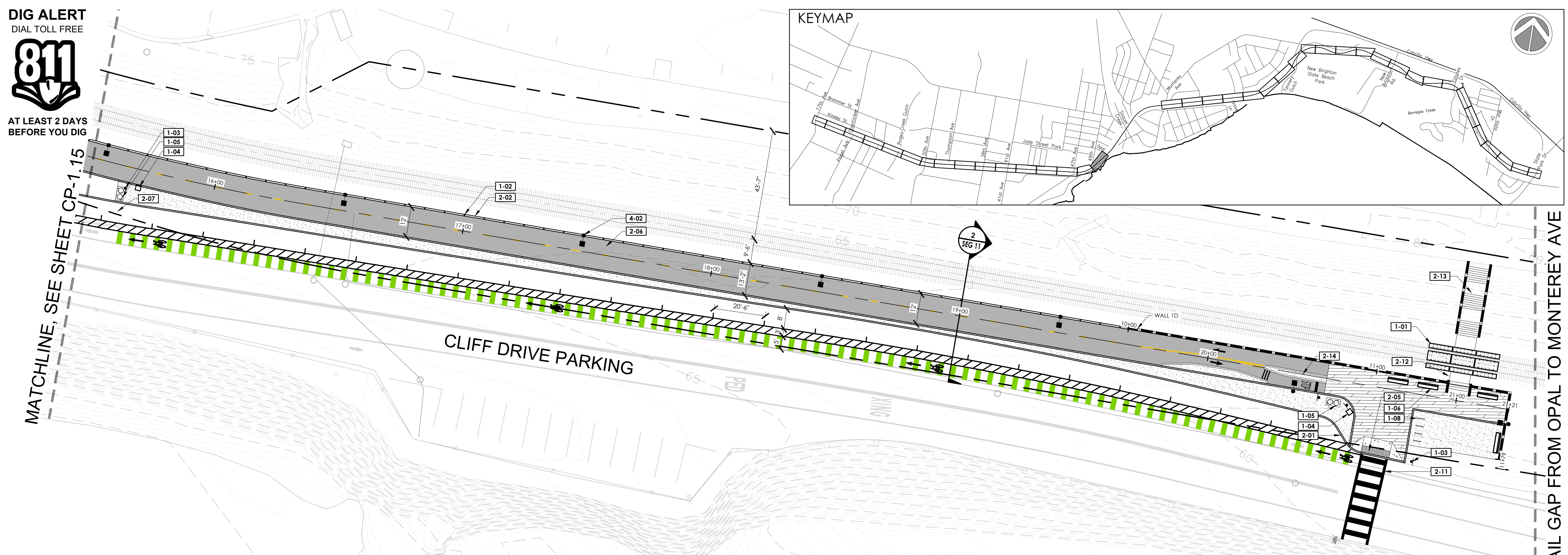
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION) REFINED SCHEMATIC PLANS - 02/10/23



**DIG ALERT**  
DIAL TOLL FREE  
**811**

AT LEAST 2 DAYS BEFORE YOU DIG

MATCHLINE, SEE SHEET CP-1.15



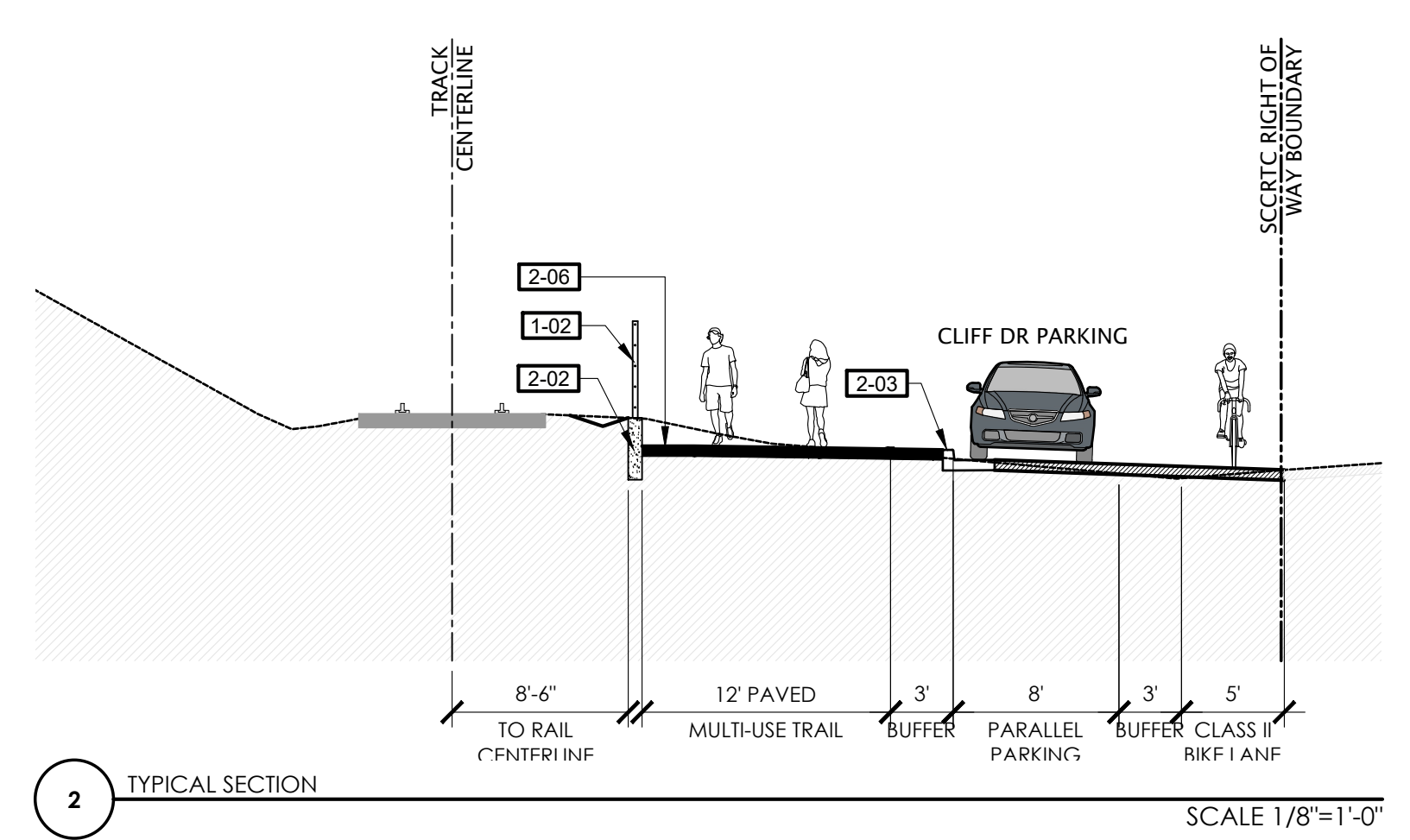
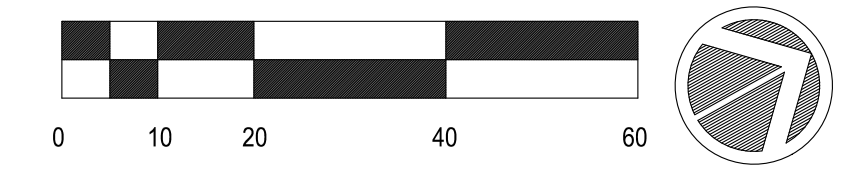
TRAIL GAP FROM OPAL TO MONTEREY AVE  
SEE SHEET 1.17 WHERE TRAIL BEGINS  
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION) REFINED SCHEMATIC PLANS - 02/10/23

**REFERENCE NOTES SCHEDULE**

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1-01	CONCRETE TRACK PANEL	2-07	HMA PAVEMENT (ROAD)
1-02	SEPARATION FENCING	2-08	CONCRETE SIDEWALK
1-03	PROPOSED SIGN	2-09	CONTINENTAL CROSSWALK STRIPING
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**LEGEND**

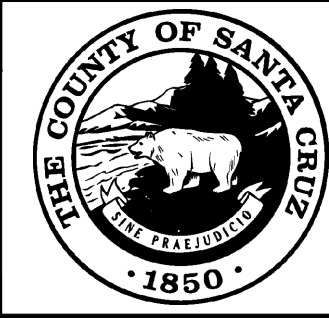
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[Symbol]	CONCRETE PAVEMENT
[Symbol]	HMA PAVEMENT (TRAIL)
[Symbol]	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
[Symbol]	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK
[Symbol]	DECOMPOSED GRANITE
[Symbol]	DECORATIVE PAVERS



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NOT FOR CONSTRUCTION

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San Juan Capistrano, CA 92675

NO.	DATE	DESCRIPTION



**COUNTY OF SANTA CRUZ**  
DEPARTMENT OF PUBLIC WORKS  
701 Ocean Street, Room 410  
Santa Cruz, CA 95060

**RAIL TRAIL SEGMENTS 10 & 11**  
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)  
CONSTRUCTION KEYNOTE PLANS

REFERENCES  
FIELD BOOK:  
DRAWING #:  
CP-0193-06-RWT-S11

DATE 02/10/2023  
DRAWN KS  
DESIGN KS/MS  
CHECKED MS

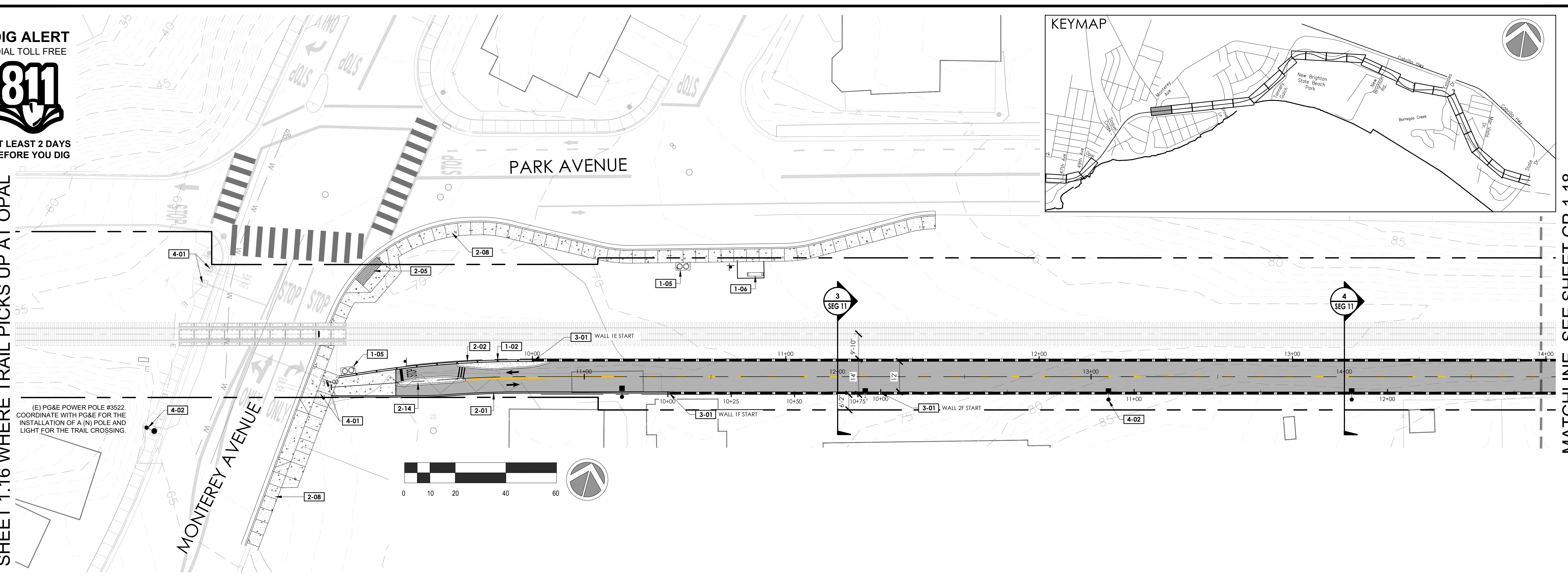
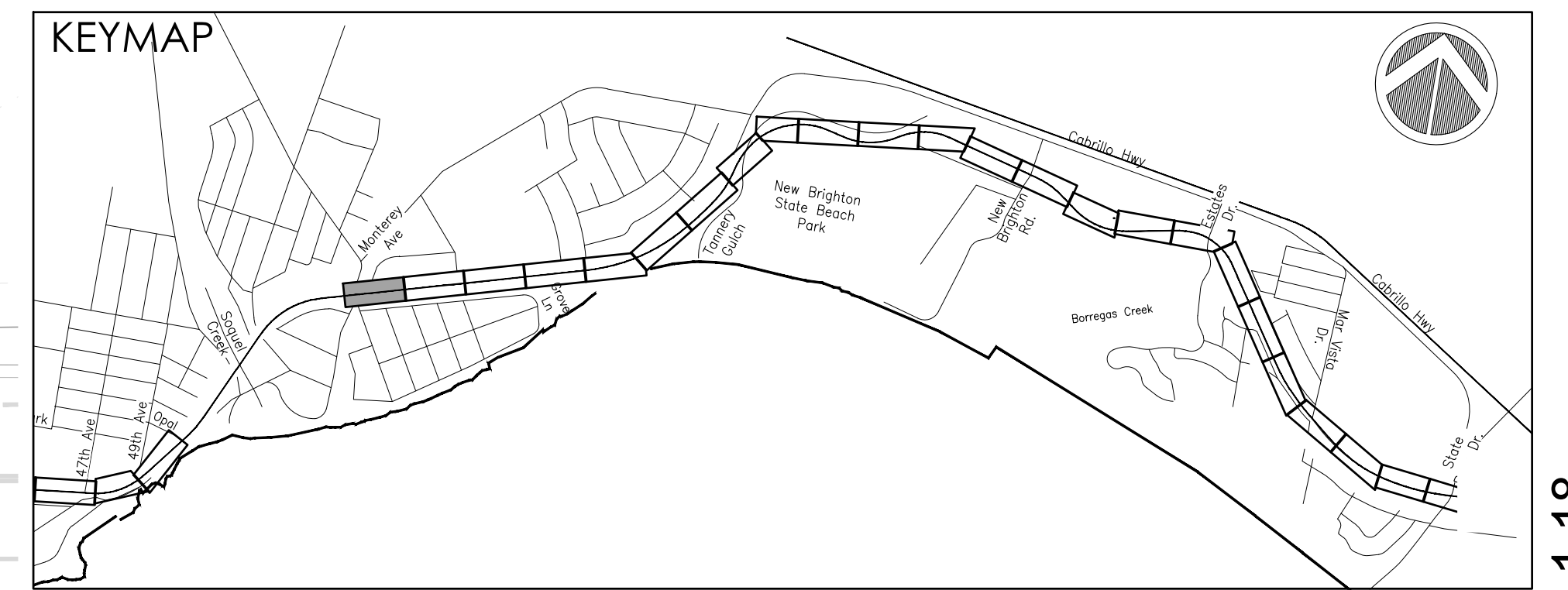
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CP-1.16  
VAULT NO.



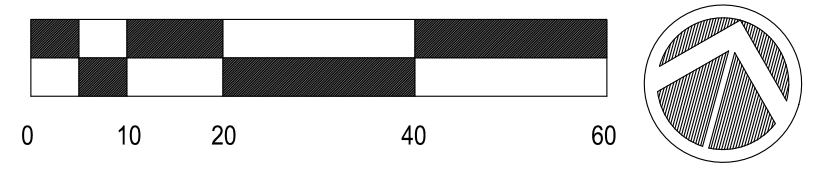
DIG ALERT  
DIAL TOLL FREE  
**811**

AT LEAST 2 DAYS  
BEFORE YOU DIG

TRAIL GAP FROM OPAL TO MONTEREY AVE SEE  
SHEET 1.16 WHERE TRAIL PICKS UP AT OPAL



(E) PG&E POWER POLE #3522.  
COORDINATE WITH PG&E FOR THE  
INSTALLATION OF A (N) POLE AND  
LIGHT FOR THE TRAIL CROSSING.



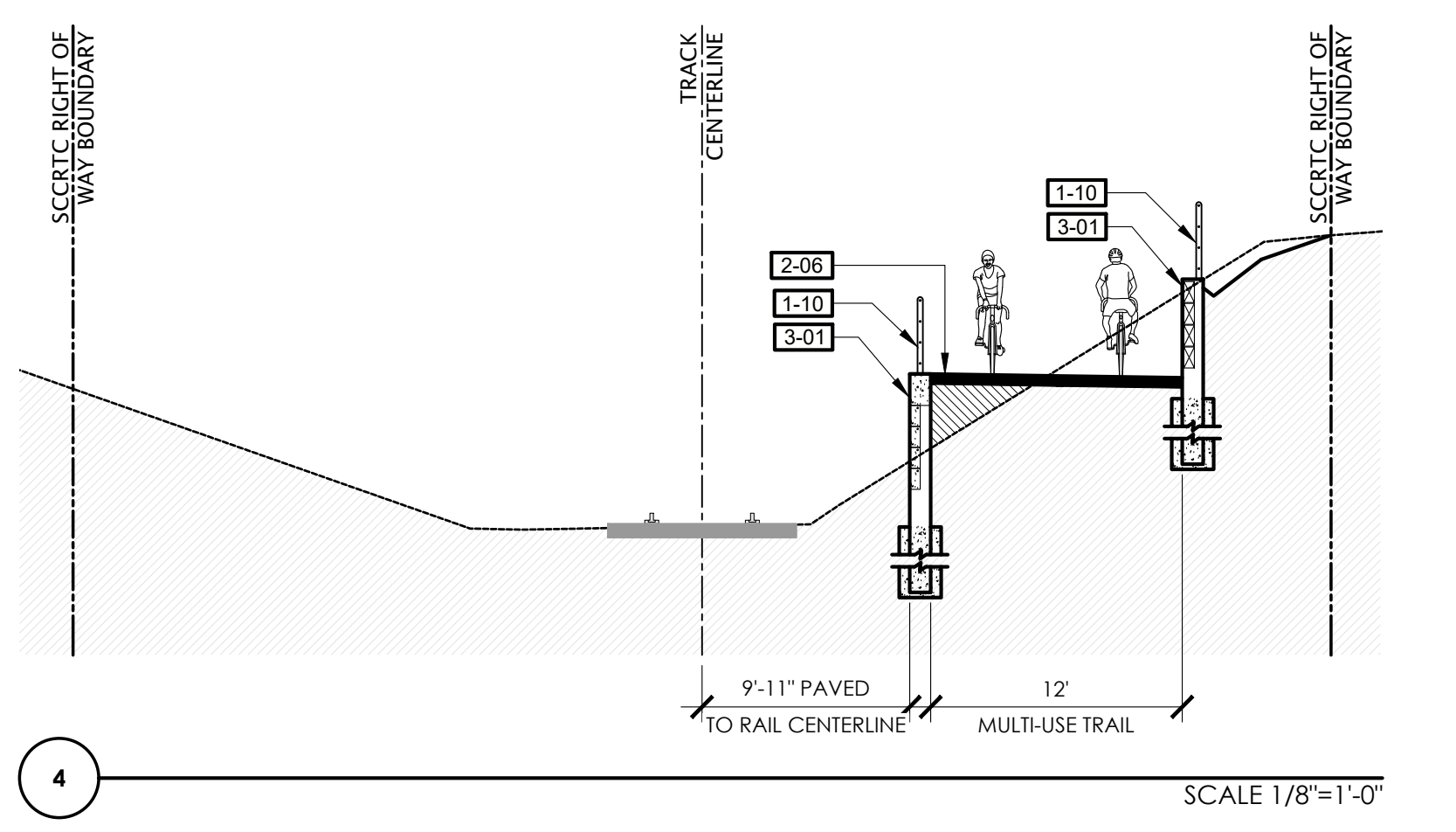
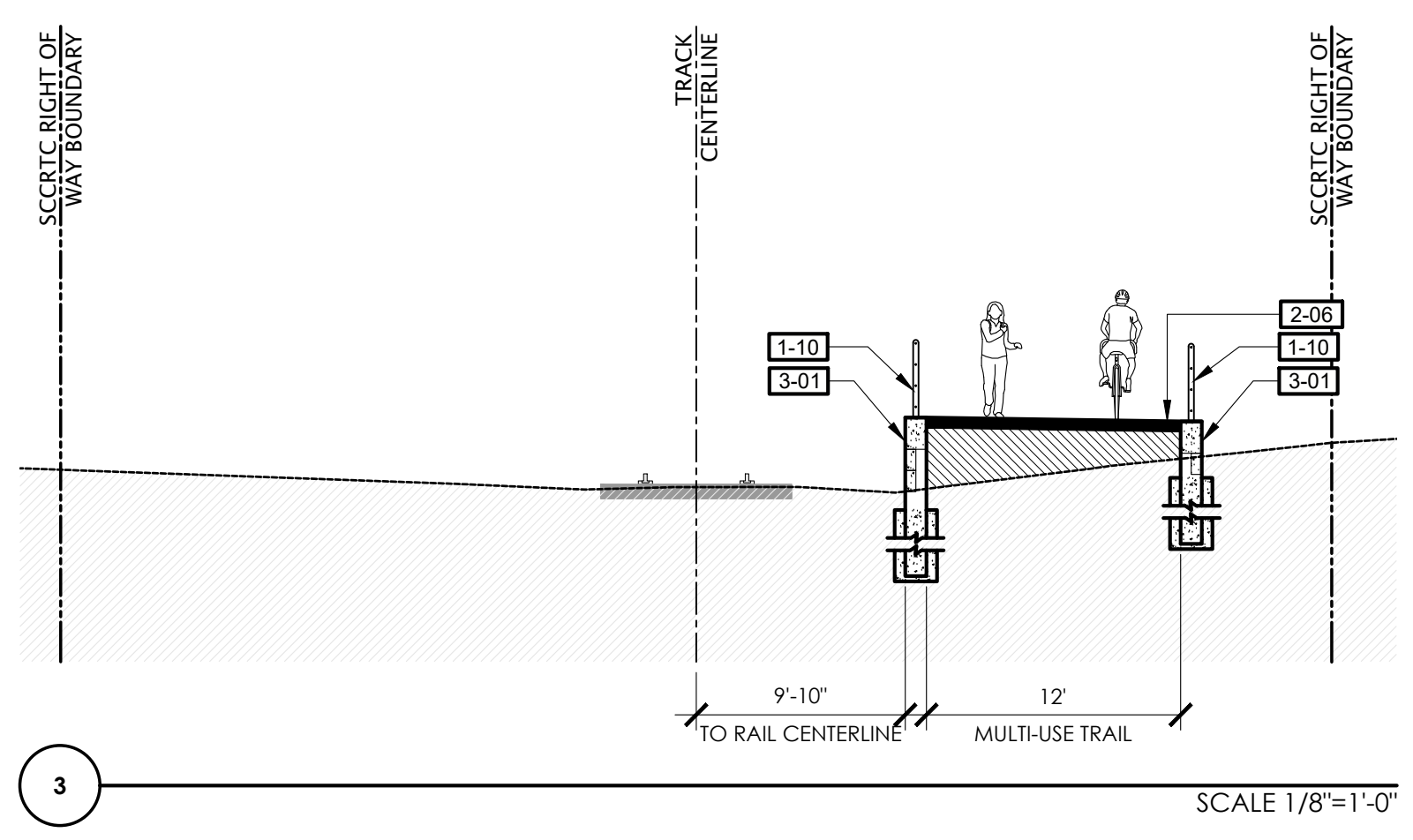
MATCHLINE, SEE SHEET CP-1.18

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1-01	CONCRETE TRACK PANEL	2-07	HMA PAVEMENT (ROAD)
1-02	SEPARATION FENCING	2-08	CONCRETE SIDEWALK
1-03	PROPOSED SIGN	2-09	CONTINENTAL CROSSWALK STRIPING
1-04	RELOCATED PAY STATION	2-10	CROSSBIKE MARKINGS
1-05	TRASH RECEPTACLES	2-11	LADDER CROSSWALK STRIPING
1-06	BENCH	2-12	PROPOSED AT-GRADE CROSSING
1-07	CROSSWALK BARRIER	2-13	PROPOSED STAIRS
1-08	BIKE RACKS	2-14	TRAIL CHICANE
1-09	FLEXIBLE BOLLARD	<b>STRUCTURAL</b>	
1-10	GUARDRAIL SYSTEM	3-01	RETAINING WALL, SEE WP SHEETS
<b>PEDESTRIAN AND TRAFFIC CONTROL</b>		3-02	VIADUCT
2-01	6" WIDE CURB	3-03	ABUTMENT
2-02	8" WIDE CURB	3-04	BRIDGE
2-03	6" CURB AND GUTTER	<b>UTILITIES</b>	
2-04	CURB RAMP	4-01	PIP EXISTING RAIL EQUIPMENT
2-05	DETECTABLE WARNING SURFACE	4-02	PROPOSED LIGHT
2-06	HMA PAVEMENT (TRAIL)	4-03	NEW LIGHT FIXTURE ON EXISTING POLE
		4-05	SOLAR LED W1 I-15 CROSSING SIGN

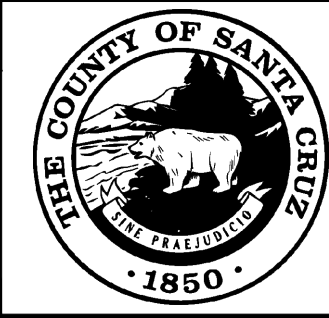
LEGEND

SYMBOL	DESCRIPTION
---	SCCRTC RIGHT OF WAY
- - - - -	CITY LIMITS
---	EXISTING FENCE
---	FENCE OR GUARDRAIL ON CURB, WALL, VIADUCT OR BRIDGE
---	RETAINING WALL, SEE WP SHEETS
●	PROPOSED LIGHTS
---	CONCRETE PAVEMENT
---	HMA PAVEMENT (TRAIL)
---	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
---	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK
---	DECOMPOSED GRANITE
---	DECORATIVE PAVERS



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COUNTY OF  
**SANTACRUZ**  
DEPARTMENT OF PUBLIC WORKS  
701 Ocean Street, Room 410  
Santa Cruz, CA 95060

**RAIL TRAIL SEGMENTS 10 & 11**  
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)  
CONSTRUCTION KEYNOTE PLANS

REFERENCES  
FIELD BOOK:  
DRAWING #:  
CP-0193-06-RWT-S11

DATE 02/10/2023  
DRAWN KS  
DESIGN KS/MS  
CHECKED MS

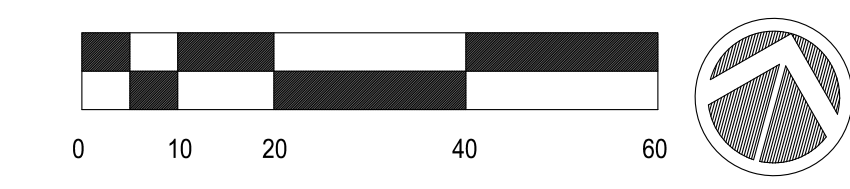
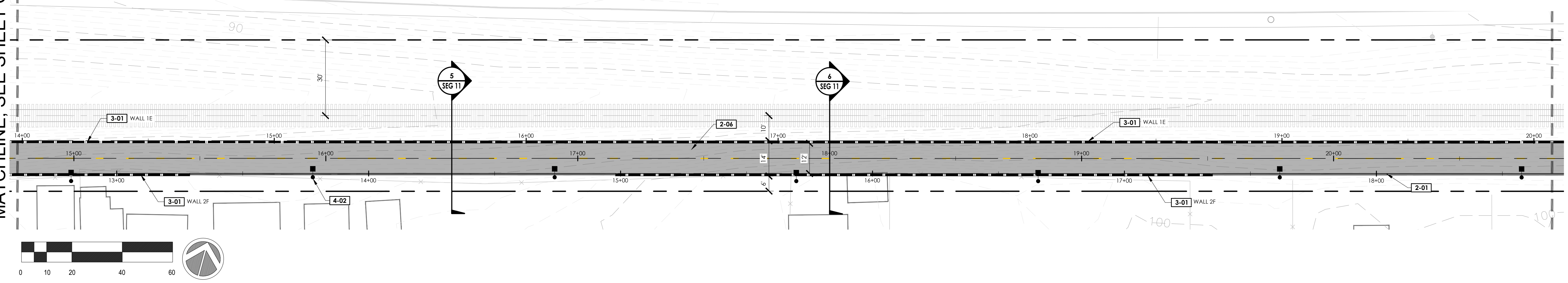
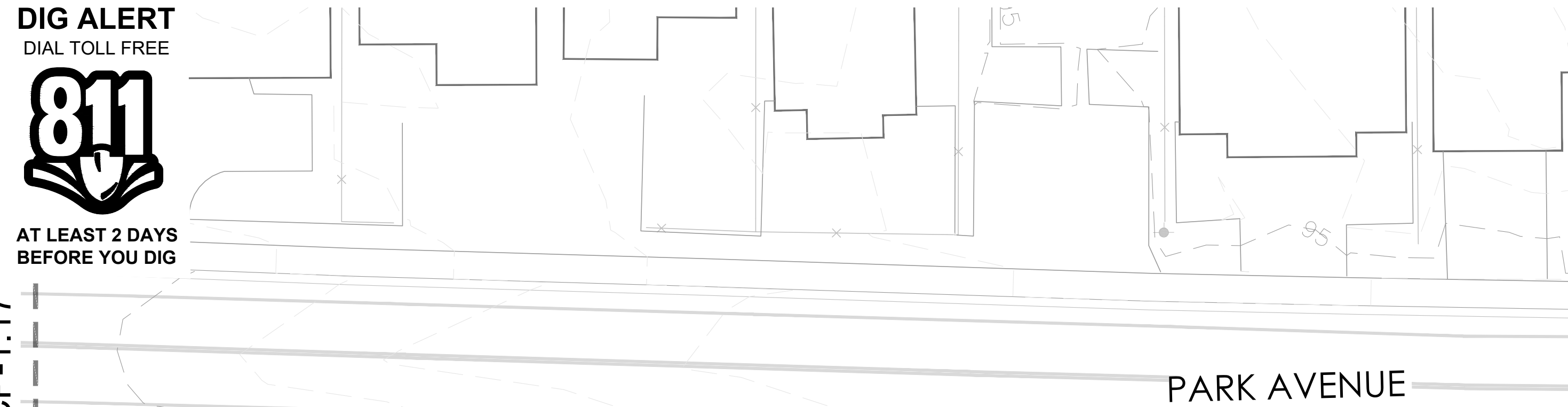
SCALE AS SHOWN  
CP-1.17  
VAULT NO.

TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION) REFINED SCHEMATIC PLANS - 02/10/23



DIG ALERT  
DIAL TOLL FREE  
**811**  
AT LEAST 2 DAYS  
BEFORE YOU DIG

MATCHLINE, SEE SHEET CP-1.17



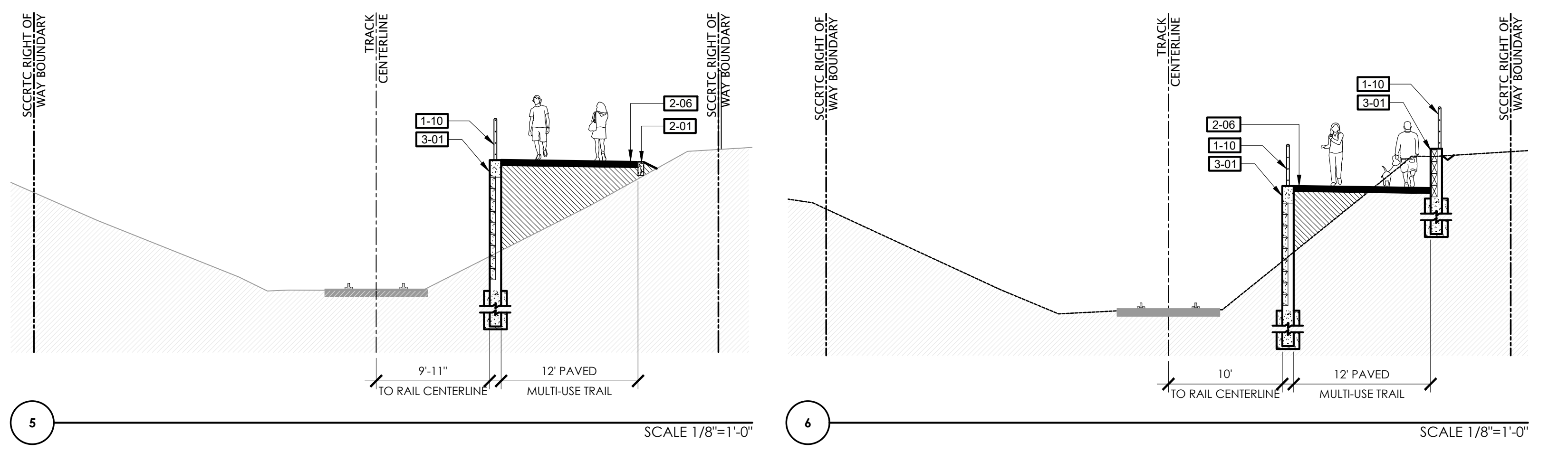
MATCHLINE, SEE SHEET CP-1.19

### REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1-01	CONCRETE TRACK PANEL	2-07	HMA PAVEMENT (ROAD)
1-02	SEPARATION FENCING	2-08	CONCRETE SIDEWALK
1-03	PROPOSED SIGN	2-09	CONTINENTAL CROSSWALK STRIPING
1-04	RELOCATED PAY STATION	2-10	CROSSBIKE MARKINGS
1-05	TRASH RECEPTACLES	2-11	LADDER CROSSWALK STRIPING
1-06	BENCH	2-12	PROPOSED AT-GRADE CROSSING
1-07	CROSSWALK BARRIER	2-13	PROPOSED STAIRS
1-08	BIKE RACKS	2-14	TRAIL CHICANE
1-09	FLEXIBLE BOLLARD	<b>STRUCTURAL</b>	
1-10	GUARDRAIL SYSTEM	3-01	RETAINING WALL, SEE WP SHEETS
<b>PEDESTRIAN AND TRAFFIC CONTROL</b>		3-02	VIADUCT
2-01	6" WIDE CURB	3-03	ABUTMENT
2-02	8" WIDE CURB	3-04	BRIDGE
2-03	6" CURB AND GUTTER	<b>UTILITIES</b>	
2-04	CURB RAMP	4-01	PIP EXISTING RAIL EQUIPMENT
2-05	DETECTABLE WARNING SURFACE	4-02	PROPOSED LIGHT
2-06	HMA PAVEMENT (TRAIL)	4-03	NEW LIGHT FIXTURE ON EXISTING POLE
		4-05	SOLAR LED W1 1-15 CROSSING SIGN

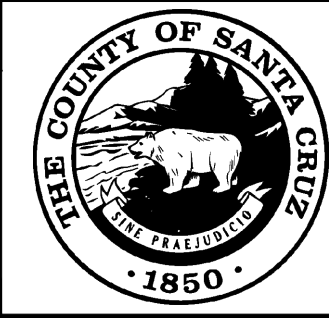
### LEGEND

SYMBOL	DESCRIPTION
---	SCRTC RIGHT OF WAY
- - - -	CITY LIMITS
---	EXISTING FENCE
---	FENCE OR GUARDRAIL ON CURB, WALL, VIADUCT OR BRIDGE
---	RETAINING WALL, SEE WP SHEETS
●	PROPOSED LIGHTS
---	CONCRETE PAVEMENT
---	HMA PAVEMENT (TRAIL)
---	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
---	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK
---	DECOMPOSED GRANITE
---	DECORATIVE PAVERS



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701 Ocean Street, Room 410  
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**RAIL TRAIL SEGMENTS 10 & 11**  
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)  
CONSTRUCTION KEYNOTE PLANS

REFERENCES  
FIELD BOOK:  
DRAWING #:  
CP-0193-06-RWT-S11

DATE 02/10/2023  
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DESIGN KS/MS  
CHECKED MS

SCALE AS SHOWN  
CP-1.18  
VAULT NO.

TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION) REFINED SCHEMATIC PLANS - 02/10/23



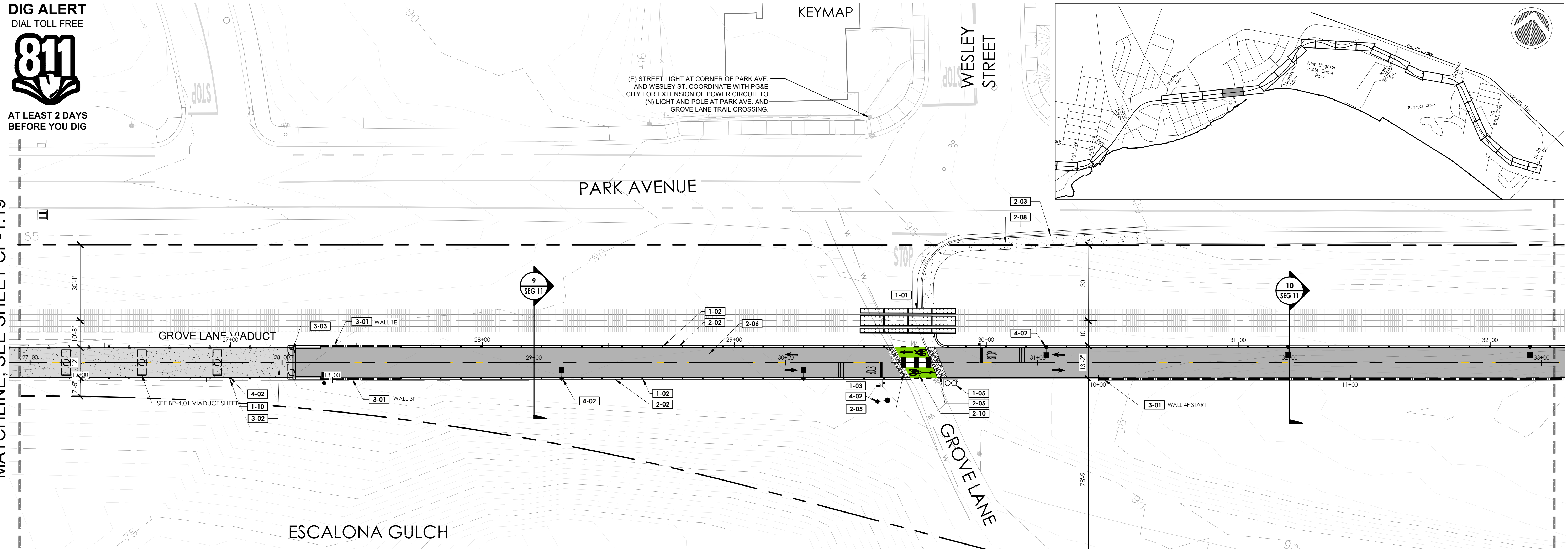




DIG ALERT  
DIAL TOLL FREE  
**811**  
AT LEAST 2 DAYS  
BEFORE YOU DIG

MATCHLINE, SEE SHEET CP-1.19

MATCHLINE, SEE SHEET CP-1.21

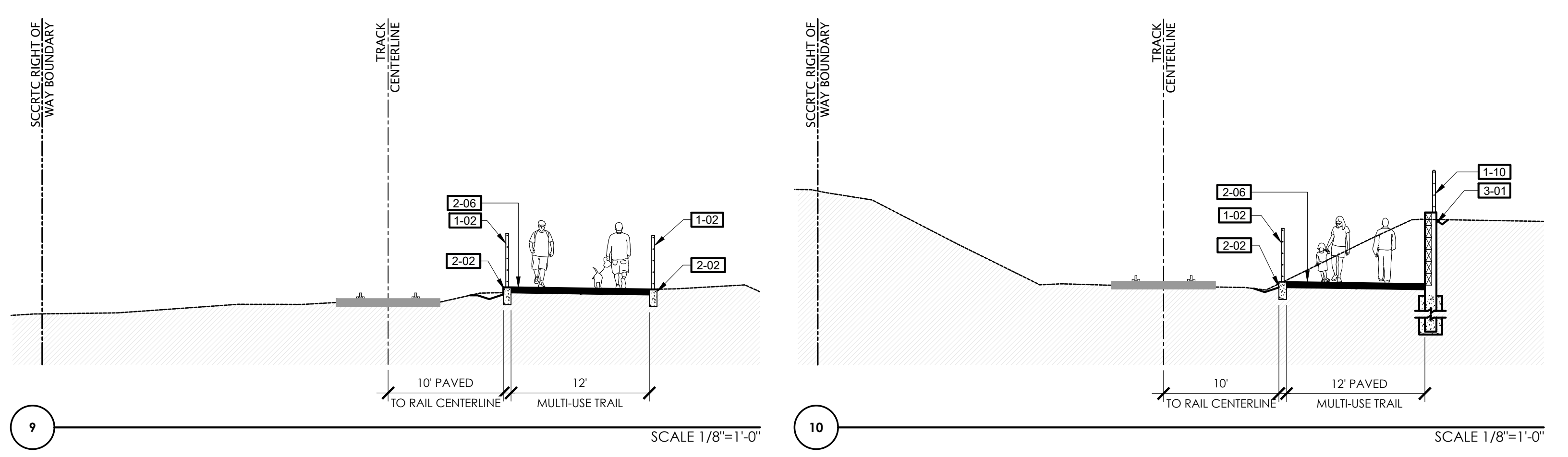


REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION
<b>1-01</b>	CONCRETE TRACK PANEL
<b>1-02</b>	SEPARATION FENCING
<b>1-03</b>	PROPOSED SIGN
<b>1-04</b>	RELOCATED PAY STATION
<b>1-05</b>	TRASH RECEPTACLES
<b>1-06</b>	BENCH
<b>1-07</b>	CROSSWALK BARRIER
<b>1-08</b>	BIKE RACKS
<b>1-09</b>	FLEXIBLE BOLLARD
<b>1-10</b>	GUARDRAIL SYSTEM
<b>2-01</b>	6" WIDE CURB
<b>2-02</b>	8" WIDE CURB
<b>2-03</b>	6" CURB AND GUTTER
<b>2-04</b>	CURB RAMP
<b>2-05</b>	DETECTABLE WARNING SURFACE
<b>2-06</b>	HMA PAVEMENT (TRAIL)
<b>2-07</b>	HMA PAVEMENT (ROAD)
<b>2-08</b>	CONCRETE SIDEWALK
<b>2-09</b>	CONTINENTAL CROSSWALK STRIPING
<b>2-10</b>	CROSSBIKE MARKINGS
<b>2-11</b>	LADDER CROSSWALK STRIPING
<b>2-12</b>	PROPOSED AT-GRADE CROSSING
<b>2-13</b>	PROPOSED STAIRS
<b>2-14</b>	TRAIL CHICANE
<b>3-01</b>	RETAINING WALL, SEE WP SHEETS
<b>3-02</b>	VIADUCT
<b>3-03</b>	ABUTMENT
<b>3-04</b>	BRIDGE
<b>4-01</b>	PIP EXISTING RAIL EQUIPMENT
<b>4-02</b>	PROPOSED LIGHT
<b>4-03</b>	NEW LIGHT FIXTURE ON EXISTING POLE
<b>4-05</b>	SOLAR LED W1 1-15 CROSSING SIGN

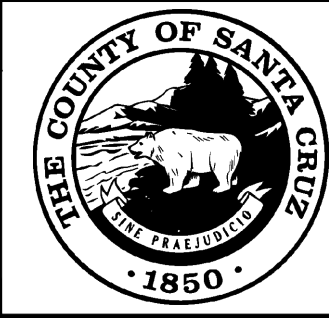
LEGEND

SYMBOL	DESCRIPTION
	SCRTC RIGHT OF WAY BOUNDARY
	CITY LIMITS
	EXISTING FENCE
	FENCE OR GUARDRAIL ON CURB, WALL, VIADUCT OR BRIDGE
	RETAINING WALL, SEE WP SHEETS
	PROPOSED LIGHTS
	CONCRETE PAVEMENT
	HMA PAVEMENT (TRAIL)
	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK
	DECOMPOSED GRANITE
	DECORATIVE PAVERS



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TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)  
CONSTRUCTION KEYNOTE PLANS

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CHECKED MS

SCALE AS SHOWN  
CP-1.20  
VAULT NO.

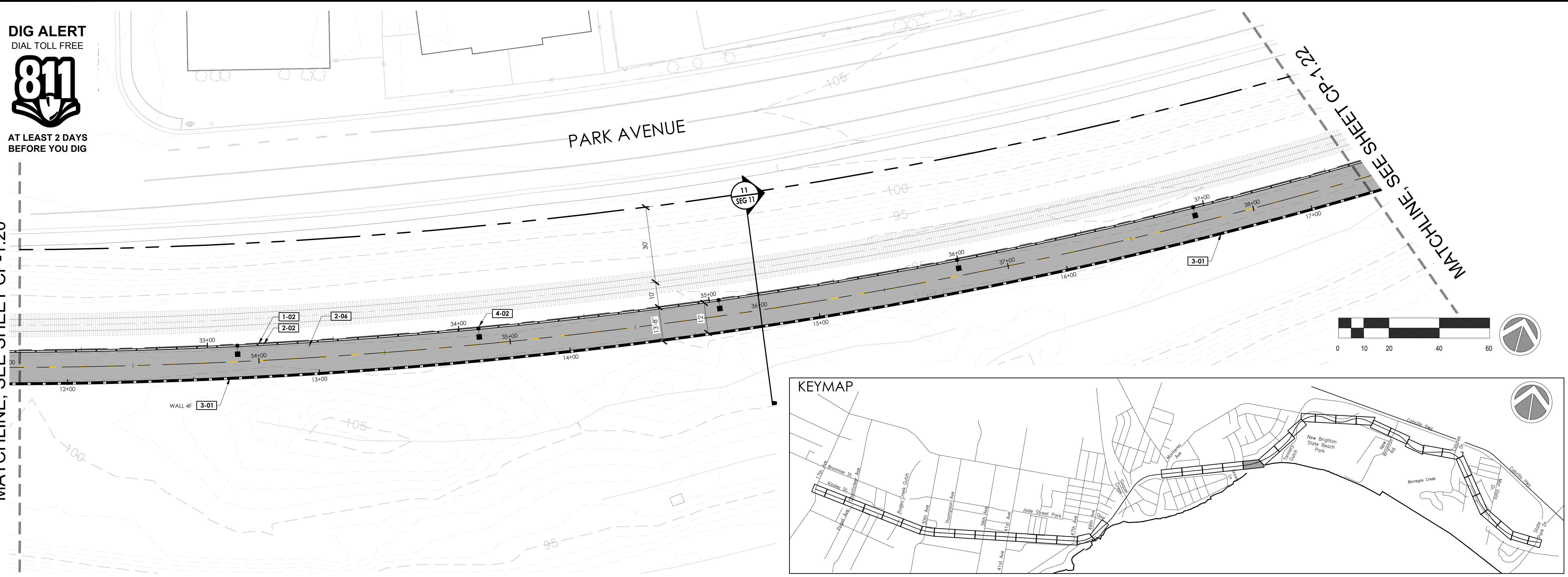
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION) REFINED SCHEMATIC PLANS - 02/10/23



**DIG ALERT**  
DIAL TOLL FREE  
**811**  
AT LEAST 2 DAYS  
BEFORE YOU DIG

MATCHLINE, SEE SHEET CP-1.20

MATCHLINE, SEE SHEET CP-1.22

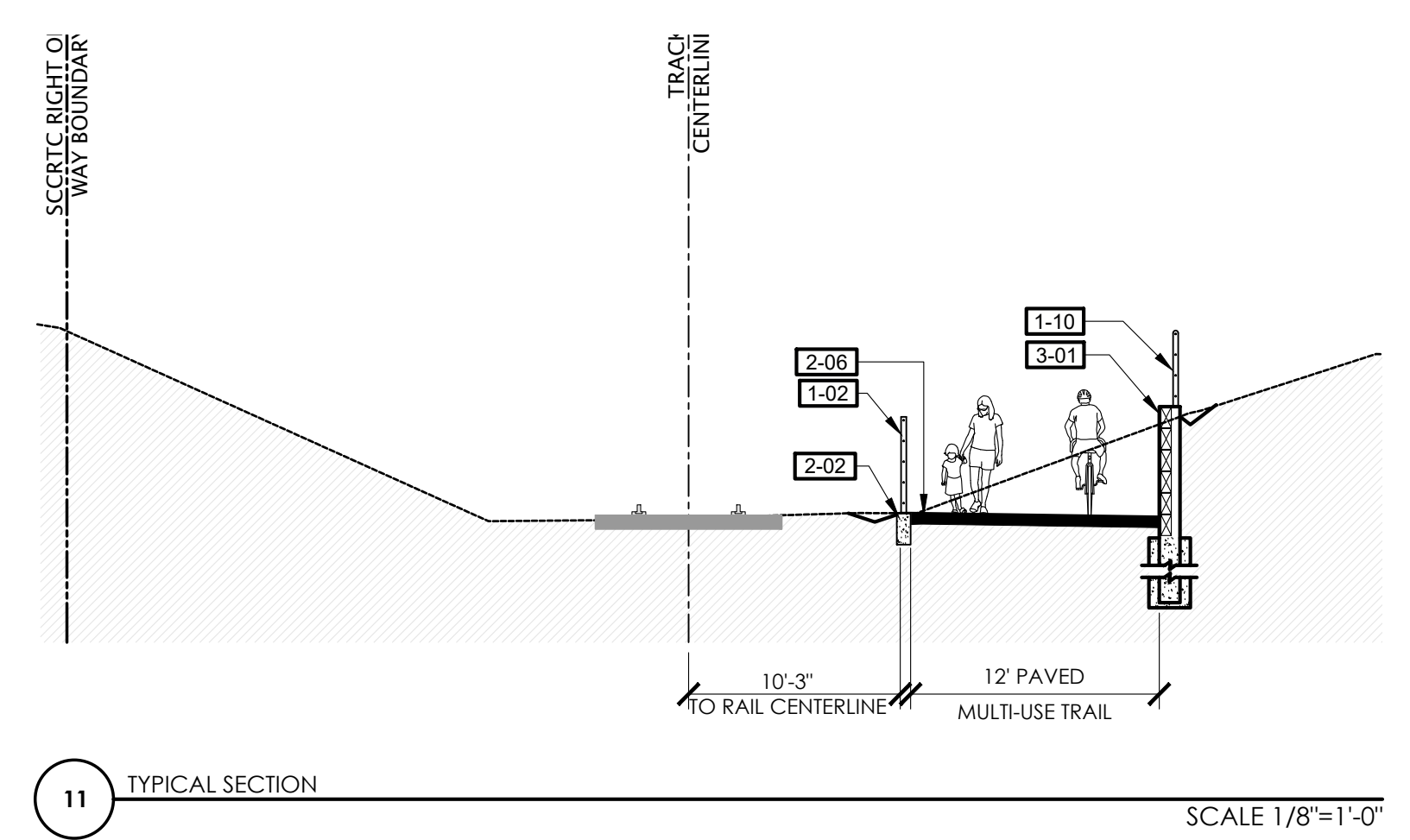


**REFERENCE NOTES SCHEDULE**

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1-01	CONCRETE TRACK PANEL	2-07	HMA PAVEMENT (ROAD)
1-02	SEPARATION FENCING	2-08	CONCRETE SIDEWALK
1-03	PROPOSED SIGN	2-09	CONTINENTAL CROSSWALK STRIPING
1-04	RELOCATED PAY STATION	2-10	CROSSBIKE MARKINGS
1-05	TRASH RECEPTACLES	2-11	LADDER CROSSWALK STRIPING
1-06	BENCH	2-12	PROPOSED AT-GRADE CROSSING
1-07	CROSSWALK BARRIER	2-13	PROPOSED STAIRS
1-08	BIKE RACKS	2-14	TRAIL CHICANE
1-09	FLEXIBLE BOLLARD	<b>STRUCTURAL</b>	
1-10	GUARDRAIL SYSTEM	3-01	RETAINING WALL, SEE WP SHEETS
<b>PEDESTRIAN AND TRAFFIC CONTROL</b>		3-02	VIADUCT
2-01	6" WIDE CURB	3-03	ABUTMENT
2-02	8" WIDE CURB	3-04	BRIDGE
2-03	6" CURB AND GUTTER	<b>UTILITIES</b>	
2-04	CURB RAMP	4-01	PIP EXISTING RAIL EQUIPMENT
2-05	DETECTABLE WARNING SURFACE	4-02	PROPOSED LIGHT
2-06	HMA PAVEMENT (TRAIL)	4-03	NEW LIGHT FIXTURE ON EXISTING POLE
		4-05	SOLAR LED W1 1-15 CROSSING SIGN

**LEGEND**

SYMBOL	DESCRIPTION
---	SCRTC RIGHT OF WAY
- - - - -	CITY LIMITS
---	EXISTING FENCE
---	FENCE OR GUARDRAIL ON CURB, WALL, VIADUCT OR BRIDGE
---	RETAINING WALL, SEE WP SHEETS
●	PROPOSED LIGHTS
■	CONCRETE PAVEMENT
■	HMA PAVEMENT (TRAIL)
■	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
■	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK
■	DECOMPOSED GRANITE
■	DECORATIVE PAVERS



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REVISIONS



**COUNTY OF SANTA CRUZ**  
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**RAIL TRAIL SEGMENTS 10 & 11**  
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)  
CONSTRUCTION KEYNOTE PLANS

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DATE 02/10/2023  
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CHECKED MS

SCALE AS SHOWN  
CP-1.21  
VAULT NO.

TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION) REFINED SCHEMATIC PLANS - 02/10/23





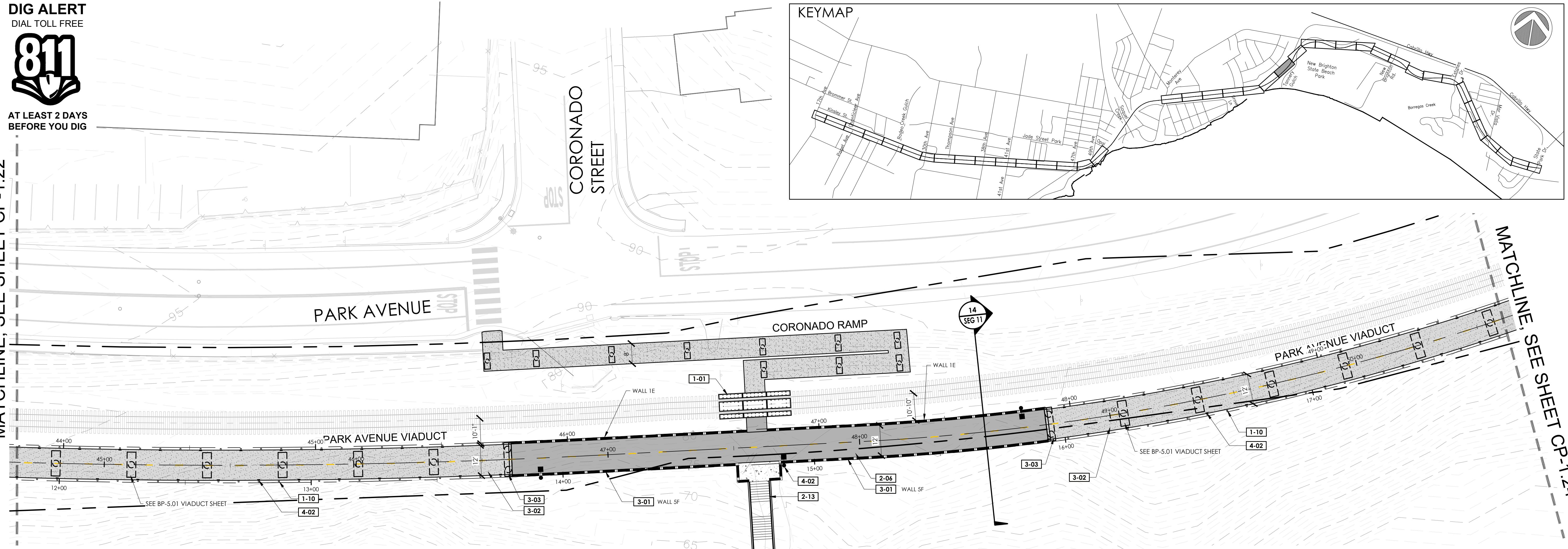


DIG ALERT  
DIAL TOLL FREE



AT LEAST 2 DAYS  
BEFORE YOU DIG

MATCHLINE, SEE SHEET CP-1.22

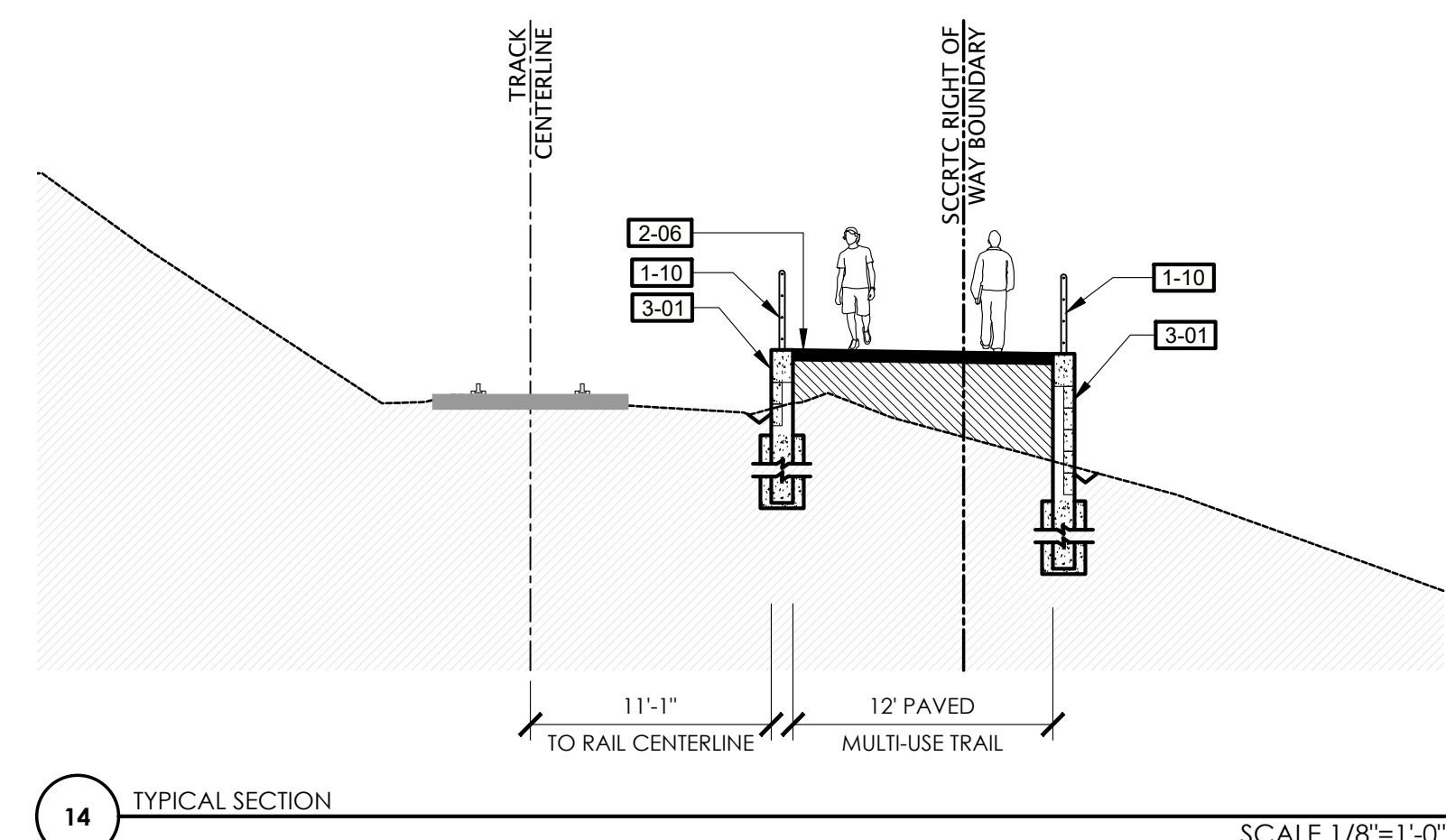
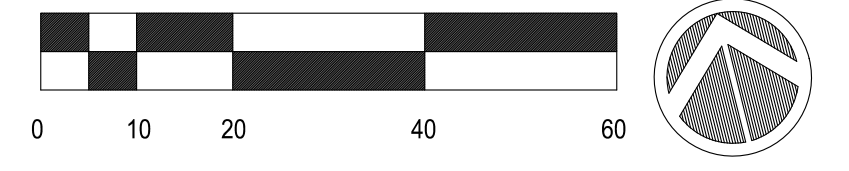


REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1-01	CONCRETE TRACK PANEL	2-07	HMA PAVEMENT (ROAD)
1-02	SEPARATION FENCING	2-08	CONCRETE SIDEWALK
1-03	PROPOSED SIGN	2-09	CONTINENTAL CROSSWALK STRIPING
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1-05	TRASH RECEPTACLES	2-11	LADDER CROSSWALK STRIPING
1-06	BENCH	2-12	PROPOSED AT-GRADE CROSSING
1-07	CROSSWALK BARRIER	2-13	PROPOSED STAIRS
1-08	BIKE RACKS	2-14	TRAIL CHICANE
1-09	FLEXIBLE BOLLARD	<b>STRUCTURAL</b>	
1-10	GUARDRAIL SYSTEM	3-01	RETAINING WALL, SEE WP SHEETS
<b>PEDESTRIAN AND TRAFFIC CONTROL</b>		3-02	VIADUCT
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2-04	CURB RAMP	4-01	PIP EXISTING RAIL EQUIPMENT
2-05	DETECTABLE WARNING SURFACE	4-02	PROPOSED LIGHT
2-06	HMA PAVEMENT (TRAIL)	4-03	NEW LIGHT FIXTURE ON EXISTING POLE
		4-05	SOLAR LED W1 I-15 CROSSING SIGN

LEGEND

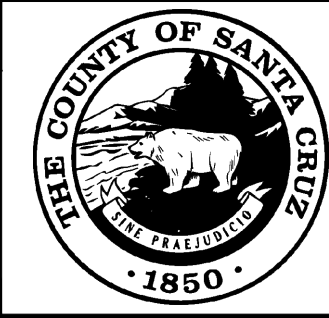
SYMBOL	DESCRIPTION
(Dashed line)	SCRTC RIGHT OF WAY
(Dotted line)	CITY LIMITS
(Solid line)	EXISTING FENCE
(Line with cross-ticks)	FENCE OR GUARDRAIL ON CURB, WALL, VIADUCT OR BRIDGE
(Line with vertical dashes)	RETAINING WALL, SEE WP SHEETS
(Circle with dot)	PROPOSED LIGHTS
(Stippled pattern)	CONCRETE PAVEMENT
(Dotted pattern)	HMA PAVEMENT (TRAIL)
(Pattern with diagonal lines)	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
(Pattern with horizontal lines)	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK
(Pattern with vertical lines)	DECOMPOSED GRANITE
(Pattern with diagonal lines)	DECORATIVE PAVERS



14 TYPICAL SECTION SCALE 1/8"=1'-0"

PRELIMINARY  
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rrm design group

REVISIONS



COUNTY OF  
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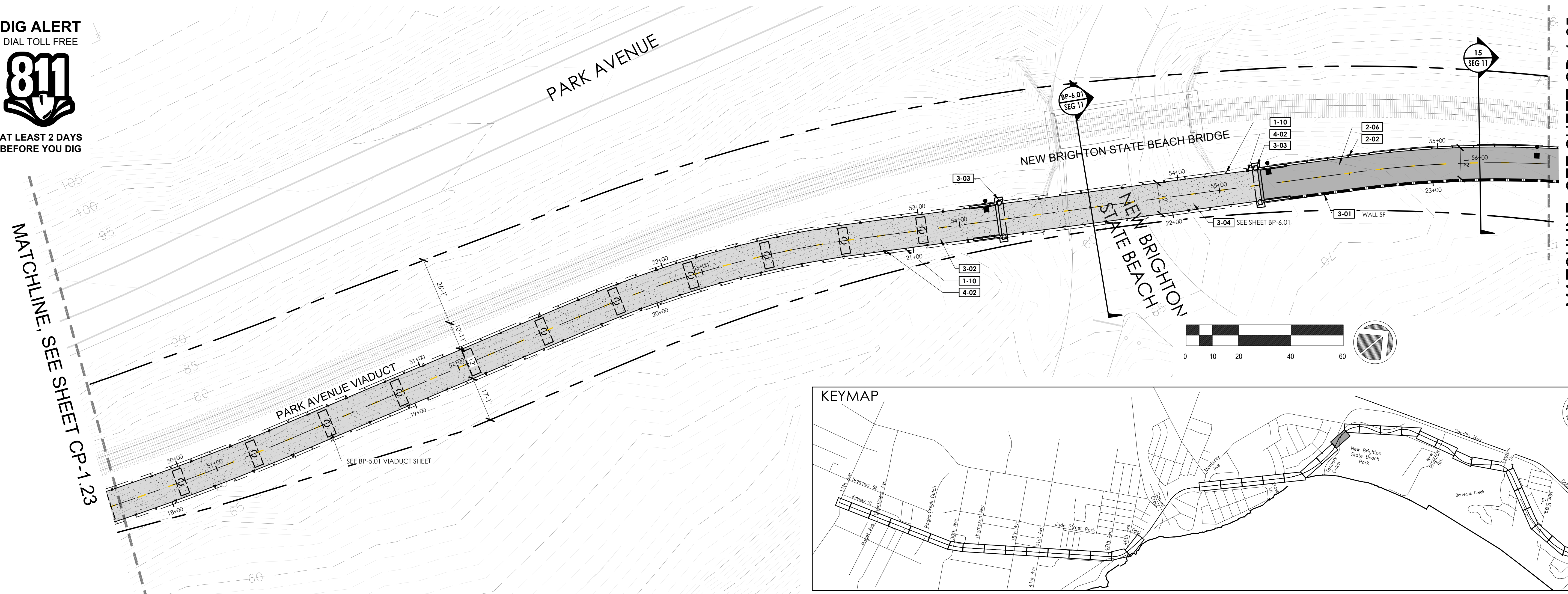
DATE 02/10/2023  
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CHECKED MS

SCALE AS SHOWN  
CP-1.23  
VAULT NO.

TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION) REFINED SCHEMATIC PLANS - 02/10/23



**DIG ALERT**  
DIAL TOLL FREE  
**811**  
AT LEAST 2 DAYS  
BEFORE YOU DIG



**REFERENCE NOTES SCHEDULE**

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
<b>1-01</b>	CONCRETE TRACK PANEL	<b>2-07</b>	HMA PAVEMENT (ROAD)
<b>1-02</b>	SEPARATION FENCING	<b>2-08</b>	CONCRETE SIDEWALK
<b>1-03</b>	PROPOSED SIGN	<b>2-09</b>	CONTINENTAL CROSSWALK STRIPING
<b>1-04</b>	RELOCATED PAY STATION	<b>2-10</b>	CROSSBIKE MARKINGS
<b>1-05</b>	TRASH RECEPTACLES	<b>2-11</b>	LADDER CROSSWALK STRIPING
<b>1-06</b>	BENCH	<b>2-12</b>	PROPOSED AT-GRADE CROSSING
<b>1-07</b>	CROSSWALK BARRIER	<b>2-13</b>	PROPOSED STAIRS
<b>1-08</b>	BIKE RACKS	<b>2-14</b>	TRAIL CHICANE
<b>1-09</b>	FLEXIBLE BOLLARD	<b>STRUCTURAL</b>	
<b>1-10</b>	GUARDRAIL SYSTEM	<b>3-01</b>	RETAINING WALL, SEE WP SHEETS
<b>PEDESTRIAN AND TRAFFIC CONTROL</b>		<b>3-02</b>	VIADUCT
<b>2-01</b>	6" WIDE CURB	<b>3-03</b>	ABUTMENT
<b>2-02</b>	8" WIDE CURB	<b>3-04</b>	BRIDGE
<b>2-03</b>	6" CURB AND GUTTER	<b>UTILITIES</b>	
<b>2-04</b>	CURB RAMP	<b>4-01</b>	PIP EXISTING RAIL EQUIPMENT
<b>2-05</b>	DETECTABLE WARNING SURFACE	<b>4-02</b>	PROPOSED LIGHT
<b>2-06</b>	HMA PAVEMENT (TRAIL)	<b>4-03</b>	NEW LIGHT FIXTURE ON EXISTING POLE
		<b>4-05</b>	SOLAR LED W11-15 CROSSING SIGN

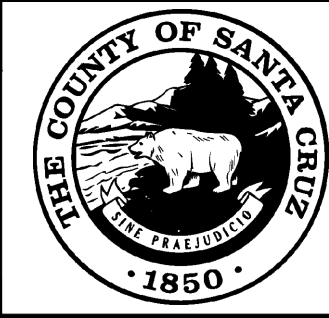
**LEGEND**

SYMBOL	DESCRIPTION
	SCRTC RIGHT OF WAY
	CITY LIMITS
	EXISTING FENCE
	FENCE OR GUARDRAIL ON CURB, WALL, VIADUCT OR BRIDGE
	RETAINING WALL, SEE WP SHEETS
	PROPOSED LIGHTS
	CONCRETE PAVEMENT
	HMA PAVEMENT (TRAIL)
	VIADUCT WITH FIBERGLASS REINFORCED POLYMER DECK
	BRIDGE WITH FIBERGLASS REINFORCED POLYMER DECK
	DECOMPOSED GRANITE
	DECORATIVE PAVERS

15 TYPICAL SECTION SCALE 1/8"=1'-0"

PRELIMINARY  
NOT FOR CONSTRUCTION  
**rrm design group**  
rrmdesign.com | (949) 361-7950  
30302 Camino Capistrano, Ste 205  
San Juan Capistrano, CA 92675

REVISIONS



**COUNTY OF SANTA CRUZ**  
DEPARTMENT OF PUBLIC WORKS  
701 Ocean Street, Room 410  
Santa Cruz, CA 95060

**RAIL TRAIL SEGMENTS 10 & 11**  
TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION)  
CONSTRUCTION KEYNOTE PLANS

REFERENCES  
FIELD BOOK:  
DRAWING #:  
CP-0193-06-RWT-S11

DATE 02/10/2023  
DRAWN KS  
DESIGN KS/MS  
CHECKED MS

SCALE AS SHOWN  
CP-1.24  
VAULT NO.

TRAIL NEXT TO THE RAIL LINE (ULTIMATE TRAIL CONFIGURATION) REFINED SCHEMATIC PLANS - 02/10/23



# Capitola City Council

## Agenda Report



**Meeting:** March 23, 2023

**From:** Community Development

**Subject:** 401 Capitola Avenue Appeal

**Recommended Action:** Adopt a resolution affirming the Planning Commission's decision to deny Application #22-0282 seeking a Conditional Use Permit, Parking Variance, and Coastal Development Permit for a restaurant/café at 401 Capitola Avenue (Capitola Tap House).

**Background:** On June 5, 2014, the Planning Commission approved a Design Permit, Setback and Parking Variances, Coastal Development Permit (CDP), and Sign Permit to Charlie and Company to construct the building at 401 Capitola Avenue. The parking variance was granted for all four required onsite spaces and the property has operated with no onsite parking ever since. The property was subsequently sold by Charlie and Company to the current applicant.

On April 4, 2019, the Planning Commission approved Conditional Use Permit (CUP) #19-0031 for a takeout restaurant to serve boba tea, rice bowls, salads, beverages, and ice desserts with a six-seat maximum. The final local action notice included 26 conditions of approval that remain in effect (Attachment 3). The Planning Commission did not approve a proposed patio along the side of the building nearest the trestle and conditioned the permit to require that any kitchen exhaust be located on the front half of the building toward Capitola Avenue. A parking variance was not required for this change of use because the required parking for a six-seat takeout business is the same as the required parking for a retail use, and a six-seat takeout business is not considered an intensification of the retail use.

During building permit review, the applicant modified the business plan to be a kombucha, tea, and coffee serving takeout establishment with a smaller kitchen that is primarily for washing dishes and has no cooking equipment or food preparation counters. The change included replacing a portion of the kitchen and prep area with a walk-in cooler that is plumbed with 32 tap dispensers for non-alcoholic beverages. The Santa Cruz County Environmental Health Department has conditioned the approval of the current facility to limit food services to cold brew coffee and kombucha from approved sources only.

On May 18, 2022, the Building Department issued a Certificate of Occupancy for the Capitola Tap House. The Capitola Tap House is operating currently with a condition of approval that limits the use to six or fewer seats. The daily configuration includes no seats but has two bar height tables on the front porch that customers use while standing.

On July 6, 2022, the applicant filed Application #22-0282 for a new CUP, Parking Variance, and CDP, to establish a restaurant with 26 seats that serves beer from the tap system and has no onsite parking.

On December 1, 2022, the Planning Commission considered Application #22-0282 and denied the application 3-0, with two Commissioners recusing. The Commissioners cited an inability to make findings to support the CUP, CDP, and Parking Variance as the basis for denial (Attachment 12).

On December 9, 2022, the applicant appealed the Planning Commission's denial.

**Overview of Application #22-0282:** The appellant applied for Planning Commission review of a Conditional Use Permit (CUP) to change the property from a six-seat takeout business, serving kombucha and cold coffee, to a restaurant serving beer and wine. The proposal seeks to expand customer seating from six seats to 26 seats and seeks a variance for seven required parking spaces.

The proposed intensified use requires seven (rather than the currently required four) parking spaces, in accordance with Capitola Municipal Code Section 17.76.020.

**Capitola Municipal Code Section 17.76.020 B. Replacing Existing Uses.**

b. In all other changes of use in the mixed use village (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

The applicant seeks a variance (essentially a waiver) of the seven-space parking requirement.

The existing kombucha and cold coffee business at Capitola Tap House is operating under an existing CUP (#19-0031) as a takeout establishment and the location provides no onsite parking. Under the City's zoning code as applicable when the current use was approved, a takeout restaurant with six seats or less has to provide the same parking as retail uses. A takeout restaurant with seven or more seats has to provide roughly twice as many parking spaces, consistent with restaurant parking requirements.

The existing business has installed 32 taps that connect to a walk-in cooler and currently uses the taps to serve kombucha and cold coffee to customers for onsite consumption and to-go sales. The current application seeks to convert 50% of the existing tap system to use for beer/wine/hard kombucha, and to continue using the other 50% of the taps as they are currently used. The proposal also includes conversion of interior space to add a food prep counter, toaster, and ice machine.

On December 1, 2022, the Planning Commission denied the application with a 3-0 vote, with two Commissioners recusing. The Commissioners cited an inability to make findings to support the proposal as the basis for denial.

Basis of Appeal Filed December 1, 2022: The basis of the appeal (Attachment 8) provided by the applicant focused on three issues:

1. "The staff report noted the use is allowable but the focus for denial was on parking." The appellant states concern with the staff determination that by providing no parking onsite, there would be spill over parking impacts to street parking in the vicinity and impacts to beach access by limiting parking for visitors.

Staff Analysis: Zoning Ordinance Section 17.76.020 B(b) requires parking for an intensification of use to be provided on-site. The applicant is proposing an intensification of use and the proposal does not include onsite parking which would have spill-over parking impacts.

2. "Two of the three Planning Commissioners based their decision on a part of the application that was not properly before them for their review." The appellant states that two Commissioners were critical of the proposed kitchen and that was the basis of their denial vote.

Staff Analysis: Planning Commissioners discussed the shortcomings of the application, including the proposed kitchen and business plan. The Commissioners also discussed comparisons made to The Avenue Café being difficult due to The Avenue Café having been established over 40 years ago, three General Plans ago, and under a completely different set of land use laws and standards. The Commissioners described an inability to make findings for the requested CUP, CDP, and Parking Variance, stating that the project would set a precedent of allowing an intensification of use without parking.

While the Commission may have discussed multiple aspects of the project, their denial was based on a lack of ability to make the findings for a CUP, Parking Variance, and CDP. The denial did not include reference to the kitchen or business plan.

3. "Findings for a Variance can be Made." The appellant states that the Planning Commission approved a Parking Variance for the subject property in 2014 and made findings for approval.

They also state that property conditions have not changed, so the proposed Parking Variance should also be approved.

Staff Analysis: The Planning Commission approved a Parking Variance in 2014 for four required parking spaces to allow new construction on the property to operate as a retail use. In 2019, the Planning Commission approved a conversion of the business from retail (Charlie & Co.) to a takeout business (Capitola Tap House). In 2019, the City's Zoning Ordinance allowed for conversion from retail to a takeout eating and drinking establishment use where seating was limited to a six-seat maximum. The City's Zoning Ordinance specifically allows property owners and commercial tenants the flexibility to convert from retail to takeout (and vice versa) without necessitating parking upgrades, provided the takeout establishment has six or fewer seats. A takeout restaurant is limited to six seats. The proposed restaurant had more than six seats and is no longer a takeout restaurant. Restaurants and cafes have a parking requirement of one parking space for dining and drinking areas and one parking space for every 300 square feet of other floor area.

In the applicant's 2019 application to originally establish the Capitola Tap House, the seating for the takeout business was limited to six seats, which did not intensify the parking demand when compared to the prior retail business. The existing 2014 parking variance was sufficient to allow the conversion to a six seat takeout business use in 2019.

The current application seeks to change the use from a takeout business with six seats to a restaurant with 26 seats and is an intensification of use that requires seven onsite parking spaces. The parking variance issued in 2014, waiving the parking requirement for four parking spaces, is not applicable to the current application, which asks the City to waive the parking requirements for seven spaces.

Staff Supported Options: Following denial of the project, the applicant requested that City staff provide feedback on the type of proposal that could be supported. Planning staff discussed the following options with the applicant:

- A. No Change to Existing Takeout Food and Beverage: Maintain existing use a takeout food and beverage establishment with six seat limit and no alcohol. No new permit required.
- B. Takeout Food and Beverage with Beer and Wine: The business could sell food, beverages, and retail items, but not use taps for beer and wine. The business could sell beer and wine that is bottled or canned off site and displayed for sale in a small display refrigerator. This option would retain the existing six seats. Prefilling containers from the tap system with beer and wine for sale in a display refrigerator would not be allowed.
- C. Retail with Tap Use: The business could operate as a retail-only store that fills containers from the tap system onsite for offsite consumption only. No tasting, onsite consumption, or patron seating would be permitted.

The common limitation of the three staff supported options is use of the 32-tap system, in part or in whole, for the service of beer and wine for onsite consumption. The takeout business has a lower parking requirement, is not an intensification of use, and does not have spillover impacts. However, a tap system with beer and wine is inherently incompatible with a takeout business model due to open container laws. Tap systems are typical of bars, lounges, beer gardens, and full-service restaurants that cater to customers that intend to stay in the business for longer periods of time. The Zoning Ordinance defines and regulates takeout businesses differently than restaurants, bars, and lounges (Section 17.160.020 E 1 a, b, & c).

Modification of Appeal: An appeal to the City Council is a "de novo" review per Section 17.152.30 (F). This means the City Council can consider any alternatives in addition to the project that was reviewed by the Planning Commission. The appellant has provided a second letter introducing several new alternatives for consideration (Attachment 9). Appellant proposed the following alternatives:

1. Remove the parking variance request, maintain six seats, and convert 50% of the existing 32 taps to beer/wine/hard kombucha.

