

City of Capitola

City Council Meeting Agenda

Thursday, May 12, 2022 – 7:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Sam Storey

Vice Mayor: Margaux Keiser

Council Members: Jacques Bertrand, Yvette Brooks, Kristen Brown

Closed Session – 6 PM

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

Conference with Real Property Negotiator
[Govt. Code §54956.8]
Property: 4400 Jade Street, APN 034-551-02, Capitola, CA
City Negotiator: Jamie Goldstein, City Manager
Negotiating Parties: Soquel Union Elementary School District
Under Negotiation: Terms of Joint Use Agreement

Regular Meeting of the Capitola City Council – 7 PM

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

1. Roll Call and Pledge of Allegiance

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

2. Additions and Deletions to the Agenda

3. Report on Closed Session

4. Additional Materials

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

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 the minutes from the April 28, 2022, regular City Council meeting
Recommended Action: Approve minutes.
- B.** Approval of City Check Registers Dated April 1, April 8, April 15, April 22, and April 29
Recommended Action: Approve check registers.
- C.** Updated Travel Reimbursement Policy
Recommended Action: Approve amended Administrative Policy III-2: Employee & Public Official Travel Expense Reimbursement & Travel Regulations.
- D.** Contract for Housing Element Update
Recommended Action: Authorize the City Manager to enter a contract with RRM Design Group in the amount of \$183,560 for the Housing Element Update.
- E.** Receive Update on Pandemic Response and Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing
Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

8. General Government / Public Hearings

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

- A.** Application from the Capitola Village and Wharf Business Improvement Association to Replace Arbor Sign at Stockton Avenue and Capitola Avenue
Recommended Action: Consider an application from the Capitola Village and Wharf Business Improvement Association to replace the sign hanging at the Stockton-Capitola Avenue arbor with a surfboard-style sign.
- B.** Women on Waves Surf and Swim Contest

Recommended Action: Consider expanding Women on Waves Surf and Swimming Contest, a previously approved General Special Event, from a one-day to a two-day event.

C. Senate Bill 9 Residential Developments and Urban Lot Splits Ordinance

Recommended Action: 1) Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola adding Municipal Code Chapters 16.78 and 17.75, adding Municipal Code section 16.08.020, and amending section 17.74.040 for the implementation of government code sections 66411.7 and 65852.21 related to Urban Lot Splits and Senate Bill 9 Residential Developments; and 2) Adopt proposed resolution Authorizing Submittal to the California Coastal Commission for the Certification of an Amendment to the Local Coastal Program Adding Municipal Code Chapters 16.78 and 17.75, adding Municipal Code Section 16.08020, and Amending Section 17.74.040 for the Implementation of Government Code Sections 66411.7 and 65852.21 Related to Urban Lot Splits and Senate Bill 9 Residential Developments.

D. Objective Standards for Multifamily and Mixed-Use Residential Ordinance

Recommended Action: 1) Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola adding Municipal Code Chapter 17.82 to establish objective standards for multifamily dwellings and mixed-use residential development, amending section 17.16 Residential Zoning Districts, section 17.20 Mixed Use Zoning Districts, and 17.24 Commercial and Industrial Zoning Districts to reference Chapter 17.82 Objective Standards for Multifamily Dwellings and Mixed-Use Residential Development; and 2) Adopt the proposed resolution Authorizing Submittal to the California Coastal Commission for the Certification of an Amendment to the Local Coastal Program.

9. Adjournment

Notice of Remote Access

In accordance California Senate Bill 361, the City Council meeting is not physically open to the public and in person attendance cannot be accommodated.

To watch:

- Online at <https://www.cityofcapitola.org/meetings>
- Spectrum Cable Television channel 8
- City of Capitola, California YouTube Channel

To Join Zoom by Computer or Phone:

- Meeting ID: **814 9248 3812**
- Meeting Passcode: **426714**
- Meeting link:
<https://us02web.zoom.us/j/81492483812?pwd=bnJjN25aYkRhRHlUajAzM3o1cnpDQT09>
- Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

To make public comment:

When submitting public comment, one comment (via phone or email, not both), per person, per item is allowed. If you send more than one email about the same item, the last received will be read. You will have three minutes to speak, and emails will be read aloud for no longer than three minutes. The Mayor will announce the public comment period for each agenda item.

- **If you have joined the Zoom Meeting:** Use participant option to “raise hand”. The moderator will unmute you
- **If called in over the phone:** Dial *9 on your phone to “raise your hand”. The moderator will unmute you
- **If you want to send an email:** During the meeting, email written public comment to publiccomment@ci.capitola.ca.us
 - Emailed comments on items will be accepted after the start of the meeting until the Mayor announces that public comment for that item is closed
 - Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time
 - Emails received by publiccomment@ci.capitola.ca.us outside of the comment period outlined above will not be included in the record

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

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

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

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

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

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

Capitola City Council Agenda Report

Meeting: May 12, 2022

From: City Manager Department

Subject: Consider the minutes from the April 28, 2022, regular City Council meeting



Recommended Action: Approve minutes.

Discussion: Attached for Council review and approval are the draft minutes from the regular City Council meeting held on April 28, 2022.

Attachments:

1. April 28 draft

Report Prepared By: Chloé Woodmansee, City Clerk

Reviewed/Approved By: Jamie Goldstein, City Manager

City of Capitola

City Council Meeting Minutes

Thursday, April 28, 2022 – 7:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Sam Storey

Vice Mayor: Margaux Keiser

Council Members: Jacques Bertrand, Yvette Brooks, Kristen Brown

Closed Session – 6:15 PM

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4).

One potential case

CONFERENCE WITH LABOR NEGOTIATORS

(Gov't Code § 54957.6)

Negotiator: Larry Laurent

Employee Organizations: (1) Association of Capitola Employees; (2) Police Captains; (3) Mid-Management Group; (4) Department Heads; (5) Confidential Employees; (6) Capitola Police Officers Association

Regular Meeting of the Capitola City Council – 7 PM

1. Roll Call and Pledge of Allegiance

Council Members Jacques Bertrand, Kristen Brown, Vice Mayor Margaux Keiser, and Mayor Sam Storey were present. Council Member Brooks joined the meeting at around 8:05pm.

2. Additions and Deletions to the Agenda

3. Presentations

A. Acknowledge Local Government Academy Class of 2022

City Manager Goldstein congratulated this year's 25 participants of the local government academy; the Mayor thanked those who attended the workshops for showing interest and dedicating time to learning about the City of Capitola.

4. Report on Closed Session

City Attorney Zutler said that direction was given to staff on the items on the agenda.

5. Additional Materials

A. Item 7.E – seven public comment emails.

6. Oral Communications by Members of the Public

Marley Morales, Program Coordinator for Ventures, and spoke about the organization which helps working class families obtain an equitable financial future. She invited the City to consider a program such as “A Santa Cruz Like Me”, which is a partnership between Ventures and the County of Santa Cruz.

7. Staff / City Council Comments

Public Works Director Jesberg announced that, as hoped, the City has been granted funding from Central Coast Community Energy to pay for an electric street sweeper, however there is a delay in receiving funds.

Council Member Brown announced that May is both Community Action Month and Affordable Housing Month.

8. Consent Items

Motion: Approve, Pass, Determine, and Adopt, as recommended

Result: Passed, 4:0 (Unanimous)

Mover: Council Member Brown

Second: Vice Mayor Keiser

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

Absent: Council Member Brooks

- A. Consider the minutes from the April 14, 2022, regular City Council meeting
Recommended Action: Approve minutes.
- B. Consider Adding a Section to the Municipal Code in Accordance with Assembly Bill 481
Recommended Action: Pass an ordinance adding Section 2.60 to the Capitola Municipal Code, approving a Military Equipment Use Policy for Police Services.
- C. Receive Update on Pandemic Response and Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing
Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

9. General Government / Public Hearings

- A. Approval of Plans, Specifications, and Budget for the Clares Street Traffic Calming Project
Recommended Action: Approve the plans, specifications, and construction budget of \$1,153,000 for the Clares Street Traffic Calming Project and authorize the Department of Public Works to advertise for construction bids.

Project Manager Project Manager Mozumder presented a staff report.

Council Member Bertrand confirmed that there is no RDA money for this project.

Mayor Storey confirmed that the project’s proposed bike lane at the 41st intersection, which serves to the center, follows best practices, and is preferred by the biking committee.

Council Member Bertrand asked about community outreach for affected residents.

Mayor Storey asked about the dedicated bike lanes at intersections and how the lane is protected. Director Jesperg explained that this layout is preferred for bicyclists and there are currently two other City intersections in this layout.

In public comment, Bridget Hawkins enquired about the Clares Street crosswalk and if a calming bump was also planned.

Mayor Storey asked about the durability of the decorative crosswalk; Project Manager Mozumder said that the thermoplastic used is quite lasting.

Council Member Brown complimented the project.

Vice Mayor Keiser thanked staff for the work on this project.

Council Member Bertrand commented that the area is dark at night, which should be considered.

Motion: Approve the project plans, specifications, and \$1,153,000 budget and authorize the advertising of bids

Result: Passed, 4:0 (Unanimous)

Mover: Council Member Brown

Second: Vice Mayor Keiser

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

Absent: Council Member Brooks

B. Presentation Regarding Senate Bill 9 and Draft City Ordinance

Recommended Action: Accept staff presentation.

Community Development Director Herlihy presented a staff report.

Mayor Storey asked about a section of the ordinance regarding limitations of demolishing affordable/rental housing and asked that staff research and come back with more information.

Mayor Storey reordered the rest of the agenda, as Council Member Brooks joined the meeting; the remaining items were heard in this order: Item 9.E, Item 9.D, Item 9.C.

C. Presentation on Objective Standards for Multifamily and Mixed-Use Residential and Related Upcoming Proposed Ordinance

Recommended Action: Accept staff presentation.

Director Herlihy presented a brief staff report.

Council Member Bertrand clarified that if an applicant proposes a project that meets the intent of the Bill the project still has potential for approval but must be heard by Planning Commission.

There was no public comment.

D. Temporary Village Parking Committee Goals and Appointments

Recommended Action: Approve the goals for the Temporary Village Parking Committee, consider applications, and make appointments to the committee including three Village business representatives, three City residents, one member of the Finance Advisory Committee, and two members of City Council.

Director Jesberg presented a staff report, and Clerk Woodmansee explained the appointment requirements.

There was no public comment.

Motion: Adopt proposed committee goals

Result: Passed, 5:0 (Unanimous)

Mover: Vice Mayor Keiser

Second: Council Member Brown

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

Motion: Appoint Anthony Guarjardo, Vicki Guinn, and Carin Hanna to the Temporary Village Parking Committee as Village Business Representatives

Result: Passed, 5:0 (Unanimous)

Mover: Vice Mayor Keiser

Second: Council Member Brooks

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

Motion: Appoint Dennis Norton, Molly Ording, and Peter Wilk to the Temporary Village Parking Committee as City Residents

Result: Passed, 5:0 (Unanimous)

Mover: Council Member Brown

Second: Council Member Brooks

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

Motion: Appoint Council Members Bertrand and Vice Mayor Keiser to the Temporary Village Parking Committee as Council representatives

Result: Passed, 5:0 (Unanimous)

Mover: Council Member Brooks

Second: Council Member Brown

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

E. Temporary Outdoor Dining Program

Recommended Action: 1) Receive a report on the coastal commission certification of Ordinance 1050: Outdoor Dining in the Public Right of Way; and 2) Consider adopting the proposed resolution extending the COVID-19 temporary outdoor dining use permits with new modified conditions, including fees.

Vice-Mayor Keiser was recused from the item.

Director Herlihy presented the staff report.

Council Member Bertrand asked if the reduced use of outdoor dining spaces correlates with the relaxation of COVID restrictions. He confirmed that restaurant owners were informed of potential changes.

Council Member Brooks asked about proposing changes to the City Ordinance regarding outdoor dining.

Council Member Brown confirmed that any changes to the Ordinance would require submittal to Coastal Commission for certification.

Mayor Storey asked about the required planters.

In public comment, Peter Wilk said he did not support outdoor dining on the Esplanade. Linda Smith asked that temporary outdoor dining be extended until at least the end of September. Josh Fisher supported all proposed conditions but asked that the cost be cut in half with an extension to October 1. Police Chief Dally spoke on behalf of the Public Safety Foundation and the Car Show scheduled for June 11 and 12; he said the event can go on if temporary outdoor dining is extended. Via email, Doug Conrad wrote about why outdoor dining spaces were empty at the time that City staff surveyed them and asked that patron safety be considered. Doug spoke against the proposed fee and encouraging safer nicer looking design for the permanent outdoor dining spaces.

Council Member Bertrand supported changing the open day requirement from five to four days.

Council Member Brown suggested extending the temporary program until two months after Coastal Commission Certification of Ordinance 1050.

Council Member Brooks confirmed that any extension would be longer than two months.

Mayor Storey said he was concerned about patron safety and that appropriate replacements for benches are used. He suggested a lower rate per square foot.

Motion: Adopt proposed resolution with the edits read by the City Attorney, including extending the temporary outdoor dining program in the entire City until two months after the Coastal Commission adopts Ordinance 1050; requiring 1) 4 open days 2) the removal of all benches 3) a \$500 deposit and 4) rent of \$200 a month per space

Result: Passed, 4:0 (Unanimous)

Mover: Council Member Brown

Second: Council Member Bertrand

Yea: Mayor Storey, Council Member Bertrand, Council Member Brooks, Council Member Brown

Recused: Vice Mayor Keiser

10. Adjournment

The meeting was adjourned at 9:50PM to the next regular City Council meeting on May 12, 2022.

Capitola City Council

Agenda Report

Meeting: May 12, 2022

From: Finance Department

Subject: Approval of City Check Registers Dated April 1, April 8, April 15, April 22, and April 29



Recommended Action: Approve check registers.

Account: City Main				
Date	Starting Check #	Ending Check #	Payment Count	Amount
4/1/2022	100247	100276	35	\$ 180,297.93
4/8/2022	100277	100320	45	\$ 133,265.96
4/15/2022	100321	100410	96	\$ 200,563.69
4/22/2022	100411	100445	35	\$ 98,146.34
4/29/2022	100446	100488	50	\$ 186,057.44

The main account check register dated March 25, 2022, ended with check #100246.

Account: Library				
Date	Starting Check #	Ending Check #	Payment Count	Amount

The library account check register dated March 4, 2022, ended with check #301.

Account: Payroll				
Date	Starting Check/EFT #	Ending Check/EFT #	Payment Count	Amount
4/8/2022	19115	19215	101	\$ 171,221.49
4/22/2022	19216	19304	89	\$ 168,691.52

The payroll account check register dated March 25, 2022, ended with EFT #19114.

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

Check/EFT	Issued to	Dept	Description	Amount
100255	CSG Consultants	CD	February plan review and inspection services	\$ 13,796.69
100265	McKim Corporation	PW	Road repair project	\$ 33,734.50
100273	Workbench	CD	SB2 ADU construction documents, engineer coordination	\$ 14,285.00
1299	CalPERS Member Services	FN	PERS contributions PPE 3/25/22	\$ 55,778.46
1301	IRS	FN	Federal taxes & Medicare PPE	\$ 28,278.27

			3/19/22	
100308	Santa Cruz County Auditor-Controller	PD	March citation processing	\$ 16,961.00
1304	CalPERS Health	CM	April health insurance	\$ 60,324.29
100330	Bear Electrical Solutions	PW	Flashing crosswalk pole	\$ 12,600.00
100345	Economic & Planning Systems	CD	Affordable housing nexus study & feasibility analysis	\$ 13,533.75
1305	CalPERS Member Services	FN	PERS contributions PPE 4/2/22	\$ 56,318.24
1307	IRS	FN	Federal taxes & Medicare PPE 4/2/22	\$ 29,314.03
100411	Wells Fargo Bank	CM	March credit card charges	\$ 13,117.65
100418	Burke Williams & Sorensen	CM	February legal services	\$ 17,056.92
100435	PG&E	PW	April gas & electricity	\$ 15,130.47
100439	Soquel Creek Water District	PW	Water service	\$ 10,288.79
100481	Visit Santa Cruz County	FN	January – March tourism marketing district	\$ 28,933.81
1313	CalPERS Member Services	FN	PERS contributions PPE 4/16/22	\$ 56,318.33
1315	IRS	FN	Federal taxes & Medicare PPE 4/16/22	\$ 28,833.04

Attachments:

1. 4-1-22 Check Register
2. 4-8-22 Check Register
3. 4-15-22 Check Register
4. 4-22-22 Check Register
5. 4-29-22 Check Register

Report Prepared By: Mark Sullivan, Senior Accountant

Reviewed By: Chloé Woodmansee, City Clerk and Jim Malberg, Finance Director

Approved By: Jamie Goldstein, City Manager

City main account checks dated April 1, 2022, numbered 100247 to 100276, totaling \$78,900.76 and five EFTs totaling \$101,397.17, for a grand total of \$180,297.93, have been reviewed and authorized for distribution by the City Manager.

As of April 1, 2022, the unaudited cash balance is \$5,195,052.27.

CASH POSITION - CITY OF CAPITOLA
April 1, 2022

	4/1/2022
General Fund	\$ (969,232.08)
Payroll Payables	\$ 72,543.69
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 477,714.09
Capital Improvement Fund	\$ 2,369,852.08
Stores Fund	\$ 63,374.52
Information Technology Fund	\$ 291,855.39
Equipment Replacement	\$ 742,076.60
Self-Insurance Liability Fund	\$ (226,786.07)
Workers' Comp. Ins. Fund	\$ 153,238.79
Compensated Absences Fund	\$ 159,069.60
TOTAL UNASSIGNED GENERAL FUNDS	\$ 5,195,052.27

The Emergency Reserve Fund balance is \$1,374,205.54 (not included above).

The PERS Contingency Fund balance is \$983,705.48 (not included above).

The Library Fund balance is \$747,723.30 (not included above).