Staff Analysis: This alternative is most accurately characterized as a bar or lounge as defined by the Zoning Ordinance. The definition of a bar or lounge is “a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is incidental”. A bar or lounge is an intensification of use which requires additional parking; therefore, removal of the parking variance is not an option. The Zoning Ordinance defines and regulates bars and lounges separately from a takeout business as those uses have different business patterns, scale, and impacts. A defining feature of a bar, lounge or beer garden is often a tap system.

2. Remove the Parking Variance request, maintain six seats and propose to sell containers prefilled by the tap system with beer/wine/hard kombucha and cold coffee/kombucha from a refrigerator. On site consumption would be limited to flight sized pours if regular sized pours are not acceptable to the City Council (limited to two per customer).

Staff Analysis: This alternative proposes to function similar to a tasting room, with stated intent to limit pours for sampling. This would be extremely challenging for City Planning staff and Police to enforce. ABC allows bona-fide breweries and vineyards to have a limited number of satellite tasting rooms. The Capitola Tap Room would not classify as a tasting room as it is not affiliated with a vineyard or brewery. This alternative would also be categorized as a bar or lounge and would require a variance for additional parking due to the intensification of use. As previously mentioned, allowing a takeout establishment to have a tap system is not compatible with the function of a takeout business model.

3. Remove the Parking Variance, maintain six seats, and sell containers prefilled by the tap system with beer/wine/hard kombucha from a refrigerator for consumption onsite.

Staff Analysis: The chain of custody for an individually prefilled beer/wine/hard kombucha that is filled and then placed in a refrigerator for retail sale and consumption onsite is inconsequential. In situations when this transaction is completed in a matter of seconds, the business would be effectively functioning as a bar, beer garden or pour room. For this reason, staff continues to view this proposal as requiring a parking variance and be a bar or restaurant for zoning purposes.

The appeal modification letter introduces the concept of leasing a portion of the RTC property next to the trestle to add three parking spaces. The applicant did not provide a plan showing how the three parking spaces would be laid out. The RTC/trestle property is zoned CF (Community Facility). The Zoning Ordinance land use table for the CF zone (Table 17.32.1) does not list parking lots or parking facilities as permitted or conditional uses, so this option is not currently allowed by ordinance. The City is aware that there are several long-standing agreements for parking under the trestle. These uses are considered legal nonconforming and were established under prior standards.

Planning staff used existing maps and measured the likely area between the existing building and the trestle and found a width of approximately 18 feet. The minimum commercial parking space dimensions are 9 feet wide by 18 feet deep; therefore, a maximum of two spaces could be accommodated dimensionally by width. However, accessible parking spaces are prioritized and require additional area for paths of travel and clearances. This concept would also require removal of a guy wire, communications pole, undergrounding of communications cables, and coordination around a storm drain inlet. This concept would potentially provide one accessible parking space but, does not meet the requirement of seven total parking spaces.

The appellant also requests that if the City Council chooses to uphold the Planning Commission’s denial of the application that it be without prejudice so that the applicant can continue working with staff on an alternative. Pursuant to Section 17.156.090(A), the City may not accept an application for the same or substantially similar permit for the same site, for twelve months following the denial, unless the denial is made without prejudice. Planning staff believes that any of the three options provided by staff to the applicant would not be substantially similar to the current application.

CEQA: The City Council's action would be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved"). If the Council wishes to grant the appeal, or approve the project with modifications, this determination should be modified.

Fiscal Impact: None.

Attachments:

(Attachments 1-5 included from the December 1, 2022, Planning Commission staff report)

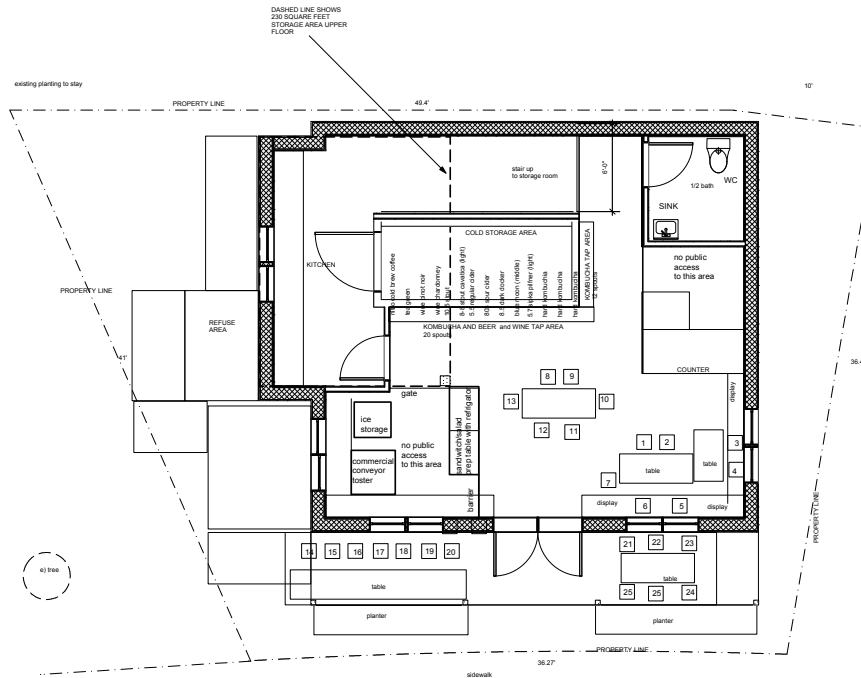
1. Proposed Site Plan/Floor Plan
2. Proposed Business Plan and Narrative
3. Existing CUP Conditions for #19-0031
4. Applicant's letter to the Planning Commission
5. Public Comments
6. Revised Floor Plan - February 22, 2023
7. Revised Business Plan - February 23, 2023
8. Appeal and Basis Statement submitted December 9, 2023
9. Modification of Appeal submitted February 23, 2023
10. Planning Commission Meeting Minutes - December 1, 2022
11. Resolution Affirming Denial
12. December 1, 2022, Planning Commission staff report

Report Prepared By: Brian Froelich, Senior Planner

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

Approved By: Jamie Goldstein, City Manager





SITE PLAN  
1/4" = 1' 0"

the beer will be from controlled taps and served only to persons over 21 years of age (card key controlled)

signs to be posted  
 "NO OPEN CONTAINERS PAST PROPERTY LINE OR CONTROLLED SEATING AREAS"

PROPOSED SEATING FOR 13 PEOPLE INSIDE  
 313 SF OF INSIDE FLOOR AREA FOR PUBLIC USE  
 PROPOSED SEATING FOR 13 PEOPLE OUTSIDE  
 145 SF OF OUTSIDE AREA FOR PUBLIC USE  
 26 SEATING AREA 458 SF FLOOR AREA

SIMILAR CONDITION TO  
 AVANUE CAFE, SAME ZONING, NON-CONFORMING  
 40 SEATS WITH INSIDE AND OUTSIDE SEATING  
 AND NO ON SITE PARKING

VARIANCE TO PARKING REQUESTED

**RICHARD L. EMIGH A.I.B.D.**  
**DRAFTING, DESIGNING & LAND USE ANALYSIS**  
 413 Capitola Avenue Capitola, CA 95010  
 Phone: 831-479-1452 Fax: 831-479-1476



**SITE PLAN AND SEATING AREAS**

phone # 510-701-8383

**401 CAPITOLA AVE 95010**  
**TAP HOUSE FLOOR PLAN**  
**FOR LL APPLICATION**  
 for Amy Cheng

DATE: 08/20/2011  
 DRAWN BY: RL  
 DATE OF PROJECT: 08/20/2011  
 PROJECT NO: 2011-0020

SHEET:

A-1

1 OF 1 SHEETS

**BUSINESS PLAN**

**Capitola Tap House**  
401 Capitola Ave.

Capitola, CA 95010, USA

September 13, 2022

## **Executive Summary**

### ***The Company***

Capitola Tap House is a self-serve drink on draft. The self-pour revolution is growing and will add a modern touch to my establishment that will increase foot traffic, drive up sales, reduce waste, and make my operations overall more efficient. Self-pour technology can surely add a unique differentiator.

Having a self-pour beverage wall with beer, wine, and wine-based spirits cocktails will create a sense of community and is great for team bonding and creating a more inclusive environment for everyone for Santa Cruz county and visitors come to Capitola.

### ***The Ownership***

The Company will be structured as a sole proprietorship.

### ***The Management***

The Company will be managed by hired managers and staff. For delivery drop off, In front of the business location on the street, two parking spaces are designated for a 24 minute parking/loading zone for receiving deliveries. For storage concerns, All beer/wine are set up in 5 gallons to 15 gallons inside the walk-in cooler, and there are plenty of storage shelves. The second story has plenty of room for storage. Green waste management offers bigger size garbage/recycle containers to meet higher waste demand as necessary.

### ***The Goals and Objectives***

Capitola Tap House aims to add a fun place for local residents and visitors to stop for some drinks (non alcohol and alcohol drinks are featured on two walls and daily fresh small eating plates for pairing with the drinks. The Capitola Tap House business will enhance the residents' quality of life. Many residents and visitors have expressed positive interest regarding this new business in Capitola, especially the incorporation of alcohol beverages into our business model. This is an ideal location for residents to gather and meet their neighbors and enjoy social circles. Capitola Beach draws many visitors and vacation renters to this area. The City of Capitola Village parking lots, and street meter parking provide parking to the visitors who come by my business while on their way to the village, as we are not a point of destination, but a stop on the way to or from the Village, and many people would be able to take advantage of our take-out option. This business will not generate more

than usual car traffic, or spillover parking in the neighborhoods, as can be confirmed by our previous statement on not being an immediate point of destination, but a business on the way to the Capitola Village. This business is surrounded by recently rezoned vacation rentals and separated by the mixed use village zone.

Open hours are 11am to 8pm (summer and winter business hours may vary).

### ***The Products and Services***

Capitola Tap House offers self-pour draft kombucha, specialty tea, nitro cold brew coffee, beer and wine on tap and daily fresh food.

### ***Pricing Strategy***

The Company will make use of an economy pricing strategy.

## **Business Plan - Capitola Tap House**

### **The Company**

#### *Business Sector*

The Owner would like to start a business in the following industry: food and drinks accommodation services sector.

#### *Company Background*

Capitola Tap House is a self-serve drink on draft. The self-pour revolution is growing and will add a modern touch to my establishment that will increase foot traffic, drive up sales, reduce waste, and make my operations overall more efficient. Self-pour technology can surely add a unique differentiator.

Having a self-pour beverage wall with beer, wine, and wine-based cocktails will create a sense of community and is great for team bonding and creating a more inclusive environment for everyone for Santa Cruz county and visitors come to Capitola.

### *Company Goals and Objectives*

Capitola Tap House aims to add a fun place for local residents and visitors to stop for some drinks (non alcohol and alcohol drinks are featured on two sides of the walls) and daily fresh made small eating plates for pairing with the drinks. My business is in close proximity to the central village zone and the business is not directly inside a residential neighborhood. My business has only one vacation rental behind me, one side is adjacent to the trestle, and the other side is adjacent to the fire station. My business is in the Neighborhood Commercial Zone, but boarding the Central Village Zone. Lack of parking for this business would not constitute a special privilege, because lack of parking is not a unique request, as many businesses have a lack of parking, and I am not taking parking from the Central Village Zone. In addition, my business would not be a point of destination, not congest the traffic, and we also limited our seating to aid your concerns. Open hours are 11am to 8pm. Summer and Winter business hours may vary.

### *Company Ownership Structure*

The Company will be structured as a sole proprietorship.

### *Ownership Background*

- Owner: Amy Cheng  
Experience and training: Amy Cheng has many years of experience in the food and drinks business. She has degrees in nutritional food and science from UC Davis.

### *Company Management Structure*

The Company will be managed by hired managers and staff.

## **The Products and Services**

### *The Products and Services*

Capitola Tap House offers draft kombucha, special tea, cold brew coffee, beer and wine on tap.

### *Location Analysis*

The business is located in a bustling commercial beach town and is minutes away from the prominent Capitola Village.

### *Pricing*

The Company will make use of an economy pricing strategy.

### *Advertising*

The Company will promote the business through:

- Online channels (website, Google ads, etc.)
- Email marketing (newsletters, brand story, etc.)
- Social media
- TV or radio ads
- Print (magazines, flyers, etc.)

The annual budget for advertising is: \$5,000.00.

## **SWOT Analysis (Strengths/Weaknesses/Opportunities/Threats)**

### *Strengths*

Customer service, cutting edge technology in the self-pour are critical success factors and they give the business its competitive advantage.

### *Weaknesses*

The location is driven by tourists, summer, warm, sunny weather.

### *Opportunities*

There is an opportunity to promote brands and products to the community. Bring education about the benefits of Kombucha healthy drinks and efficiency of self-pour technology.

### *Threats*

Common threats include things like rising costs for goods and products, increasing competition and current labor shortage.

## **Operations**

### *Daily Operations*

The business hours are open to the public from 11am to 8pm. This business is family friendly to locals, visitors and services of all ages. This is family friendly hours and limited crowds after dark and avoiding noisy crowds around the nearby residential neighborhood.

*Operational Facilities*

Capitola Tap House offers indoor seating, outdoor seating, and daily fresh small plates healthy choice of food. Self-Pour Technology card key check-in manage and control alcohol consumption include the following: (1) keeping track of consumption; (2) measure portion drink sizes; (3) limiting to no more than 2 standard drinks per person at a time. (4) Signs posted "No Open Containers past controlled outdoor seating areas. Staff serve free samples of kombucha on draft outdoor mobile carts within the property line. Outdoor Signages stand placement within the property line.

*Staffing*

The Company has a 5-10 person staff, including a general manager, part-time and full-time staff. Staff check ID at the POS counter.

*Zone Commercial/Residential*

Capitola Tap House business is separated by Trestle Boundary Zoning Central Village and Neighborhood Commercial. Central Fire Station is on the right, Trestle is on the left, Riverview Ave Beach Vacation Rentals directly behind. Capitol Ave is a major art This business is surrounded by Central Village Zoning. Outdoor dining seating and Outdoor Business Signage placements are important for businesses in central village and neighborhood commercials.

Capitola Tap House proposed 18 people indoor seating, 13 people outdoor seating



420 CAPITOLA AVENUE  
CAPITOLA, CALIFORNIA 95010  
TELEPHONE (831) 475-7300  
FAX (831) 479-8879

# FINAL LOCAL ACTION NOTICE AND ZONING PERMIT

April 19, 2019

Amy Cheng  
P.O. Box 145  
Cupertino, CA 95015

RE: Notice of Final Action on Application #19-0031

**401 Capitola Avenue**

**#19-0031**

**APN: 035-121-11**

Conditional Use Permit and Design Permit for a take-out restaurant with a garbage storage area and trellis located within the CN (Neighborhood Commercial) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Amy Cheng

Representative: Amy Cheng, Filed: 01.23.2019

The above matter was presented to the Planning Commission on April 4, 2019, and was **approved**, with the following findings and conditions. Any modifications to the conditions and findings are indicated below in strikeout and underline notation.

## CONDITIONS

1. The project approval consists of a Conditional Use Permit for a take-out restaurant with a maximum of 6 seats and a Design Permit for construction of a ~~442-square-foot patio~~ garbage storage area with a trellis. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on April 4, 2019, except as modified through conditions imposed by the Planning Commission during the hearing.
2. There shall be no amplified audible entertainment inside the business that can be audible outside of the business.
3. The applicant is responsible for maintaining the area directly in front of the business free from litter and/or graffiti.
4. All exterior furniture shall be stored inside the main building when the restaurant is closed.
5. The garbage area shall be maintained to prevent odors and provide screening from the street and screening from adjacent neighbors.



6. Any outside lighting on the building shall be turned off within half an hour of the closing time of the business.
7. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
8. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
9. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
10. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
11. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
12. Prior to issuance of building permit, all Planning fees associated with permit #19-0031 shall be paid in full.
13. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
14. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
15. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
16. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
17. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
18. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise

shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.  
§9.12.010B

19. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
20. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
21. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
22. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
23. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
24. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
25. The proposed patio on the south side of the building shall be removed. The applicant may construct a small garbage storage area on the south side of the building located toward the midpoint of the building. Revised plans shall be approved by the Community Development Director.
26. Any roof jacks required for future kitchen exhaust systems shall be located on the front half of the roof to minimize the impacts of food odors on adjacent residential properties.

#### **FINDINGS**

**A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the business owner may be granted a conditional use permit for a to-go restaurant within the CN Zoning District. The use meets the intent and purpose of the Neighborhood Commercial Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

**B. The application will maintain the character and integrity of the neighborhood.**



Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintain the character and integrity of this area of the City. This area of the City is a mix of commercial and residential uses. Conditions of approval have been included to carry out these objectives.

**C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves the conversion of an existing commercial space into a to-go restaurant. No adverse environmental impacts were discovered during project review by either the Community Development Department Staff or the Planning Commission.

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (April 19, 2021) unless otherwise indicated in conditions of approval. Should you have any questions on this matter, do not hesitate to call.

Respectfully,



Matt Orbach  
Associate Planner



# City of Capitola MASTER APPLICATION

Application #	Item 8 C.
Filing Date	_____
Total Fee	_____
Received by	_____

**Project Address:** 401 Capitola Ave  
 A.P.N.: 0351311 Zone District: mixed-use commerc  
 Existing Condition/Current Use Take-Out Restaurant

New   
  Addition   
  Remodel   
  Variance   
  Demo   
  CUP   
  Coastal Permit   
  Other \_\_\_\_\_

Residential: # of Bldgs. \_\_\_\_\_ # of Stories \_\_\_\_\_ # of Units \_\_\_\_\_   
  Commercial: # of Bldgs. 1 # of Stories 1

**Project Description:**  
 I would like to re-notice and process it as a restaurant/cafe serving draft kombucha, draft nitro coffee, draft beer, draft wine, and a bona fide eating place with 23 seats, parking variance, mixed-use neighborhood zoning.

Proposed Use/Occupancy: \_\_\_\_\_

**IMPORTANT:** Please check the box  next to the name of the person listed below whom we should contact regarding this application.

- Property Owner:** Amy Cheng Phone: 510-701-8383  
 Mailing Address: 401 Capitola Ave, Capitola, CA 95010  
 Email: 1biznfun@gmail.com
- Applicant:** Amy Cheng Phone: 510-701-8383  
 Mailing Address: 401 Capitola Ave, Capitola, CA 95010  
 Email: 1biznfun@gmail.com
- Architect/Designer:** Richard Emigh Phone: 831-566-9142  
 Mailing Address: 413 Capitola Ave, Capitola, CA 95010  
 Email: redesign02@yahoo.com
- Engineer:** \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Email: \_\_\_\_\_



# City of Capitola MASTER APPLICATION

Application # \_\_\_\_\_  
Item 8 C.

### Proposed

New Commercial Building: \_\_\_\_\_ sq. ft.  
New Residential Building: \_\_\_\_\_ sq. ft.  
Addition: \_\_\_\_\_ sq. ft.  
Remodel/Tenant Improvement: \_\_\_\_\_ sq. ft.  
Carport/Patio Cover: \_\_\_\_\_ sq. ft.  
New Deck: \_\_\_\_\_ sq. ft.  
New Fencing: \_\_\_\_\_ sq. ft.  
New Paving: \_\_\_\_\_ sq. ft.  
Parking Spaces: \_\_\_\_\_  
Other (specify): \_\_\_\_\_

### Existing

Lot: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ sq. ft.  
Main Building: 1200 sq. ft.  
Parking Spaces: 0  
Other (specify): \_\_\_\_\_ sq. ft.

### PLANNING STAFF USE ONLY

- ARCHITECTURAL AND SITE REVIEW
- COASTAL REVIEW: EXCLUSION, EXEMPTION OR REC. TO CCC
- ENVIRONMENTAL REVIEW
- ADMINISTRATIVE REVIEW
- PLANNING COMMISSION REVIEW (PC)
- ZONING ADMINISTRATOR
- OTHER \_\_\_\_\_

I, the undersigned, understand approval of this project does not waive any requirements, laws, or ordinances of the City of Capitola. All statements contained herein, including all documents and plans submitted in connection with this application, are true and accurate to the best of my knowledge.

In submitting this Application, I agree to defend, indemnify, and hold harmless the City of Capitola, its officers, employees, and agents, from and against any claim, including attorneys' fees and litigation costs, arising out of or in any way related to the City of Capitola's processing, consideration, or approval of this Application.

Signature: \_\_\_\_\_  
*Amy Cherry*  
Property Owner

Date: \_\_\_\_\_  
7/6/22

I hereby authorize the above named contact person to act as my agent in all matters pertaining to this application.

Signature: \_\_\_\_\_  
*Amy Cherry*  
Applicant

Date: \_\_\_\_\_  
7/6/22

### AGREEMENT FOR PAYMENT OF PROCESSING FEES

City of Capitola (hereinafter CITY) and Amy Cheng (hereinafter APPLICANT) agree to the following:

1. This Agreement is in reference to the permit processing costs associated with Planning Application # \_\_\_\_\_.
2. A minimum deposit or fixed fee will be collected at the time of project submittal. Fixed fees are non-refundable, flat fee payments. Deposit accounts require an initial payment as stipulated in the City's Fee Schedule. If the initial deposit is depleted, the APPLICANT is responsible for replenishing the account to continue processing. Projects with deposit accounts will receive an invoice prior to issuance of a planning permit to be paid within 25 days from the invoice date. Upon completion of project review, any remaining deposit will be refunded to the APPLICANT. If it is necessary to utilize consultant services, a deposit to cover the consultant's costs will be requested from the APPLICANT prior to execution of the contract with the consultant.
3. The APPLICANT is responsible for payment of all permit processing costs associated with this project. If during the course of processing, the financial responsibility changes, the new financially responsible party must complete an Agreement for Payment which will release the previous APPLICANT from further financial obligations and designate the new APPLICANT.
4. If an invoice is not paid within 25 days CITY may stop work and close the application.
5. APPLICANT agrees to pay all fees applicable under the City's Fee Schedule prior to approval and issuance of land use clearance, map clearance or clearance for record of survey, building permit and post discretionary case clearance. No clearances or permits will be issued without receipt of fully payment for fees unless waived or adjusted by the Community Development Director upon a showing of good cause.
6. If the APPLICANT owes any amount due on any other project application, the CITY will not accept any subsequent permit application from the APPLICANT, unless waived by the Community Development Director.

Executed this 6 day of July, 2022

**CITY**

Capitola  
Community Development Department

**APPLICANT**

Amy Cheng  
Signature

Amy Cheng  
Print Name

401 Capitola Ave  
Mailing Address

Capitola, CA 95010

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2097](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2097)

Updates: AB 2097 **passed the State Senate on 8/29/22 by a vote of 26-9**. It passed the State Assembly in a concurrence vote on 8/30/22 by a vote of 52-17. AB 2097 was signed by Governor Gavin Newsom on 9/22/22. Click here to view the governor's signing message.

To: Capitola Planning Commission  
Meeting Date: October 6, 2022  
Address: 401 Capitola Avenue  
Permit Number #22-0282  
APN: 035-131-11

Dear Members of the Capitola Planning Commission and City Staff,

I am Amy Cheng, the owner of 401 Capitola Avenue and the Applicant for this matter.

Thank you for the opportunity to address the Staff Report pertaining to my proposal.

The Staff Report states that my application requires two entitlements:

- 1. A Conditional Use Permit Modification to establish a “bar and lounge serving beer and wine” in the MU-N zoning district.
- 2. A parking variance to expand customer area from six seats to a plan that fully utilizes the front porch and interior customer area with proposed seating for 31 customers.

In response, I disagree with both points.

1. I disagree with and object to the characterization of my proposed use for this location as a “bar and lounge” (pour room.) (Please note that I also take objection to the wording on the City’s green Notice of Public Hearing.)

2. I disagree with the statement that this application requires a parking variance, in light of the passage of Assembly Bill (“AB”) 2097, which was approved by the Governor on September 22, 2022 and Filed with the Secretary of State on September 22, 2022. AB 2097 amends Section 65585 of and adds Section 65863.2 to the CA Government Code relating to land use.

In the alternative, I submit that if the Planning Commission determines that a minimum parking requirement still applies, the number imposed by the City’s Planning Department is incorrect.

**DISCUSSION**

**1. Proposed Use for location is an Eating Place, not a bar and lounge.**

I have applied for a **Type 41 On-Sale Beer and Wine- Eating Place** license through the California Department of Alcohol Beverage Control (“ABC”). A Type 41 license is defined as follows:



41: (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

I am NOT applying for a license for a bar or tavern type use. Contrast my proposed use with a Type 42 license: On-Sale Beer and Wine – Public Premises:

42: (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

The hours of operation for my establishment are requested to be 11:00 a.m. to 8:00 p.m. Minors are allowed to enter and remain. This is a family friendly business for all ages. The early close time of 8:00 p.m. limits noise and other impacts to the surrounding businesses and neighbors such as lighting or traffic generation. My business is next door to the Fire Station and across the street from the Police Department and adjacent to the RTC- railway/trestle open space. There is only one vacation rental home behind me. The fact that there is only one vacation rental residence near me and the proximity to law enforcement further ensures a lack of impact.

My proposal is for a business that is a bona fide eating place. I will have suitable kitchen facilities and provide the following meals (not ancillary food, but rather substantial meals for consumption on premises or take out):

**MENU**

**DAILY FRESH MADE**

- Daily Fresh Soup
- Variety Crackers & Cheese Plates
- Daily Fresh Specialty Rolls
- Beef Kimbap Rolls
- Chicken Kimbap Rolls
- Spam Kimbap Rolls
- Tofu & Fish Cake Kimbap Rolls
- Shrimps Spring Rolls
- Chicken Rice Bowl
- Daily Fresh Desserts

Please note that the Capitola Municipal Code also confirms my proposed use of the premises as an “eating and drinking establishment” such as a restaurant, café, or take-out food and beverage, rather than a “bar and lounge”. As you can see from the definitions taken from Section 17.160.020 of the Capitola Municipal

Code, a “bar and lounge” is a business “devoted to serving alcoholic beverages”, “in which the serving of food only incidental to the consumption of such (alcoholic) beverages” and describes such places as “cocktail lounges, nightclubs, taverns.” This description brings to mind bars that primarily serve alcohol in a cocktail lounge, nightclub or tavern environment, which might serve baskets of pretzels or nuts ‘incidental’ to the consumption of the alcoholic beverage.

This ‘bar and lounge’ description is not at all what the proposed use of my premises is contemplated to be, or intended to be, or will be.

Capitola Municipal Code 17.160.020

1. “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

a. “Bars and lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses.

b. “Restaurants and cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full service restaurants, fast-food restaurants, coffee shops, cafes, and other similar [eating and drinking establishments](#).

c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a storefront [retail](#) component.

The Staff Report determines this is a bar and lounge based on the following:

1. The proposed use is greater than 160 sf of customer area – Response: this is not a criteria for the definition of bar and lounge.
2. The proposed use includes 31 seats – Response: this is not a criteria for the definition of bar and lounge.

3. This utilizes a self-pour tap system – Response: this is not a criteria for the definition of bar and lounge.

4. Will utilize at least 50% of the 32-tap system for alcoholic beverages – Response: this ignores the fact that meals will be served as well as numerous non-alcoholic beverages

My current business has had approval of the plans for the Conditional Use Permit (“CUP”) in the Category “Take-Out Restaurant.” In my understanding, a variance was given to have no parking on site. My business is family friendly- with limited evening hours (closing at 8 pm) where are minors are welcome. My proposed use does not fit the Capitola Municipal Code definition of bar and lounge, it does not fit the ABC Type 42 license for bar, tavern, and it does not fit the actual image of a bar, cocktail lounge, nightclub, tavern etc. that ‘we know when we see it.’

**2. A Parking Variance is no longer needed.**

AB 2097 was passed and approved by Governor Newsom on September 22, 2022 and filed with the Secretary of State the same day. It has been codified as law in Government Code Section 65585 and adds Section 65863.2 to the CA Government Code relating to land use.

AB 2097 does not just apply to housing developments. It was contemplated to “make housing cheaper and more abundant, help mom ’n’ pop restaurants get started, let architects reuse historic buildings, and make the state’s neighborhoods more walkable.” Before AB 2097, local laws required gyms, offices, stores, cafes, restaurants, homes etc. to come with a certain number of parking spots. Now, with the governor’s approval, those requirements disappear within a half-mile of regular transit service, effectively ending parking minimums. No longer are buildings frozen out of “adaptive reuse” because of parking requirements.

The new law, codified in Government Code Section 65863.2, states:

(a) A public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit.

The only exception to this law is if not imposing parking requirements would have a substantially negative impact on the city meeting its regional housing need number or other housing development related impacts. There are no such impacts at issue with this proposal.

Public transit” means a major transit stop as defined in Section 21155 of the Public Resources Code, (“PRC”) which refers to 21064.3.

21064.3 of the PRC defines “Major transit stop” means a site containing **any** of the following:

- (a) **An existing rail or bus rapid transit station.**
- (b) A ferry terminal served by either a bus or rail transit service.

Therefore it is my contention that no minimum parking requirement can be legally imposed.

### **3. In the alternative, if a parking minimum is still imposed, the City’s suggested number of parking spots required is incorrect.**

I have a lawful CUP under the prior zoning ordinance, which allowed takeout business without additional parking. Original building permit#For this proposal, City Planning staff is holding me to the standard of parking ratio imposed on bars and lounges. That ratio is 1:60 square feet (“sf”) for customer area and 1:240 sf for other areas. However a take-out restaurant has a parking ratio of 1:300 sf, which for these premises requires 4 parking spaces – if you include the total square footage of the building. For this proposed change, the City indicates that 8 additional spaces be added, because the City is using the 1:60 sf ratio of a bar and lounge.

I submit that that is an inaccurate characterization and therefore these 8 additional spaces are incorrectly imposed. The staff report notes that “the customer area of the existing building (interior plus front porch) is 554 sf.” (Page 2 of the Staff Report.) That suggests a parking requirement of two spots if reviewed under the current Zoning Ordinance. Further I submit that Planning Commission can grant any parking variance required, as this use is of minimal impact and compatible with neighboring land uses. In my understanding, when “Charley and Co.” built the building and final permit#BP 2014-228 in 2015, a variance was given to have no parking on site.

### **4. The Planning Department’s allegations regarding a history of code violations and ABC concerns are red herrings and disingenuous.**

The Planning department notes the following code enforcement actions: a trash enclosure that didn’t conform to approved plans, concrete forms installed for a patio area that was not approved, and banners in front of the house without permits. After inspections Planning Staff notified me of these issues and I immediately took corrective action and resolved the noticed issues. There are no open code violations. To inflate this to an allegation of a history of code violations is overstating and I suggest disingenuous. Planning notes in the report that “no calls to Police have been made by or to the Capitola Tap House.” (Page 3.)

Planning Staff also claim that ABC had concerns as to how id's would be checked for alcohol sales and whether the kitchen had the ability to meet the Type 41 requirement for being a restaurant. I suggest that these speculations on the part of the ABC don't rise to the level of unmitigable issues that result in an unsupportable project. The kitchen is adequate to provide the meals that have been outlined on the menu. Further I will employ sophisticated self-pour technology involving a card key that will enable us to only allow people who have shown id's that they are at least 21 years of age to use the taps, and manage and control alcohol consumption by keeping track of consumption, measuring portion drink sizes, and cutting off self-pour after two standard drinks per person. Notably ABC stated that they were not concerned with the front porch area being used for consumption.

This is not a 'bar and lounge.' This is a family friendly eating establishment business, with limited hours. Noise, lighting, traffic generation etc. are accordingly mitigated and not significant impacts. My neighbors are primarily the RTC open space, the Fire Department and City Hall and the Police Department, with the exception of one vacation rental house. I abut the Mixed Use Village zoning with many nearby commercial businesses. I am much closer to the MUV and already run a Kombucha business establishment here with no negative impact to the residential transitional area. This proposed use would not change this. This is a compatible use for the area. It will not negatively impact surrounding uses or public health, safety and welfare.

The Staff Report notes that this project is categorically exempt under section 15301 of CEQA – it is a “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. This project involves no new permanent physical improvements and does not require a Building permit. The permit will involve a minor change in operations and utilization of existing spaces. No adverse environmental impacts were discovered during review of the proposed project.” (Staff Report Page 6, emphasis added.)

Therefore it is compatible with the General Plan and I respectfully request that the amendment to the CUP should be granted.

Thank you for your consideration,

Amy Cheng

**Froelich, Brian**

---

**From:** Edward Newman <edward@capitolalawfirm.com>  
**Sent:** Wednesday, October 5, 2022 8:57 PM  
**To:** PLANNING COMMISSION  
**Subject:** 401 Capitola Avenue

Dear Commissioners:

I am writing on behalf of the seven tenants at 331 Capitola Avenue regarding the application for a conditional use permit, parking variance, and coastal permit for a 46 seat food and alcohol service business at 401 Capitola Avenue. I will obviously not participate in that hearing due to my interest in the property at 331 Capitola Ave.

When the applicant first applied for the existing use permit, the tenants at 331 Capitola Ave. were concerned about impacts on their limited parking. At the time assurance were made that the operation would not affect adjacent parking because of the nature of the use being limited to serving tea products.

The current application for a 46 seat bar and restaurant is drastically different from the original approval. The building at 401 Capitola Ave. has zero off-street parking spaces and almost no on-street parking. Our tenants do not wish to be in perpetual conflict with patrons of an adjacent bar/restaurant. When the property at 331 Capitola Ave. was originally built, parking was required, and food services uses were prohibited for that property. The location is not suitable for the proposed use, and It is difficult to see how the state mandated findings for a parking variance can be made under the circumstances.

We at 331 Capitola Ave. support the staff recommendation and respectfully request that the application be denied.

Ed Newman

Sent from [Mail](#) for Windows

**Froelich, Brian**

---

**From:** Troy A <auzcorp@gmail.com>  
**Sent:** Tuesday, September 27, 2022 4:01 PM  
**To:** PLANNING COMMISSION  
**Subject:** 401 Capitola Ave permit

Hello,

I'm a neighbor of the Kombucha bar. I'm against any kind of permit for alcoholic beverages. This location has residential neighbors and should not be allowed to become another beer bar. We have enough of those establishments downtown. Don't need another one amongst residential homes.

Thank you!  
Troy  
Sent from my iPhone

October 19, 2022

City of Capitola Planning Commission  
 420 Capitola Avenue  
 Capitola, CA 95010  
 Attn: Brian Froelich

SUBJ: 401 Capitola Avenue/Tap House/ **APN: 035-131-11**

RE: Conditional Use Permit and Parking Variance Application/**Permit Number: #22-0282**

Dear Brian & Members of the Capitola Planning Commission,

Our house at 403 Riverview Avenue is approx. 100 feet from The Tap House (the home across the street from us backs up against it). We support the staff recommendation and respectfully request that the application be denied for the following reasons:

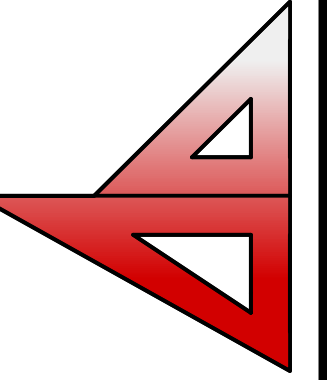
1. The location is not suitable for the proposed use (serving beer & wine, expand indoor and outdoor dining/consumption customer areas and a variance to required parking):
  - a. Not enough off-street parking spaces. The proposal places the burden of parking demand entirely offsite in an area already overburdened with parking issues.
  - b. This is a Mixed Use Neighborhood zoning district & not in Capitola Village.
2. The proposed use will be detrimental to the public health, safety, and welfare.
  - a. Several single family residences are a few feet away & bar and lounge use—especially with taps and limited space for patrons—pose a risk to public health, safety, and welfare to adjacent residential property owners.
    - i. Noise associated with this type of business (yelling & horn honking) would have negative impacts on neighbors in the vicinity.
    - ii. Statistics show establishments that serve beer & wine give way to public drunkenness and the crime that comes along with it. Examples include: unauthorized parking in neighbor's driveways, damages to parked cars, littering, loitering, urinating in public, DUI's, drug use & possession & violence.
    - iii. Unfortunately, even law-abiding bars may pose major problems when patrons leave at closing time, parking in neighborhoods & waking neighbors with car sounds and headlights.
    - iv. Issuance of any kind of alcohol license could aggravate an existing crime problem already in the area.

We wish The Tap House owners continued success w/their current business and would like to thank the Planning Commission for the opportunity to express our opinion on this important subject.

Sincerely,

*A. Kalbali*      *Gina Jackman Kalbali*  
 Oskar & Gina Kalbali  
 403 Riverview Avenue  
 Capitola, CA 95010





**SITE PLAN AND SEATING AREAS**

phone # 510-701-8383

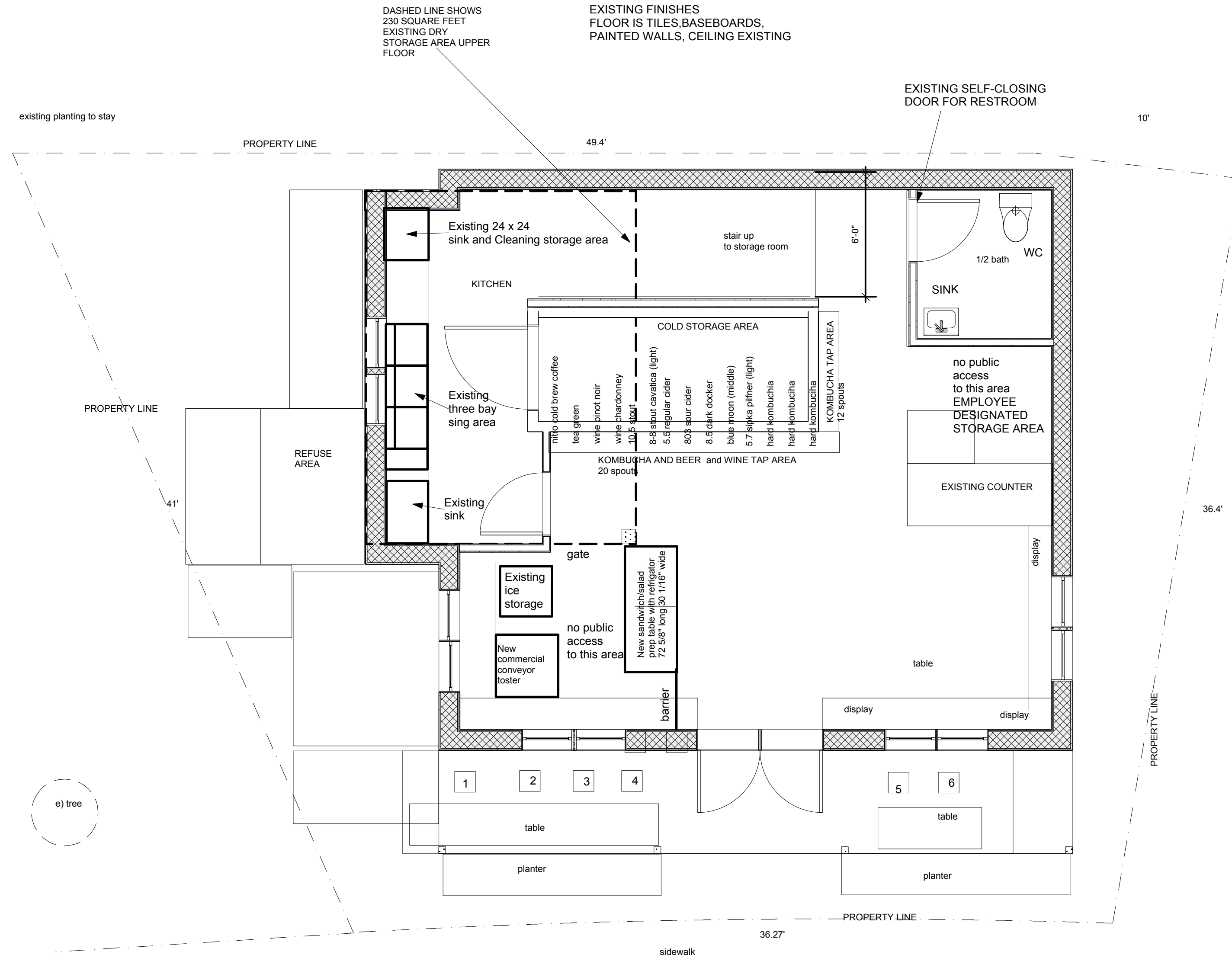
**401 CAPITOLA AVE 95010**  
**TAP HOUSE FLOOR PLAN**  
**FOR LL APPLICATION**  
for Amy Cheng

APN # 005-131-11  
DRAWN BY: RLE  
DATE: 07-05-2022  
REV: 07-23-2022  
REV: 08-22-2023

SHEET:

A-1

1 OF 1 SHEETS

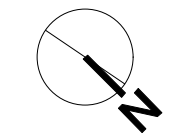


the beer will be from controlled taps and served only to persons over 21 years of age (card key controlled)

signs to b posted "NO OPEN CONTAINERS PAST PROPERTY LINE OR CONTROLLED SEATING AREAS"

PROPOSED SEATING FOR 6 PEOPLE

**SITE PLAN**  
1/4 " = 1' 0"



## **BUSINESS PLAN**

### **Capitola Tap House**

401 Capitola Ave.

Capitola, CA 95010

February 14, 2023

### **Executive Summary**

#### ***The Company***

Capitola Tap House is a take-out restaurant with self-pour draft craft local beer, wine, hard kombucha and organic kombucha located in the heart of Capitola, California. The goal is to provide an enjoyable and inviting space for locals and tourists alike to come together, sample local craft beer, and appreciate the beauty of the Capitola area. I am passionate about creating an atmosphere that encourages community and a unique and exciting experience to the city of Capitola – a takeout restaurant with a self-pour taphouse. This concept has become increasingly popular in the past few years, and I believe it would be a great addition to the city. The self-pour taphouse will provide customers with a fun and interactive experience. They'll be able to sample each selection before making their purchase, allowing them to make an informed decision about what they'd like to drink. The self-pour revolution will add a modern touch to my establishment that will increase foot traffic, drive up sales, reduce waste, and make my operations overall more efficient. Self-pour technology can surely add a unique differentiator. Our menu offerings will include an extensive selection of craft beers, wines, and small plates of food. We will also host special events, such as beer tastings and educational seminars, to further support our commitment to craft beer and wine appreciation.

#### ***The Ownership***

The Company will be structured as a sole proprietorship.

## ***The Management***

The management team at Capitola Tap House consists of experienced entrepreneurs who are passionate about draft craft beer, wine and kombucha appreciation. The team consists of a general manager, assistant manager, and 6-8 staff. For delivery drop off, in front of the business location on the street, two parking spaces are designated for a 24 minute parking/loading zone for receiving deliveries. For storage concerns, All beer/wine are set up in 5 gallons to 15 gallons inside the walk-in cooler, and there are plenty of storage shelves. The second story has plenty of room for storage. Green waste management offers bigger size garbage/recycle containers to meet higher waste demand as necessary.

## ***The Goals and Objectives***

Capitola Tap House will have a total start-up cost of \$250,000. This includes the cost of remodeling and improvement costs, licenses, equipment, and supplies. The business will generate revenue through the sale of drinks and food. This take-out restaurant and self-pour taphouse establishment will also generate revenue through special events, such as beer tastings and educational seminars.

Capitola Tap House aims to add a fun place for local residents and visitors to stop for some drinks (non alcohol and alcohol drinks are featured on two walls and daily fresh small plates for pairing with drinks. The Capitola Tap House business will enhance the residents' quality of life. Many residents and visitors have expressed positive interest regarding this new business in Capitola, especially the incorporation of alcohol beverages into our business model. This is an ideal location for residents to gather and meet their neighbors and enjoy social circles. Capitola Beach draws many visitors and vacation renters to this area. The City of Capitola Village parking lots, and street meter parking provide parking to the visitors who come by my business while on their way to the village, as we are not a point of destination, but a stop on the way to or from the Village, and many people would be able to take advantage of our take-out option. This business will not generate more than usual car traffic, or spillover parking in the neighborhoods, as can be confirmed by our previous statement on not being an immediate point of destination, but a business on the way

to the Capitola Village. This business is surrounded by recently rezoned vacation rentals and separated by the mixed use village zone.

Open hours are 11am to 8pm (summer and winter business hours may vary).

### ***The Products and Services***

Capitola Tap House offers self-pour draft kombucha, specialty tea, nitro cold brew coffee, beer and wine on tap and daily fresh food.

### ***Pricing Strategy***

The Company will make use of an economy pricing strategy.

### ***Ownership Background***

Owner: Amy Cheng

Experience and training: Amy Cheng has many years of experience in the food and drinks business. She has degrees in nutritional food and science from UC Davis.

### ***Company Management Structure***

The Company will be managed by the general manager, assistant manager and staff.

### ***The Products and Services***

Capitola Tap House offers draft kombucha, special tea, cold brew coffee, beer and wine on tap and local source and organic small bite sized food.

### ***Location Analysis***

The business is located in a bustling commercial beach town and is minutes away from the prominent Capitola Village.

## ***Advertising***

The Company will promote the business through:

- Online channels (website, Google ads, etc.)
- Email marketing (newsletters, brand story, etc.)
- Social media
- TV or radio ads
- Print (magazines, flyers, etc.)

The annual budget for advertising is: \$15,000.00.

## ***SWOT Analysis (Strengths/Weaknesses/Opportunities/Threats)***

### ***Strengths***

Customer service, cutting edge technology in the self-pour are critical success factors and they give the business its competitive advantage.

### ***Weaknesses***

The location is driven by tourists, summer, warm, sunny weather.

### ***Opportunities***

There is an opportunity to promote brands and products to the community. Bring education about the benefits of Kombucha healthy drinks and efficiency of self-pour technology.

### ***Threats***

Common threats include things like rising costs for goods and products, increasing competition and current labor shortage.

## ***Operations***

### ***Daily Operations***

The business hours are open to the public from 11am to 8pm. This business is family friendly to locals, visitors and services of all ages. This business has family friendly hours and limited crowds after dark and avoids noisy crowds around the nearby residential neighborhood.

## ***Operational Facilities***

Capitola Tap House offers indoor seating, outdoor seating, and daily fresh small plates healthy choice of food. Self-Pour Technology card key check-in manage and control alcohol consumption include the following: (1) keeping track of consumption; (2) measure portion drink sizes; (3) limiting to no more than 2 standard drinks per person at a time. (4) Signs posted "No Open Containers past controlled outdoor seating area. staff serve free samples of kombucha on draft outdoor mobile carts within the property Boundary and digital signage inside the building.

## ***Staffing***

The Company has a 8-20 person staff, including a general manager, part-time and full-time staff. Staff check ID at the POS counter.

## ***Zone Commercial/Residential***

Capitola Tap House business is separated by Trestle Boundary Zoning Central Village and Neighborhood Commercial. Central Fire Station is on the right, Trestle is on the left, Riverview Ave Beach Vacation Rentals directly behind. Capitol Ave is a major commercial business, public transportation and traffic artery. This business is surrounded by Central Village Zoning. Outdoor dining seating and visuage signage are important for businesses in central village and neighborhood commercials. Capitola Tap House is limited to 6 outdoor seating. Proposal for additional seats and additional parking space nearby becomes available.

**Basis for appeal of Planning Commission denial of Application # 22-0282  
Additional sheets**

**A. Introduction**

The business at 401 Capitola Ave currently has a CUP as a 'take out food and beverage establishment', pursuant to Capitola Municipal Code Section 17.160.020(c):

c. "Take-out food and beverage" means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a storefront retail component.

Application #22-0282 sought a CUP for a restaurant/café (CMC 17.160.020(b)):

b. "Restaurants and cafes" means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full service restaurants, fast-food restaurants, coffee shops, cafes, and other similar eating and drinking establishments.

The difference between the current CUP and proposed CUP was the addition of tables and seating from 6 seats in a customer area of 160 square feet to 26 seats in a customer area of 458 square feet, (Staff Report pg. 122) and the conversion of some<sup>1</sup> of the existing non-alcoholic taps to taps for beer and wine.

**B. The Staff Report Noted the Use is Allowable but the Focus for Denial was on Parking.**

The Staff report stated that the proposed use is allowable in this location with a conditional use permit. The Staff Report states, "A restaurant serving beer and wine that meets parking standards is a potentially supportable proposal. The subject proposal includes an intensification of customer use areas from six seats to 26 seats while providing no on-site parking." (Staff Report pg. 124, Conditional Use Permit Findings, emphasis added.)

The staff report, on pg. 121-122, "Local Coastal Plan Analysis," stated that:

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<sup>1</sup> In the Staff presentation, it was erroneously suggested that all 32 existing taps were to be converted to wine and beer, and that the use was 'beverage first'. Applicant clarified that no more than 50% of those taps would be converted to wine and beer and the rest of the taps would remain non-alcoholic. Further the use looks beverage first because presently it is only beverage, however food service is desired, and thus this is an unfair characterization.



“An intensification of a land use requires a Coastal Development Permit (CDP) and consistency with the City’s Local Coastal Program (LCP), Land Use Plan and CDP findings. The proposed intensification of use is in contrast with this policy. Findings for consistency with the City’s LCP cannot be made as the proposal intensifies the use without parking. The increased demand on street parking and public parking will impact parking and beach access in the vicinity for visitors and existing businesses and residents.” (emphasis added.) Applicant notes that the impact to beach access was the impact on parking, not some other physical impediment to access.

The Staff report and presentation discussed compatibility of this project with neighboring land uses and again focused their position that the use was incompatible on the inability of this property to meet the parking requirement of 7 spaces.

“The location, size, design, and operating characteristics of a dine-in restaurant business with a 32 tap self-pour system for dispensing beer, wine, Kombucha, and cold brew coffee with no parking is not compatible with surroundings at this location.” (Staff Report pg. 122, emphasis added.)

### **C. Grounds for Appeal of the Planning Commission’s Denial**

#### **1. Two of the three Planning Commissioners based their decision on a part of the application that was not properly before them for their review.**

The Staff report noted that, with regard to the sufficiency of the proposed kitchen facilities for a restaurant, that “determination is not made by local agencies and does not factor into the CUP, Variance or CDP analysis and findings.” (Staff Report pg. 120.)

The Staff report noted that, “If approved, the applicant would need to submit detailed kitchen plans, a more thorough menu, and operations plan to the county environmental health division for review.” (Staff Report pg. 119.)

In the Staff presentation at the hearing, at approximately the 1:15-1:17 mark, Staff informed the Commission that the issue of the ABC license, including the issue of the ‘bona fide eating establishment’ required was NOT part of the findings to make.

The Applicant, in her presentation, also stated that the issue of the sufficiency of the kitchen facilities was not properly in the purview of the Planning Commission, but rather was for the California Department of Alcohol and Beverage Control (ABC) to decide.

Notwithstanding, Commissioner Christiansen, at approximately the 1:44 point in the hearing, began her deliberation saying that the biggest issue she had with the application was the completeness of the plans regarding the kitchen. She stated the kitchen plans seemed unfinished. She noted that she supports the applicant’s proposal for alcohol, saying it would be a great use, and also noted that she had no problem with the amount of seating proposed. However she stated that the kitchen plan needed to be fleshed out and seemed haphazard and that she didn’t have a good understanding of what food the applicant would be serving.



While the applicant greatly appreciates Commissioner Christiansen's support of the proposed business model of 26 seats and beer and wine service, applicant respectfully states that Commissioner Christiansen's denial of the project was based exclusively, according to her own words, on the kitchen plans and assessment of the bona fides of the meals, which were not part of the findings to be made. Therefore to rely on that as the reason for denial, especially in light of the expressed support for all other aspects of the project, was error.

Commissioner Routh next spoke. He began by saying that the food aspect of the restaurant was nebulous and left the Commission without direction in that regard. Therefore his denial also relied on an aspect of the project that was not properly a finding to be made by the Commission.

## **2. Staff and Commissioners improperly narrowed the parking consideration.**

Commissioner Routh also noted that the intensification of the use would attract more people to the Village and create a parking problem. Commissioner Westman stated that approving this CUP might cause other businesses to try to expand when they cannot due to the parking requirement. And, as stated above, the Staff report focused almost exclusively on the parking requirement as a reason for denial.

However, Applicant submits that the parking requirement was looked at through too narrow a lens by Staff and Commission.

Staff emphasized, in both the Staff Report and the Presentation, that in looking at the requirement for consistency with the City's Local Coastal Program (LCP), Land Use Plan and CDP findings, **Policy 1-1 of the Land Use Plan** states:

"It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village, and Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding residential areas. **The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking.**" (emphasis added.)

Applicant and the many supporters who spoke at the Planning Commission noted that the parking issue was not limited, in Capitola's own guiding documents, to new parking spots, but also contemplated "other alternative transportation systems, such as a shuttle bus and remote parking." Applicant and the speakers also emphasized public transportation, ride share services, and green transportation options, such as bicycles, electric bikes and foot traffic as the "alternative transportation systems" by which new development could be evaluated. Applicant and the speakers also noted that 401 Capitola is very near the two large public parking lots, which should be considered as "availability of parking."