 <hr style="border: 0; border-top: 1px solid black;"/> Jamie Goldstein, City Manager	4/8/22 <hr style="border: 0; border-top: 1px solid black;"/> Date
 <hr style="border: 0; border-top: 1px solid black;"/> Jim Malberg, City Treasurer	4/4/22 <hr style="border: 0; border-top: 1px solid black;"/> Date

City Checks Issued April 1, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100247	04/01/2022			A TOOL SHED	\$182.47
	Invoice	Date	Description		Amount
	1557834-5	03/25/2022	Skid steer tractor brush cutter rental		\$182.47
100248	04/01/2022			ADAMS ASHBY GROUP INC	\$1,437.50
	Invoice	Date	Description		Amount
	4114	03/04/2022	February CDBG CV2-3 admin. 1350 - CDBG		\$1,437.50
100249	04/01/2022			AGILITY TRIBE LLC	\$40.00
	Invoice	Date	Description		Amount
	2	04/01/2022	Camp day 6/29		\$40.00
100250	04/01/2022			ALLIED UNIVERSAL	\$812.81
	Invoice	Date	Description		Amount
	12485505	04/07/2022	April McGregor skate park foot patrol		\$392.06
	12485506	04/07/2022	April Esplanade park foot patrol		\$420.75
100251	04/01/2022			ALVAREZ TECHNOLOGY GROUP INC	\$212.50
	Invoice	Date	Description		Amount
	62838	03/16/2022	April antivirus 2211 - IT Fund		\$212.50
100252	04/01/2022			AMAZON CAPITAL SERVICES	\$187.42
	Invoice	Date	Description		Amount
	1VC7-4P7Q-3MW7	03/28/2022	Mutt mitt dispensers		\$187.42
100253	04/01/2022			BIG CREEK LUMBER	\$53.90
	Invoice	Date	Description		Amount
	1676601	02/16/2022	Nobel Gulch cedar railing, split end post		\$53.90
100254	04/01/2022			CAPITOL BARRICADE INC.	\$174.55
	Invoice	Date	Description		Amount
	47114	03/24/2022	Concrete repair, overlay primer, textured roller, trowel		\$174.55
100255	04/01/2022			CSG Consultants Inc.	\$13,796.69
	Invoice	Date	Description		Amount
	B220266	03/01/2022	February plan review services		\$10,148.69
	42404	03/11/2022	February building inspector services		\$3,648.00

City Checks Issued April 1, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100256	04/01/2022			EWING IRRIGATION	\$2,604.93
	Invoice	Date	Description		Amount
	16312366	03/21/2022	Basketball nets, fertilizer		\$322.87
	16312352	03/21/2022	Village PVC parts, teflon tape, primer, corner wrench		\$244.42
	16317682	03/22/2022	Lawn Way PVC parts, corner wrench, bucket		\$556.24
	16326970	03/23/2022	Lawn Way corner wrench, PVC parts, bucket, primer, coupling		\$234.76
	16338301	03/24/2022	Lawn Way PVC coupling, corner wrench, saw blade, tee		\$137.45
	16238944	03/10/2022	Esplanade park sod		\$1,109.19
100257	04/01/2022			FERGUSON ENTERPRISES LLC #795	\$250.02
	Invoice	Date	Description		Amount
	9819050	03/21/2022	Jade St. supplies		\$250.02
100258	04/01/2022			FLYERS ENERGY LLC	\$1,806.31
	Invoice	Date	Description		Amount
	22-494600	03/24/2022	80 gallons diesel		\$520.76
	22-494599	03/24/2022	225 gallons gasoline		\$1,285.55
100259	04/01/2022			GEORGE McMENAMIN	\$1,775.87
	Invoice	Date	Description		Amount
	GM032822	03/28/2022	March riparian restoration, vinca control, site checks		\$1,775.87
100260	04/01/2022			HOME DEPOT CREDIT SERVICES	\$1,746.50
	Invoice	Date	Description		Amount
	6620375	03/22/2022	Bathroom cleaning supplies		\$87.09
	7523083	03/21/2022	Jade St. supplies		\$50.73
	7613094	03/21/2022	Flap discs, wheel brush		\$45.68
	0510175	03/18/2022	Rust stopper, cable ties, earbuds		\$73.60
	2515653	03/16/2022	Wrench, circuit breaker		\$43.22
	3625650	03/15/2022	Village trash cans, door stopper, lumber, bolt		\$445.88
	4625400	03/14/2022	Fileset, pliers, cleanout plugs, adapters, steel flange		\$103.43
	3033402	03/15/2022	Jade St. supplies		\$231.90
	3625618	03/15/2022	Wharf supplies		\$43.08
	0626136	03/18/2022	Jade St. supplies		\$105.66
	1520797	03/07/2022	Jade St. bathroom supplies		\$60.70
	4623614	03/04/2022	Jade St. kitchen faucet		\$136.36
	5623452	03/03/2022	Screw driver set		\$6.51
	6520075	03/02/2022	Nozzle, broom, floor brush		\$40.90
	7623142	03/01/2022	Jade St. bathroom supplies		\$49.85
	9624550	03/09/2022	Caster wheels for dolly, lag screws		\$131.17
	9642402	03/09/2022	Jade St. bathroom supplies		\$65.38
	4510894	03/24/2022	Esplanade bathroom screws		\$20.67
	4620748	03/24/2022	Esplanade bathroom door stop		\$4.69
			1000 - General Fund	\$1,657.74	
			1311 - Wharf Fund	\$88.76	

City Checks Issued April 1, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100261	04/01/2022			HOSE SHOP	\$431.36
	Invoice	Date	Description		Amount
	442312	03/28/2022	Crimp fittings, clamp, nylon sleeve, hose assembly, brass balls		\$431.36
100262	04/01/2022			IN-SITU Inc.	\$637.31
	Invoice	Date	Description		Amount
	Q-86652	03/29/2022	VuLink CI		\$637.31
100263	04/01/2022			INTERSTATE BATTERY SYSTEM OF SAN JOSE	\$252.59
	Invoice	Date	Description		Amount
	120120373	03/28/2022	Batteries		\$252.59
100264	04/01/2022			KING'S PAINT AND PAPER INC.	\$171.03
	Invoice	Date	Description		Amount
	A0321252	03/28/2022	Jade St. paint supplies, steel wool, brushes		\$171.03
100265	04/01/2022			McKim Corporation	\$33,734.50
	Invoice	Date	Description		Amount
	20901-2	02/22/2022	2021 road repair project		\$33,734.50
			1308 - SB1 Road Maint. & Rehab	\$16,867.25	
			1309 - RTC	\$16,867.25	
100266	04/01/2022			MID COUNTY AUTO SUPPLY	\$551.14
	Invoice	Date	Description		Amount
	M-1634195	03/02/2022	Filter wrench		\$6.47
	M-1660893	03/22/2022	Alternator		\$509.40
	M-1661822	03/23/2022	Valve stem seal		\$35.27
100267	04/01/2022			O'REILLY AUTO PARTS	\$97.23
	Invoice	Date	Description		Amount
	2763-269431	03/18/2022	Semi-met pad, spark plugs, air filter		\$97.23
100268	04/01/2022			OUTDOOR SUPPLY HARDWARE	\$947.34
	Invoice	Date	Description		Amount
	E94891	02/28/2022	Socket adapter, socket, supplies		\$28.30
	E96147	03/02/2022	Screw driver, mach scribe		\$13.82
	E98613	03/07/2022	Brass pipe, brass nipple		\$34.18
	E98754	03/07/2022	Wrecking bar, supplies		\$55.57
	F02766	03/14/2022	Crimp wire wheel, stop rust spray, supplies		\$66.97
	F06416	03/21/2022	ABS P-trap		\$30.48
	F06842	03/22/2022	Folding knife, plumbing sealant, epoxy, adhesive, pipe wrap		\$225.25
	F08558	03/25/2022	Noble Gulch green poultry fence		\$43.59
	F08498	03/25/2022	Wharf entrance plants		\$28.32
	F08504	03/25/2022	Noble Gulch cable ties, green poultry fence, U-post		\$109.99
	F09066	03/26/2022	Loop chain, lap links		\$26.98
	F07960	03/24/2022	Fleet supplies		\$283.89

City Checks Issued April 1, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100269	04/01/2022			PK SAFETY SUPPLY	\$243.94
	Invoice	Date	Description		Amount
	453343	03/28/2022	Safety glasses		\$243.94
100270	04/01/2022			RRM DESIGN GROUP	\$520.00
	Invoice	Date	Description		Amount
	1783-02-0222	03/15/2022	#21-0122 720 Hill St. hotel design peer review services		\$520.00
100271	04/01/2022			SANTA CRUZ AUTO PARTS INC.	\$15.38
	Invoice	Date	Description		Amount
	14508-434251	02/23/2022	Returned fuel filter		(\$52.01)
	14508-437286	03/28/2022	Primer, gloves, kitty hair, string refill		\$67.39
100272	04/01/2022			SOQUEL CREEK WATER DISTRICT	\$432.47
	Invoice	Date	Description		Amount
	10-16317-0031522	03/15/2022	420 Capitola Ave. water		\$270.57
	10-16315-0031522	03/15/2022	504 Beulah Dr. water		\$53.61
	10-16316-0031522	03/15/2022	426 Capitola Ave. water		\$108.29
100273	04/01/2022			WORKBENCH	\$14,285.00
	Invoice	Date	Description		Amount
	21097-107	03/17/2022	SB2 ADU constructions docs, engineer coordination		\$14,285.00
100274	04/01/2022			Ronald MacDonald	\$500.00
	Invoice	Date	Description		Amount
	21-0455	03/15/2022	Tree deposit refund		\$500.00
100275	04/01/2022			Todd McClean	\$500.00
	Invoice	Date	Description		Amount
	21-0555	03/15/2022	Tree deposit refund 533 Riverview Dr.		\$500.00
100276	04/01/2022			Walter Hickey	\$500.00
	Invoice	Date	Description		Amount
	21-0220	03/15/2022	Tree deposit refund 620 Capitola Ave.		\$500.00

Check Totals: \$78,900.76

EFT

1299	03/28/2022			CalPERS Member Services Division	\$55,778.46
	Invoice	Date	Description		Amount
	1002074265-8	03/25/2022	PERS contributions PPE 3/25/22 1001 - Payroll		\$55,778.46
1300	03/28/2022			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$8,181.76
	Invoice	Date	Description		Amount
	0-236-976-736	03/25/2022	State taxes PPE 3/19/22 1001 - Payroll		\$8,181.76

City Checks Issued April 1, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1301	03/28/2022			INTERNAL REVENUE SERVICE	\$28,278.27
	Invoice	Date	Description		Amount
	91504778	03/25/2022	Federal taxes & Medicare PPE 3/19/22 1001 - Payroll		\$28,278.27
1302	03/28/2022			STATE DISBURSEMENT UNIT	\$1,575.68
	Invoice	Date	Description		Amount
	39205404	03/25/2022	Employee garnishments PPE 3/19/22 1001 - Payroll		\$1,575.68
1303	03/28/2022			VOYA FINANCIAL	\$7,583.00
	Invoice	Date	Description		Amount
	VOYA032522	03/25/2022	Employee 457 contributions PPE 3/19/22 1001 - Payroll		\$7,583.00

EFT Totals: \$101,397.17

Main City Totals	Count	Total
Checks	30	\$78,900.76
EFTs	5	\$101,397.17
All	35	\$180,297.93



City main account checks dated April 8, 2022, numbered 100277 to 100320, totaling \$72,941.67, one EFT totaling \$60,324.29 and 101 payroll EFTs totaling \$171,221.49, for a grand total of \$304,487.45, have been reviewed and authorized for distribution by the City Manager.

As of April 8, 2022, the unaudited cash balance is \$5,001,045.27.

CASH POSITION - CITY OF CAPITOLA
April 8, 2022

	4/8/2022
General Fund	\$ (1,546,848.33)
Payroll Payables	\$ 170,849.42
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 477,714.09
Capital Improvement Fund	\$ 2,369,852.08
Stores Fund	\$ 67,603.33
Information Technology Fund	\$ 339,995.15
Equipment Replacement	\$ 767,129.60
Self-Insurance Liability Fund	\$ (125,824.12)
Workers' Comp. Ins. Fund	\$ 260,158.79
Compensated Absences Fund	\$ 159,069.60
TOTAL UNASSIGNED GENERAL FUNDS	\$ 5,001,045.27

The Emergency Reserve Fund balance is \$1,374,205.54 (not included above).
 The PERS Contingency Fund balance is \$983,705.48 (not included above).
 The Library Fund balance is \$747,723.30 (not included above).

 Jamie Goldstein, City Manager	4/11/22 Date
 Jim Malberg, City Treasurer	4/8/22 Date

City Checks Issued April 8, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100277	04/02/2022			PET PALS DISCOUNT PET SUPPLIES	\$337.88
	Invoice	Date	Description		Amount
	2615321-2	03/12/2022	K-9 supplies		\$337.88
100278	04/08/2022			ADRIENNE HARRELL	\$394.75
	Invoice	Date	Description		Amount
	AH032722	03/27/2022	Instructor payment		\$394.75
100279	04/08/2022			ADT SECURITY SERVICES INC.	\$225.21
	Invoice	Date	Description		Amount
	ADT032922	03/29/2022	Corp. yard & museum ADT monitoring		\$225.21
100280	04/08/2022			AFLAC	\$1,403.12
	Invoice	Date	Description		Amount
	713737	03/29/2022	March supplemental insurance 1001 - Payroll		\$1,403.12
100281	04/08/2022			ALEX FERBER	\$442.00
	Invoice	Date	Description		Amount
	AF032422	03/24/2022	Instructor payment		\$442.00
100282	04/08/2022			AMAZON CAPITAL SERVICES	\$785.08
	Invoice	Date	Description		Amount
	1NGG-1RWK-9GYJ	03/24/2022	Railroad board		\$22.53
	1Q3J-RKKM-49R7	03/24/2022	Prime membership		\$543.91
	16GG-KQT9-G663	03/28/2022	Surface USB-C to ethernet adapter		\$54.99
	173K-HRC6-3FPC	03/28/2022	Monitor cable		\$8.88
	17J6-6VY9-VCP9	03/30/2022	Wireless mouse, wireless keyboard		\$99.18
	1196-F6F9-VTHJ	04/02/2022	Wireless mouse		\$55.59
			1000 - General Fund	\$566.44	
			2211 - IT Fund	\$218.64	
100283	04/08/2022			AXCIENT	\$375.00
	Invoice	Date	Description		Amount
	FY22INEFI103435	03/31/2022	March AppAssure storage		\$125.00
	FY22INEFI098421	01/31/2022	January AppAssure storage		\$125.00
	FY22INEFI100913	02/28/2022	February AppAssure storage		\$125.00
			2211 - IT Fund		
100284	04/08/2022			BAY PHOTO LAB	\$207.64
	Invoice	Date	Description		Amount
	18401047	03/23/2022	Museum prints, styrene mounting		\$30.54
	18420371	03/30/2022	Museum metal print, float hanger		\$177.10

City Checks Issued April 8, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100285	04/08/2022			BECKY ADAMS	\$71.50
	Invoice	Date	Description		Amount
	BA032722	03/27/2022	Instructor payment		\$71.50
100286	04/08/2022			BENEFIT COORDINATORS CORP.	\$5,304.60
	Invoice	Date	Description		Amount
	B04WJG	03/30/2022	March dental & vision insurance		\$5,304.60
			1000 - General Fund	\$13.80	
			1001 - Payroll	\$5,290.80	
100287	04/08/2022			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,638.00
	Invoice	Date	Description		Amount
	POA032522	03/25/2022	POA & gym dues PPE 3/19/22		\$1,638.00
			1001 - Payroll		
100288	04/08/2022			CAPITOLA-SOQUEL CHAMBER OF COMMERCE	\$9,262.62
	Invoice	Date	Description		Amount
	CSCC022822	03/31/2022	November - February TOT		\$9,262.62
			1305 - Restricted TOT		
100289	04/08/2022			CARIN HANNA	\$1,619.04
	Invoice	Date	Description		Amount
	CH040122	04/01/2022	BIA storage, mailchimp, website, SOS filing reimbursement		\$1,619.04
			1321 - BIA		
100290	04/08/2022			CLAUDIO FRANCA	\$52.00
	Invoice	Date	Description		Amount
	CF032722	03/27/2022	Instructor payment		\$52.00
100291	04/08/2022			CLEAN BUILDING MAINTENANCE CO.	\$5,862.92
	Invoice	Date	Description		Amount
	29584	03/31/2022	March janitorial services		\$5,862.92
			1000 - General Fund	\$5,015.48	
			1311 - Wharf Fund	\$847.44	
100292	04/08/2022			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$1,014.00
	Invoice	Date	Description		Amount
	3077	03/31/2022	February televised meetings		\$1,014.00
100293	04/08/2022			CYNTHIA KASKEY	\$234.00
	Invoice	Date	Description		Amount
	CK032722	03/27/2022	Instructor payment		\$234.00

City Checks Issued April 8, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100294	04/08/2022			DAVID SCOTT COBABE	\$1,244.10
	Invoice	Date	Description		Amount
	DC032722	03/27/2022	Instructor payment		\$1,244.10
100295	04/08/2022			Division of the State Architect	\$214.40
	Invoice	Date	Description		Amount
	DSA033122	03/24/2022	January - March disability access & education fees		\$214.40
100296	04/08/2022			GINA ENRIQUEZ	\$3,634.98
	Invoice	Date	Description		Amount
	GE032722	03/27/2022	Instructor payment		\$3,634.98
100297	04/08/2022			HINDERLITER DELLAMAS AND ASSOCIATES	\$1,250.00
	Invoice	Date	Description		Amount
	SIN015722	02/28/2022	TOT and STR admin. fees		\$1,250.00
100298	04/08/2022			INTERNATIONAL BRONZE PLAQUE COMPANY	\$477.00
	Invoice	Date	Description		Amount
	22-61745	04/01/2022	Memorial bench plaques (3)		\$477.00
100299	04/08/2022			KBA Document Solutions LLC	\$34.98
	Invoice	Date	Description		Amount
	55Y1263766	04/01/2022	City Hall & Recreation copier usage charges		\$34.98
			1000 - General Fund	\$24.00	
			2211 - IT Fund	\$10.98	
100300	04/08/2022			LAURA ALIOTO	\$1,099.80
	Invoice	Date	Description		Amount
	LA032722	03/27/2022	Instructor payment		\$1,099.80
100301	04/08/2022			LINDSAY MITCHELL JOHNSON	\$97.50
	Invoice	Date	Description		Amount
	LJ032422	03/24/2022	Instructor payment		\$97.50
100302	04/08/2022			LIUNA PENSION FUND	\$1,075.20
	Invoice	Date	Description		Amount
	FF9685	03/25/2022	March LIUNA dues		\$1,075.20
			1001 - Payroll		
100303	04/08/2022			MELINDA LEE MOXLEY	\$221.00
	Invoice	Date	Description		Amount
	MM032722	03/27/2022	Instructor payment		\$221.00

City Checks Issued April 8, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100304	04/08/2022			MICHAEL G LEW	\$210.60
	Invoice	Date	Description		Amount
	ML032422	03/24/2022	Instructor payment		\$210.60
100305	04/08/2022			MISSION PRINTERS	\$419.52
	Invoice	Date	Description		Amount
	62658	03/21/2022	Envelopes (1.500)		\$281.78
	62690	03/31/2022	Planning and building business cards		\$137.74
			1000 - General Fund	\$137.74	
			2210 - Stores Fund	\$281.78	
100306	04/08/2022			NATIONAL ACADEMY OF ATHLETICS	\$366.80
	Invoice	Date	Description		Amount
	NAA032722	03/27/2022	Instructor payment		\$366.80
100307	04/08/2022			SANTA CRUZ COUNTY ANIMAL SHELTER	\$7,385.50
	Invoice	Date	Description		Amount
	21-22-4CA	03/24/2022	Quarterly animal services contribution		\$7,385.50
100308	04/08/2022			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$16,961.00
	Invoice	Date	Description		Amount
	SCC033122	03/31/2022	March citation processing		\$16,961.00
100309	04/08/2022			SANTA CRUZ LIVE SCAN INC.	\$60.00
	Invoice	Date	Description		Amount
	2022-00000974	04/01/2022	New hire live scans		\$60.00
100310	04/08/2022			T MOBILE	\$193.71
	Invoice	Date	Description		Amount
	TM032122	03/21/2022	March cell phone usage		\$193.71
100311	04/08/2022			TIMES PUBLISHING GROUP INC.	\$498.00
	Invoice	Date	Description		Amount
	16285	03/29/2022	Citywide garage sale advertising		\$498.00
100312	04/08/2022			TODD HANSON	\$2,668.00
	Invoice	Date	Description		Amount
	00019	04/01/2022	April BIA marketing, website management, media boost		\$2,668.00
			1321 - BIA		

City Checks Issued April 8, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100313	04/08/2022			TPX COMMUNICATIONS	\$1,652.75
	Invoice	Date	Description		Amount
	154792772-0	03/23/2022	March phone service		\$1,652.75
			1000 - General Fund	\$922.13	
			2211 - IT Fund	\$730.62	
100314	04/08/2022			UNITED WAY OF SANTA CRUZ COUNTY	\$20.00
	Invoice	Date	Description		Amount
	UW032522	03/25/2022	March employee United Way contributions		\$20.00
			1001 - Payroll		
100315	04/08/2022			UPS	\$4.30
	Invoice	Date	Description		Amount
	0000954791142	04/02/2022	Missing PLD fees		\$4.30
100316	04/08/2022			US BANK EQUIPMENT FINANCE	\$174.40
	Invoice	Date	Description		Amount
	468387519	03/24/2022	City Hall copier lease		\$174.40
			2210 - Stores Fund		
100317	04/08/2022			US BANK EQUIPMENT FINANCE	\$315.01
	Invoice	Date	Description		Amount
	468715818	03/28/2022	City Hall copier lease		\$315.01
			2210 - Stores Fund		
100318	04/08/2022			US BANK PARS Acct 6746022400	\$399.98
	Invoice	Date	Description		Amount
	PARS032522	03/25/2022	PARS contributions PPE 3/25/22		\$399.98
			1001 - Payroll		
100319	04/08/2022			VERIZON WIRELESS	\$2,890.78
	Invoice	Date	Description		Amount
	9901533531	03/10/2022	March telephone charges		\$2,890.78
100320	04/08/2022			Anne Marie Miles	\$143.00
	Invoice	Date	Description		Amount
	37312348	04/05/2022	Class refund		\$143.00
Check Totals:					\$72,941.67

City Checks Issued April 8, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
EFT					
1304	04/04/2022			CalPERS Health Insurance	\$60,324.29
	Invoice	Date	Description		Amount
	1002078307	04/01/2022	April health insurance		\$60,324.29
			1000 - General Fund	\$3,460.69	
			1001 - Payroll	\$56,863.60	

EFT Totals: \$60,324.29

Main City Totals	Count	Total
Checks	44	\$72,941.67
EFTs	1	\$60,324.29
All	45	\$133,265.96

Payroll Totals	Count	Total
Checks	0	\$0.00
EFTs	101	\$171,221.49
All	101	\$171,221.49

Grand Totals:	Count	Total
Checks	44	\$72,941.67
EFTs	102	\$231,545.78
All	146	\$304,487.45


City main account checks dated April 15, 2022, numbered 100321 to 100410, totaling \$96,182.50 and six EFTs totaling \$104,381.19, for a grand total of \$200,563.69, have been reviewed and authorized for distribution by the City Manager.

As of April 15, 2022, the unaudited cash balance is \$5,527,779.85.

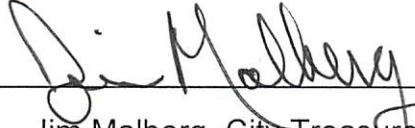
CASH POSITION - CITY OF CAPITOLA
April 15, 2022

	4/15/2022
General Fund	\$ (1,418,071.72)
Payroll Payables	\$ 64,875.30
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 477,714.09
Capital Improvement Fund	\$ 2,873,445.17
Stores Fund	\$ 67,603.33
Information Technology Fund	\$ 340,334.15
Equipment Replacement	\$ 767,129.60
Self-Insurance Liability Fund	\$ (125,824.12)
Workers' Comp. Ins. Fund	\$ 260,158.79
Compensated Absences Fund	\$ 159,069.60
TOTAL UNASSIGNED GENERAL FUNDS	\$ 5,527,779.85

The Emergency Reserve Fund balance is \$1,314,205.54 (not included above).
 The PERS Contingency Fund balance is \$983,705.48 (not included above).
 The Library Fund balance is \$747,723.30 (not included above).



 Jamie Goldstein, City Manager 4/21/22
Date



 Jim Malberg, City Treasurer 4/15/22
Date

City Checks Issued April 15, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100321	04/15/2022			ACCO ENGINEERED SYSTEMS	\$410.00
	Invoice	Date	Description		Amount
	20226397	03/29/2022	PD HVAC maintenance		\$410.00
100322	04/15/2022			ADAMS ASHBY GROUP INC	\$1,000.00
	Invoice	Date	Description		Amount
	4166	04/01/2022	March CDBG CV1 admin. 1350 - CDBG		\$1,000.00
100323	04/15/2022			ADRIENNE HARRELL	\$281.45
	Invoice	Date	Description		Amount
	AH041222	04/12/2022	Instructor payment		\$281.45
100324	04/15/2022			ALLIED UNIVERSAL	\$379.42
	Invoice	Date	Description		Amount
	12485489	04/07/2022	April Jade St. park foot patrol		\$379.42
100325	04/15/2022			ALLSAFE LOCK COMPANY	\$13.08
	Invoice	Date	Description		Amount
	53590	03/31/2022	Keys		\$13.08
100326	04/15/2022			AMAZON CAPITAL SERVICES	\$527.83
	Invoice	Date	Description		Amount
	1VP6-6VNJ-7FVJ	04/03/2022	Work gloves (15 pairs)		\$198.15
	1WGX-QN4R-3DY6	04/06/2022	Wireless mouse		\$15.25
	1Y6Q-JQFC-11WR	04/07/2022	COVID-19 antigen rapid tests (10)		\$166.60
	1VJC-WM4K-1LXL	04/07/2022	Belt buckle, wireless portable charger		\$78.07
	1YPX-RGTQ-4M3P	04/13/2022	Yellow jacket traps		\$69.76
100327	04/15/2022			B & B SMALL ENGINE REPAIR	\$1,504.20
	Invoice	Date	Description		Amount
	492913	03/18/2022	Saw blade		\$54.48
	493387	03/25/2022	AR 2000 kit		\$1,220.79
	494291	04/07/2022	Bar oil, ultra mix oil, supplies		\$228.93
100328	04/15/2022			BATTERIES PLUS BULBS	\$36.08
	Invoice	Date	Description		Amount
	P50177315	03/30/2022	Batteries		\$36.08
100329	04/15/2022			BAYSIDE OIL II INC.	\$600.00
	Invoice	Date	Description		Amount
	45659	03/25/2022	Contaminated waste recycling		\$600.00

City Checks Issued April 15, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100330	04/15/2022			BEAR ELECTRICAL SOLUTIONS INC.	\$12,600.00
	Invoice	Date	Description		Amount
	15196	03/31/2022	Flashing crosswalk pole (reimbursed thru insurance)		\$12,600.00
100331	04/15/2022			BECKY ADAMS	\$266.50
	Invoice	Date	Description		Amount
	BA041222	04/12/2022	Instructor payment		\$266.50
100332	04/15/2022			CA DEPARTMENT OF CONSERVATION	\$680.26
	Invoice	Date	Description		Amount
	CDC033122	03/31/2022	Jan. - March strong motion & seismic hazard mapping fees		\$680.26
100333	04/15/2022			CA DEPARTMENT OF JUSTICE	\$147.00
	Invoice	Date	Description		Amount
	572762	04/05/2022	Employee fingerprinting		\$147.00
100334	04/15/2022			CALE AMERICA INC.	\$197.11
	Invoice	Date	Description		Amount
	168382	03/14/2022	CALE card reader		\$197.11
100335	04/15/2022			CALIFORNIA BUILDING STANDARDS COMMISSION	\$214.20
	Invoice	Date	Description		Amount
	CBSC033122	03/31/2022	Jan. - March building standards admin. fee		\$214.20
100336	04/15/2022			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,613.00
	Invoice	Date	Description		Amount
	POA040822	04/08/2022	POA & gym dues PPE 4/2/2022 1001 - Payroll		\$1,613.00
100337	04/15/2022			CHEVROLET OF WATSONVILLE	\$78.80
	Invoice	Date	Description		Amount
	503112	04/05/2022	2011 Tahoe cover		\$78.80
100338	04/15/2022			CINTAS CORPORATION	\$995.95
	Invoice	Date	Description		Amount
	66585888	12/09/2021	Corp. yard medical supplies		\$39.62
	66585452	05/04/2021	Corp. yard medical supplies		\$956.33
100339	04/15/2022			CLAUDIO FRANCA	\$104.00
	Invoice	Date	Description		Amount
	CF041222	04/12/2022	Instructor payment		\$104.00

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100340	04/15/2022			COMMUNITY ACTION BOARD	\$455.26
	Invoice	Date	Description		Amount
	CAB032522	03/25/2022	February emergency mortgage assistance		\$274.15
	CAB032522-2	03/25/2022	February emergency housing assistance 5552 - Housing Successor		\$181.11
100341	04/15/2022			CRYSTAL SPRINGS WATER CO.	\$320.50
	Invoice	Date	Description		Amount
	CSW033122	03/31/2022	March drinking water		\$320.50
100342	04/15/2022			CYNTHIA KASKEY	\$1,372.80
	Invoice	Date	Description		Amount
	CK041222	04/12/2022	Instructor payment		\$1,372.80
100343	04/15/2022			D & G SANITATION	\$874.53
	Invoice	Date	Description		Amount
	288788	03/31/2022	Skate park hand wash station, portable toilets		\$621.13
	288789	03/31/2022	Jade st. park hand wash station rental		\$134.05
	288790	03/31/2022	Cortez park hand wash station		\$119.35
100344	04/15/2022			DAVID SCOTT COBABE	\$243.60
	Invoice	Date	Description		Amount
	DSC041222	04/12/2022	Instructor payment		\$243.60
100345	04/15/2022			ECONOMIC & PLANNING SYSTEMS INC.	\$13,533.75
	Invoice	Date	Description		Amount
	201117-5	09/30/2021	Affordable housing nexus study and feasibility analysis		\$13,533.75
100346	04/15/2022			ENTENMANN-ROVIN CO.	\$118.09
	Invoice	Date	Description		Amount
	0164439-IN	03/09/2022	Dome badge 531		\$118.09
100347	04/15/2022			FASTRAK	\$7.00
	Invoice	Date	Description		Amount
	I712164388506	04/07/2022	Bridge toll		\$7.00
100348	04/15/2022			FERGUSON ENTERPRISES LLC #795	\$1,209.17
	Invoice	Date	Description		Amount
	9847753	03/28/2022	Plumbing supplies		\$285.78
	9847753-1	03/30/2022	Tiolet bowls (5)		\$923.39

City Checks Issued April 15, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100349	04/15/2022			FLYERS ENERGY LLC	\$5,102.85
	Invoice	Date	Description		Amount
	22-499458	03/30/2022	412 gallons gasoline		\$2,300.19
	22-499460	03/30/2022	50 gallons diesel		\$305.88
	22-503685	04/11/2022	450 gallons gasoline		\$2,496.78
100350	04/15/2022			FRED C. BEYERS	\$315.00
	Invoice	Date	Description		Amount
	FB041122	04/11/2022	Softball sports official		\$315.00
100351	04/15/2022			GALLS LLC	\$415.08
	Invoice	Date	Description		Amount
	020151521	01/06/2022	Returned pants		(\$85.46)
	020151515	01/06/2022	Returned boots		(\$174.35)
	020687228	03/16/2022	Patrol uniform pants (2)		\$190.29
	020687720	03/16/2022	Commendation bar, mourning bands		\$155.95
	020720381	03/21/2022	Quick kits		\$138.41
	020720728	03/21/2022	Boots		\$190.24
100352	04/15/2022			GARDAWORLD	\$373.92
	Invoice	Date	Description		Amount
	10687035	04/01/2022	April armored car service		\$373.92
100353	04/15/2022			GINA ENRIQUEZ	\$124.80
	Invoice	Date	Description		Amount
	GE041222	04/12/2022	Instructor payment		\$124.80
100354	04/15/2022			GUARDIAN PSBI INC.	\$1,230.00
	Invoice	Date	Description		Amount
	22-079	03/25/2022	Records Tech. background investigation		\$1,230.00
100355	04/15/2022			HO KUK MU SUL CORPORATION	\$456.30
	Invoice	Date	Description		Amount
	HKMSC041222	04/12/2022	Instructor payment		\$456.30
100356	04/15/2022			HOME DEPOT CREDIT SERVICES	\$302.27
	Invoice	Date	Description		Amount
	6032194	04/11/2022	Diesel exhaust fluid		\$91.23
	1623039	04/06/2022	Hook, bucket, lid, weeder, cultivator		\$47.85
	8621860	03/30/2022	Drop cloth, mixing container, buckets, brushes, paint supplies		\$163.19
100357	04/15/2022			HUMBOLDT PETROLEUM LLC	\$52.50
	Invoice	Date	Description		Amount
	INV-038472	03/31/2022	March car washes		\$52.50

City Checks Issued April 15, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100358	04/15/2022			INTERNATIONAL BRONZE PLAQUE COMPANY	\$298.00
	Invoice	Date	Description		Amount
	22-61437	02/25/2022	Memorial bench plaques		\$298.00
100359	04/15/2022			INTERSTATE ALL BATTERY CENTER	\$127.53
	Invoice	Date	Description		Amount
	814026	04/06/2022	Range supplies		\$127.53
100360	04/15/2022			JACKSON LANDSCAPE	\$820.90
	Invoice	Date	Description		Amount
	21842	04/01/2022	Palm tree replacement, remove roots and stump		\$820.90
100361	04/15/2022			JAMIE GOLDSTEIN	\$250.00
	Invoice	Date	Description		Amount
	JG041222	04/12/2022	Digital reading device reimbursement		\$250.00
100362	04/15/2022			KING'S PAINT AND PAPER INC.	\$408.94
	Invoice	Date	Description		Amount
	A0321360	03/31/2022	Graffiti paint coverup		\$179.23
	A0321736	04/12/2022	Esplanade paint		\$229.71
100363	04/15/2022			LAURA ALIOTO	\$1,491.15
	Invoice	Date	Description		Amount
	LA041222-2	04/12/2022	Instructor payment		\$990.00
	LA041222	04/12/2022	Instructor payment		\$501.15
100364	04/15/2022			LINDE GAS & EQUIPMENT INC.	\$547.69
	Invoice	Date	Description		Amount
	69581767	03/22/2022	Acetylene rental		\$201.59
	69991862	04/08/2022	Welding gas, cutter, energy, fuel, material charges		\$346.10
100365	04/15/2022			MELINDA LEE MOXLEY	\$825.50
	Invoice	Date	Description		Amount
	MM041222	04/12/2022	Instructor payment		\$825.50
100366	04/15/2022			METRO MOBILE COMMUNICATIONS	\$4,178.63
	Invoice	Date	Description		Amount
	45790	03/18/2022	BMW motorcycle wireless helmet radio kit & installation		\$4,178.63
100367	04/15/2022			MID COUNTY AUTO SUPPLY	\$511.39
	Invoice	Date	Description		Amount
	M-1682152	04/07/2022	Mower oil		\$30.46
	M-1686072	04/11/2022	Batteries		\$480.93

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100368	04/15/2022			MISSION LINEN SUPPLY	\$282.49
	Invoice	Date	Description		Amount
	516742543	03/30/2022	Corp. yard uniform cleaning		\$97.07
	516742542	03/30/2022	Fleet uniform cleaning		\$34.03
	516783439	04/06/2022	Fleet towels		\$34.03
	516783440	04/06/2022	Corp. yard uniform cleaning, mats, towels		\$117.36
100369	04/15/2022			MOFFATT AND NICHOL	\$4,384.25
	Invoice	Date	Description		Amount
	768213	03/31/2022	Wharf final design 1200 - CIP		\$4,384.25
100370	04/15/2022			MONTEREY BAY CAST STONE	\$1,400.00
	Invoice	Date	Description		Amount
	1200	04/08/2022	Concrete park bench ends mold refurbishment, materials		\$1,400.00
100371	04/15/2022			NATIONAL ACADEMY OF ATHLETICS	\$1,929.20
	Invoice	Date	Description		Amount
	NAA041222	04/12/2022	Instructor payment		\$1,929.20
100372	04/15/2022			NIGEL BELTON	\$1,050.00
	Invoice	Date	Description		Amount
	2571	03/28/2022	4320 Clares St. arborist services #22-0009		\$1,050.00
100373	04/15/2022			NORTH BAY FORD	\$151.17
	Invoice	Date	Description		Amount
	284578CM	03/22/2022	Returned gaskets, crankshaft seal assembly, cylinder cover		(\$138.43)
	284624	03/16/2022	Parts		\$108.46
	284749	03/28/2022	Door moulding		\$55.88
	284869	04/07/2022	Silicone sealant		\$64.00
	284902	04/11/2022	Antifreeze		\$61.26
100374	04/15/2022			O'REILLY AUTO PARTS	\$20.81
	Invoice	Date	Description		Amount
	2763-273187	04/06/2022	Master cylinder		\$20.81

City Checks Issued April 15, 2022

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100375	04/15/2022			OUTDOOR SUPPLY HARDWARE	\$892.90
	Invoice	Date	Description		Amount
	F04060	03/17/2022	USB cable, tape, stop rust spray		\$37.01
	F04099	03/17/2022	Spray paint, paint brush set		\$50.14
	F07914	03/24/2022	Paint thinner, cleanout plug, PVC outlet box, sponge		\$28.39
	F08469	03/25/2022	Putty knife, volt detector, flashlight		\$54.89
	F10608	03/28/2022	Fasteners		\$7.63
	F10982	03/29/2022	brushes, batteries		\$50.71
	F10983	03/29/2022	Chalk reel		\$11.98
	F11015	03/29/2022	Duct tape		\$13.07
	F12129	03/31/2022	FB2 type C & A charger		\$21.79
	F12280	03/31/2022	Tape measure, cutoff wheel, sanding discs, bucket		\$92.56
	F19901	04/12/2022	Leather wipes, fasteners, reciprocating saw blades, pliers		\$128.91
	F13373	04/02/2022	Esplanade paint supplies		\$33.87
	F14776	04/04/2022	Fasteners		\$29.47
	F16598	04/07/2022	Drill bit set, fasteners, wood screws		\$29.11
	F12583	04/01/2022	Wallpaper shaver blade, scraper		\$34.20
	F14756	04/04/2022	Wrench kit		\$20.70
	F14855	04/04/2022	Stop rust spray		\$7.07
	F14886	04/04/2022	Paint pail, rust stopper, spray can, paint		\$124.46
	F14954	04/04/2022	Quick set cement		\$17.43
	F17164	04/08/2022	ABS cleanout body, couplings, pipe tees		\$47.22
	F19878	04/12/2022	Paint roller cover, pole, t-shirt		\$52.29
100376	04/15/2022			PALACE BUSINESS SOLUTIONS	\$102.97
	Invoice	Date	Description		Amount
	640800-0	03/30/2022	Paper, markers, pens		\$102.97
100377	04/15/2022			PARS	\$163.75
	Invoice	Date	Description		Amount
	50433	04/08/2022	PARS fees		\$163.75
100378	04/15/2022			PAST CONSULTANTS LLC	\$3,500.00
	Invoice	Date	Description		Amount
	PAST032522	03/25/2022	#21-0404 106 Cliff Ave. standards design review letter		\$3,500.00
100379	04/15/2022			RDO EQUIPMENT CO.	\$271.80
	Invoice	Date	Description		Amount
	P4616239	04/11/2022	Lawn mower oil filters, filter elements		\$271.80
100380	04/15/2022			ROYAL WHOLESALE ELECTRIC	\$583.33
	Invoice	Date	Description		Amount
	7719-1015044	04/05/2022	Jade St. supplies		\$489.96
	7719-1016056	04/11/2022	Jade St. supplies		\$93.37

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100381	04/15/2022			SAN LORENZO LUMBER	\$243.28
	Invoice	Date	Description		Amount
	55-0709803	03/03/2022	Magnetic mini sweeper		\$21.57
	55-0716497	03/31/2022	Lumber		\$72.67
	55-0718659	04/07/2022	Wharf supplies		\$149.04
			1000 - General Fund	\$94.24	
			1311 - Wharf Fund	\$149.04	
100382	04/15/2022			SANTA CRUZ AUTO PARTS INC.	\$37.44
	Invoice	Date	Description		Amount
	14508-437421	03/29/2022	Foam pad, supplies		\$35.69
	14508-437366	03/29/2022	Valve keeper		\$1.75
100383	04/15/2022			SANTA CRUZ COUNTY DEPT OF PUBLIC WORKS	\$66.37
	Invoice	Date	Description		Amount
	42443	03/31/2022	Treated wood waste landfill charges		\$66.37
100384	04/15/2022			SANTA CRUZ COUNTY INFORMATION SERVICES	\$704.99
	Invoice	Date	Description		Amount
	Radio Shop 3/22	04/01/2022	Jan - March radio shop charges		\$704.99
100385	04/15/2022			SANTA CRUZ FIRE EQUIPMENT CO.	\$314.24
	Invoice	Date	Description		Amount
	108983	03/18/2022	Community center fire extinguisher semi-annual service		\$314.24
100386	04/15/2022			SANTA CRUZ GARAGE DOORS	\$1,869.50
	Invoice	Date	Description		Amount
	3044	03/14/2022	Wharf garage door balance due		\$1,869.50
			1311 - Wharf Fund		
100387	04/15/2022			SANTA CRUZ SENTINEL	\$712.00
	Invoice	Date	Description		Amount
	00001330470	03/31/2022	March legal ads		\$712.00
100388	04/15/2022			SCCRTC	\$622.59
	Invoice	Date	Description		Amount
	111	04/07/2022	RTC lease 194279 annual rent		\$622.59
100389	04/15/2022			SCRATCHSPACE INC.	\$4,450.00
	Invoice	Date	Description		Amount
	12721	03/09/2022	BIA redesign/repair of website		\$4,450.00
			1321 - BIA		

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100390	04/15/2022			SHANTA SHENOY	\$344.29
	Invoice	Date	Description		Amount
	SS041222	04/12/2022	Instructor payment		\$344.29
100391	04/15/2022			SOQUEL CREEK WATER DISTRICT	\$84.59
	Invoice	Date	Description		Amount
	13-10919-0032122	03/21/2022	2000 Wharf Road water service		\$48.01
	34-18508-0032522	03/25/2022	1510 McGregor Drive water service		\$36.58
100392	04/15/2022			SUMMIT UNIFORMS	\$2,118.59
	Invoice	Date	Description		Amount
	79277	03/15/2022	Vest for 527		\$983.28
	79339	03/17/2022	Credit PEO duty belt		(\$73.28)
	77837	12/09/2021	PEO uniform		\$1,208.59
100393	04/15/2022			THE CLEANING MACHINE INC.	\$2,950.00
	Invoice	Date	Description		Amount
	6535	03/31/2022	Village sidewalk pressure washing		\$2,950.00
100394	04/15/2022			THE HOME DEPOT PRO	\$2,908.74
	Invoice	Date	Description		Amount
	676874019	03/29/2022	Nitrile gloves		\$176.47
	676956766	03/30/2022	Janitorial supplies		\$2,332.35
	676344518	03/25/2022	Restroom bath tissue		\$399.92
100395	04/15/2022			TRANSPORTATION ALLIANCE BANK INC.	\$1,597.12
	Invoice	Date	Description		Amount
	669417	03/31/2022	Sweeper blended filaments, hardware, filters, G.B. set 1310 - Gas Tax		\$1,597.12
100396	04/15/2022			UPEC LIUNA LOCAL 792	\$670.50
	Invoice	Date	Description		Amount
	UPEC043022	04/08/2022	April UPEC dues 1001 - Payroll		\$670.50
100397	04/15/2022			UPS	\$7.00
	Invoice	Date	Description		Amount
	0000954791152	04/09/2022	PD shipping		\$7.00
100398	04/15/2022			US BANK EQUIPMENT FINANCE	\$26.06
	Invoice	Date	Description		Amount
	469049209	04/01/2022	Recreation copier lease		\$26.06