Unfortunately it appeared that both Staff and Commission rejected all these alternatives and only concentrated on new-built parking spots as satisfying the parking requirement.

Applicant suggests this is error, and notes that, especially in this time, alternatives to cars are growing in importance and governmental emphasis in this state and country, and thus Applicant urges this Council to value these alternatives as intended by Land Use Plan Policy 1-1 itself.

**3. Findings for a Variance can be Made**

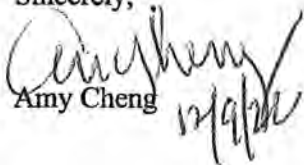
Government Code Section 65906 states that variances can be granted, not as a special privilege but when the property's conditions, including size, shape, topography etc., pose a hardship on the subject property that other such businesses don't have.

Government Code Section 65906.5 holds that parking requirements of a local zoning ordinance may be relaxed by variance to allow some parking spaces to be located off-site or to allow payment of in lieu fees or facilities. The variance must be an incentive to and a benefit for the non-residential development. Note that, according to the law, the benefit only has to be for the non-residential development at issue.

In 2014 or 2015 this business was built as a retail store and received a variance of the required 4 parking spaces due to the hardship posed by this business' conditions. It is flanked by the trestle property and the fire department – there is no ability to build on-site parking.

That circumstance is unchanged today. It is no less true that this property is unable to build on-site parking. Therefore if the reason for the variance was valid under the first CUP for this property, it is no less valid under the current proposal. The use is allowed. The City Council can make the required findings in this matter, and Applicant is respectfully requesting that Council make those findings.

Sincerely,

  
Amy Cheng



## CITY OF CAPITOLA APPEAL INFORMATION

CITY OF CAPITOLA COMMUNITY DEVELOPMENT DEPARTMENT  
420 CAPITOLA AVENUE, CAPITOLA, CA 95010  
831-475-7300 WWW.CITYOFCAPITOLA.ORG

CITY OF CAPITOLA  
CITY CLERK

DEC 9 2022

### Appeals Overview

The City of Capitola appeals process enables applicants and other affected parties to challenge a City decision by having the matter considered by a higher level decision making authority.

### Who May Appeal

Any Capitola resident may file a permit appeal. Non-residents may file an appeal if they can demonstrate that they have a significant interest in the matter.

### Appeal Deadlines

Appeals must be filed by 5:00 PM within 10 calendar days of a permit decision unless a longer appeal period is specified. Appeals filed after the deadline will not be accepted or considered. Postmarks are not accepted.

### Appeal Requirements

Individuals wishing to file an appeal must submit a completed appeal application and pay applicable fees. Applicants who file an appeal and have a developer deposit account will also be charged for staff time to process the appeal.

### Types of Appeals

1. **Administrative (Staff Determinations):** Appeals of administrative staff determinations are cases which do not involve a discretionary permit, such as a conditional use permit, design permit, or a subdivision map. Administrative appeals are considered by the City Council.
2. **Permit Decisions:** Appeals of permit decisions involve decisions issued by the Community Development Director or the Planning Commission. Director decisions are considered by the Planning Commission. The City Council considers appeals of Planning Commission decisions.
3. **Code Enforcement Actions:** Individuals cited with a code enforcement action may appeal the City's determination. Depending on the nature of the code enforcement action, the appeal may be considered by the Planning Commission or an appeal officer.
4. **Building Code Interpretations:** A property owner, applicant, or contractor may appeal an interpretation made by the Building Official to the Building Appeals Board.
5. **Coastal Appeals:** A decision by the City Council to approve a Coastal Development Permit may be appealed to the Coastal Commission if the project is located in the Coastal Appeal Zone.

### Appeal Fees

All appeal applications must be accompanied by a non-refundable appeal fee as established by the City's adopted Fee Schedule.

### Appeal Hearing

All appeals are considered at a public hearing before the applicable decision making body.



# CITY OF CAPITOLA APPEAL APPLICATION FORM

CITY OF CAPITOLA  
CITY CLERK

DEC 9 2022

**TYPE OF APPEAL (check one)**

- Administrative - Staff Determination
- Planning Commission Decision
- Code Enforcement Action
- Building Code Interpretation
- Coastal Appeal

**APPEAL FEE**

See Fee Schedule  
 See Fee Schedule  
 See Fee Schedule  
 See Fee Schedule  
 \$0

**APPELLANT INFORMATION**

Name: Amy Cheng

Address: 401 Capitola Ave. City Capitola Zip 95010

Phone: 510-701-8383

Email: 1BIZNFUN@gmail.com

**APPEAL INFORMATION**

Project Address: 401 Capitola Ave. Capitola CA 95010

Property Owner: Amy Cheng

Application Number: 22-0282

**REASONS FOR APPEAL**

Please note the reasons and grounds for your appeal. Attach additional pages as necessary.

See additional sheets.

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CITY OF CAPITOLA  
CITY CLERK

DEC 9 2022



# City of Capitola MASTER APPLICATION

Application #	_____
Filing Date	_____
Total Fee	_____
Received by	_____

**Project Address:** 401 Capitola Ave., Capitola, CA 95010

A.P.N.: 035-131-11

Zone District: MU-N

Existing Condition/Current Use Take-out Food and Beverage Establishment CMC 17.160.020(c)

New     Addition     Remodel     Variance     Demo     CUP     Coastal Permit     Other \_\_\_\_\_

Residential: # of Bldgs. \_\_\_\_\_ # of Stories \_\_\_\_\_ # of Units \_\_\_\_\_     Commercial: # of Bldgs. \_\_\_\_\_ # of Stories \_\_\_\_\_

### Project Description:

Appeal to the City Council of Planning Commission's denial of Application #22-0282 on December 1, 2022

Proposed Use/Occupancy: \_\_\_\_\_

**IMPORTANT:** Please check the box  next to the name of the person listed below whom we should contact regarding this application.

**Property Owner:** Amy Cheng Phone: 510-701-8383

Mailing Address: 401 Capitola Ave., Capitola, CA 95010

Email: 1BIZNFUN@gmail.com

**Applicant:** Amy Cheng Phone: 510-701-8383

Mailing Address: 401 Capitola Ave., Capitola, CA 95010

Email: 1BIZNFUN@gmail.com

**Architect/Designer:** Richard Emigh Phone: 831-566-9142

Mailing Address: \_\_\_\_\_

Email: Redesigns02@yahoo.com

**Engineer:** Consultant Lynne Lampros Phone: 408-605-7864

Mailing Address: \_\_\_\_\_

Email: lynnelampros@gmail.com



# City of Capitola MASTER APPLICATION

Application # 22-0282

### Proposed

New Commercial Building: \_\_\_\_\_ sq. ft.  
 New Residential Building: \_\_\_\_\_ sq. ft.  
 Addition: \_\_\_\_\_ sq. ft.  
 Remodel/Tenant Improvement: \_\_\_\_\_ sq. ft.  
 Carport/Patio Cover: \_\_\_\_\_ sq. ft.  
 New Deck: \_\_\_\_\_ sq. ft.  
 New Fencing: \_\_\_\_\_ sq. ft.  
 New Paving: \_\_\_\_\_ sq. ft.  
 Parking Spaces: \_\_\_\_\_  
 Other (specify): \_\_\_\_\_

### Existing

Lot: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ sq. ft.  
 Main Building: \_\_\_\_\_ sq. ft.  
 Parking Spaces: \_\_\_\_\_  
 Other (specify): \_\_\_\_\_ sq. ft.

**PLANNING STAFF USE ONLY**

ARCHITECTURAL AND SITE REVIEW  
 COASTAL REVIEW: EXCLUSION, EXEMPTION OR REC. TO CCC  
 ENVIRONMENTAL REVIEW  
 ADMINISTRATIVE REVIEW  
 PLANNING COMMISSION REVIEW (PC)  
 ZONING ADMINISTRATOR  
 OTHER \_\_\_\_\_

I, the undersigned, understand approval of this project does not waive any requirements, laws, or ordinances of the City of Capitola. All statements contained herein, including all documents and plans submitted in connection with this application, are true and accurate to the best of my knowledge.

In submitting this Application, I agree to defend, indemnify, and hold harmless the City of Capitola, its officers, employees, and agents, from and against any claim, including attorneys' fees and litigation costs, arising out of or in any way related to the City of Capitola's processing, consideration, or approval of this Application.

Signature: \_\_\_\_\_  
*Andy Cherry*  
 Property Owner

Date: \_\_\_\_\_  
 12/9/22

I hereby authorize the above named contact person to act as my agent in all matters pertaining to this application.

Signature: \_\_\_\_\_  
*Andy Cherry*  
 Applicant

Date: \_\_\_\_\_  
 12/9/22



### AGREEMENT FOR PAYMENT OF PROCESSING FEES

City of Capitola (hereinafter CITY) and Amy Cheng (hereinafter APPLICANT) agree to the following:

1. This Agreement is in reference to the permit processing costs associated with Planning Application # 22-0282.
2. A minimum deposit or fixed fee will be collected at the time of project submittal. Fixed fees are non-refundable, flat fee payments. Deposit accounts require an initial payment as stipulated in the City's Fee Schedule. If the initial deposit is depleted, the APPLICANT is responsible for replenishing the account to continue processing. Projects with deposit accounts will receive an invoice prior to issuance of a planning permit to the paid within 25 days from the invoice date. Upon completion of project review, any remaining deposit will be refunded to the APPLICANT. If it is necessary to utilize consultant services, a deposit to cover the consultant's costs will be requested from the APPLICANT prior to execution of the contract with the consultant.
3. The APPLICANT is responsible for payment of all permit processing costs associated with this project. If during the course of processing, the financial responsibility changes, the new financially responsible party must complete an Agreement for Payment which will release the previous APPLICANT from further financial obligations and designate the new APPLICANT.
4. If an invoice is not paid within 25 days CITY may stop work and close the application.
5. APPLICANT agrees to pay all fees applicable under the City's Fee Schedule prior to approval and issuance of land use clearance, map clearance or clearance for record of survey, building permit and post discretionary case clearance. No clearances or permits will be issued without receipt of fully payment for fees unless waived or adjusted by the Community Development Director upon a showing of good cause.
6. If the APPLICANT owes any amount due on any other project application, the CITY will not accept any subsequent permit application from the APPLICANT, unless waived by the Community Development Director.

Executed this 9 day of December, 2022

**CITY**

**APPLICANT**

\_\_\_\_\_  
Community Development Department

Amy Cheng  
\_\_\_\_\_  
Signature

Amy Cheng  
\_\_\_\_\_  
Print Name

401 Capitola Ave  
\_\_\_\_\_  
Mailing Address

Capitola, CA 95010  
\_\_\_\_\_

PRINTED ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK.

CASHIER'S CHECK

0047809893

0000478 11-24  
Office AU # 1210(8)  
Remitter: AMY CHENG  
Operator I.D.: u857414 u815813

December 7, 2022

PAY TO THE ORDER OF \*\*\*CITY OF CAPITOLA\*\*\*

\*\*Three Thousand Five Hundred and 00/100 -US Dollars \*\*

\*\*\$3,500.00\*\*

Payee Address:  
Memo: COST RECOVERY DEPOSIT

VOID IF OVER US \$ 3,500.00

WELLS FARGO BANK, N.A.  
10260 S DE ANZA BLVD  
CUPERTINO, CA 95014  
FOR INQUIRIES CALL (480) 394-3122

*Munira Khan*  
CONTROLLER

⑈0047809893⑈ ⑆121000248⑆4861 511475⑈



**Modification to appeal of Planning Commission denial of Application # 22-0282  
Additional sheets**

To: The Honorable City Council  
From: Amy Cheng

Dear City Council Members,

On December 9, 2022 I submitted a timely appeal of the Planning Commission denial of my Application #22-0282.

Thank you for the opportunity to have my appeal heard by the Council.

**Desired Outcome of this hearing:**

1. I would like to continue with the City Council’s consideration of my appeal of the Planning Commission decision on my application #22-0282.
2. If the appeal of Application #22-0282 is not granted, I seek a De Novo review by City Council of any and all alternative proposals to that Application and to my current CUP for my business at 401 Capitola Avenue, and I hope to get a ruling from City Council granting one of the alternatives I have proposed.
3. A discussion with Council and Planning Staff of how much additional seating the addition of three parking spaces to my property would enable me to have.
4. If the City Council returns the matter to the Planning Department or Planning Commission I would request the ruling by City Council be ‘without prejudice’ to enable me to continue to engage with Planning Department.

**I. Original Appeal of Application #22-0282 – appeal filed December 9, 2022.**

I would like to continue with the City Council’s consideration of my appeal of the Planning Commission decision on my application#22-0282, and I refer to and incorporate by reference the packet materials that I submitted for that purpose on December 9, 2022, which I will also attach to this Modified Appeal.

That proposal was to increase the number of seats in my business to 26 and modify my CUP to a restaurant/café, with service of alcohol.

My initial Appeal Packet contains the issue in more detail. Please see the original Appeal packet filed with the City Clerk on December 9, 2022. Briefly to summarize here, the reasons given for denial of the application were parking and sufficient kitchen facilities.

I continue to assert that the proposal could have been granted by Planning. The findings for a parking variance could have been made as Policy 1-1 of the Land Use Plan set forth the review standard- The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking.” (Emphasis added.) There is ample public parking near me, and an increase in the use of shuttle bus and shared ride transportation modes.

With regard to the sufficiency of my proposed kitchen facilities, Staff informed the Planning Commission that that was not a factor for their review. Please see the tape of the proceeding at approximately the 1:15-1:17 mark, where Staff informed the Commission that the issue of the ABC license, including the issue of the ‘bona fide eating establishment’ required was NOT part of the findings to make. Yet the Planning Commission did heavily rely on the issue of the sufficiency of the kitchen facilities and I feel that was weighted inappropriately in their decision to deny my application.

## **II. Consideration of alternatives to the original CUP and the proposal in #22-0282.**

Since December 2022, I have been in continued discussions with the City of Capitola’s Planning Department. I want to express my gratitude to the Planning Department City Staff for their time and work with me. City Staff and I have discussed alternatives to my proposal in the original Application #22-0282.

City Staff informed me that, as this is a De Novo review, City Council could consider not only the project contained in Application #22-0282, but also any and all alternative proposals to that Application and to my current CUP for my business at 401 Capitola Avenue.

Accordingly I would like to amend my appeal to include for your review and discussion the alternative proposals, contained herein.

I also would welcome any other direction and alternatives proposed by City Council at the hearing on March 23, 2023.

Without waiver of my appeal and for the purposes of trying to reach a mutually agreeable alternative, I propose the following alternatives:

### **1. First proposed alternative:**

I am in agreement to remove the parking variance from the request and continue with the six-seat takeout business model, which is the business model I have now with my current, valid CUP.

However I would like to continue with my request to convert no more than 50% of my taps to beer/wine/hard kombucha (hard kombucha is classified as beer/wine so for this proceeding I will refer to the proposal as seeking a CUP for beer and wine). This alternative would be to allow the consumption of food, non-alcoholic drinks, and limited consumption of alcoholic drinks on the premises.

As was stated in the staff report for the Planning Commission hearing dated December 1, 2022, (page 124 of the Agenda packet):

*Conditional Use Permit Findings A. The proposed use is allowed in the applicable zoning district. Restaurant businesses and alcohol sales are not permitted by-right in the MU-N zoning district and require a conditional use permit. A restaurant serving beer and wine that meets parking standards is a potentially supportable proposal.*

Therefore a CUP application for a proposal serving beer and wine is a supportable proposal if it meets the parking standards. In this alternative proposal, I am not seeking to expand seating and therefore my proposal meets existing parking standards. There is no longer that impediment to this proposal.

I received an email from Senior Planner Brian Froelich on December 27, 2022, which stated:

*The staff advice is to continue with the takeout business model and remove the parking variance from the request. Staff is also unlikely to support use of the tap system for beer and wine for a takeout business. A takeout business and a tap system are not compatible. Bars and full-service restaurants have tap systems where customers stay for longer periods and consume on property.*

*We are open to reviewing bottle and can sales from an appropriately sized refrigerator to accompany the takeout business model.*

It seems to me that Planning Staff is now proffering a new impediment to my proposal that was not the basis for Staff's recommendation for denial in the Staff Report for my application #22-0282. This new impediment is based on the length of time my customers will patronize my business. Specifically Staff is maintaining that "a takeout business and a tap system are not compatible. Bars and full-service restaurants have tap systems where customers stay for longer periods and consume on property."

I think that Staff's statement here is not well founded. The length of time my customers

can stay now to consume the drinks I currently sell, in the six seats allowed in my business, has never been an issue. There is no limit placed on how long one of my customers can sit and drink the kombucha drinks I sell now. Realistically with only six seats and the type of environment that my business presents (family oriented, minors welcome, light and bright, minimal seating, limited hours- closing at 8 pm) it is not going to draw the type of activity that a typical bar/lounge does. A bar/lounge has ample seating, dark lighting, adults only, who settle in for hours on end consuming unlimited alcoholic beverages. That is not what my proposal will look like.

As stated in my original application in #22-0282, I will implement a Self Pour Technology Card Key system - which manages and controls alcohol consumption by limiting each adult customer to no more than two (2) alcoholic drinks, and measuring and controlling portion size on the self-pour. This technology will ensure this limitation consistently and accurately. This will address Staff's concern, as it will limit the length of time customers will stay and consume on the premises, as well as the amount that can be consumed on the premises. Further, I can adjust the number and size of the pour even further. I am open to Council discussion on what Council feels is acceptable.

Alcohol sales are allowed in this zone with a CUP. Fundamentally alcohol sales are not incompatible with a takeout business. Staff's suggestion is proposing takeout alcohol sales in cans and bottles from a refrigerator.

## 2. Second Proposed Alternative:

Please note that alcohol from the pour taps can be also bottled and sealed for take out in pints, growlers and crowlers. If I am not granted the option of regular size pours (limited to two per person) of alcohol from the taps, I would like to accept the idea of a refrigerator for beer and wine sales but propose that the refrigerator offer prefilled, sealed bottles of my beverages from my taps. On premises, customers could be limited to trial, flight size pours (limited in number) enabling them to try a beverage and then select a sealed bottle of choice either for consumption on premises and/or to buy it to-go as well. This makes much more economic sense than stocking the fridge with other canned brands of beer and wine, and is compatible with the uniqueness of my business brand. And this would also address Planning's concerns about length of time of consumption on the property.

While I appreciate that Staff is open to allowing the sale of alcohol in bottles and cans, if this means other brands of alcohol this is a limitation that will continue to present an economic hardship on me and my business. I have invested very significant cost in the tap system that is presently installed in my business. I implemented this system to differentiate my business from others and offer a unique and fun service with a modern, innovative touch that will draw customers and allow me to survive financially as a small business owner. I want to bring in customers with this distinctive service, but I also want

to encourage the turnover of customers with the two drink maximum, (or whatever is proposed by Council) so that I can increase revenue.

### 3. Third Proposed Alternative:

Accept the use of a refrigerator for all sales of beer and wine but request that the presealed beer and wine beverages be from my tap system. Accept no self-pour consumption on premises of any size. Request to allow the consumption on premises of the presealed bottles from the refrigerator. (See discussion, below.)

On February 10, 2023, I had a zoom meeting with Capitola Planning Staff. Planning Staff articulated their position in an email to me dated 2/14/23, as follows:

Staff supportable alternatives:

- a. No Beer and Wine (B&W) – No new permit required
- b. Takeout Food & Beverage

OK to sell food, beverage, and retail with following limitations

- i. No tap use for B&W in any capacity
- ii. Cannot fill containers with B&W from taps for consumption on or off site.
- iii. Small display fridge for B&W– example Castagnolas
- iv. Keep legal nonconforming seating (6 seats)

- c. B&W retail w/taps

- i. Retail liquor store that packages to-go B&W beverages from the taps (pints, growlers, etc.) as well as food and retail goods.
- ii. No onsite consumption of food and drink. No dining areas, no seats, no drink rails, etc..
- iii. All sales would be retail only.

Staff's alternative 'a' is for me to withdraw my application and continue to maintain my business as currently permitted. Staff's alternative 'c' is to convert my business from a take-out establishment, which creates community for the public, to essentially a liquor store. No seating on the premises, no consumption of even non-alcoholic beverages on the premises, just retail sales to go of both my non-alcoholic kombucha, and beer and wine, and any food and retail goods.

These are not the proposed alternatives I wish to accept. While option 'a.' maintains what I have now, (and I certainly don't want to go less than what I have now) I am trying to survive and wish to increase my business. Most importantly option 'c' is not acceptable and I would think that Council would not want the beautiful building at 401 Capitola Avenue to become essentially a liquor store.

What I love about being a small business owner in the beautiful City of Capitola is the community! I am developing a core group of customers who love the City and what my business brings and could bring to the City. It would be a shame to convert this location from a family friendly, community oriented meeting place to a retail liquor store.

City Staff and I spent much time discussing Option 'b'.

Staff offered the proposal, similar to Castagnola's, where I could offer food and non-alcoholic kombucha for consumption on premises along with a refrigerator of precanned/prebottled beer and wine from outside vendors (i.e. not my taps). Staff stated that the customers could consume the beer and wine from the refrigerator on my premises, as well as the customers who were buying the non-alcoholic kombucha drinks and the food could stay and consume on the premises.

However Staff would not support the conversion of any of my taps (proposal was 50%) to beer and wine if there were any consumption of beer and wine on the premises. Staff then went further and said that if any of the taps were converted to beer and wine (even if only for filling bottles for to-go sales), no consumption of any food and non-alcoholic drink could occur on the premises.

I submit to Council that this hardline position is not reasonable or good for Capitola. It seems unnecessarily stringent.

I am fortunate to own a business that is much more weather proof than those right up against the ocean. My location is not as vulnerable to storms and resultant flooding and destruction. My business can be a year round draw to Capitola, a community destination and an important source of revenue to the City.

I think it is unduly restrictive to allow me to sell commercial brands of beer and wine from my premises, for consumption on the premises, but not allow for my use of the already existing tap system for beer and wine (unless I convert my business to a liquor store.) This defeats the uniqueness of my business model.

Staff is clearly very worried about my business becoming a bar. That is absolutely not going to happen. I have a family friendly; minors welcome business with limited hours and limited seating. Expanding my offerings somewhat to a limited amount of beer and

wine will not result in an adverse impact to the City or my immediate surroundings. Although I am in the mixed use –N zone, I am surrounded by commercial/office buildings and the open trestle space. I know that this proposal would not have the negative impact that the City Staff are worried about.

I plan to offer a menu of food items. Note that originally on April 4, 2019, the Planning Commission approved CUP #19-0031 for a takeout restaurant that was to serve rice bowls, salads, beverages, and ice desserts with six seats for customers (takeout). Although I then changed that proposal three years ago, my current proposal includes a similar but even more extensive menu of items:

Daily fresh soup • Variety crackers and cheese plates • Daily fresh specialty rolls • Beef kimbap rolls • Chicken kimbap rolls • Spam kimbap rolls • Tofu and fish cake kimbap rolls • Shrimps spring rolls • Chicken rice bowl • Daily fresh desserts

I am not seeking, in this alternate proposal, a CUP as a restaurant/cafe. I am staying with my current CUP of a takeout establishment:

Capitola Municipal Code Section 17.160.020 defines a takeout food and beverage establishment as offering, for example, limited service sandwich and pizza and snacks.

c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a storefront retail component.

Therefore my request of City Council in this proposed alternative #3 is to accept no self-pour and consumption from self-pour of beer and wine on premises, but allow me to pre-fill sealed containers of beer and wine for sale from a refrigerator and consumption on premises of the drinks from the refrigerator. The distinction of that model from the model that Staff proposes of allowing sale and consumption of outside beer and wine from the refrigerator is not significant and I suggest it is unduly restrictive. The technology could be implemented that would not allow pouring from the beer and wine taps by customers, but only management wearing the appropriate card-key technology system. This would ensure compliance with this proposal. But this proposal enables me to get more value out of the already in place tap system, rather than have to purchase outside beer and wine.

**III. Opportunity to obtain three parking spots:**

I have been in talks with RTC to lease three parking spaces next door to my property. I believe I am able to lease three parking spaces immediately next to me. I would like to understand from the City Council and Staff what plans inside could now be afforded to me as a result of this increase in space. Could there be an increase in the amount of seating as a result of three additional parking spaces (in addition to the variance of four parking spaces that this CUP already has?)

**IV. If Council denies the appeal and does not grant any of the alternatives, please do so ‘without prejudice’ so I can continue to discuss Staff Option B with Planning Staff.**

Please note that this is not the option I really want and so I hope that putting it down here does not convey that impression. I am simply saying that if no other option is afforded me, I do not want to have Staff Option B foreclosed to me, and therefore would request City Council rule without prejudice so that option is still open.

**SUMMARY**

In sum my appeal to the Honorable City Council is:

1. A request for a reconsideration of the proposal that I submitted to the Planning Commission Hearing on December 1, 2022. I believe that the City Council can make the findings for the variance and reverse the Planning Commission’s denial of my application # 22-0282 for the reasons articulated in my appeal filed on December 9, 2022 which I incorporate here by reference.
2. A request for a ruling on Alternative Proposals:
  - A request for the City to allow the conversion of no more than 50% of my taps to beer and wine for limited self-pour and consumption on premises along with on premises food and non-alcoholic kombucha.
  - A request for the City to allow the conversion of no more than 50% of my taps to beer and wine for trial size/flight tasting only on premises consumption and the refrigerator for sale of pre-filled beverages from my taps for on premises consumption and to-go sales along with on premises food and non-alcoholic kombucha.
  - A request for the City to allow the conversion of no more than 50% of my taps to beer and wine for no ‘self pour’ on premises consumption (which can be guaranteed by technology) but allow the refrigerator sale of pre-filled beverages from my taps for on premises consumption and to-go sales, along with on premises food and non-alcoholic kombucha.



- A request for the City to allow the conversion of no more than 50% of my taps to beer and wine for the sale of pre-filled beer and wine beverages from my taps for only to-go sales, while still allowing the consumption of non-alcoholic drinks and food on premises.

3. A request for guidance and discussion regarding any and all alternatives that City Council and Staff determine is possible with the addition of three parking spaces.

4. At a very minimum, if the City Council returns the matter to the Planning Department or Planning Commission I would request the ruling by City Council be ‘without prejudice’ to enable me to continue to engage with Planning Department on Staff option b.

Thank you.  
Amy Cheng

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, December 01, 2022 – 7:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Peter Wilk

**Commissioners:** Courtney Christiansen, Paul Estey, Gerry Jensen, Susan Westman

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

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

*The meeting was called to order at 7:00 PM. In attendance: Commissioners Routh, Christiansen, Newman, Westman, and Chair Wilk.*

#### 2. Oral Communications

**A. Additions and Deletions to the Agenda –** *Additional materials were distributed for items 6B and 6E.*

**B. Public Comments –** *None*

#### **C. Commission Comments:**

*Newman: Thanked the Commission and Staff for their efforts during his time on the Planning Commission.*

*Chair Wilk: Thanked outgoing Commissioners for their efforts.*

**D. Staff Comments –** *None*

#### 3. Director's Report – *Update on City Hall tree removal, accepting feedback on the 2023 Meeting Calendar.*

#### 4. Approval of Minutes

A. Approve October 20, 2022, Regular Planning Commission Meeting Minutes

B. Approve November 3, 2022, Regular Planning Commission Meeting Minutes

***Motion to approve the 10/20 and 11/3 minutes: Commissioner Westman***

***Seconded: Routh***

***Voting Yea: Commissioners Routh, Christiansen, Newman, Westman, and Chair Wilk***

#### 5. Consent Calendar

##### A. 121 Cabrillo Street

**Permit Number: #22-0221**

**APN: 036-185-10**

Design Permit and Accessory Dwelling Unit (ADU) for a new single-family residence and attached ADU located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption  
Property Owner: Chris & Lee Heck  
Representative: Kurt Useldinger, Filed: 06.08.22

***Motion to approve the Consent Calendar: Commissioner Newman  
Second: Commissioner Christiansen  
Voting Yea: Commissioners Christiansen, Newman, Routh, Westman, and Chair Wilk***

**6. Public Hearings**

**A. 2210 Derby Avenue**

**Permit Number: #22-0264**

**APN: 034-223-07**

Design Permit for first- and second-story additions to an existing single-family residence and Minor Modification for the required parking space dimensions. The project is located within the R-1 (Single-Family Residential) zoning district.

This project is not in the Coastal Zone.

Environmental Determination: Chris Buich

Property Owner: David Mendoza, Filed: 07.14.22

Representative: Categorical Exemption

***Associate Planner Sean Sesanto presented the staff report.  
Commissioner comments included a discussion of canopy coverage and parking space modifications.***

***Motion to approve the design permit and minor modification to the required parking space dimensions: Commissioner Newman***

***Second: Commissioner Westman***

***Voting Yea: Commissioners Christiansen, Newman, Routh, Westman, and Chair Wilk***

**B. 123 Monterey Avenue**

**Permit Number: 22-0391**

**Location: Sidewalk in front of El Toro Bravo**

Coastal Development Permit, Design Permit, and Major Encroachment Permit for Sidewalk Dining at 123 Monterey Avenue in the Mixed-Use Village zoning district.

Environmental Determination: Categorically Exempt

Property Owner: Delia Rey

Representative: Jon Baron, Business Owner

***City Planner Brian Froelich presented the staff report.  
Commissioner comments included a discussion of the eating surface, rent amount, requirements for sidewalk area, color of umbrellas, and conditions of approval.***

***Motion to approve the Coastal Development Permit, Design Permit, and Major Encroachment Permit for sidewalk dining with the following conditions: 1) umbrellas must not encroach the set boundaries; and 2) umbrella color must be approved by the Community Development Director: Commissioner Routh***

***Second: Commissioner Christiansen***

***Voting Yea: Commissioners Christiansen, Routh, Westman***

***Voting Nay: Chair Wilk and Commissioner Newman***

**C. 111 Capitola Avenue**

**Permit Number: 22-0436**

**Location: 2 parking spaces in front of English Ales**

Coastal Development Permit, Design Permit, and Major Encroachment Permit for Custom Street Dining Deck for English Ales at 111 Capitola Avenue in the Mixed-Use Village zoning district.  
Environmental Determination: Categorically Exempt  
Property Owner: Karen Blackwell-Harrison  
Representative: Peter Blackwell, Business Owner

***City Planner Brian Froelich presented the staff report.  
Commissioner comments included a discussion of bike racks, parklets, and building colors.***

***Motion to deny the Coastal Development Permit, Design Permit, and Major Encroachment Permit: Commissioner Routh  
Second: Commissioner Westman  
Voting Yea: Commissioners Routh and Westman  
Voting Nay: Commissioner Christiansen  
Abstaining: Commissioner Newman and Chair Wilk***

**D. 311 Capitola Avenue**

**Permit Number: 22-0502**

**Location: 1 Parking Space in front of 311 Capitola Avenue**

Coastal Development Permit, Design Permit, and Major Encroachment Permit for Custom Street Dining Deck for Reef Dog Deli at 311 Capitola Avenue in the Mixed-Use Village zoning district.  
Environmental Determination: Categorically Exempt  
Property Owner: Lawrie & Lawrie  
Representative: Anthony Kresge, Business Owner

***City Planner Brian Froelich presented the staff report.  
Commissioner comments included a discussion about the deck materials, bike parking, and storm drainage.***

***Motion to deny the Coastal Development Permit, Design Permit, and Major Encroachment Permit: Commissioner Westman  
Second: Commissioner Christiansen  
Voting Yea: Commissioners Christiansen, Routh, Westman  
Abstaining: Commissioner Newman and Chair Wilk***

**E. 401 Capitola Avenue**

**Permit Number: #22-0282**

**APN: 035-131-11**

Conditional Use Permit, Parking Variance, and Coastal Development Permit to establish a restaurant that serves beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district.

This project Coastal Development Permit which is appealable to the Coastal Commission.

Environmental Determination: Categorical Exemption 15303

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

***City Planner Brian Froelich presented the staff report.***

***Public Comments Received:***

- ***3 letters of opposition***
- ***2 letters of support***
- ***Public speakers in support: 7***

**Commissioner comments included a discussion of the business plan, parking concerns, following the City’s General Plan and guidelines.**

**Motion to deny the Conditional Use Permit, Parking Variance, and Coastal Development Permit: Commissioner Routh**

**Second: Commissioner Christiansen**

**Voting Yea: Commissioners Christiansen, Routh, Westman**

**Abstaining: Commissioner Newman and Chair Wilk**

**7. Commission Communications – None**

**8. Adjournment – Adjourned at 8:55 PM to the next regularly scheduled meeting on January 19, 2023.**

**ATTEST:**

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Julia Moss, City Clerk

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA, CALIFORNIA DENYING APPLICATION #22-0282 FOR A CONDITIONAL USE PERMIT, PARKING VARIANCE, AND COASTAL DEVELOPMENT PERMIT OF FOR A PROPOSED RESTAURANT THAT SERVES BEER AND WINE AND PROVIDES NO PARKING LOCATED AT 401 CAPITOLA AVENUE (APN# 035-131-11) AND APPEAL APPLICATION #23-0030.**

WHEREAS, the applicant Amy Cheng, (“Applicant”) submitted an application for a proposed Conditional Use Permit, Parking Variance, and Coastal Development Permit to establish a restaurant that serves beer and wine on a property with no parking at 401 Capitola Avenue located within the MU-N (Mixed Use Neighborhood) zoning district. (“Project”); and

WHEREAS, the Project requires approval of a Conditional Use Permit, Parking Variance, and Coastal Development Permit; and

WHEREAS, the Planning Commission unanimously denied the project citing an inability to make findings for approval; and

WHEREAS, the Planning Commission of the City of Capitola did hold a duly noticed public hearing on December 1, 2022, at which time it considered all oral and documentary evidence presented, and voted to deny the Project by a 3-0 vote.

WHEREAS, the Applicant submitted a timely appeal on December 9, 2022.

WHEREAS, the City Council of the City of Capitola did hold a duly noticed public hearing on March 23, 2023, at which time it considered the Appeal, including all oral and documentary evidence presented.

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

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED THAT the City of Capitola City Council hereby makes the following findings regarding the Project:

**Conditional Use Permit Findings**

- A. **The proposed use is allowed in the applicable zoning district.**  
Restaurant businesses and alcohol sales are not permitted by-right in the MU-N zoning district and require a conditional use permit. A restaurant serving beer and wine that meets



parking standards is a potentially supportable proposal. The subject proposal includes an intensification of customer use areas from six seats to 26 seats while providing no on-site parking. Additionally, the by-right takeout nature of the existing business would be replaced with a dine-in food and beverage experience with 32 self-pouring taps that is conducive to customers staying longer periods of time and occupying more neighborhood and coastal access parking spaces. The combination of intensification of use in customer capacity and duration is not permitted in the zoning district and is counter to MU-N district purpose statement.

**B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**

The proposed use is not consistent with the General Plan or Zoning Ordinance, as discussed:

GP. LU-1.3 Compatible Development. Ensure that all new development is compatible with neighboring land uses and development.

**Staff Analysis:** The proposed development is not compatible without providing parking. There is no precedent for new or intensified land uses providing no parking. Additionally, the tap system proposed is out of scale for a restaurant of this size. With 32 taps, there is a tap for every 14 square feet of customer area proposed. The ratio of taps to customer area is more typical of an alcohol serving business than a restaurant.

GP. LU-4.1 Quality of Life. Ensure residential neighborhoods are walkable, safe, friendly, and provide a high quality of life for residents of all ages. Minimize unwanted noise and spillover parking in neighborhoods.

**Staff Analysis:** The proposal is relying on offsite parking exclusively while intensifying the parking demand. Surrounding areas will be impacted by parking spillover.

GP. LU-4.7 Planning Projects. Ensure that future planning efforts for non-residential areas carefully consider potential impacts on adjacent residential neighborhoods.

**Staff Analysis:** The subject property sits at a zoning boundary with residential zoning and is located along a transitional street from the Village north on Capitola Avenue to a less active and more residentially developed part of the city.

ZO. 17.20.010 B2 2. Mixed Use, Neighborhood (MU-N) Zoning District. The purpose of the MU-N zoning district is to allow for neighborhood-serving mixed use areas that enhance residents' quality of life. The MU-N zoning district contains an eclectic mix of retail, restaurants, and services for residents and visitors. A range of housing types close to nonresidential uses increases housing choices and supports a walkable community. Development in the MU-N zoning district will be carefully designed to complement its surroundings and minimize impacts on neighboring properties. Land uses will strengthen connections between destinations in Capitola, including the Village, Bay Avenue, and 41st Avenue

**Staff Analysis:** In 2014, the city has approved a parking variance for the subject property allowing the owner to operate a retail shop. In 2019, the Planning Commission approved a CUP for a takeout restaurant which has the same parking requirement and is not an intensification of use. With these approvals the city has determined the appropriate balance of uses and mitigation of impacts to the vicinity. The applicant is now proposing to intensify the building’s use and introduce impacts that are out of scale with the vicinity, would set a new precedent, and cannot reasonably be mitigated.

ZO. 17.128.010 This chapter identifies the process to obtain a variance. A variance is a discretionary permit that allows for deviation from development standards in the zoning code. The city may grant a variance only when the strict application of development standards creates a unique hardship due to unusual circumstances associated with the property.

**Staff Analysis:** Planning Commission approved a parking variance for the subject property in 2014 and allowed the applicant a change of use in 2019 that maintained the 2014 variance. The applicant is now proposing to intensify parking demand from four to 11 spaces (net seven). The proposal is an exacerbation of nonconformity without mitigation. Approval of this proposal would call into question how the city regulates parking city wide. There is no identified hardship associated with the subject property. The applicant proposes a variance to allow a special privilege not enjoyed by other properties in the city.

The location is not in the Capitola Village. The area of Capitola Avenue between the trestle and Bay Avenue is described as transitional with a focus on residents’ quality of life rather than visitor serving amenities like the MU-V zone and Capitola Village area. **This finding cannot be made.**

**C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.**

The current takeout establishment with its limited capacity for customers is compatible with the existing land uses in the vicinity. The current operation has a correspondingly limited impact on parking and noise in the vicinity. Capitola’s zoning ordinance and business licensing process has long held that retail facilities and takeout food and beverage establishments, in their limited capacity, were interchangeable and do not introduce new impacts. The proposal to intensify customer capacity, introduce beer and wine from a tap system, and provide no parking onsite is counter to Capitola’s established zoning policy in these circumstances. **This finding cannot be made.**

**D. The proposed use will not be detrimental to the public health, safety, and welfare.**

Restaurant uses and beer and wine sales are conditionally permitted in the MU-N. The intensity of use and change of use to a sit-down establishment with 32 taps and no parking presents new and unmitigated impacts to public health, safety, and welfare to adjacent residents and businesses. **This finding cannot be made.**

**E. The proposed use is properly located within the city and adequately served by existing**

**or planned services and infrastructure.**

The intensity of the proposed use is not adequately served by parking and proposes to transfer the full impact of the increased parking demand entirely offsite. The nearest R-1 zoned single family residence is approximately five feet away and over 60 residentially occupied properties are within 300 feet. The proposed use will have an impact to the daily life for these residents. The combination of parking deficiency, proximity to sensitive receptors, and the proposed intensity of use are not supported by services or infrastructure. **This finding cannot be made.**

**Variance Findings**

**A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

The lot size and shape was noted with the prior variance for four parking spaces granted in 2014. The applicant is now proposing a variance to exacerbate the existing parking deficiency without demonstrating a reason for reconsidering the prior variance approval. The city determined in the 2014 decision the appropriate parking variance for the property. **This finding cannot be made.**

**B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.**

Strict application of the zoning code is that the subject property is currently operating with a legal nonconforming status with an approved parking variance and is enjoying the privilege of a customer area larger than currently permitted. The property is not deprived an opportunity or privilege enjoyed by any comparable property in the MU-N zoning district. The proposal introduces a request for a new privilege that is not supported by the zoning ordinance or general plan and transfers the increased impacts of additional parking demand and business activity to offsite locations. **This finding cannot be made.**

**C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

The proposed variance is not necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone. The city has evaluated the property and the hardship related to parking and determined that previously granting a variance for four parking spaces was appropriate to allow the property to maintain similar rights and uses as other properties in the same zone. **This finding cannot be made.**

**D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

Granting of the proposed variance would be detrimental to public health, safety, or welfare. The project presents noise impacts to the 63 sensitive receptors in the vicinity due to all parking demand for the project to be provided on or adjacent to surrounding properties. Noise associated with increased activity to and from vehicles parked in the neighborhood

would have an unmitigated negative impact on residences and businesses in the vicinity. **This finding cannot be made.**

**E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.**

The granting of the parking variance would be a granting of special privilege by allowing an intensified use that requires seven additional parking spaces and provides none. **This finding cannot be made.**

**F. The variance will not have adverse impacts on coastal resources.**

The variance would have an impact on coastal parking resources due to displacing the entire parking burden on other parking locations. This would limit overall visitor parking opportunities. **This finding cannot be made.**

### Coastal Findings

**1. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed project is not consistent with LCP land use Policy I-1 “The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking.” The proposed intensity of use necessitates parking that is not accommodated on site and displaces the burden to available public and street parking. The result is a reduction of coastal access for the public. **This finding cannot be made.**

**2. The project maintains or enhances public views.**

The proposed project has no permanent impact on views.

**3. The project maintains or enhances vegetation, natural habitats and natural resources.**

The proposed project has no impact on vegetation, natural habitats or natural resources.

**4. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project has a direct impact on neighborhood parking and Village parking. The project displaces parking demand from onsite activity to be provided in offsite locations limiting options for low-cost public parking. **This finding cannot be made.**

**5. The project maintains or enhances opportunities for visitors.**

The project limits opportunities for coastal access to visitors by not providing parking or mitigating demand. The project results in a net loss for coastal visitor opportunities and access. **This finding cannot be made.**

**6. The project maintains or enhances coastal resources.**

The proposed project has no impact on natural or environmental resources. The project has a negative and unmitigated impact on coastal access for visitors by intensifying a land use without providing any parking. **This finding cannot be made.**

- 7. **The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

LCP Policy I-1 requires that the city protect adjacent residential neighborhoods from parking intrusions while providing for public access to viewpoints and recreation areas. **This finding cannot be made.**

- 8. **The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project will limit public access and impact recreation and visitor opportunities and experiences by impacting parking availability, which will overflow to other areas. The proposed intensification is not a priority development. **This finding cannot be made.**

NOW, THEREFORE, BE IT FURTHER RESOLVED that based on the above findings, the City Council of the City of Capitola hereby affirms the Planning Commission’s decision to deny project application #22-0282 and appeal application #23-0030.

BE IT FURTHER RESOLVED that the City Council’s action is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 (“Projects Which are Disapproved”) because the City Council has denied the proposed Project.

AFFIRMED, and ADOPTED by the City Council of the City of Capitola, California, at a regular meeting thereof this 23rd day of March 2023 by the following vote:

- AYES:**
- NAYS:**
- ABSTAIN:**
- ABSENT:**

\_\_\_\_\_  
MAYOR

ATTEST:  
\_\_\_\_\_

CLERK

# Capitola Planning Commission

## Agenda Report



**Meeting:** December 1, 2022  
**From:** Community Development  
**Address:** 401 Capitola Avenue

**Permit Number: #22-0282**

**APN: 035-131-11**

Conditional Use Permit, Parking Variance, and Coastal Development Permit to establish a restaurant that serves beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district.

This project Coastal Development Permit which is appealable to the Coastal Commission.

Environmental Determination: Categorical Exemption 15303

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

### Applicant Proposal

The applicant is applying for a conditional use permit (CUP) to establish a restaurant serving beer and wine, to expand customer seating areas and a variance to required parking. The existing business, Capitola Tap House, is operating under an existing CUP (#19-0031) as a take-out food and beverage establishment that serves kombucha and coffee. Conditions of the active CUP limit the business to six customer seats and the location provides no onsite parking.

### Background

On June 5, 2014, the Planning Commission approved a Design Permit, Setback and Parking Variances, Coastal Development Permit, and Sign Permit to construct the existing building for use by the prior retail tenant. The Parking Variance reduced the parking requirement from four spaces to zero.

On April 4, 2019, the Planning Commission approved CUP #19-0031 for a takeout restaurant that was to serve rice bowls, salads, beverages, and ice desserts with six seats for customers (takeout). The final local action notice included 26 conditions of approval that remains effective (attachment #3). During discussion, the Planning Commission decided not to approve a proposed patio along the side of the building nearest the trestle and that any kitchen/hood exhaust would need to be located on the front half of the building toward Capitola Avenue. The prior zoning ordinance categorized retail uses and takeout restaurants with six or fewer seats the same relative to parking requirements. The Capitola Tap House is operating currently with a condition of approval that limits the use to six or fewer seats. The daily configuration includes no seats but has two bar height tables on the front porch that customers use while standing.

During the Building Permit plan check, the applicant changed the business model to a kombucha, tea, and coffee serving business with a smaller kitchen that is primarily for washing dishes and has no cooking equipment or food preparation counters. The change included replacing a portion of the kitchen and prep area with a walk-in cooler that is plumbed with 32 tap dispensers for non-alcoholic beverages. The county environmental health department has conditioned the approval



of the current facility to limit food services to cold brew coffee and kombucha from approved sources only.

### Discussion

The applicant is proposing to modify a portion of the current customer area to add a new 96 square foot food preparation area. The new equipment includes ice storage bin, refrigerator, toaster, and food preparation counter. The proposal also includes the utilization of the 32 tap system for dispensing beer and wine along with the existing kombucha and cold brew coffee and would be offered with a self-pour operation. This means that customers would purchase credits at the point-of-sale counter and obtain an RFID wristband or card that would be read at the tap dispensers and the customer would then be able to pour their own beverage.

The proposed menu includes the following items:

- Daily fresh soup
- Variety crackers and cheese plates
- Daily fresh specialty rolls
- Beef kimbap rolls
- Chicken kimbap rolls
- Spam kimbap rolls
- Tofu and fish cake kimbap rolls
- Shrimps spring rolls
- Chicken rice bowl
- Daily fresh desserts

The only unit of existing or proposed kitchen equipment that warms food is a toaster. It is not clear from the submitted plans how the other menu items would be warmed or cooked. If approved, the applicant would need to submit detailed kitchen plans, a more thorough menu, and operations plan to the county environmental health division for review.

The applicant has simultaneously filed for a type 41 license with California Department of Alcohol and Beverage Control (ABC). Type 41 licenses are defined as:

“Type 41 (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities; and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.” (ABC website)

“Bona fide public eating place” means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking and an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. (ABC website)

“Meals” means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall

not be deemed a compliance with this requirement. “Guests” shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage. (ABC website)

Planning staff communicated concern to the applicant about the combination of a Type 41 license and suitability of the existing and proposed kitchen facilities to meet the standard of a “bona fide eating place”. Planning staff has also contacted representatives from ABC and inquired about the proposal. The response was that ABC will not perform an in-depth review or offer written comments until after local approval but offered preliminary verbal feedback. The representative noted that they were familiar with the front porch area and were not concerned with this area being used as customer area. The representative expressed concern with how IDs would be checked for a self-pour tap business model. They also noted that a type 41 license requires that the business be primarily food serving with beer and wine as a beverage option. They stated concern with the kitchen’s limitations and the ability to meet the type 41 requirement of being a bona fide eating place.

The applicant is resolute that the proposed business is a restaurant with beer and wine service. City staff does not believe that the proposed restaurant and kitchen facilities meet the state standard of a bona fide eating place, however, this determination is not made by local agencies and does not factor into the CUP, Variance, or CDP analysis and findings. It is noted in this report as a matter of disclosure to the Planning Commission, the applicant, and the public that, if approved, this proposal may need to come back before the Planning Commission due to ABC requirements for further modification to the kitchen facilities to become a bona fide eating place (hood, exhaust, oven, range, etc..).

The Capitola Tap House is located at 401 Capitola Avenue, within the Mixed-Use Neighborhood (MU-N) zoning district and just outside the Mixed-Use Village (MU-V) boundary, which is aligned with the trestle. The purposes (section 17.20.010) of the two mixed-use zones are different, with the MU-V notably supporting “a mix of retail, restaurants, services, and recreation amenities providing a walkable environment, catering to all ages, and supporting year-round activities during the day and night”. The MU-N purpose is to “allow for neighborhood-serving mixed uses that enhance resident’s quality of life” and is “carefully designed to complement its surroundings and minimize impacts on neighboring properties”.

The immediate vicinity (300-foot radius) of the Capitola Tap House has a total of 83 addresses. A total of 63 (75%) of these addresses are residential (23 in the R-1 and 40 in the MU-V).

The customer area of the existing building (interior plus front porch) is 554 square feet, which is considered legal nonconforming and is subject to a limitation of six seats. The applicant now proposes to activate 458 square foot customer space for customers to include 26 seats and convert 96 square feet of the current customer area for additional food preparation facilities.

The applicant has stated that they would like to establish a “Restaurant and Café” to replace the existing “Takeout food and beverage” facility as defined below:

17.160.020 E “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

- a. “Bars and lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses.
- b. “Restaurants and cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full-service restaurants, fast-food restaurants, coffee shops, cafes, and other similar
- c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a storefront component.

The applicant has provided a business plan and narrative (attachment #2), which describes the intended operation details and customers for the business. The proposal includes operation hours of 11am-8pm and posits that most customers would be pass-by stops by visitors that are already on their way to and from the Village and beach.

#### General Plan Analysis

Several General Plan policies are relevant to the review of the project and are further cited in the findings.

Policy LU-1.3 Compatible Development. Ensure that all new development is compatible with neighboring land uses and development.

Policy LU-4.1 Quality of Life. Ensure residential neighborhoods are walkable, safe, friendly, and provide a high quality of life for residents of all ages. Minimize unwanted noise and spillover parking in neighborhoods.

Policy LU-4.7 Planning Projects. Ensure that future planning efforts for non-residential areas carefully consider potential impacts on adjacent residential neighborhoods.

Compatibility related to the intensity of the proposed use, no onsite parking, proximity to residential properties, and the location within the city are individually significant issues that are not mitigated and collectively result in an unsupportable project. The zoning code is established to implement the general plan and to protect the public health, safety, and welfare. The proposed project does not conform with the purpose statement of the MU-N zoning district and is contrary to the general plan.

#### Local Coastal Plan Analysis

401 Capitola Avenue is located in the Coastal Zone. An intensification of a land use requires a Coastal Development Permit (CDP) and consistency with the City’s Local Coastal Program (LCP), Land Use Plan and CDP findings. Policy 1-1 of the Land Use Plan states “It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village, and Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding

residential areas. The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking.” The proposed intensification of use is in contrast with this policy. Findings for consistency with the City’s LCP cannot be made as the proposal intensifies the use without parking. The increased demand on street parking and public parking will impact parking and beach access in the vicinity for visitors and existing businesses and residents.

#### Conditional Use Permit

In the MU-N district, Restaurants and Cafes and Alcoholic Beverage Sales require a Conditional Use Permit (CUP) (Table 17.20-1).

CUP’s are required for land uses that are generally appropriate within a zoning district, but potentially undesirable on a particular parcel or in large numbers. A use permit is a discretionary action that enables the city to ensure that a proposed use is consistent with the general plan and local coastal program land use plan and will not create negative impacts to adjacent properties or the general public.

Pursuant to 17.124.060, when evaluating a CUP, the Planning Commission must consider the following characteristics of the proposed use:

- A. Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- B. Availability of adequate public services and infrastructure.
- C. Potential impacts to the natural environment.
- D. Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.

Pursuant to 17.124.070, the Planning Commission must make the following findings for approval for a CUP:

- A. The proposed use is allowed in the applicable zoning district.
- B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.
- C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

Planning Department staff cannot make the required findings for approval of the proposed CUP. As stated previously, the Capitola Tap House is located within the MU-N zoning district with a stated purpose to “enhance the residents’ quality of life”, and future development is to be “carefully designed to complement its surroundings and minimize impacts on neighboring properties”. With 75 percent of the properties within 300 feet of 401 Capitola being residential, proposed uses at the site must minimize impacts to neighboring properties. The proposed use intensifies the use of the site from the current six seat maximum to a restaurant with 26 seats and 458 square feet of activated space. The location, size, design, and operating characteristics of a dine-in restaurant business with a 32 tap self-pour system for dispensing beer, wine, kombucha, and cold brew coffee with no parking is not compatible with surroundings at this location. The use is also not consistent with the General Plan and the Local Coastal Program, as noted previously.

### Parking Variance

Restaurants require parking to be provided at a ratio of 1:60 square feet for customer area and 1:300 square feet for other areas. The gross parking calculation for the proposed business is 11 parking spaces (see table). However, section 17.76.020 only requires parking be provided for the incremental intensification of a proposed new use. The existing takeout restaurant use is categorized by code with a requirement for a 1:300 square foot parking ratio ( $1,265/300=4$ ). Four parking spaces were also approved with the original Parking Variance for retail use in 2014. Therefore, the existing parking credit for the 1,265 square foot building with a 1:300 ratio is four parking spaces. The proposed change of use from a takeout business to a restaurant and café has an incremental intensification that requires seven parking spaces be added to the site to comply.