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100399	04/15/2022			US BANK EQUIPMENT FINANCE	\$103.57
	Invoice	Date	Description		Amount
	469049050	04/01/2022	Recreation copier lease		\$103.57
100400	04/15/2022			US BANK EQUIPMENT FINANCE	\$288.83
	Invoice	Date	Description		Amount
	469049332	04/01/2022	PD copier lease		\$288.83
100401	04/15/2022			US BANK PARS Acct 6746022400	\$506.25
	Invoice	Date	Description		Amount
	PARS040822	04/08/2022	PARS contributions PPE 4/2/2022 1001 - Payroll		\$506.25
100402	04/15/2022			WATSONVILLE BLUEPRINT	\$43.04
	Invoice	Date	Description		Amount
	105269	04/11/2022	Clares St. traffic calming plans		\$43.04
100403	04/15/2022			WITMER TYSON IMPORTS INC.	\$1,602.00
	Invoice	Date	Description		Amount
	T14414	04/06/2022	March K-9 training		\$650.00
	T14379	03/28/2022	Dog boarding, dog walking, bath		\$302.00
	T14378	03/28/2022	February K-9 training		\$650.00
100404	04/15/2022			Ashley Strangio	\$144.50
	Invoice	Date	Description		Amount
	2005582.002	04/07/2022	Balance refund		\$144.50
100405	04/15/2022			Baharih Kerrani	\$43.00
	Invoice	Date	Description		Amount
	37530392	04/11/2022	Class refund		\$43.00
100406	04/15/2022			Emily Mitchell-Lynn	\$573.31
	Invoice	Date	Description		Amount
	EML120121	12/01/2021	Museum classic wall calendars (50)		\$573.31
100407	04/15/2022			Rebecca Woods	\$122.00
	Invoice	Date	Description		Amount
	2005583.002	04/11/2022	Balance refund		\$122.00
100408	04/15/2022			Shaun Carroll	\$147.00
	Invoice	Date	Description		Amount
	2005581.002	04/07/2022	Balance refund		\$147.00

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100409	04/15/2022			Soquel Creek Water District	\$33.00
	Invoice	Date	Description		Amount
	21-0494	03/25/2022	Deposit refund for public right of way - monitoring well		\$33.00
100410	04/15/2022			Ted Burke	\$500.00
	Invoice	Date	Description		Amount
	21-0513	03/25/2022	Tree deposit refund 1750 Wharf Rd.		\$500.00
Check Totals:					\$96,182.50
EFT					
1305	04/11/2022			CalPERS Member Services Division	\$56,318.24
	Invoice	Date	Description		Amount
	1002085063-6	04/08/2022	PERS contributions PPE 4/2/22 1001 - Payroll		\$56,318.24
1306	04/11/2022			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$8,392.11
	Invoice	Date	Description		Amount
	2-096-682-592	04/08/2022	State taxes PPE 4/2/22 1001 - Payroll		\$8,392.11
1307	04/11/2022			INTERNAL REVENUE SERVICE	\$29,314.03
	Invoice	Date	Description		Amount
	63689239	04/08/2022	Federal taxes & Medicare PPE 4/2/22 1001 - Payroll		\$29,314.03
1308	04/11/2022			STATE DISBURSEMENT UNIT	\$1,575.68
	Invoice	Date	Description		Amount
	39371720	04/08/2022	Employee garnishments PPE 4/2/22 1001 - Payroll		\$1,575.68
1309	04/11/2022			VOYA FINANCIAL	\$7,584.21
	Invoice	Date	Description		Amount
	VOYA040822	04/08/2022	Employee 457 contributions PPE 4/2/22 1001 - Payroll		\$7,584.21
1310	04/11/2022			WELLS FARGO BANK	\$1,196.92
	Invoice	Date	Description		Amount
	WF041122	04/11/2022	April client analysis charges		\$1,196.92
EFT Totals:					\$104,381.19

Main City Totals	Count	Total
Checks	90	\$96,182.50
EFTs	6	\$104,381.19
All	96	\$200,563.69



City main account checks dated April 22, 2022, numbered 100411 to 100445, totaling \$98,146.34 and 89 payroll EFTs totaling \$168,691.52, for a grand total of \$266,837.86, have been reviewed and authorized for distribution by the City Manager.

As of April 22, 2022, the unaudited cash balance is \$5,347,850.80.

CASH POSITION - CITY OF CAPITOLA
April 22, 2022

	4/22/2022
General Fund	\$ (1,721,039.00)
Payroll Payables	\$ 203,322.91
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 477,714.09
Capital Improvement Fund	\$ 2,863,645.17
Stores Fund	\$ 67,603.33
Information Technology Fund	\$ 334,724.77
Equipment Replacement	\$ 767,129.60
Self-Insurance Liability Fund	\$ (125,824.12)
Workers' Comp. Ins. Fund	\$ 260,158.79
Compensated Absences Fund	\$ 159,069.60
TOTAL UNASSIGNED GENERAL FUNDS	\$ 5,347,850.80

The Emergency Reserve Fund balance is \$1,314,205.54 (not included above).
 The PERS Contingency Fund balance is \$983,705.48 (not included above).
 The Library Fund balance is \$748,154.76 (not included above).

 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> Jamie Goldstein, City Manager	4/22/22 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> Date
 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> Jim Malberg, City Treasurer	4/22/22 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> Date

City Checks Issued April 22, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100411	04/19/2022			WELLS FARGO BANK	\$13,117.65
	Invoice	Date	Description		Amount
	WF040322	04/03/2022	March credit card charges		\$13,117.65
			1000 - General Fund	\$11,243.368	
			2211 - IT Fund	\$1,873.97	
			Purchases over \$500:		
			Hyatt Regency	\$666.72	CPRS conference
			Zelda's	\$576.10	Lunch for Badges
			Portola Hotel & Spa	\$750.00	Team building
			CalCities Registration	\$625.00	Conference registration
			Luxedecor.com	\$4,358.16	Picnic tables & j-bolt mounts
			Zoom	\$999.60	Licensing
			Indeed	\$500.02	Recruitment services
100412	04/20/2022			Kari Casey	\$94.00
	Invoice	Date	Description		Amount
	2005559.002	02/15/2022	Class refund (check re-issued)		\$94.00
100413	04/22/2022			AMAZON CAPITAL SERVICES	\$346.56
	Invoice	Date	Description		Amount
	11RK-D9C1-GY3W	04/13/2022	HDMI cable		\$18.77
	1WV3-6QH1-1GCQ	04/14/2022	COVID rapid tests (10)		\$196.00
	1R3Q-1MMM-TWHR	04/17/2022	Anti-corrosion tape, boots		\$131.79
			1000 - General Fund	\$327.79	
			2211 - IT Fund	\$18.77	
100414	04/22/2022			AT&T	\$9.38
	Invoice	Date	Description		Amount
	ATT040122	04/01/2022	April long distance charges		\$9.38
			1000 - General Fund	\$4.62	
			2211 - IT Fund	\$4.76	
100415	04/22/2022			AT&T/CALNET 3	\$204.03
	Invoice	Date	Description		Amount
	000018053860	04/13/2022	April telephone service		\$204.03
			1000 - General Fund	\$154.81	
			2211 - IT Fund	\$49.22	
100416	04/22/2022			AT&T/CALNET 3	\$1,202.76
	Invoice	Date	Description		Amount
	000018054528	04/13/2022	April T-1 access		\$1,202.76

City Checks Issued April 22, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100417	04/22/2022			BEAR ELECTRICAL SOLUTIONS INC.	\$1,439.55
	Invoice	Date	Description		Amount
	15311	03/28/2022	March traffic signal maintenance - routine		\$646.80
	15310	03/28/2022	March traffic signal maintenance - response		\$792.75
			1310 - Gas Tax		
100418	04/22/2022			BURKE WILLIAMS AND SORENSEN LLP	\$17,056.92
	Invoice	Date	Description		Amount
	282736	03/31/2022	February legal services		\$11,496.16
	282737	03/31/2022	February code enforcement		\$203.00
	282738	03/31/2022	February planning legal services		\$4,505.00
	282739	03/31/2022	February police legal services		\$742.00
	282740	03/31/2022	February legal services		\$110.76
100419	04/22/2022			CA DEPARTMENT OF JUSTICE	\$130.00
	Invoice	Date	Description		Amount
	571291	04/05/2022	Employee fingerprinting		\$130.00
100420	04/22/2022			COMMUNITY PRINTERS	\$1,492.99
	Invoice	Date	Description		Amount
	31237011	04/11/2022	BIA visitor's guide brochures		\$1,492.99
			1321 - BIA		
100421	04/22/2022			COOPER SANDEN	\$23.00
	Invoice	Date	Description		Amount
	CS041922	04/19/2022	Sweeper exempt plate reimbursement		\$23.00
			1310 - Gas Tax		
100422	04/22/2022			DOCTORS ON DUTY	\$90.00
	Invoice	Date	Description		Amount
	DOD040422	04/04/2022	Medical testing		\$90.00
100423	04/22/2022			EXCEEDIO	\$3,451.40
	Invoice	Date	Description		Amount
	12413	04/01/2022	April IT service		\$3,451.40
			2211 - IT Fund		
100424	04/22/2022			FLYERS ENERGY LLC	\$1,328.84
	Invoice	Date	Description		Amount
	22-506800	04/14/2022	236 gallons gasoline		\$1,328.84
100425	04/22/2022			GENE BREGMAN & ASSOCIATES	\$8,500.00
	Invoice	Date	Description		Amount
	GBA041822	04/18/2022	Community survey		\$8,500.00

City Checks Issued April 22, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100426	04/22/2022			HOME DEPOT CREDIT SERVICES	\$155.39
	Invoice	Date	Description		Amount
	3633283	04/14/2022	Brass adapter, reducers, bushing, comp tee		\$86.25
	7033209	04/20/2022	Sakrete sand, spray paint, rust stopper, gloves		\$69.14
100427	04/22/2022			KBA Document Solutions LLC	\$217.28
	Invoice	Date	Description		Amount
	55Y1266896	04/13/2022	Monthly copier usage charges		\$6.02
	55Y1267912	04/18/2022	City Hall copier usage charges		\$211.26
			1000 - General Fund	\$6.02	
			2211 - IT Fund	\$211.26	
100428	04/22/2022			KIMLEY HORN AND ASSOCIATES INC	\$9,800.00
	Invoice	Date	Description		Amount
	21114678	03/31/2022	Clares St. traffic calming field visit, final PS&E, bike access		\$8,800.00
	21114680	03/31/2022	Park Ave. traffic calming 1200 - CIP		\$1,000.00
100429	04/22/2022			KING'S PAINT AND PAPER INC.	\$152.23
	Invoice	Date	Description		Amount
	A0321908	04/19/2022	Acetone		\$88.26
	A0321965	04/20/2022	Jade St. paint		\$63.97
100430	04/22/2022			LABORMAX STAFFING	\$1,254.22
	Invoice	Date	Description		Amount
	26-201502	04/15/2022	Public works seasonal labor 4/11 - 4/15		\$1,254.22
100431	04/22/2022			McKim Corporation	\$7,667.24
	Invoice	Date	Description		Amount
	20901-3	04/15/2022	2021 road repairs retention release		\$7,667.24
			1308 - SB1	\$3,833.62	
			1309 - RTC	\$3,833.62	
100432	04/22/2022			MID COUNTY AUTO SUPPLY	\$68.16
	Invoice	Date	Description		Amount
	M-1694153	04/18/2022	Thermostat, water outlet, activator, clear coat		\$68.16
100433	04/22/2022			MISSION LINEN SUPPLY	\$34.03
	Invoice	Date	Description		Amount
	516828739	04/13/2022	Fleet towels, uniform cleaning		\$34.03
100434	04/22/2022			NORTH BAY FORD	\$48.09
	Invoice	Date	Description		Amount
	284986	04/18/2022	Relay		\$4.68
	285012	04/19/2022	Panel		\$43.41

City Checks Issued April 22, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100435	04/22/2022			PACIFIC GAS & ELECTRIC	\$15,130.47
	Invoice	Date	Description		Amount
	PGE041422-acct9	04/14/2022	April gas & electricity		\$15,130.47
			1000 - General Fund	\$5,222.55	
			1300 - SLESF	\$116.72	
			1310 - Gas Tax	\$6,875.31	
			1311 - Wharf	\$2,915.89	
100436	04/22/2022			PALACE BUSINESS SOLUTIONS	\$29.42
	Invoice	Date	Description		Amount
	642090-0	04/13/2022	Wall calendar		\$29.42
100437	04/22/2022			SANTA CRUZ AUTO PARTS INC.	\$42.39
	Invoice	Date	Description		Amount
	14508-439326	04/20/2022	Fuel filter, oil filters, wiper blades, fuel/water separator		\$42.39
100438	04/22/2022			SANTA CRUZ MUNICIPAL UTILITIES	\$235.80
	Invoice	Date	Description		Amount
	SCMU033122	03/31/2022	March water service for medians		\$235.80
100439	04/22/2022			SOQUEL CREEK WATER DISTRICT	\$10,288.79
	Invoice	Date	Description		Amount
	06-14476-0040622	04/06/2022	430 Kennedy Drive water service		\$107.61
	08-15299-0040822	04/08/2022	Monterey Ave. water		\$147.06
	08-15562-0040822	04/08/2022	Cliff and Fairview water service		\$48.01
	09-15964-0040822	04/08/2022	Monterey Ave. Esplanade water		\$1,791.43
	42-14952-0032922	03/29/2022	Cortez Park irrigation		\$496.64
	42-15297-0032922	03/29/2022	426 Capitola Ave irrigation		\$149.27
	42-15969-0032922	03/29/2022	Lawn Way irrigation		\$311.88
	42-16122-0032922	03/29/2022	Esplanade fountain irrigation		\$66.78
	42-10504-0032922	03/29/2022	Cliff Drive irrigation		\$64.40
	42-11090-0132922	03/29/2022	Capitola Road irrigation		\$149.27
	42-11467-0032922	03/29/2022	Jade Street park irrigation		\$4,728.50
	42-14404-0032922	03/29/2022	Monterey Ave. Nobel Gulch Park irrigation		\$491.93
	42-16130-0032922	03/29/2022	Wharf Road irrigation		\$64.40
	42-16136-0032922	03/29/2022	1400 Wharf Road irrigation		\$551.67
	42-16407-0032922	03/29/2022	Bay Ave. irrigation		\$65.10
	42-14431-0032922	03/29/2022	Monterey Ave irrigation		\$741.66
	42-17688-0032922	03/29/2022	Lawn Way irrigation		\$99.51
	42-18238-0032922	03/29/2022	Capitola Road irrigation		\$64.40
	42-11517-0032922	03/29/2022	41st Avenue irrigation		\$149.27
			1000 - General Fund	\$9,737.12	
			1311 - Wharf Fund	\$551.67	

City Checks Issued April 22, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100440	04/22/2022			THE HOME DEPOT PRO	\$3,755.15
	Invoice	Date	Description		Amount
	677735912	04/04/2022	Bathroom supplies		\$1,478.68
	679540708	04/12/2022	Toilet paper spindles		\$58.53
	679540716	04/12/2022	Nitrile gloves		\$176.47
	679625400	04/13/2022	Janitorial supplies		\$2,041.47
100441	04/22/2022			VITAL RECORDS HOLDING LLC	\$259.60
	Invoice	Date	Description		Amount
	2584287	03/31/2022	March record storage		\$259.60
100442	04/22/2022			MISSION LINEN SUPPLY	\$75.00
	Invoice	Date	Description		Amount
	516852038	04/18/2022	Community center mats, mops, towels		\$75.00
100443	04/22/2022			SOQUEL UNION SCHOOL DISTRICT	\$150.00
	Invoice	Date	Description		Amount
	INV22-00603	03/11/2022	New Brighton restroom use		\$150.00
100444	04/22/2022			Cassandra Bryce	\$80.00
	Invoice	Date	Description		Amount
	2005584.002	04/18/2022	Class refund		\$80.00
100445	04/22/2022			Julia Thomas	\$216.00
	Invoice	Date	Description		Amount
	37614773	04/19/2022	Scholarship refund		\$216.00

Check Totals: \$98,146.34

Main City Totals	Count	Total
Checks	35	\$98,146.34
EFTs	0	\$0.00
All	35	\$98,146.34

Payroll Totals	Count	Total
Checks	0	\$0.00
EFTs	89	\$168,691.52
All	89	\$168,691.52

Grand Totals:	Count	Total
Checks	35	\$98,146.34
EFTs	89	\$168,691.52
All	124	\$266,837.86


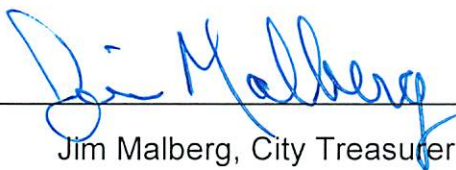
City main account checks dated April 29, 2022, numbered 100446 to 100488, totaling \$80,594.91 and 7 EFTs totaling \$105,462.53, for a grand total of \$186,057.44, have been reviewed and authorized for distribution by the City Manager.

As of April 29, 2022, the unaudited cash balance is \$5,964,134.28.

CASH POSITION - CITY OF CAPITOLA
April 29, 2022

	4/29/2022
General Fund	\$ (983,437.42)
Payroll Payables	\$ 88,291.75
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 477,714.09
Capital Improvement Fund	\$ 2,863,645.17
Stores Fund	\$ 64,786.39
Information Technology Fund	\$ 334,504.77
Equipment Replacement	\$ 763,879.60
Self-Insurance Liability Fund	\$ (125,824.12)
Workers' Comp. Ins. Fund	\$ 260,158.79
Compensated Absences Fund	\$ 159,069.60
TOTAL UNASSIGNED GENERAL FUNDS	\$ 5,964,134.28

The Emergency Reserve Fund balance is \$1,314,205.54 (not included above).
 The PERS Contingency Fund balance is \$974,096.85 (not included above).
 The Library Fund balance is \$748,154.76 (not included above).