<b>Use Areas and Parking Required</b>			
	Building Area	Customer Area	Other Area
First Floor	912 sf	308 sf	604 sf
Loft	203 sf	0 sf	203 sf
Porch	150 sf	150 sf	0 sf
<b>Total</b>	<b>1,265 sf</b>	<b>458 sf</b>	<b>807</b>
Parking Ratio		1:60 sf	1:300 sf
<b>Required Parking</b>		<b>8 spaces</b>	<b>3 spaces</b>
Provided Parking		0 spaces	0 spaces

To approve a variance application, the Planning Commission shall make all of the following findings:

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.
- B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.
- C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.
- D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zone as the subject property.
- E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.
- F. The variance will not have adverse impacts on coastal resources

The proposal is to intensify the current takeout restaurant land use to a restaurant and café with beer and wine. There are no unique circumstances applicable to the subject property related to the intensification of the use. In 2014, the property received a parking variance to allow retail on the site. In 2019, the current owner obtained a CUP for a takeout restaurant which has the same parking requirement and is not an intensification of use. The variance is not necessary to preserve a substantial property right as the property has an operating takeout restaurant. Also, if the Planning Commission were to issue the variance, this would be seen as special privilege inconsistent with the limitations placed on the businesses throughout the mixed-use neighborhood

zone. The variance would have an adverse impact on coastal resources as public parking would be impacted.

Applicant’s Letter

The applicant responded to the October 6, 2022, staff report with a six-page letter (attachment #4).

- The applicant noted concern with the project being defined as a Bar and Lounge. The applicant believes the project is a Restaurant. Both Bar and Lounge and Restaurant uses require a Conditional Development Permit in the MU-N zone. Additionally, the introduction of Alcohol Sales requires a CUP. For the December 1, 2022 meeting, the project was renoticed as a CUP for a Restaurant with Alcohol Sales.
- The applicant states that the project is eligible for AB 2097. AB 2097 allows transit oriented projects to reduce or be exempt from local parking standards if they are in proximity to high quality transit. There are no high quality transit services operating within city limits and AB 2097 is not applicable to this project. Additionally, AB 2097 does not become effective until January 2023.

Community Communications

At the time of writing this staff report, the city has received three letters of opposition (attachment #5).

**CEQA**

Section 15303(c) of the CEQA Guidelines exempts the conversion of small commercial buildings and installation of equipment within an urbanized area under where structures are less than 10,000 sf. This project involves conversion of interior space in the MU-N Zoning District.

**Recommendation**

Staff recommends that the Planning Commission deny the Parking Variance, Conditional Use Permit, and Coastal Development Permit based on the following Findings.

**Attachments**

1. Proposed Site Plan/Floor Plan
2. Proposed Business Plan and Narrative
3. Existing CUP Conditions for #19-0031
4. Applicant’s letter to the Planning Commission
5. Public Comments

**Conditional Use Permit Findings**

**A. The proposed use is allowed in the applicable zoning district.**

Restaurant businesses and alcohol sales are not permitted by-right in the MU-N zoning district and require a conditional use permit. A restaurant serving beer and wine that meets parking standards is a potentially supportable proposal. The subject proposal includes an intensification of customer use areas from six seats to 26 seats while providing no on-site parking. Additionally, the by-right takeout nature of the existing business would be replaced with a dine-in food and beverage experience with 32 self-pouring taps that is conducive to customers staying longer periods of time and occupying more neighborhood and coastal access parking spaces. The combination of intensification of use in customer capacity and duration is not permitted in the zoning district and is counter to MU-N district purpose statement.

**B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**

The proposed use is not consistent with the General Plan or Zoning Ordinance, as discussed:

GP. LU-1.3 Compatible Development. Ensure that all new development is compatible with neighboring land uses and development.

**Staff Analysis:** The proposed development is not compatible without providing parking. There is no precedent for new or intensified land uses providing no parking. Additionally, the tap system proposed is out of scale for a restaurant of this size. With 32 taps, there is a tap for every 14 square feet of customer area proposed. The ratio of taps to customer area is more typical of an alcohol serving business than a restaurant.

GP. LU-4.1 Quality of Life. Ensure residential neighborhoods are walkable, safe, friendly, and provide a high quality of life for residents of all ages. Minimize unwanted noise and spillover parking in neighborhoods.

**Staff Analysis:** The proposal is relying on offsite parking exclusively while intensifying the parking demand. Surrounding areas will be impacted by parking spillover.

GP. LU-4.7 Planning Projects. Ensure that future planning efforts for non-residential areas carefully consider potential impacts on adjacent residential neighborhoods.

**Staff Analysis:** The subject property sits at a zoning boundary with residential zoning and is located along a transitional street from the Village north on Capitola Avenue to a less active and more residentially developed part of the city.

ZO. 17.20.010 B2 2. Mixed Use, Neighborhood (MU-N) Zoning District. The purpose of the MU-N zoning district is to allow for neighborhood-serving mixed use areas that enhance residents' quality of life. The MU-N zoning district contains an eclectic mix of retail, restaurants, and services for residents and visitors. A range of housing types close to nonresidential uses increases housing choices and supports a walkable community. Development in the MU-N zoning district will be carefully designed to complement its surroundings and minimize impacts on neighboring properties. Land uses will strengthen connections between destinations in Capitola, including the Village, Bay Avenue, and 41st Avenue

**Staff Analysis:** In 2014, the city has approved a parking variance for the subject property allowing the owner to operate a retail shop. In 2019, the Planning Commission approved a CUP for a takeout restaurant which has the same parking requirement and is not an intensification of use. With these approvals the city has determined the appropriate balance of uses and mitigation of impacts to the vicinity. The applicant is now proposing to intensify the building's use and introduce impacts that are out of scale with the vicinity, would set a new precedent, and cannot reasonably be mitigated.

ZO. 17.128.010 This chapter identifies the process to obtain a variance. A variance is a discretionary permit that allows for deviation from development standards in the zoning code. The city may grant a variance only when the strict application of development standards creates a unique hardship due to unusual circumstances associated with the property.



**Staff Analysis:** Planning Commission approved a parking variance for the subject property in 2014 and allowed the applicant a change of use in 2019 that maintained the 2014 variance. The applicant is now proposing to intensify parking demand from four to 11 spaces (net seven). The proposal is an exacerbation of nonconformity without mitigation. Approval of this proposal would call into question how the city regulates parking city wide. There is no identified hardship associated with the subject property. The applicant proposes a variance to allow a special privilege not enjoyed by other properties in the city.

The location is not in the Capitola Village. The area of Capitola Avenue between the trestle and Bay Avenue is described as transitional with a focus on residents' quality of life rather than visitor serving amenities like the MU-V zone and Capitola Village area. **This finding cannot be made.**

**C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.**

The current takeout establishment with its limited capacity for customers is compatible with the existing land uses in the vicinity. The current operation has a correspondingly limited impact on parking and noise in the vicinity. Capitola's zoning ordinance and business licensing process has long held that retail facilities and takeout food and beverage establishments, in their limited capacity, were interchangeable and do not introduce new impacts. The proposal to intensify customer capacity, introduce beer and wine from a tap system, and provide no parking onsite is counter to Capitola's established zoning policy in these circumstances. **This finding cannot be made.**

**D. The proposed use will not be detrimental to the public health, safety, and welfare.**

Restaurant uses and beer and wine sales are conditionally permitted in the MU-N. The intensity of use and change of use to a sit-down establishment with 32 taps and no parking presents new and unmitigated impacts to public health, safety, and welfare to adjacent residents and businesses. **This finding cannot be made.**

**E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**

The intensity of the proposed use is not adequately served by parking and proposes to transfer the full impact of the increased parking demand entirely offsite. The nearest R-1 zoned single family residence is approximately five feet away and over 60 residentially occupied properties are within 300 feet. The proposed use will have an impact to the daily life for these residents. The combination of parking deficiency, proximity to sensitive receptors, and the proposed intensity of use are not supported by services or infrastructure. **This finding cannot be made.**

**Variance Findings**

**A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

The lot size and shape was noted with the prior variance for four parking spaces granted in 2014. The applicant is now proposing a variance to exacerbate the existing parking deficiency without demonstrating a reason for reconsidering the prior variance approval. The city determined in the 2014 decision the appropriate parking variance for the property. **This finding cannot be made.**

**B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.**

Strict application of the zoning code is that the subject property is currently operating with a legal nonconforming status with an approved parking variance and is enjoying the privilege of a customer area larger than currently permitted. The property is not deprived an opportunity or privilege enjoyed by any comparable property in the MU-N zoning district. The proposal introduces a request for a new privilege that is not supported by the zoning ordinance or general plan and transfers the increased impacts of additional parking demand and business activity to offsite locations. **This finding cannot be made.**

**C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

The proposed variance is not necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone. The city has evaluated the property and the hardship related to parking and determined that granting a variance for four parking spaces was appropriate to allow the property to maintain similar rights and uses as other properties in the same zone. **This finding cannot be made.**

**D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

Granting of the proposed variance would be detrimental to public health, safety, or welfare. The project presents noise impacts to the 63 sensitive receptors in the vicinity due to all parking demand for the project to be provided on or adjacent to surrounding properties. Noise associated with increased activity to and from vehicles parked in the neighborhood would have an unmitigated negative impact on residences and businesses in the vicinity. **This finding cannot be made.**

**E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.**

The granting of the parking variance would be a granting of special privilege by allowing an intensified use that requires seven additional parking spaces and provides none. **This finding cannot be made.**

**F. The variance will not have adverse impacts on coastal resources.**

The variance would have an impact on coastal parking resources due to displacing the entire parking burden on other parking locations. This would limit overall visitor parking opportunities. **This finding cannot be made.**

### **Coastal Findings**

**1. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed project is not consistent with LCP land use Policy I-1 "The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking." The proposed intensity of use necessitates parking that is not accommodated on site and displaces the burden to available public and street parking. The result is a reduction of coastal access for the public. **This finding cannot be made.**

- 2. The project maintains or enhances public views.**  
The proposed project has no permanent impact on views.
- 3. The project maintains or enhances vegetation, natural habitats and natural resources.**  
The proposed project has no impact on vegetation, natural habitats or natural resources.
- 4. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**  
The project has a direct impact on neighborhood parking and Village parking. The project displaces parking demand from onsite activity to be provided in offsite locations limiting options for low-cost public parking. **This finding cannot be made.**
- 5. The project maintains or enhances opportunities for visitors.**  
The project limits opportunities for coastal access to visitors by not providing parking or mitigating demand. The project results in a net loss for coastal visitor opportunities and access. **This finding cannot be made.**
- 6. The project maintains or enhances coastal resources.**  
The proposed project has no impact on natural or environmental resources. The project has a negative and unmitigated impact on coastal access for visitors by intensifying a land use without providing any parking. **This finding cannot be made.**
- 7. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**  
LCP Policy I-1 requires that the city protect adjacent residential neighborhoods from parking intrusions while providing for public access to viewpoints and recreation areas. **This finding cannot be made.**
- 8. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**  
The project will limit public access and impact recreation and visitor opportunities and experiences. The proposed project contrasts with the long-standing city standard of allowing retail and takeout restaurants to change uses. The proposed intensification is not a priority development. **This finding cannot be made.**

Report prepared by: Brian Froelich

# Capitola City Council

## Agenda Report



**Meeting:** March 23, 2023

**From:** Department of Public Works

**Subject:** Kennedy Drive Sidewalk Project

**Recommended Action:** Approve the plans, specifications, and construction budget of \$214,000 for the Kennedy Drive Sidewalk Project; approve the Coastal Development Permit and the findings listed in the Final Local Action Notice; and authorize the Department of Public Works to advertise for construction bids.

**Background:** In 2021 the City of Capitola was awarded \$197,000 in Regional Transportation Improvement Program (RTIP) funding for the Kennedy Drive Sidewalk Project from the Santa Cruz County Regional Transportation Commission (SCCRTC). The project has been designed to fill in a gap in the City's existing pedestrian facilities and address the City's General Plan Mobility Element, which calls for a complete network of sidewalks. This project was identified during the public scoping sessions for McGregor Park, a multi-use park located approximately ¼ mile east of the intersection of Kennedy Drive and Park Avenue.

### Discussion:

#### *Project Description*

Kennedy Drive from Sir Francis Avenue to Park Avenue is a primary pedestrian accessway from the Cliffwood Heights neighborhood to New Brighton State Beach and McGregor Park. Current conditions on this section of roadway consists of parking along both sides of the curb line, forcing pedestrians to walk next to traffic. Primarily a pedestrian safety project, the Kennedy Drive Sidewalk Project will construct approximately 550 feet of new sidewalk, curb and gutter, minor retaining walls, striping, and ADA curb ramps (Attachment 1). The addition of a sidewalk and uphill bike lane will eliminate conflicts between pedestrians, vehicles, and bicycles. The addition of a sidewalk also necessitates the removal of parking, approximately 18 spaces, on the north side of street. Sixteen spaces will remain on the south side of the street. The loss of parking does not significantly impact the overall parking availability in the area.

As required by the RTIP, Public Works staff will be presenting this project to the SCCRTC Elderly and Disabled Transportation Advisory Committee and the Bicycle Advisory Committee for review and comment in April 2023. Although not anticipated, if substantial changes are recommended staff will return to Council for approval. Staff intends on advertising for construction bids in late April with anticipated construction in late Spring 2023.

#### *Coastal Development Permit*

The project requires approval of a Coastal Development Permit (CDP). The City Council is the approval authority on CDP applications for public works projects that require no other discretionary permit approvals from the City other than funding approval. The proposed project is in compliance with all CDP findings. The required findings for a CDP are included in Attachment 2, the Final Local Action Notice.

**California Environmental Quality Act (CEQA) Exemption:** The proposed project is consistent with the general plan, any applicable specific plan, the zoning code, and the California Environmental Quality Act (CEQA) and is subject to Section 753.5 of Title 14 of the California Code of

Regulations. Section 15301 of the CEQA Guidelines exempts the alteration of existing public facilities that involve negligible or no expansion of use. Specifically, 15301(c) exempts projects involving existing streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations. The project involves a new sidewalk, new bicycle lane, and related access improvements to an existing roadway. The project will not create additional automobile lanes and involves a negligible expansion of use. No adverse environmental impacts were discovered during review of the proposed project.

Fiscal Impact: The escalated construction estimate for this project is \$2140,000, \$197,000 which can be funded from the SCCRTC RTIP grant. The Council approved an appropriation of \$25,000 for this project in FY 2021-2022, \$8,000 of which has been expended on project design. There is \$17,000 remaining and available to fund the construction of the project.

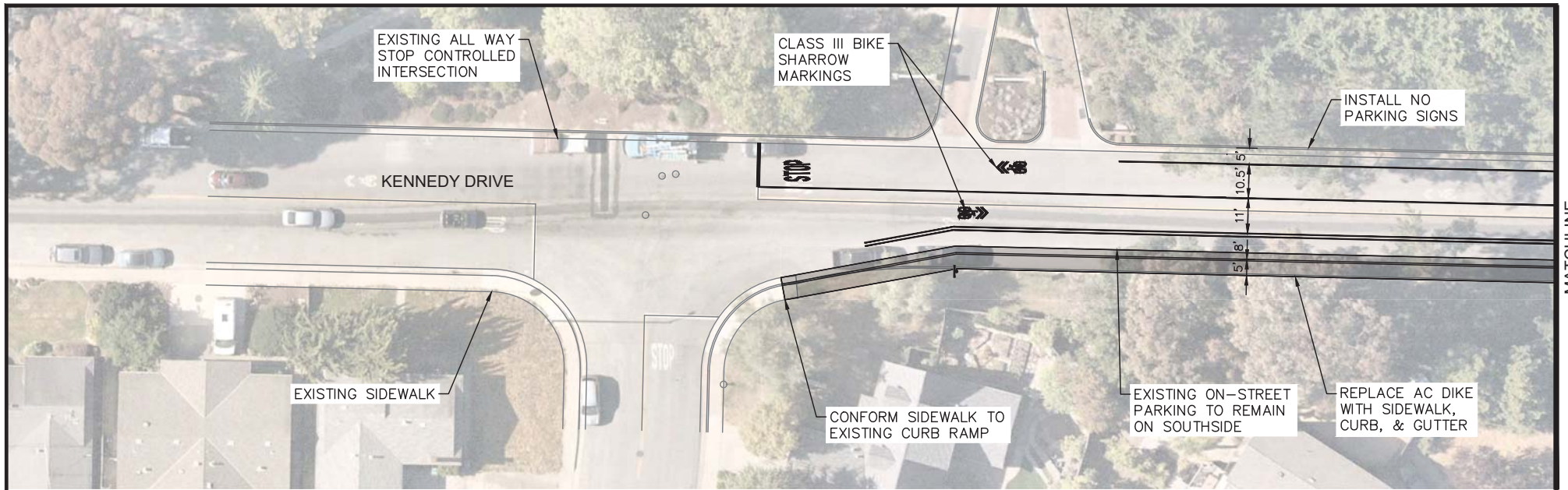
Attachments:

1. Project Plans
2. Final Local Action Notice

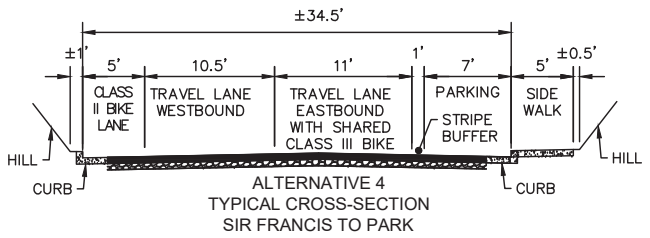
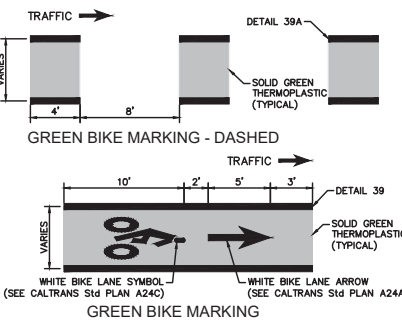
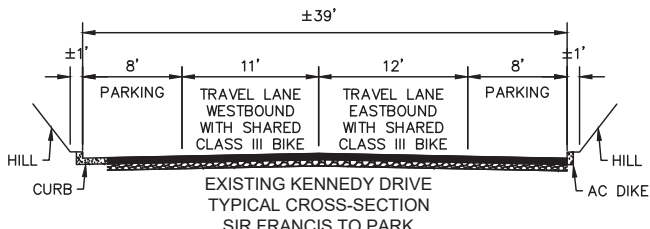
Report Prepared By: Kailash Mozumder, Public Works Project Manager

Reviewed By: Jessica Kahn, Public Works Director; Katie Herlihy, Community Development Director; Julia Moss, City Clerk; Samantha Zutler, City Attorney

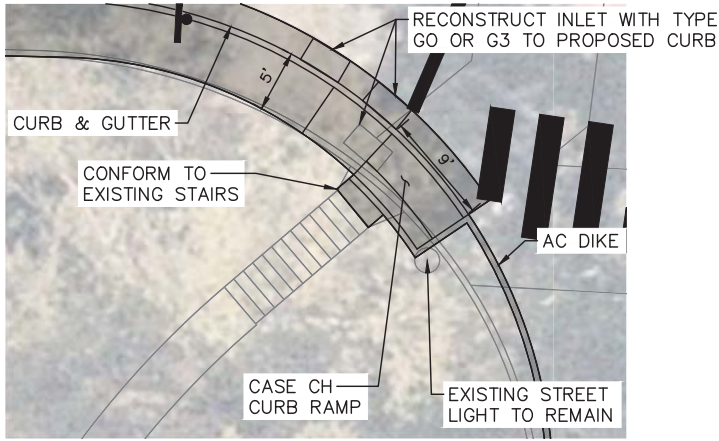
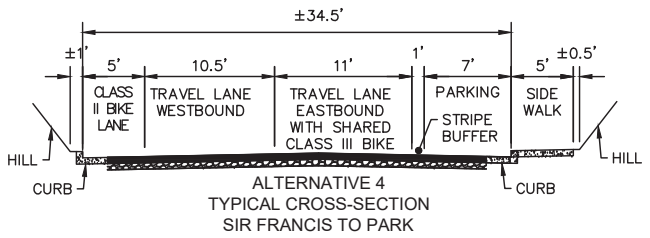
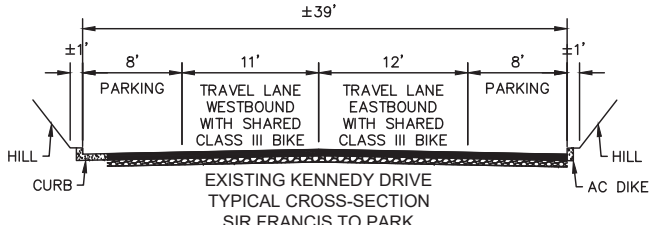
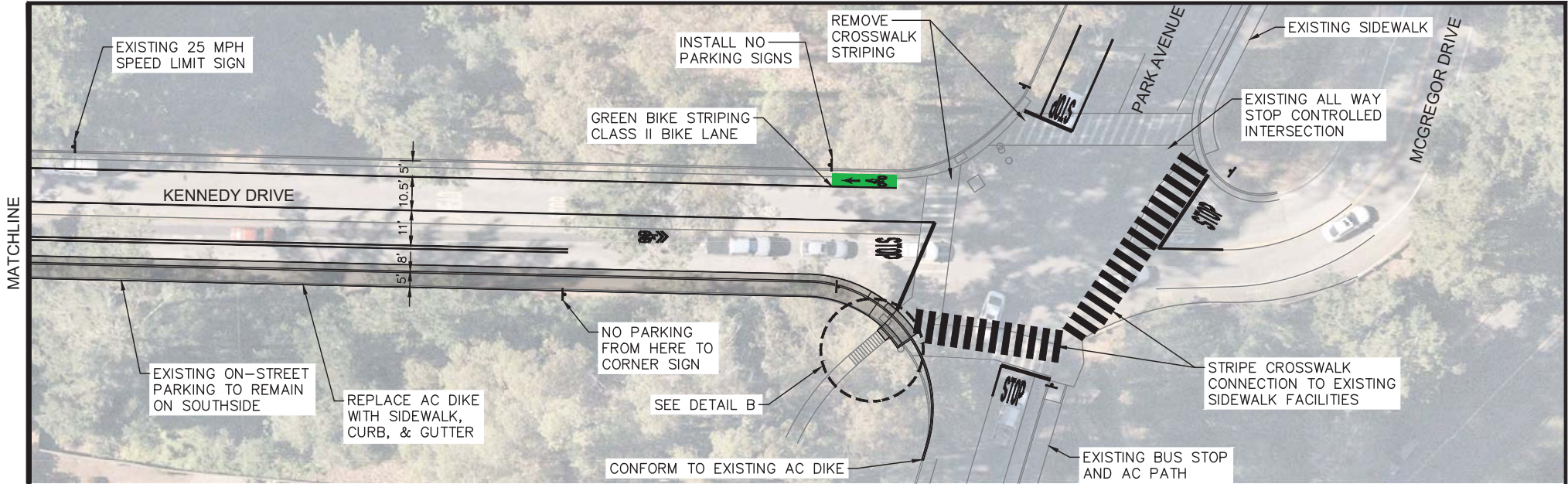
Approved By: Jamie Goldstein, City Manager



MATCHLINE











# FINAL LOCAL ACTION NOTICE AND ZONING PERMIT

March 23, 2023

Jessica Kahn - Public Works Department  
420 Capitola Avenue  
Capitola, CA 95010

RE: **Notice of Final Action on Project Application #23-0123**

**Kennedy Drive Right-of-Way Between Sir Francis Avenue and Park Avenue #23-0123**

Coastal Development Permit request for sidewalk, bike lane, and vehicle parking improvements on Kennedy Drive between Sir Francis Avenue and Park Avenue.

Environmental Determination: Categorical Exemption 15301, Existing Facilities

Property Owner: City of Capitola

Representative: Public Works Department, City of Capitola, Filed: 03.07.23

The above matter was presented to the City Council on March 23, 2023, and was approved, with the following findings and conditions. Any modifications to the conditions and findings are indicated below in ~~strikeout~~ and underline notation.

## Conditions of Approval:

1. The project approval consists of a Coastal Development Permit for roadway and sidewalk improvements on Kennedy Drive between Sir Francis Avenue and Park Avenue in the R-1 and PD Zoning Districts. The improvements include a new sidewalk with curb and gutter on the south side of Kennedy Drive and a new bicycle lane on the north side of Kennedy Drive. The proposed project is approved as indicated on the final plans reviewed and approved by the City Council on March 23, 2023, except as modified through conditions imposed by the City Council during the hearing.
2. Construction hours shall be limited between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Construction shall be prohibited on weekends or legal holidays except in case of an emergency work approved by the Public Works Director. §9.12.080(B)

**Coastal Development Permit Findings:**

**A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The Kennedy Drive Sidewalk Project conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

**B. The project maintains or enhances public views.**

The Kennedy Drive Sidewalk Project will maintain public views.

**C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The Kennedy Drive Sidewalk Project is located within the Kennedy Drive right-of-way. The improvements will maintain and enhance vegetation and will not have an effect on natural habitats or natural resources.

**D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project involves improved pedestrian, bicycle, and auto circulation and will enhance safety connections to low impact low-cost public recreational access to New Brighton State Beach and the viewpoints along Park Avenue.

**E. The project maintains or enhances opportunities for visitors.**

The project involves improved pedestrian and bicycle circulation and will enhance opportunities for visitors through safer multimodal transportation options.

**F. The project maintains or enhances coastal resources.**

The project involves street improvements on Kennedy Drive and will not negatively impact coastal resources.

**G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

The proposed street improvements comply are consistent with the LCP.

**H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves pedestrian and bicycle improvements along Kennedy Drive, a coastal access route to New Brighton State Beach and Park Avenue viewpoints. The proposed project is consistent with the LCP by providing safe routes to the coast with a new sidewalk and improved bike lanes.

- I. **The proposed project is consistent with the general plan, any applicable specific plan, the zoning code, and the California Environmental Quality Act (CEQA) and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301 of the CEQA Guidelines exempts the alteration of existing public facilities that involve negligible or no expansion of use. Specifically, 15301(c) exempts projects involving existing streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes. The project involves a new sidewalk, new bicycle lane, and related access improvements to an existing roadway. The project will not create additional automobile lanes and involves a negligible expansion of use. No adverse environmental impacts were discovered during review of the proposed project.

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (March 23, 2025) unless otherwise indicated in conditions of approval.