 Jamie Goldstein, City Manager	5/2/22 Date
 Jim Malberg, City Treasurer	4/29/22 Date

City Checks Issued April 29, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100446	04/29/2022			AFLAC	\$1,403.12
	Invoice	Date	Description		Amount
	094298	04/27/2022	April supplemental insurance 1001 - Payroll		\$1,403.12
100447	04/29/2022			ALVAREZ TECHNOLOGY GROUP INC	\$220.00
	Invoice	Date	Description		Amount
	63198	04/19/2022	May antivirus 2211 - IT Fund		\$220.00
100448	04/29/2022			AMAZON CAPITAL SERVICES	\$932.52
	Invoice	Date	Description		Amount
	196K-YGX1-KTY3	04/21/2022	Anti-corrosion tape		\$137.04
	1P1G-CK97-FR1Y	04/23/2022	Standing desk converter		\$370.59
	1NCY-GWQJ-G9JK	04/23/2022	LED rooftop light bar		\$228.89
	1CYY-46TW-P1T3	04/25/2022	COVID-19 antigen tests		\$196.00
100449	04/29/2022			ANN ELIZABETH THIERMANN	\$500.00
	Invoice	Date	Description		Amount
	AT042522	04/25/2022	Museum research		\$500.00
100450	04/29/2022			BENEFIT COORDINATORS CORP.	\$5,290.40
	Invoice	Date	Description		Amount
	B057MC	04/01/2022	April dental and vision insurance		\$5,290.40
			1000 - General Fund	\$13.80	
			1001 - Payroll	\$5,276.60	
100451	04/29/2022			BIOBAG AMERICAS INC.	\$2,740.00
	Invoice	Date	Description		Amount
	INV489401	04/20/2022	Dog waste bags		\$2,740.00
100452	04/29/2022			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,588.00
	Invoice	Date	Description		Amount
	POA042222	04/22/2022	POA & gym dues PPE 4/16/22		\$1,588.00
			1001 - Payroll	\$	
100453	04/29/2022			CASEY PRINTING	\$6,665.84
	Invoice	Date	Description		Amount
	45522011	04/15/2022	Recreation Summer 2022 activity guide		\$6,665.84
100454	04/29/2022			CINTAS CORPORATION	\$65.12
	Invoice	Date	Description		Amount
	66585597	07/06/2021	City Hall first aid supplies 2210 - Stores Fund		\$65.12

City Checks Issued April 29, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100455	04/29/2022			CODE PUBLISHING COMPANY	\$719.00
	Invoice	Date	Description		Amount
	GC0006861	04/25/2022	Municipal code web update		\$719.00
100456	04/29/2022			COMPLETE MAILING SERVICE INC.	\$7,513.04
	Invoice	Date	Description		Amount
	7023	04/21/2022	Spring brochure mailing and postage		\$7,513.04
100457	04/29/2022			EMERGENCY VEHICLE SPECIALISTS INC.	\$3,695.99
	Invoice	Date	Description		Amount
	13758	04/19/2022	Red/blue LED tail lights		\$445.99
	13780	04/22/2022	Labor to install patrol lighting and siren package VIN 23196		\$3,250.00
			1000 - General Fund	\$445.99	
			2212 - Equipment Fund	\$3,250.00	
100458	04/29/2022			EQUITABLE	\$2,686.35
	Invoice	Date	Description		Amount
	1286263	04/23/2022	April LTD, STD, AD&D, life insurance		\$2,686.35
			1001 - Payroll		
100459	04/29/2022			FERGUSON ENTERPRISES LLC #795	\$76.70
	Invoice	Date	Description		Amount
	9889031	04/19/2022	Bathroom supplies		\$76.70
100460	04/29/2022			FLYERS ENERGY LLC	\$2,526.33
	Invoice	Date	Description		Amount
	22-511691	04/22/2022	444 gallons gasoline		\$2,526.33
100461	04/29/2022			FRED C. BEYERS	\$270.00
	Invoice	Date	Description		Amount
	FB042622	04/26/2022	Softball official 4/12 - 4/20/22		\$270.00
100462	04/29/2022			GEORGE McMENAMIN	\$543.75
	Invoice	Date	Description		Amount
	GM042422	04/24/2022	Bay St. & Peer Park maintenance, site checks		\$543.75
100463	04/29/2022			GINA ENRIQUEZ	\$3,577.60
	Invoice	Date	Description		Amount
	GE042522	04/25/2022	Instructor payment		\$3,577.60
100464	04/29/2022			HANYA FOJACO	\$1,123.20
	Invoice	Date	Description		Amount
	HF041822	04/18/2022	Instructor payment		\$70.20
	HF041822-2	04/18/2022	Instructor payment		\$1,053.00

City Checks Issued April 29, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100465	04/29/2022			HINDERLITER DELLAMAS AND ASSOCIATES	\$1,250.00
	Invoice	Date	Description		Amount
	SIN016133	03/31/2022	March TOT and STR admin. fees		\$1,250.00
100466	04/29/2022			HOME DEPOT CREDIT SERVICES	\$1,591.39
	Invoice	Date	Description		Amount
	1632368	04/06/2022	Wharf supplies		\$5.90
	3011486	04/14/2022	Pliers, cutoff discs		\$68.57
	3521588	04/14/2022	Wharf paint		\$21.71
	3613755	03/25/2022	Clear gloss rust stopper		\$5.97
	3645225	04/14/2022	Wharf supplies		\$129.49
	4515815	04/13/2022	Rust stopper, switches, spray bottle		\$119.96
	5032305	04/12/2022	Impact sockets, coupler, socket rails		\$157.79
	5034686	03/23/2022	Jade St. wood float, concrete mix, spring link, rings		\$63.72
	5613387	03/23/2022	Floating docks supplies		\$96.78
	7012183	04/20/2022	Library deck screws, wood, concrete mix		\$129.10
	7014884	03/31/2022	Wharf supplies		\$394.25
	7033232	04/20/2022	Trimmer line head		\$33.76
	7511906	03/31/2022	Wharf supplies		\$12.16
	7624762	04/20/2022	Wharf floating docks supplies		\$54.34
	7624789	04/20/2022	Museum supplies		\$124.66
	8522381	04/19/2022	Fence post, concrete patch		\$36.30
	8524644	03/30/2022	Fence post sakrete mix		\$14.55
	9030224	03/29/2022	Rebar, fluorescent light		\$99.32
	9522162	04/18/2022	Esplanade bathroom supplies		\$23.06
			1000 - General Fund	\$756.80	
			1311 - Wharf Fund	\$834.59	
100467	04/29/2022			KING'S PAINT AND PAPER INC.	\$124.06
	Invoice	Date	Description		Amount
	A0322153	04/26/2022	Floating docks paint, chip brushes		\$124.06
			1311 - Wharf Fund		
100468	04/29/2022			LABORMAX STAFFING	\$1,254.22
	Invoice	Date	Description		Amount
	26-203317	04/22/2022	Seasonal labor 4/18 - 4/22		\$1,254.22
100469	04/29/2022			LINDE GAS & EQUIPMENT INC.	\$221.08
	Invoice	Date	Description		Amount
	70209319	04/22/2022	Acetylene rental		\$221.08

City Checks Issued April 29, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100470	04/29/2022			LIUNA PENSION FUND	\$1,075.20
	Invoice	Date	Description		Amount
	FG3652	04/22/2022	April LIUNA pension dues 1001 - Payroll		\$1,075.20
100471	04/29/2022			MISSION PRINTERS	\$65.87
	Invoice	Date	Description		Amount
	62758	04/18/2022	Recreation coordinator business cards		\$65.87
100472	04/29/2022			MONTEREY ONE WATER	\$380.00
	Invoice	Date	Description		Amount
	14335	04/08/2022	Regional TV ad buy program		\$380.00
100473	04/29/2022			OUTDOOR SUPPLY HARDWARE	\$1,052.31
	Invoice	Date	Description		Amount
	F20468	04/13/2022	Brush, sealant, paint		\$55.93
	F21507	04/15/2022	Bulk fasteners		\$9.70
	F21634	04/15/2022	Epoxy, sanding discs, sand paper		\$64.08
	F23187	04/18/2022	Jade St. supplies		\$16.33
	F23188	04/18/2022	Marking spray, white field striping		\$35.93
	F23902	04/19/2022	Blower kit, starter handle, manure		\$103.52
	F24307	04/20/2022	Tapered countersinks, round nail stakes, garden hoe		\$137.24
	F24784	04/21/2022	Handheld spreader, cable ties, t-posts, deer fence		\$260.29
	F24791	04/21/2022	P-trap, joint compound, ribbon mud mixer		\$34.85
	F25026	04/21/2022	Hose bibbs, boiler drain, copper adapter		\$81.78
	F25271	04/22/2022	Marker spray		\$19.60
	F27217	04/25/2022	Supplies		\$126.53
	F27711	04/26/2022	Fasteners		\$17.17
	F27880	04/26/2022	Duct tape		\$13.07
	F27899	04/26/2022	Step drill bit		\$76.29
100474	04/29/2022			PALACE BUSINESS SOLUTIONS	\$64.78
	Invoice	Date	Description		Amount
	642734-0	04/20/2022	Pens		\$32.39
	642734-1	04/21/2022	Pens		\$32.39
			2210 - Stores Fund		
100475	04/29/2022			ROBIN H EVEREST	\$475.15
	Invoice	Date	Description		Amount
	RE041822	04/18/2022	Instructor payment		\$142.35
	RE041822-2	04/18/2022	Instructor payment		\$332.80

City Checks Issued April 29, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100476	04/29/2022			SOQUEL CREEK WATER DISTRICT	\$448.56
	Invoice	Date	Description		Amount
	10-16317-0041522	04/15/2022	420 Capitola Ave. water		\$288.20
	10-16315-0041522	04/15/2022	504 Beulah Dr. water		\$52.07
	10-16316-0041522	04/15/2022	426 Capitola Ave. water		\$108.29
100477	04/29/2022			THELMA FREEMAN	\$127.50
	Invoice	Date	Description		Amount
	0347	04/23/2022	2022 art at the beach design		\$127.50
100478	04/29/2022			UNITED WAY OF SANTA CRUZ COUNTY	\$20.00
	Invoice	Date	Description		Amount
	UW042222	04/22/2022	April employee United Way contributions 1001 - Payroll		\$20.00
100479	04/29/2022			UPS	\$31.75
	Invoice	Date	Description		Amount
	0000954791162	04/16/2022	PD shipping		\$15.57
	0000954791172	04/23/2022	PD shipping		\$16.18
100480	04/29/2022			US BANK PARS Acct 6746022400	\$332.57
	Invoice	Date	Description		Amount
	PARS042222	04/22/2022	PARS contributions PPE 4/22/22 1001 - Payroll		\$332.57
100481	04/29/2022			VISIT SANTA CRUZ COUNTY	\$28,933.81
	Invoice	Date	Description		Amount
	VSCC033122	03/31/2022	January - March tourism marketing district		\$28,933.81
100482	04/29/2022			Claire Le Gall	\$308.00
	Invoice	Date	Description		Amount
	1020621.001	01/24/2022	Class refund		\$308.00
100483	04/29/2022			Devin Kato	\$180.00
	Invoice	Date	Description		Amount
	1038041.002	12/03/2021	Class refund		\$180.00
100484	04/29/2022			Johanna Ronsse	\$186.00
	Invoice	Date	Description		Amount
	37821766	04/21/2022	Credit after scholarship allocation		\$186.00
100485	04/29/2022			Katie Cordero	\$90.00
	Invoice	Date	Description		Amount
	1020633.001	01/26/2022	Class refund		\$90.00

City Checks Issued April 29, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
100486	04/29/2022			Leann Alameda	\$90.00
	Invoice	Date	Description		Amount
	1020360.001	12/17/2021	Class refund		\$90.00
100487	04/29/2022			Melanie Newby	\$81.00
	Invoice	Date	Description		Amount
	2001605.002	03/07/2020	Account credit refund		\$81.00
100488	04/29/2022			Stephanie Staley	\$74.70
	Invoice	Date	Description		Amount
	SS042622	04/22/2022	Account refund		\$74.70
Check Totals:					\$80,594.91
1311	04/23/2022			PITNEY BOWES	\$2,687.04
	Invoice	Date	Description		Amount
	PB041922	04/19/2022	City Hall postage machine refill, supplies, late fees 2210 - Stores Fund		\$2,687.04
1312	04/25/2022			WEX HEALTH INC.	\$135.00
	Invoice	Date	Description		Amount
	0001501729-IN	03/31/2022	March COBRA and FSA admin.		\$135.00
1313	04/25/2022			CalPERS Member Services Division	\$56,318.33
	Invoice	Date	Description		Amount
	1002093800-3	04/22/2022	PERS contributions PPE 4/16/22 1001 - Payroll		\$56,318.33
1314	04/25/2022			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$8,308.74
	Invoice	Date	Description		Amount
	0-324-050-528	04/22/2022	State taxes PPE 4/16/22 1001 - Payroll		\$8,308.74
1315	04/25/2022			INTERNAL REVENUE SERVICE	\$28,833.04
	Invoice	Date	Description		Amount
	95500817	04/22/2022	Federal taxes & Medicare PPE 4/16/22 1001 - Payroll		\$28,833.04
1316	04/25/2022			STATE DISBURSEMENT UNIT	\$1,575.68
	Invoice	Date	Description		Amount
	39525648	04/22/2022	Employee garnishments PPE 4/16/22 1001 - Payroll		\$1,575.68

City Checks Issued April 29, 2022

Item 7 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1317	04/26/2022			VOYA FINANCIAL	\$7,604.70
	Invoice	Date	Description		Amount
	VOYA042221	04/22/2022	Employee 457 contributions PPE 4/22/22 1001 - Payroll		\$7,604.70

EFT Totals: \$105,462.53

Main City Totals	Count	Total
Checks	43	\$80,594.91
EFTs	7	\$105,462.53
All	50	\$186,057.44

Capitola City Council

Agenda Report

Meeting: May 12, 2022

From: City Manager Department

Subject: Updated Travel Reimbursement Policy



Recommended Action: Approve amended Administrative Policy III-2: Employee & Public Official Travel Expense Reimbursement & Travel Regulations.

Background: The City's current Travel Reimbursement Policy (Attachment 1) was originally written in 2002 and was last updated in 2009. The purpose of the policy is to establish standards for approving and reimbursing employee and Public Official expenses incurred while traveling for City business.

In addition to reimbursement for travel related expenses, the existing policy includes language on how employees are reimbursed for purchasing local meals while conducting City business (for example, while on a "working lunch"). Staff believes local meal reimbursement should be addressed in a separate administrative policy, so this language is no longer included in the proposed update. A draft of the proposed amended policy is included as Attachment 2.

Discussion: The existing policy includes specific reimbursement amounts for each meal and lodging cost. Staff believes the using the federal Government Services Administration (GSA) rates as maximums for meal and lodging reimbursement amounts is more appropriate, due to significant cost variations based on geographic locations. The GSA rates are updated on an annual basis and formulated for specific counties; for example, the GSA rate for lodging in Santa Monica (currently \$239/night) is different than for Truckee (currently \$126/night).

Receipts will still be required to qualify for travel expenses reimbursement. Employees/Public Officials will be reimbursed based on their actual expenses, up to the GSA limits. It will be the responsibility of the person travelling to know the GSA reimbursement rate prior to travel.

Fiscal Impact: Unknown.

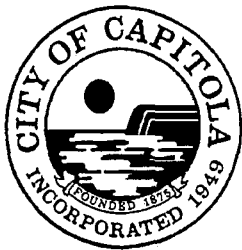
Attachments:

1. Current Policy III-2: Employee & Public Official Travel Expense Reimbursement & Travel Regulation
2. Proposed amended policy

Report Prepared By: Larry Laurent, Assistant to the City Manager

Reviewed By: Chloé Woodmansee, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager



ADMINISTRATIVE POLICY

Number: III-2

Issued: Jan 24, 2002

Revised: 2/23/06, 9/10/09

Jurisdiction: City Council

EMPLOYEE & PUBLIC OFFICIALS EXPENSE REIMBURSEMENT & TRAVEL REGULATION

I PURPOSE

This regulation shall establish standards for the documentation, approval and payment of cash advances and reimbursements of expenses incurred for meals, room and travel by employees, elected officials and other persons who conduct City business; with the understanding that any such standards shall balance the City's fiduciary responsibility of managing public funds with the recognition of the need to provide transportation, lodging, and meals to employees and public officials as they pursue City business.

II POLICY

The City of Capitola recognizes that from time to time employees and Public Officials must either conduct the City's business during a mealtime, or must engage in the pursuit of City business that in turn may interfere with the normal mealtime of such persons. It is the policy of the City of Capitola to recognize this inconvenience by appropriately reimbursing or compensating those individuals as detailed below. In no case shall anyone be compensated under this policy beyond the direct cost of the meals, board or travel that complies with this policy, nor shall anyone contrive to conduct City business or to create the illusion of City business to enjoy the benefits of this policy. Compensation for meals, board or travel shall only be provided to those who comply with the procedures and criteria of this policy.

For the purposes of this policy Public Official means any elected official or appointed employee or volunteer working for the interests of the City of Capitola. This definition includes Council Members, Commissioners, committee members, regular employees, authorized volunteers, and others such as those who participate in oral boards and who assist the City in its business.

III PROCEDURES AND CRITERIA

Administration:

It shall be the responsibility of the City Manager to administer these procedures. The Finance Director shall assist the City Manager in the administration of this regulation, and the dissemination and review of forms, receipts, documentation and other information necessary to process and audit claims.

Expense Authorization:

By necessity, elected and appointed officials and public employees must sometimes attend meetings, conferences, enroll in training seminars and perform other official functions away from their normal place of work. It is the responsibility of the City Manager, or the Mayor in the case of the City Manager or the City Manager's designee to approve travel claims and related expenses prior to registration and/or out-of-area travel and to authorize cash advances and/or reimbursement for the costs incurred. Department heads are authorized to approve travel expense reimbursement for meetings, training, and similar events that do not exceed their budget appropriations. The City Manager can approve any such request for Council Members or other Public Officials for which travel is not identified in any specific budget.

Reimbursement:

Elected and appointed officials and public employees authorized to travel on official City business shall be reimbursed for actual and necessary expenses incurred for mileage, transportation, lodging and meals in addition to any regular compensation to which they are entitled; provided, however, that the maximum amount(s) that shall be reimbursed are as follows:

1. **Transportation:** The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.
 - Private Conveyance – See **Private Conveyance** section.
 - Airplane Travel – Actual cost of coach fare.
 - Carrier Services – actual costs for taxis, buses, public carriers or car rental.
 - Vehicle Parking – actual cost.

Payment for service received (tips) in conjunction with travel such as taxi or shuttle service is recognized as a legitimate and reasonable expense, and can be included in addition to the amounts herein but shall not exceed fifteen percent (15%) of the price of the travel service.

2. **Lodging:** Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. Actual cost not to exceed \$120 per day or the single occupancy room rate, whichever is lower, plus applicable taxes. When the individual travels to attend a conference, seminar or similar event the maximum allowable reimbursement shall be the conference facility group room rate plus applicable taxes.
3. **Meals:** Meals will only be reimbursed for official travel requiring an overnight stay. Exceptions include: Police Officers attending P.O.S.T. Training will be reimbursed at the P.O.S.T. rate or for emergency meals. Exceptions also include attendance at an official standing meeting that has city wide or jurisdictional impact. Examples include AMBAG, League of California Cities, or a City Selection Committee meetings etc.

Individual Meals–	Breakfast	\$12.00
	Lunch	\$18.00
	Dinner	\$30.00

Advance approval by the City Manager or Mayor is required for meal maximums over the above amounts for high-cost travel destinations (e.g. New York City)

Payment for service received (tips) in conjunction with meals is recognized as a legitimate and reasonable expense, and can be added to the above amounts but shall not exceed fifteen percent (15%) of the price of the meal.

Alcoholic beverages are never an eligible expense.

Private Conveyance:

Employees using private means of conveyance such as their personal vehicle for authorized travel on official City business shall be reimbursed at the then-current IRS mileage rate, except for mileage outside Capitola and the Local Bay Area, in which case the amount reimbursed shall not exceed the lowest coach airfare on a scheduled commercial air carrier as may be reasonably determined by the City. Vehicle odometer readings are required to substantiate vehicle mileage. If odometer readings are not available internet map services such as Yahoo Maps can be used. Mileage shall be measured from Capitola City Hall or the Public Officials home address, whichever is less; unless the Public Official is required to be at City Hall prior to leaving, in which case the City Hall address shall be used to measure miles. When a personal conveyance is used to carpool employees, City Hall address shall be used. Bridge and road tolls are reimbursable expenses.

Advance of Money:

Individuals traveling on City business that involve an overnight stay may request a cash advance for the estimated travel and meal costs, excluding personal vehicle mileage. A written claim for cash advance shall be submitted to the Finance Director sufficiently early for the Finance Department to include the advance with regular check processing immediately prior to when the Public Official must leave. Advances cannot be made out of petty cash. Cash advances for travel and meal requests will be allowed only if adequate appropriations exist in the appropriate budget, and if the request has been signed by the department head and/or City Manager.

Individuals who accept cash advances shall, within ten (10) working days after his or her return from such trip, file with the Finance Director an itemized expense accounting together with proper receipts or other documentation, and shall pay to the City any unexpended balance of the advance.

Claims for All Expenses:

No travel or meal costs shall be reimbursed unless the claiming individual prepares and signs an itemized accounting of such expenses on the Statement of Expense form (attachment A), which shall have entered thereon and/or attached thereto, the following:

- a. Date of departure at commencement of travel, and date of return upon completion of travel.
- b. Date of arrival at and departure from each city or location at which City business was performed.

- c. Receipts for all expenditures for lodging and all other expenditures, including meals, in sufficient detail so as to establish the allowability of each element of the expense claimed. If for some reason a receipt is not available a memorandum from the individual attesting to the exact expense may be approved by the City Manager
- d. If unusual or unanticipated circumstances arise, the City Manager, or the Mayor in the case of the City Manager, can approve exceptions to this policy.

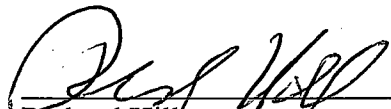
Unallowable Expenses:

Unauthorized expenditures, which shall never be reimbursed, include but are not limited to:

- 1. Alcoholic beverages
- 2. Expenses of a spouse or other companion
- 3. Personal entertainment
- 4. Theft, loss or damage to personal property
- 5. Barber, beauty, tailor, laundry & other similar personal services
- 6. Airline or other trip insurance
- 7. Personal postage, telephone calls or reading materials
- 8. Personal portion of any trip

Reports to City Council

Members of the City Council or any other public official subject to this policy shall provide a brief report on meetings attended at the expense of the local agency at the next regular meeting of the legislative body (Council, Planning Commission, etc...). Cal. Gov't Code Sect.53232.3(d). This report can either be written or oral.


Richard Hill
City Manager

A: Statement of Expense

RH/lgm

R:\Admin Policies\Travel policy.doc

CITY OF CAPITOLA - STATEMENT OF EXPENSES

Item 7 C.

*** Complete BLUE information. Do NOT Type in the YELLOW cells ***

NAME	DEPT	EXPENSE DATE (S)
PURPOSE OF EXPENSES CLAIMED		

SCHEDULE A - TRAVEL AND MEETING EXPENSES (itemize below in detail & attach receipts)

ITEM OF EXPENSE	LIST DATES AND EXPENSES INCURRED BELOW							SCHEDULE
	SUN	MON	TUES	WED	THURS	FRI	SAT	TOTAL
TRANSPORTATION (attach receipts)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
LODGING (attach receipts)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
*MEALS (attach receipts)	Meals -- enter information in meal form @ right							
Maximum allowable amt:								
Breakfast \$12.00+ 15%tip	\$	\$	\$	\$	\$	\$	\$	\$
Lunch \$18.00+ 15%tip	\$	\$	\$	\$	\$	\$	\$	\$
Dinner \$30.00+ 15%tip	\$	\$	\$	\$	\$	\$	\$	\$
OTHER EXPENSES (listed below & Attach receipts)								\$
Telephone, Copy, Fax, etc..	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
Parking Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
Cab, Bus, Total	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
Other Toll Bridge	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
TOTAL SCHEDULE A - TRAVEL & MEETING EXPENSES								\$

SCHEDULE B - MILEAGE ALLOWANCE - Privately Owned Automobile

DATE	ODOMETER METHOD			MAPQUEST MILES	Use Odometer Reading OR www.MapQuest.com (attach) PURPOSE and DESTINATION - enter below
	START #	END #	MILES		
	0	0			
	0	0			
	0	0			
	0	0			
	0	0			
				Total Miles	
				\$ 0.5500	\$ 0.5500 IRS Mileage Rate per mile

TOTAL SCHEDULE B - MILEAGE ALLOWANCE \$

TOTAL AMOUNT CLAIMED (Schedules A & B) \$

I certify that this claim is a true record of expenses incurred on official business for the City of Capitola during the above period.		CPT Approval (PD Only)	APPROVAL
Signature	Date:	Captain	City Manager/Dept. Head
Amount of Claim (A & B)	Less Advance --- provided to employee	Net Amt. Due/(Returned)	
\$		\$	

- INSTRUCTIONS:**
- *Meal Reimbursement: Complete the "Meals Reimbursement" worksheet located to right. Only for overnight travel -or POST reimbursable
 - **IRS mileage rate <http://www.irs.gov/newsroom/article/0,,id=151226,00.html>
 - 1. Complete form (only enter in BLUE cells -do NOT enter in YELLOW areas) , attach all receipt 2006 =\$ 0.445/mile
 - 2. Upon audit and approval, reimbursement will be made payable in a check
 - 3. Refer to Administrative Policy III-2 Employee and Public Official Expense Reimbursement & Travel Regulation for allowable expenses
 - 4. Exceptions to the Policy require City Manager review and authorization
 - 5. POST Police Academy Attendance - reimbursement per POST regulations

Accounts Payable Use:	\$
Transportation: 4400.200 (air/car)	Meals: 4400.400
Lodging: 4400.300	Mileage: 4400.200
	GRAND TOTAL

CITY OF CAPITOLA - MEAL EXPENSE FORM

SIMPLE MEAL INSTRUCTIONSemployee please complete meal information in BLUE font

Item 7 C.

* Please note, "receipt amount" INCLUDES the tip paid.

[enter name here]							CALCULATIONS		
SUNDAY - DATE		[enter date here]		OTHER NOT ALLOWED					
MEAL	MAX.	PLACE	RECEIPT AMT * INCLUDE TIP	TIPS	ALCOHOL	TIP MAX.	MEALS ONLY	REIMB. AMT	
Breakfast	\$ 12.00								
Lunch	\$ 18.00								
Dinner	\$ 30.00								
MONDAY - DATE		[enter date here]		OTHER NOT ALLOWED					
MEAL	MAX.	PLACE	RECEIPT AMT * INCLUDE TIP	TIPS	ALCOHOL	TIP MAX.	MEALS ONLY	REIMB. AMT	
Breakfast	\$ 12.00								
Lunch	\$ 18.00								
Dinner	\$ 30.00								
TUESDAY - DATE		[enter date here]		OTHER NOT ALLOWED					
MEAL	MAX.	PLACE	RECEIPT AMT * INCLUDE TIP	TIPS	ALCOHOL	TIP MAX.	MEALS ONLY	REIMB. AMT	
Breakfast	\$ 12.00								
Lunch	\$ 18.00								
Dinner	\$ 30.00								
WEDNESDAY - DATE		[enter date here]		OTHER NOT ALLOWED					
MEAL	MAX.	PLACE	RECEIPT AMT * INCLUDE TIP	TIPS	ALCOHOL	TIP MAX.	MEALS ONLY	REIMB. AMT	
Breakfast	\$ 12.00								
Lunch	\$ 18.00								
Dinner	\$ 30.00								
THURSDAY - DATE		[enter date here]		OTHER NOT ALLOWED					
MEAL	MAX.	PLACE	RECEIPT AMT * INCLUDE TIP	TIPS	ALCOHOL	TIP MAX.	MEALS ONLY	REIMB. AMT	
Breakfast	\$ 12.00								
Lunch	\$ 18.00								
Dinner	\$ 30.00								
FRIDAY - DATE		[enter date here]		OTHER NOT ALLOWED					
MEAL	MAX.	PLACE	RECEIPT AMT * INCLUDE TIP	TIPS	ALCOHOL	TIP MAX.	MEALS ONLY	REIMB. AMT	
Breakfast	\$ 12.00	0							
Lunch	\$ 18.00								
Dinner	\$ 30.00								
SATURDAY - DATE		[enter date here]		OTHER NOT ALLOWED					
MEAL	MAX.	PLACE	RECEIPT AMT * INCLUDE TIP	TIPS	ALCOHOL	TIP MAX.	MEALS ONLY	REIMB. AMT	
Breakfast	\$ 12.00								
Lunch	\$ 18.00								
Dinner	\$ 30.00								



ADMINISTRATIVE POLICY

Number: III-2

Issued: Jan 24, 2002

Revised: 2/23/06, 9/10/09, 5/12/2022

Jurisdiction: City Council

EMPLOYEE & PUBLIC OFFICIAL TRAVEL EXPENSE REIMBURSEMENT & TRAVEL REGULATION

I PURPOSE

This regulation shall establish standards for the documentation, approval and payment of cash advances and reimbursements of expenses incurred during travel for meals, room, and travel by employees, elected officials and other persons who conduct City business; with the understanding that any such standards shall balance the City's fiduciary responsibility of managing public funds with the recognition of the need to provide transportation, lodging, and meals to employees and public officials as they travel to pursue City business.

II POLICY

The City of Capitola recognizes that from time to time employees and Public Officials must travel to conduct the City's business. It is the policy of the City of Capitola to recognize this inconvenience by appropriately reimbursing or compensating those individuals as detailed below. In no case shall anyone be compensated under this policy beyond the direct cost of the meals, board, or travel that complies with this policy, nor shall anyone contrive to conduct City business or to create the illusion of City business to enjoy the benefits of this policy. Compensation for travel shall only be provided to those who comply with the procedures and criteria of this policy.

For the purposes of this policy Public Official means any elected official or volunteer working for the interests of the City of Capitola. This definition includes Council Members, Commissioners, committee members, regular authorized volunteers.

III PROCEDURES AND CRITERIA

Administration:

It shall be the responsibility of the City Manager to administer these procedures. The Finance Director shall assist the City Manager in the administration of this regulation, and the dissemination and review of forms, receipts, documentation, and other information necessary to process and audit claims.

ADMINISTRATIVE POLICY

Employee & Public Officials Expense Reimbursement & Travel Regulations

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Expense Authorization:

By necessity, Public Officials and employees must sometimes attend meetings, conferences, enroll in training seminars, and perform other official functions away from their normal place of work. It is the responsibility of the City Manager, the City Manager's designee, or the Mayor in the case of the City Manager to approve travel claims and related expenses prior to registration and/or out-of-area travel and to authorize cash advances and/or reimbursement for the costs incurred.

Department heads are authorized to approve travel expense reimbursement for meetings, training, and similar events for staff, boards and commissions under their responsibility which do not exceed their budget appropriations. The City Manager or the City Manager's designee can approve such requests from Council Members and Department heads which do not exceed the budget appropriation.

Reimbursement:

Public Officials and employees authorized to travel on official City business shall be reimbursed for actual and necessary expenses incurred for mileage, transportation, lodging, and meals in addition to any regular compensation to which they are entitled; provided, however, that the maximum amount(s) that shall be reimbursed are as follows:

Transportation: The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

- a) City Pool Vehicle – Preferred method of driving
- b) Private Conveyance – See **Private Conveyance** section.
- c) Airplane Travel – Actual cost of coach fare.
- d) Carrier Services – actual costs for taxis, ride sharing, buses, public carriers, or car rental.
- e) Vehicle Parking – actual cost.

Payment for service received (tips) in conjunction with travel such as taxi or shuttle service is recognized as a legitimate and reasonable expense and can be included in addition to the amounts herein but shall not exceed eighteen percent (18%) of the price of the travel service.

Lodging: Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. Public Officials and employees should use the available Government Services Administration (GSA) government rate and book the hotel with that rate if available.

If due to market conditions or availability, costs for acceptable accommodations exceed GSA rates for the destination, department head approval is required prior to travel. When the individual travels to attend a conference, seminar, or similar event, the maximum allowable reimbursement shall be the conference facility group room rate plus applicable taxes.

Meals: Meals will only be reimbursed for official travel requiring an overnight stay. Exceptions include Police Officers attending Peace Officer Standards and Training (P.O.S.T.) will be

ADMINISTRATIVE POLICY

Employee & Public Officials Expense Reimbursement & Travel Regulations

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reimbursed at the P.O.S.T. rate. Exceptions also include attendance at an official standing meeting that has city wide or jurisdictional impact. Examples include AMBAG, League of California Cities, or a City Selection Committee meetings, etc.

The City will reimburse the individual for up to the current GSA Federal Meals & Incidentals Per Diem for the destination and up to 75% of that rate for First and Last Day of Travel. Itemized receipts must be provided for all meals. If more than one employee meal is paid for, employee names must be included.

Current GSA Per Diem Rates can be found at:

<https://www.gsa.gov/travel/plan-book/per-diem-rates>

It is the responsibility of the Public Official or employee traveling for City business to know GSA rates for the location.

Payment for service received (tips) in conjunction with meals is recognized as a legitimate and reasonable expense and can be added to the above amounts but shall not exceed fifteen percent (18%) of the price of the meal.

Alcoholic beverages and products containing cannabis are never an eligible expense.

Private Conveyance:

Employees using private means of conveyance such as their personal vehicle for authorized travel on official City business shall be reimbursed at the then-current IRS mileage rate. For travel mileage outside the San Francisco Bay Area to a location where air travel is reasonably convenient, the amount reimbursed shall not exceed the lowest coach airfare on a scheduled commercial air carrier as determined by the City. Vehicle odometer readings should substantiate vehicle mileage. If odometer readings are not available, internet map services such as Google Maps can be used. Mileage shall be measured from Capitola City Hall or the Public Officials home address, whichever is less. If the Public Official or employee is required to be at City Hall prior to leaving the City Hall address shall be used to measure miles. When a personal conveyance is used to carpool employees, City Hall address shall be used. Parking costs and bridge and road tolls are reimbursable expenses.

Advance of Money:

The City's preference is to reimburse traveler's actual and necessary costs after travel has occurred through receipts, rather than provide travelers funds in advance of travel or expense. However, the City will, on a case-by-case basis, provide travel advances upon request by the traveler and approval of the Department Head. A written claim for cash advance shall be submitted to the Finance Director sufficiently early for the Finance Department to include the advance with regular check processing immediately prior to when the Public Official or employee must leave. Advances cannot be made out of petty cash. Cash advances for travel and meal requests will be allowed only if adequate appropriations exist in the appropriate budget, and if the request has been signed by the department head and/or City Manager.

ADMINISTRATIVE POLICY**Employee & Public Officials Expense Reimbursement & Travel Regulations**

Page 4 of 5

Individuals who accept cash advances shall, within ten (10) working days after his or her return from such trip, file with the Finance Director an itemized expense accounting together with proper receipts or other documentation and shall pay to the City any unexpended balance of the advance.

Claims for All Expenses:

No travel costs shall be reimbursed unless the claiming individual prepares and signs an itemized accounting of such expenses on the City of Capitola - Statement of Expense form which shall have entered thereon and/or attached thereto, the following:

- a. Date of departure at commencement of travel, and date of return upon completion of travel.
- b. Date of arrival at and departure from each city or location at which City business was performed.
- c. Receipts for all expenditures for lodging, meals, and all other expenditures, in sufficient detail so as to establish the allowability of each element of the expense claimed. If a receipt is not available for an expense, a memorandum from the individual attesting to the exact expense may be approved by the City Manager
- d. If unusual or unanticipated circumstances arise, the City Manager, or the Mayor in the case of the City Manager, can approve exceptions to this policy.

Unallowable Expenses:

Unauthorized expenditures, which shall never be reimbursed, include but are not limited to:

1. Alcoholic beverages or any products containing cannabis
2. Expenses of a spouse or other companion
3. Personal entertainment
4. Theft, loss, or damage to personal property
5. Barber, beauty, tailor, laundry & other similar personal services
6. Airline or other trip insurance
7. Personal postage, telephone calls, or reading materials
8. Personal portion of any trip (i.e. extending stay)

Reports to City Council

ADMINISTRATIVE POLICY

Employee & Public Officials Expense Reimbursement & Travel Regulations

Page 5 of 5

Members of the City Council or any other public official subject to this policy shall provide a brief report on meetings attended at the expense of the local agency at the next regular meeting of the legislative body (Council, Planning Commission, etc.). Cal. Gov't Code Sect.53232.3(d). This report can either be written or oral.

Jamie Goldstein
City Manager

Capitola City Council

Agenda Report



Meeting: May 12, 2022

From: Community Development Department

Subject: Contract for Housing Element Update

Recommended Action: Authorize the City Manager to enter a contract with RRM Design Group in the amount of \$183,560 for the Housing Element Update.

Background: Since 1969, the State of California has required all cities and counties adequately plan to meet their housing needs. Cities comply with this requirement by updating their housing elements on regular cycles defined by the state. The housing element is part of the City's General Plan which is the long-range planning document delineating how the city will evolve and develop in the future.

The City's existing Housing Element for the 5th Cycle (2015-2023) planning period was adopted by Capitola City Council in 2015, and certified by the State of California Department of Housing and Community Development (HCD) on February 4, 2016. The City's existing Housing Element is available on the City's website at: www.cityofcapitola.org/communitydevelopment/page/2015-2023-housing-element.

The 6th Cycle Housing Element is due to HCD by December 2023. In February 2022, Staff published a Request for Proposals (RFP) for the Housing Element update to ensure adequate time for an update reflective of the community's goals and in full compliance with state law. In April 2022, a selection committee comprised of two Capitola staff members and two planners from neighboring jurisdictions interviewed qualified consultants who submitted proposals. RRM Design Group was selected by the committee as the top choice due to their approach to the project, high quality work samples, and successful record producing certified housing elements.

Discussion: Since 1969, the State of California has required all cities and counties adequately plan to meet their housing needs. Cities comply with this requirement by updating their housing elements on regular cycles defined by the state. The housing element is part of the City's General Plan which is the long-range planning document delineating how the city will evolve and develop in the future.

The City's existing Housing Element for the 5th Cycle (2015-2023) planning period was adopted by Capitola City Council in 2015, and certified by the State of California Department of Housing and Community Development (HCD) on February 4, 2016. The City's existing Housing Element is available on the City's website at: www.cityofcapitola.org/communitydevelopment/page/2015-2023-housing-element.

The 6th Cycle Housing Element is due to HCD by December 2023. In February 2022, Staff published a Request for Proposals (RFP) for the Housing Element update to ensure adequate time for an update reflective of the community's goals and in full compliance with state law. In April 2022, a selection committee comprised of two Capitola staff members and two planners from neighboring jurisdictions interviewed qualified consultants who submitted proposals. RRM Design Group was selected by the committee as the top choice due to their approach to the project, high quality work samples, and successful record producing certified housing elements.

Fiscal Impact: The City received a REAP grant through AMBAG for \$65,000 to use towards the Housing Element Update. Staff expects to receive a second REAP grant in 2022, although the

amount is unknown. The cost beyond grants will be covered through the General Plan Maintenance fund, as the Housing Element is part of the General Plan.

Attachments:

1. Professional Services Agreement
2. RRM Scope of Services
3. RRM Fee Schedule

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Chloé Woodmansee, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

**CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT
RRM Design Group**

THIS AGREEMENT is entered into on May 13, 2022, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and RRM Design Group, hereinafter called "Consultant".

WHEREAS, City desires certain services described in Appendix One and Consultant is capable of providing and desires to provide these services;

NOW, THEREFORE, City and Consultant for the consideration and upon the terms and conditions hereinafter specified agree as follows:

**SECTION 1
Scope of Services**

The services to be performed under this Agreement are for consulting services and further detailed in Appendix One.

**SECTION 2
Duties of Consultant**

All work performed by Consultant, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession.

Consultant shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with Community Development Director, called "Director," or other City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

**SECTION 3
Duties of the City**

City shall make available to Consultant all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Consultant in obtaining such information from other agencies and individuals as necessary.

The Director may authorize a staff person to serve as his or her representative for conferring with Consultant relative to Consultant's services. The work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Consultant. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Consultant of the changes or revisions necessary to secure approval.

SECTION 4

Fees and Payment

Payment for the Consultant's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work. If Consultant is compensated on an hourly basis, Consultant shall track the number of hours Consultant, and each of Consultant's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Consultant shall immediately notify City if the number of hours worked during any fiscal year by any of Consultant's employees reaches 900 hours. In addition, each invoice submitted by Consultant to City shall specify the number of hours to date Consultant, and each of Consultant's employees, has worked under this Agreement during the current fiscal year.

SECTION 5 Changes in Work

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Consultant's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

SECTION 6 Time of Beginning and Schedule for Completion

This Agreement will become effective when signed by both parties and will terminate on the earlier of:

- The date Consultant completes the services required by this Agreement, as agreed by the City; or
- The date either party terminates the Agreement as provided below.

Work shall begin on or about May 16, 2022.

In the event that major changes are ordered or Consultant is delayed in performance of its services by circumstances beyond its control, the City will grant Consultant a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Consultant must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

SECTION 7 Termination

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Consultant. Consultant may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Consultant for all services performed and accepted under this Agreement up to the date of termination.

SECTION 8 Insurance

Consultant shall procure and maintain for the duration of the contract and for **1** years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.
4. Professional (Errors and Omissions) Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage shall include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- | | |
|--|---|
| 1. General Liability:
(including operations, products and completed operations) | \$1,000,000 per occurrence and \$2,000,000 in aggregate (including operations, for bodily injury, personal and property damage. |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and property damage. |
| 3. Employer's Liability Insurance | \$1,000,000 per accident for bodily injury and property damage. |
| 4. Errors and Omissions Liability:
Limits | \$1,000,000 per claim and \$2,000,000 in the aggregate. |

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 9 Indemnification

For General Services: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, employees from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from non-professional the acts or omissions of Consultant's employees or agents in any way related to the obligations or in the performance of services under this Agreement, except for design professional services as defined in Civil Code § 2782.8, and except where caused by the sole or active negligence, or willful misconduct of the City.

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees from and against any and all claims, demands, actions, liabilities, damages, or expenses (including

reimbursement of attorneys' fees and costs) to the extent found to be arising from the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of the City. The costs to defend charged to the Consultant relating to design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8. to the extent found to be caused in whole or in part by any negligent act or omission of the Consultant, Consultant's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10
Civil Rights Compliance/Equal Opportunity Assurance

Every supplier of materials and services and all consultants doing business with the City of Capitola shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, consultant shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Consultant agrees to abide by all of the foregoing statutes and regulations.

SECTION 11
Legal Action/Attorneys' Fees

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other as part of total relief to which he or she may be granted by a court of competent jurisdiction entitled. The laws of the State of California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 12
Assignment

This Agreement shall not be assigned without first obtaining the express written consent of the Director after approval of the City Council.

SECTION 13
Amendments

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the City Council, or an officer of the City when the City Council may from time to time empower an officer of the City to approve and authorize such amendments. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Appendix Two. Such authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

SECTION 14

Miscellaneous Provisions

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. *Consultant Service.* Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. *Licensure.* Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.
4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.
5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.
6. *Consultant's Records.* Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
7. *Independent Contractor.* In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.
8. *Conflicts of Interest.* Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.
9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

CITY
CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
831-475-7300

CONSULTANT

By: _____
Benjamin Goldstein, City Manager

By: _____

Dated: _____

Dated: _____

Approved as to Form:

Samantha Zutler, City Attorney

APPENDIX ONE
Scope of Services

APPENDIX TWO Fees and Payments

Consultant will provide invoices to the City for all services and expenses on a monthly basis. City will endeavor to pay all invoices within 30 days of receipt. The total amount billed by Consultant and paid by City pursuant to this agreement shall not exceed \$183,560 without written advance authorization from the City.

Consultant hereby represents and warrants, based upon Consultant's independent determination of the time and labor, including overtime, which will be required to perform said services, that Consultant will provide all said services at a cost which will not exceed the maximum price set forth in this agreement for Consultant's services. Consultant hereby assumes the risk that Consultant will perform said services within this maximum price constraint and Consultant acknowledges that its inability to do so shall not excuse completion of the services and shall not provide a basis for additional compensation.

Salary expenses include the actual direct pay of personnel assigned to the project (except for routine secretarial and account services) plus payroll taxes, insurance, sick leave, holidays, vacation, and other fringe benefits. The percentage of compensation attributable to salary expenses includes all of Consultant's indirect overhead costs and fees. For purposes of this Agreement, Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule attached to this appendix and in accordance with the terms set forth therein. Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subconsultants or subcontractors, and other identifiable job expenses. The use of Consultant's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

Salary payment for personnel time will be made at the rates set forth in the attached fee schedule for all time charged to the project. Normal payroll rates are for 40 hours per week. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization.

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$183,560, without specific, written advance authorization from the City.

Payments shall be made monthly by the City, based on itemized invoices from the Consultant which list actual costs and expenses. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of RRM Design Group, that the charge of \$183,560 as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated May 13, 2022, and has not been previously paid."

2

APPROACH, WORK PROGRAM, AND ASSUMPTIONS

Proposal for City of Capitola Housing Element Update







APPROACH

The City of Capitola is poised to commence the preparation of the 6th Cycle Housing Element. The Association of Monterey Bay Area Governments (AMBAG) has estimated 1,336 dwelling units for Capitola in the 6th Cycle Regional Housing Needs Assessment (RHNA) numbers. In contrast, the previous 5th Cycle Housing Element addressed an RHNA of 143 units. Key challenges that must be navigated for successful Housing Element adoption include not only a substantially higher RHNA allocation but also strict site eligibility requirements focusing on development feasibility, an expanded assessment of fair housing conditions, and a fast-pasted changing housing legislation landscape.

In preparing this work program, we carefully reviewed the issued RFP, the existing Capitola Housing Element and General Plan, and other available City documents. Proposed tasks generally follow those outlined in the issued RFP, with City Council adoption of the updated Housing Element anticipated ahead of the statutory deadline of December 2023. We have tailored our proposed work program based on our knowledge of the project context and extensive experience preparing Housing Element updates. However, we are prepared to refine tasks as necessary to best satisfy City objectives, budget, and timeframes.

WORK PROGRAM

TASK 1: PROJECT ADMINISTRATION

PROJECT KICKOFF

RRM Design Group, with Veronica Tam Associates (VTA) and Morse Planning Group (MPG), will prepare for and conduct an initial kickoff meeting with City staff. This task is anticipated to be conducted as a conference call and includes the following topics:

- Identification of key project contacts and information exchange
- Review and refinement of project objectives, scope of work, and project timeline
- Discussion of issues to be focused on during the project
- Identification of optimal working relationships (such as turnaround times)
- Review and refinement of the public outreach strategy

Deliverables:

- Meeting agenda and list of data/material needs
- Meeting summary with project goals, objectives, and action items

PROJECT SCHEDULE

The RRM team will work with City staff to finalize a project schedule within ten working days after the kickoff meeting and include tasks and milestones for HCD certification of the Housing Element. The refined schedule will address the following:

- Planning Commission and City Council study sessions
- Community engagement opportunities
- Delivery of analysis, findings and recommendations for the inventory of the site
- Delivery of analysis, findings, and recommendations for the Housing Element Update
- Response to HCD reviews and City staff review times
- Delivery of draft and final draft Housing Element
- Planning Commission and City Council public hearings

Deliverables

- Refined final project schedule (project schedule may be modified during the project to account for possible changes in State law, which may affect project timing)

PROJECT MANAGEMENT

Project management and coordination include regular communication between the project manager and the City. The project manager will coordinate the overall project schedule. This task is intended to allow for necessary coordination between the project team members and city staff, including teleconferences, meetings, correspondence, record-keeping, electronic file management, and additional necessary coordination. This task includes the review of deliverables and coordination of strategy with VTA as needed.

Deliverables:

- Ongoing project management and coordination (assumes 4 hours per month over the course of 20 months)
- Meeting summaries with action items
- Maintain an internet-based folder for all project materials accessible to City staff and consultants (via MS Sharepoint or other another acceptable platform)

TASK 2: HOUSING ELEMENT UPDATE COMPONENTS

REVIEW OF EXISTING CONDITIONS AND NEEDS

The Capitola 2015-2023 Housing Element and General Plan will be evaluated to determine the revisions that must be made to comply with current state law and HCD requirements. This evaluation will be submitted as a written outline with recommended changes or annotated documents with areas for improvement, programs that should be considered, and any other relevant housing issues that might be included in this update. Obsolete sections shall be identified for removal. In collaboration with City staff, the consultant team will prepare an analysis of results from the 2015-2023 Housing Element's identified goals, policies, and programs and their cumulative effectiveness. The issued RFP suggests using HCD's streamlined update process; however, the State does not offer this type of review for 6th Cycle Housing Elements. This task will include a review of documents, data, and materials relevant to the Housing Element update:

- 2015 - 2023 Housing Element
- All past communication with HCD, including any findings letters
- Land Use Element
- General Plan
- Housing Element Annual Progress Reports
- Adopted and draft specific plans and zoning amendments
- Municipal code/zoning code
- Code enforcement data
- Consolidated Annual Performance and Evaluation Report (CAPER)
- 2013 - 2022 Annual Action Plans (AAP)

Deliverables:

- *Evaluation of the existing Housing Element, General Plan, Zoning Ordinance, and other supporting materials in comparison to current State housing law*

PUBLIC OUTREACH

To facilitate preliminary budgeting for the project, we have outlined a general approach for the Housing Element Update public outreach process to inform and seek input. The budget estimate assumes a combination of web conferencing and online engagement, considering COVID-19 constraints. This approach can be further refined with City staff to accommodate changes to local health protocols. The consultant team will consult with City staff to develop a tailored outreach approach that meets HCD requirements and engages the communities throughout the City. For the Housing Element update process, we recommend the following potential activities for outreach to yield constructive education and input:

- Online housing needs survey
- One (1) set of stakeholder meetings held over the course of one day
- Two (2) community meetings (via Zoom or another acceptable platform)
- One (1) joint City Council/Planning Commission study session

Over the course of the project, this task also includes the provision of materials for posting on the City's website, such as project scope, schedule, and completed products as they are developed. To support additional meetings, City staff may wish to conduct with decision makers or stakeholders. Briefing materials would be provided under this task. It is assumed City staff will be responsible for meeting notification, facilities (if any), and logistics. Public hearings with the Planning Commission and City Council are provided under Task 3.

Deliverables:

- *Refine public outreach plan with City staff and conduct agreed-upon activities*
- *Electronic copies of all branded outreach materials for distribution and communication/advertising purposes*

HOUSING ASSESSMENT AND NEEDS ANALYSIS

A housing assessment and needs analysis will be prepared pursuant to State housing law. The consultant team will obtain and analyze demographic, economic, infrastructure and housing data needed to complete this task. The housing assessment and needs analysis will contain the following topics to satisfy Government Code Section 65583(a) and Senate Bill 379 requirements:

- Population, demographics, income, and employment trends
- Housing cost, affordability, housing characteristics, housing stock, and market conditions
- Housing stock characteristics, including at-risk units and vacant and underutilized land
- Special housing needs (e.g., large families, female-headed households, seniors, homeless, people with disabilities, employee housing, etc.)
- Regional housing needs assessment data provided by AMBAG

Deliverables:

- *Draft housing assessment and needs analysis (in both PDF and Word format)*

HOUSING RESOURCES AND OPPORTUNITIES

In collaboration with City staff, including members of the Economic Development Division, the project team will identify housing resources, including available programmatic, physical and financial resources.

Deliverables:

- *Draft housing resources and opportunities analysis for integration into the Housing Element Update (in both PDF and Word format)*

HOUSING PRODUCTION CONSTRAINTS ANALYSIS

Potential governmental and non-governmental constraints to housing production will be identified, including environmental and infrastructural constraints. This analysis must contain a review of factors that may potentially constrain the development, improvement, and preservation of housing in Capitola. New housing element laws require the assessment of non-governmental constraints, including NIMBYism, lending practices, shortage of labor, and other economic factors. This work will include a review of existing city regulations, codes, and standards related to housing. Where constraints exist, strategies will be proposed to address them.

Deliverables:

- *Draft housing constraints analysis, formatted for integration into the Housing Element update (in both PDF and Word format)*

HOUSING SITES INVENTORY

AMBAG has estimated 1,336 dwelling units for Capitola in the 6th Cycle Regional Housing Needs Assessment (RHNA). The previous 5th Cycle Housing Element addressed an RHNA of 143 units. RRM will use the inventory of the current site as a starting point and work with the City to determine sites citywide that may be viable RHNA sites based on the following new State law requirements bulleted below:

- Conduct additional analysis for sites larger than one-half acre or smaller than 10 acres assumed to accommodate lower-income households
- Conduct additional analysis for underutilized sites
- Identify sites included in the past two housing element cycles that are now required to allow affordable housing by-right
- Identify if sites are publicly owned
- Indicate whether a site has available or planned and accessible infrastructure

RRM will update the site selection criteria to identify new sites and reevaluate sites identified for the 5th Cycle Housing Element land inventory. We will consider the General Plan policies and land use density range, zoning, available infrastructure, and opportunities within approved specific plans as part of the site selection process. We will formulate General Plan and zoning strategies that will address additional housing unit capacity.

- **Document potential sites** - RRM will prepare an inventory, map, and analysis clearly illustrating the City’s capacity to accommodate the 6th Cycle RHNA. In keeping with State law, we will document the realistic development capacity of each site and prepare a map showing all identified sites. The sites inventory will be compiled using the HCD template.
- **Housing development concepts for residential capacity** - In collaboration with City staff, RRM will analyze and prepare residential concepts to create greater housing options and density opportunities. These concepts are intended to illustrate development potential to inform decision-makers and the community at large. While such concepts are not identified in the issued RFP, we find them extremely useful in our work with other cities to support analysis, review, and discussion of potential residential intensification needed to meet raised RHNA requirements.
- **Investigate alternative RHNA credits** - This includes analyzing the capacity for alternative RHNA credits for accessory dwelling units, preservation of existing at-risk affordable housing projects, and other similar, nontraditional RHNA credit opportunities.
- **Underutilized sites analysis** - RRM will complete an analysis of nonvacant sites to address a portion of the RHNA. As part of this task, we will analyze the realistic development potential within the planning period by considering the extent to which a nonvacant site’s existing use impedes additional residential development, the jurisdiction’s past experience

converting existing uses to higher density residential development, market trends and conditions, and regulatory or other incentives or standards that encourage additional housing development on any nonvacant sites.

- **Analyze the feasibility of applicable densities to meet the lower-income RHNA** - Typically, this is done by reviewing similarly situated built projects in the vicinity, contacting local developers, and reviewing pro formas/development applications submitted to the City to infer development feasibility.
- **Infrastructure analysis** - With supporting GIS data provided by the City, we will work to determine if parcels included in the inventory have sufficient water, sewer, and dry utilities supply available and accessible to support housing development. This analysis is not required to be parcel specific. We will review existing General Plan programs or other mandatory programs or plans to secure sufficient water, sewer, and dry utilities supply to support housing development on the site.

Deliverables:

- *Draft summary of analysis findings (in Excel format)*
- *Final housing sites inventory using the HCD standard template*
- *Preparation of up to two (2) housing development concepts to illustrate potential residential capacity*

AFFIRMATIVELY FURTHERING FAIR HOUSING ANALYSIS

The RRM team will utilize data collected from HCD’s Affirmatively Furthering Fair Housing (AFFH) Data and Mapping Resources website to analyze current and historical federal, State, regional, and local AFFH data in assessing fair housing conditions, policies and programs pursuant to State law, Assembly Bill 686 (AB 686). State law defines “affirmatively furthering fair housing” to mean “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free

from barriers that restrict access to opportunity” for persons of color, persons with disabilities, and other protected classes. Pursuant to AB 686, we will prepare an assessment of fair housing to the Housing Element, which includes the following components:

- Analysis of fair housing issues and assessment of the City’s fair housing enforcement and outreach capacity
- Analysis of segregation patterns and disparities in access to opportunities
- Consideration of local data and knowledge from local planners and city administrators, and city records and reports
- Assessment of contributing factors to fair housing issues
- Identification of fair housing goals, actions, metrics, and milestones

We will also work with City staff to determine if the sites identified in the inventory are located throughout the community in a manner that affirmatively furthers fair housing. In addition, RRM will seek support from City staff to identify past trends and local knowledge to incorporate into the AFFH analysis.

Deliverables:

- *Draft AFFH assessment, including associated GIS mapping, formatted for integration into the Housing Element Update (in both PDF and Word format)*

IMPLEMENTATION PROGRAM

A Housing Element implementation program will be formulated, inclusive of quantifiable objectives and programs, to address housing needs for all income levels, the elderly, veterans, and populations with disabilities, special needs or experiencing homelessness. This may also include establishing a rezoning plan to identify potential areas for rezoning if properties are needed to address an RHNA allocation shortfall.

Deliverables:

- *Draft implementation program formatted for integration into the Housing Element Update (in both PDF and Word format)*

GENERAL PLAN AMENDMENT

The project team will identify sections of the City’s General Plan that may need to be amended to be in compliance with State law.

Deliverables:

- *Brief memorandum summarizing recommended General Plan revisions*



TASK 3 HOUSING ELEMENT UPDATE REVIEW AND HCD COORDINATION

SCREENCHECK DRAFT AND PUBLIC REVIEW DRAFT

Integrating draft components developed under Task 2, The project team will prepare and submit a Screencheck Draft Housing Element to the City for review. The Screencheck Draft will be a complete draft and include all required components of a Housing Element pursuant to State law, including all tables, maps, and graphics. Following receipt of the single set of consolidated City comments, RRM will produce a Screencheck Draft document. City staff will review and provide a consolidated, redlined set of comments and changes to RRM for revision. The Public Review Draft Housing Element will be prepared based on the City staff's comments on the Screencheck Draft. City staff will provide the project team with comments on the Screencheck Draft within 14 days for preparation of the Public Review Draft. City staff will provide a consolidated, redlined set of comments and changes to RRM for revision.

Deliverables:

- *Screencheck Draft Housing Element Update (one electronic copy and three hard copies)*
- *Public Review Draft Housing Element Update (one electronic copy and twelve hard copies)*

HCD COORDINATION

With support from VTA, RRM will serve as the City's liaison with HCD throughout the Housing Element Update process. The project team will support HCD communications and review, such as answering questions and resolving any issues that may arise during the review process, including:

- Pre-submittal consultation with HCD staff, as necessary, depending on any issues that arise during preparation of the Public Review Draft
- Submittal of Public Review Draft Housing Element to HCD, in accordance with State law (Assembly Bill 215)

- Preparation of changes to the Public Review Draft Housing Element required for HCD certification
- Submission of the Final Housing Element to HCD for review and certification

Deliverables:

- *Coordination with HCD staff, as described above*
- *Support up to three (3) rounds of HCD review*

FINAL HOUSING ELEMENT

Following the public review and comment period, the project team will prepare the final Housing Element in response to comments from HCD, responsible agencies, City staff, the Planning Commission, City Council, and the public.

Deliverables:

- *Final Public Review Draft of Housing Element in electronic format (PDF and Word) and twelve bound hard copies*

PUBLIC HEARINGS

The project team will support the City review and approval of the Housing Element Update and will virtually attend up to four public hearings. A revision matrix may be used between public hearings to track recommended document edits and changes. Final edits to the Housing Element Update resulting from the hearing process will be accommodated under this task.

Deliverables:

- *Prepare PowerPoint presentation for Planning Commission and City Council hearings and provide review of other hearing materials as requested*
- *RRM will virtually attend two (2) Planning Commission public hearing and two (2) City Council public hearing. If requested, the costs of additional or in-person hearing attendance would be on a mutually-agreeable per meeting cost*

TASK 4 ENVIRONMENTAL ANALYSIS

Morse Planning Group (MPG) will lead the environmental review and compliance task. As background, the City certified a Final Environmental Impact Report (FEIR) for the General Plan Update in March 2014 (General Plan Final EIR). It adopted a Negative Declaration for the 2014 - 2021 Housing Element in January 2014. The General Plan FEIR analyzed the following projected General Plan growth: 80 dwelling units, 280 new residents, and 1,200 new jobs. The Housing Element analyzed the 2015-2023 Regional Housing Needs Assessment (RHNA) numbers: 34 extremely low-/very low-income, 23 low-income, 26 moderate-income, and 60 above moderate-income; 143 total units.

AMBAG estimates 1,336 dwelling units for Capitola in the 6th Cycle RHNA numbers. The 2014 General Plan does not have sufficient projected capacity to accommodate the 6th cycle RHNA numbers.

ASSUMPTIONS

1. It is assumed that the CEQA document will tier off the City of Capitola General Plan Update Final EIR (General Plan EIR) and any relevant adopted CEQA documents. These CEQA documents allow for the use of information relative to the identified housing opportunity sites or sites identified for rezoning in the Housing Element Update and applicable mitigation measures.
2. No technical analyses are included as part of this scope of work for either option. If determined necessary, a separate scope and fee would be prepared.
3. Effective January 1, 2022, Assembly Bill (AB) 819 (Levine) requires electronic filing of specified environmental documents and notices to the Office of Planning and Research (OPR) by Lead Agencies. https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB819. This scope assumes City will be responsible for electronic filing of environmental documents and notices via CEQAnet.

ENVIRONMENTAL NOTICING AND OUTREACH

- **Native American Tribal Consultation Per SB 18 and/or AB 52** - MPG will prepare the Local Government Tribal Consultation List Request form for the City to contact the Native American Heritage Commission (NAHC) for a list of Native American tribes to consult with respect to SB 18 and/or AB 52. Upon receipt of the NAHC letter from the City, MPG will support the City by providing draft letters for City review and to be put on City letterhead. Upon receipt of the signed letters back from the City, MPG will transmit letters via email initiating the consultation process under SB 18 and/ or AB 52 18. It is assumed that City staff would meet with requested tribes in person or by phone. MPG would assist City staff in drafting a summary of the consultation process.
- **CEQA Notices** - MPG will prepare CEQA public notices required for the project for City review and signature: Negative Declaration, Notice of Intent to Adopt a Negative Declaration, and Notice of Determination. The City will be responsible for transmitting/ filing notices to the Santa Cruz County Clerk and documents and notices to the State Clearinghouse (SCH) online portal, as applicable. It is assumed that the City will be responsible for public noticing to comply with City requirements, such as posting notices or newspaper notices. This scope of work excludes payment of any California Department of Fish and Wildlife (CDFW) filing fees, if applicable. The City will be responsible for paying any fees for such filings.

DRAFT ENVIRONMENTAL ANALYSIS

This scope of work assumes preparation of a Negative Declaration for the 2024-2031 Housing Element, and other General Plan amendments identified to comply with State law.

- **Initial Study/Environmental Assessment** - MPG will prepare an Initial Study in accordance with CEQA, the CEQA Guidelines, and the City of Capitola’s CEQA Guidelines. The Initial Study will include detailed explanations of all checklist determinations, discussions of potential environmental impacts, and mitigation measures, if applicable. The Initial Study analysis shall be in accordance with all applicable sections of CEQA and the CEQA Guidelines. The environmental document will be presented with the following sections: Introduction, Project Description, Initial Study Checklist, Environmental Analysis, and Initial Study Determination. MPG’s approach to the document’s analysis portion is to provide thorough, detailed, and conclusive impact analysis. The topics to be reviewed include all topics included in the most current version of CEQA Guidelines Appendix G.
- **Administrative Draft Initial Study** - MPG will submit the Administrative Draft Initial Study for review and comment by City Staff. MPG will also submit a Second Administrative Draft Initial Study (“check copy”), which will incorporate one complete set of comments received from City staff.

FINAL ENVIRONMENTAL ANALYSIS AND ADOPTION

- **Public Review Draft Initial Study** - MPG will submit the Public Review Draft Initial Study to the City, which will be distributed for public review.
- **Response to Comments** - MPG will respond to written comments received on the Public Review Draft Initial Study during the public review period and prepare thorough, reasoned and sensitive responses to relevant environmental issues. MPG will prepare the Administrative Draft Responses to Comments for review and comment by City staff. MPG will submit one “check copy” of the final Responses to Comments document, which will incorporate one complete set of comments

received from City staff on the Administrative Draft Responses to Comments. For budgeting purposes, a maximum of 8 hours has been assumed for MPG to prepare the Responses to Comments. Should the comments be excessive and require more than the budgeted time, this task and associated costs would be revisited.

- **Adoption** - Following City Council approval of the CEQA document, MPG will prepare a final environmental document, which will consist of the revised Public Review Draft Initial Study text, as necessary to address the comments received during the public review period.

MEETINGS AND PUBLIC HEARINGS

- **Meetings** - MPG Staff will attend up to two meetings with City staff, including the kickoff meeting. This task assumes a budget of four hours per meeting for a total of eight hours.
- **Public Hearings** - MPG will attend up to four virtual public hearings, two each with the Capitola Planning Commission and City Council. This task assumes a budget of six hours per meeting for a total of 24 hours. The costs of additional or in-person hearing attendance would be on a time and materials basis if requested.

Deliverables:

- One (1) electronic copy (Word and PDF) of Native American Consultation Letters
- One (1) electronic copy (Word and PDF) of Native American Consultation Summary
- One (1) electronic file (Word and PDF) of Administrative Draft IS/ND
- One (1) electronic file (Word and PDF) of “Check Copy” of Draft IS/ND
- One (1) electronic copy (Word and PDF) of Draft IS/ND
- One (1) electronic copy (Word and PDF) of Final IS and ND
- MPG assumes that the City will provide one set of consolidated City comments on draft work products

WORK PROGRAM ASSUMPTIONS

- **City Data and Materials.** The City is responsible for providing city data and materials necessary for RRM to conduct required analysis in preparation for the Housing Element update. City resources may include records and information from various city departments/divisions, as well GIS parcel data from the City or County.
- **Meeting Notices.** RRM Design Group will provide website content to notice upcoming meetings and workshops. The City is responsible for printing and distributing physical meeting and workshop notices. The costs of providing printing and/or distribution of physical meeting and workshop notices would be on a time and materials basis if requested.
- **Meeting Attendance.** The project budget includes attendance at public meetings and workshops identified in the work program. The costs of additional meeting attendance would be on a time and materials basis if requested. Meeting attendance is generally assumed to be virtually conducted for the project's duration due to COVID-19 conditions. The costs of additional or in-person meeting attendance would be on a time and materials basis (or other mutually-agreeable approach) if requested.
- **Draft Documents.** A draft of each document will be provided to staff and revised based on a single set of consolidated City comments in track changes providing clear direction.
- **Printing.** The project budget assumes the City will be responsible for printing and distributing documents unless otherwise indicated (e.g., transmitting physical documents to HCD as required by State law)
- **Coastal Commission.** The City is responsible for any coordination, document preparation, and meeting attendance required for Coastal Commission review and consideration during the Housing Element Update process.
- **Fees.** Filing fees such as for environmental documentation agency filings, if required, would be the responsibility of the City.

**Capitola Housing Element Update
Fee Schedule
Revised May 4, 2022**

RRM	DIANE BATHGATE	RRM	BRADY WOODS	RRM	BRET STINSON	RRM	MATT OTTOSON	RRM	SUPPORT STAFF	RRM	SCOTT MARTIN		VERONICA TAM + ASSOCIATES	MORSE PLANNING GROUP
	Principal-In-Charge		Project Manager		Senior Planner		Senior Planner		Planner		Architect		Housing Element Strategist	Environmental Consultant
	230 \$ per hour		175 \$ per hour		150 \$ per hour		170 \$ per hour		105 \$ per hour		220 \$ per hour		lump sum per task	lump sum per task
2	\$460	4	\$700	2	\$300	2	\$340	0	\$0	0	\$0		\$0	\$0
2	\$460	4	\$700	0	\$0	0	\$0	0	\$0	0	\$0		\$0	\$0
20	\$4,600	60	\$10,500	0	\$0	0	\$0	0	\$0	0	\$0		\$5,000	\$0

Task 1: PROJECT ADMINISTRATION		FEE TYPE	
Project Kickoff	T&M NTE	\$	1,800
Project Schedule	T&M NTE	\$	1,160
Project Management	T&M NTE	\$	20,100
Task 1 Value:		\$	23,060

Task 2: HOUSING ELEMENT UPDATE COMPONENTS		FEE TYPE	
Review of Existing Conditions and Needs	T&M NTE	\$	5,420
Public Outreach	T&M NTE	\$	21,000
Housing Assessment and Needs Analysis	T&M NTE	\$	7,080
Housing Resources and Opportunities	T&M NTE	\$	8,900
Housing Production Constraints Analysis	T&M NTE	\$	9,780
Housing Sites Inventory	T&M NTE	\$	16,080
Affirmatively Furthering Fair Housing Analysis	T&M NTE	\$	12,500
Implementation Program	T&M NTE	\$	3,720
General Plan Amendment	T&M NTE	\$	4,920
Task 2 Value:		\$	89,400

4	\$920	24	\$4,200	2	\$300	0	\$0	0	\$0	0	\$0		\$0	\$0
24	\$5,520	40	\$7,000	16	\$2,400	16	\$2,720	32	\$3,360	0	\$0		\$0	\$0
4	\$920	16	\$2,800	0	\$0	0	\$0	32	\$3,360	0	\$0		\$0	\$0
4	\$920	36	\$6,300	0	\$0	0	\$0	16	\$1,680	0	\$0		\$0	\$0
4	\$920	36	\$6,300	0	\$0	0	\$0	16	\$1,680	4	\$880		\$0	\$0
8	\$1,840	16	\$2,800	32	\$4,800	8	\$1,360	0	\$0	24	\$5,280		\$0	\$0
4	\$920	48	\$8,400	0	\$0	0	\$0	16	\$1,680	0	\$0		\$1,500	\$0
4	\$920	16	\$2,800	0	\$0	0	\$0	0	\$0	0	\$0		\$0	\$0
8	\$1,840	8	\$1,400	0	\$0	0	\$0	16	\$1,680	0	\$0		\$0	\$0

Task 3: HOUSING ELEMENT UPDATE REVIEW AND HCD COORDINATION		FEE TYPE	
Screencheck Draft and Public Review Draft	T&M NTE	\$	14,560
HCD Coordination	T&M NTE	\$	12,460
Final Housing Element	T&M NTE	\$	6,240
Public Hearings	T&M NTE	\$	16,040
Task 3 Value:		\$	49,300

8	\$1,840	40	\$7,000	0	\$0	4	\$680	48	\$5,040	0	\$0		\$0	\$0
16	\$3,680	32	\$5,600	0	\$0	0	\$0	16	\$1,680	0	\$0		\$1,500	\$0
4	\$920	16	\$2,800	0	\$0	0	\$0	24	\$2,520	0	\$0		\$0	\$0
32	\$7,360	40	\$7,000	0	\$0	0	\$0	16	\$1,680	0	\$0		\$0	\$0

Task 4: ENVIRONMENTAL ANALYSIS		FEE TYPE	
Environmental Noticing and Outreach	T&M NTE	\$	1,800
Draft Environmental Analysis	T&M NTE	\$	12,000
Final Environmental Analysis and Adoption	T&M NTE	\$	1,800
Meetings and Public Hearings	T&M NTE	\$	4,200
Task 4 Value:		\$	19,800

0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0		\$0	\$1,800
0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0		\$0	\$12,000
0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0		\$0	\$1,800
0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0		\$0	\$4,200

Subtotal		\$	181,560
Reimbursable Expenses		\$	2,000
Estimated Project Total		\$	183,560

Fee Footnotes

Estimated fees for tasks shown as "Time and Materials - Not to Exceed" (T&M/NTE) are provided for informational purposes only. Amounts billed for these tasks, which will reflect actual hours, will not be exceeded without prior approval by the client.

Reimbursable Expenses

Incidental expenses incurred by RRM Design Group or any subconsultant it may hire to perform services for this project are reimbursed by the client at actual cost plus 10% to cover its overhead and administrative expenses.

Adjustment to Hourly Billing Rates

RRM reserves the right to adjust hourly rates on an annual basis.

Capitola City Council

Agenda Report

Meeting: May 12, 2022

From: City Manager Department

Subject: Receive Update on Pandemic Response and Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing



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

Background: In December 2019, an outbreak of a respiratory illness linked to the novel coronavirus (COVID-19) was first identified. In March 2020, the State of California, the County of Santa Cruz, and the City of Capitola each declared a state of emergency due to the virus. Also in March 2020, the World Health Organization declared COVID-19 a pandemic.

State and local health officers issued health orders to stop the spread of COVID-19; in Santa Cruz County this included March, April, and May 2020 Shelter-In-Place orders that were more restrictive than statewide guidance. Since then, the County Health Officer has incorporated all Orders of the State Public Health Officer, which set baseline statewide restrictions on travel and business activities.

As of May 3, 2022, more than 6.2 million people worldwide have died of COVID-19. This is likely an undercount of all those that have died from the virus. There have been 515 million cases reported worldwide. At least 5.2 million children have lost a parent or caretaker due to the virus.

On May 5, 2022, The World Health Organization said that “nearly 15 million more people died during the pandemic than would have in normal times”.

Since the beginning of the pandemic in the United States more than 992,033 people have died from the virus and more than 81.2 million COVID-19 cases have been reported. According to November 2021 reports, one in 500 children in the U.S. has lost a parent or caregiver to COVID.

Discussion: Since the beginning of the pandemic in California, 89,694 deaths due to COVID-19 have been reported; there is currently a daily average of 13 deaths a day, down from 57 two-weeks ago. According to data from May 3, 2022, the average new COVID-19 case count per 100k was 12.4 (up from 10.6 on May 2 and 6.9 on April 22). In California, at least 1 in 4 residents have been infected with COVID-19.

Rising Cases

The Omicron variant of SARS-CoV-2 (COVID) is comprised of several lineages and sub-lineages. The three most common lineages of Omicron currently are BA.1, BA.1.1, and BA.2. The Omicron variant spreads more easily than the earlier variants of the virus, including the Delta variant. It is Omicron BA.2 that seems to be causing a steady rise in cases once again, first seen in the U.K. and now reflected in the U.S. primarily on the east coast in more than a dozen states.

The New York Times reported on May 3 that in the United States “cases are increasing in all but four states and territories, and in more than a dozen, the daily case average is twice as high

today as it was two weeks ago. Despite this rapid growth, the virus's true spread is believed to be even greater, since many infections go uncounted in official case reports”.

Boosters

On March 29, 2022, the Center for Disease Control (CDC) announced a recommendation that certain individuals (outlined below) receive an additional mRNA booster (a Moderna or Pfizer shot). Those recommended for an additional booster are:

- 1) Immunocompromised individuals
- 2) People over the age of 50 who received an initial booster dose at least 4 months ago
- 3) Adults who received a primary vaccine and booster dose of Johnson & Johnson's Janssen COVID-19 vaccine at least 4 months ago

Masks

The California Department of Public Health updated its guidance on facial coverings in February.

Everyone is required to wear masks in:

- Public transit and in stations, terminals, and airports
- Healthcare settings
- Emergency shelters and cooling and heating centers
- State and local correctional facilities and detention centers
- Homeless shelters
- Long-term care settings and adult and senior care facilities

Masks are strongly recommended for everyone in:

- Indoor public settings (now including K-12 schools and daycare, since March 12)
- Retail
- Restaurants
- Theaters
- Family entertainment centers
- Meetings
- State and local government offices that serve the public

The U.S. Government is giving out free N95 masks to those that need them. Each person is eligible for three masks, and masks will be available at community health centers, pharmacies, and other stores. Locally, Walgreens and CVS are currently distribution points.

At-home tests are now more readily available at many drug stores. Four free rapid antigen at-home tests are also available for all residents, provided by the federal government. Shipments are limited per household, and you can sign up for your free delivery through the United States Postal Service with this link: <https://special.usps.com/testkits>. Tests are generally delivered within a week-and-a-half of ordering.

Local Case Numbers and Statistics in Santa Cruz County

On April 20, the active case count in Santa Cruz County was 727. Now according to data from May 4, the active case count is 1,054. The average case count per 100k is 23.9. This number has risen from where it was on April 17 at 16.3 per 100k.

In our County the total death count due to COVID-19 is 261.

City Hall Operations

City Hall has been open to the public since June 2020 in one configuration or another, dependent upon applicable health guidance and local COVID-19 case levels. Staff has returned to the COVID-default setup, with the lobby open to one member of the public at a time.

Virtual/Teleconferencing Meetings & In-Person Meetings

The Governor signed Assembly Bill 361 on September 16, 2021. The Bill allows cities to continue virtual meetings (much as Capitola City Council Meetings function now) as long as the state is under a proclaimed state of emergency; through 2024 when the bill will sunset. The Bill requires legislative bodies to comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate and observe local government meetings. One of the requirements is for Council to adopt findings every thirty days.

Attached is a resolution that makes the following findings:

- 1) Find that current conditions authorize teleconference public meetings, based on the Governor's state of emergency regarding the COVID-19 Pandemic
- 2) Authorize legislative bodies to conduct teleconference meetings, allowing Capitola City Council, Planning Commission, and other advisory bodies to continue to meet using Zoom.

After feedback provided by Council during the March 24, 2022, meeting, staff is in the process of acquiring, installing, and testing the necessary equipment to allow for "hybrid" Council meetings (with both virtual and in-person attendance). Depending on changes in the pandemic, Council and staff will discuss conducting meetings in this manner beginning in summer. When Council does return for hybrid meetings, the public will be notified in advance that in-person attendance is welcome with information on the published meeting agenda as well as on the City website.

Fiscal Impact: Fiscal impacts are continually reviewed by Staff as business restrictions and consumer behaviors change in our community. In addition, the City Council has set aside \$600,000 to help ensure the City has available resources should the pandemic result in further unforeseen impacts, which remains in the approved FY 2021/22 Budget.

Attachments:

1. Proposed Teleconferencing resolution

Report Prepared By: Chloé Woodmansee, City Clerk

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54952(b) AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e)) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS

WHEREAS, the City Council is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the City Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, the recently adopted AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID-19) and that State of Emergency is still in effect in the State of California; and

WHEREAS, on March 12, 2020, the Capitola City Council proclaimed the existence of a local emergency due to the worldwide spread of the coronavirus with Resolution No. 4168, pursuant to Section 8.08.020 of the Capitola Municipal Code and Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic; and

WHEREAS, COVID-19 continues to threaten the health and lives of City residents; and

WHEREAS, the SARS-CoV-2 Delta Variant (Delta Variant) is highly transmissible in indoor settings; and

WHEREAS, on July 28, 2021, the California Department of Public Health issued guidance calling for the use of face coverings and stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state; and

WHEREAS, the Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the City; and

WHEREAS, on October 14, November 23, and December 9, 2021, January 13, February 10, and February 27, March 10, March 24, April 14, and April 28, 2022, the City Council adopted a resolution proclaiming the need to meet by teleconference pursuant to Government Code Section 54953; and

WHEREAS, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as "Legislative Bodies"), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use

teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the City Council does hereby:

1. Recitals. The Recitals set forth above are true and correct and are hereby incorporated by this reference.
2. Find that Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. The City Council has reconsidered the circumstances of the state of emergency and finds that based on the California Governor's continued declaration of a State of Emergency and current conditions, meeting in person would present imminent risks to the health or safety of attendees, such that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
3. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

I HEREBY CERTIFY that the foregoing resolution was PASSED and ADOPTED by the City Council of the City of Capitola on the 28th day of April 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sam Storey, Mayor

ATTEST: _____
Chloé Woodmansee, City Clerk

Capitola City Council

Agenda Report



Meeting: May 12, 2022

From: Public Works Department

Subject: Application from the Capitola Village and Wharf Business Improvement Association to Replace Arbor Sign at Stockton Avenue and Capitola Avenue

Recommended Action: Consider an application from the Capitola Village and Wharf Business Improvement Association to replace the sign hanging at the Stockton-Capitola Avenue arbor with a surfboard-style sign.

Background: In May 2019, City Council adopted Administrative Policy V-16 regarding decorations placed in public areas within Capitola Village (Attachment 1). Pursuant to this policy, the Capitola Village and Wharf Business Improvement Association (BIA) submitted a proposal to replace the existing sign hanging in the arbor at Stockton Avenue and Capitola Avenue with a new surfboard in April 2021. At that hearing, Council directed the BIA to update the sign and prepare a mockup of the proposed sign. Last month, the BIA submitted a new proposed sign for that location (Attachment 2), shaped like a surfboard but printed on aluminum.

The existing sign (Attachment 3), installed in 2005, welcomes visitors to Capitola Village and provides direction (in the form of an arrow) to public parking.

Discussion: The proposed surfboard sign would replace the existing decorative sign in the same location, which was installed as part of a 2005 sign program. That program included signs with the same design concept featuring historical images of Capitola, which were installed and currently remain in the Upper and Lower Beach and Village parking lots (behind City Hall), as well as wayfinding signs along Capitola Avenue, which direct visitors to Capitola Beach and the Village. Some of the wayfinding signs have since been replaced with new signs in a different design, but the signs in the upper parking lot remain and new duplicate signs for the lower lot are on order.

As detailed in the BIA request (Attachment 4), the proposed surfboard sign will be produced by Pleasure Point Design. It will be a digital print laminated on aluminum, as a real surfboard proved to be expensive and likely not allow crisp wording.

If approved, the City's Public Works Department will install the new sign.

Fiscal Impact: The Public Works Crew's installation costs can be covered with existing budgeted staffing costs.

Attachments:

1. Administrative Policy V-16: Village Streetscape Decoration
2. Proposed Surfboard Sign
3. Existing Village Arbor Sign
4. BIA email request

Report Prepared By: Steve Jesberg, Public Works Director

Reviewed By: Chloé Woodmansee, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager



ADMINISTRATIVE POLICY

Number: V-16
 Issued: 5/9/19

Jurisdiction: City Council

VILLAGE STREETScape DECORATIONS

I. PURPOSE

The purpose of this policy is to provide a process for the review and authorization of decorations placed in public spaces within Capitola Village. Decorations may include tree lighting, banners hung from streetlights, and any temporary placement of decorative items such as a seasonal décor or holiday celebrations.

This policy is intended to regulate the placement of decorations independent from approved Special Events. Any decorations proposed as part of a Special Event shall be reviewed and approved through the Special Event process.

For the sole purpose of this policy, the term “Village streetscape” includes all public road rights-of-way in the CV (Central Village) zoning district including streets, sidewalks, green belts (Lawn Way), and Esplanade Park.

II. POLICY

All proposals for the installation or placement of decorations shall be submitted to the Public Works Department a minimum of sixty (60) days prior to the desired date of installation. All proposals will be reviewed by Public Works staff who will consult with other City departments as needed.

Village streetscape decorations must promote the Village or City. Decorations cannot advertise any specific business or product.

All new proposed Village decorations must be approved by the City Council. Applicants are advised not to purchase any decorations until City approval is granted.

Previously approved Village decorations may be approved by the City Manager provided the City Manager can make all of the following findings:

1. The decorations were previously approved by the City Council.
2. The decorations were installed the previous year.
3. There are no significant modifications or variations to the decorations as compared to prior years.
4. There were no major issues with the decorations in recent prior years.
5. The decorations, as proposed, can function safely.
6. The decorations will not cause undue interference with previously approved or ongoing activities, construction, road maintenance, public transit systems, or traffic.
7. The decorations provide a benefit to the Village or City.

If the City Manager cannot make the above findings, the proposal shall be denied, or the City Manager may refer the proposal to the City Council. The City Manager's approval/denial of a decorating proposal is appealable to the City Council. All appeals must be made pursuant to Chapter 2.52 of the Capitola Municipal Code.

The City Manager may refer any recurring decorating proposal to the City Council for consideration. Any Council Member may require that any recurring decorating plan be brought to the City Council for consideration by making such a request prior to the City Manager's approval.

III. INSURANCE

All entities installing decorations on Village streetscape must provide proof of general liability insurance that names the City of Capitola as an additional insured. Insurance coverage must be maintained for the duration that the decorations are installed. The insurance requirements shall meet the levels stipulated in the most current contract between the City and the Capitola Village and Wharf Business Improvement Association

IV. INSTALLATION

Installation of all decorations must be coordinated with the Department of Public Works.

All decorations to be installed by the City must be delivered to the City Public Works Corporation Yard located at 430 Kennedy Drive, Capitola CA 95010 at least one (1) week prior to the installation date.

If the applicant proposes to self-install decorations, the Public Works Department must be notified 72 hours in advance of the installation date. Any corrective action to applicant-installed decoration must be remedied immediately by the applicant upon notice from the City. Failure by the applicant to take required corrective actions may result in removal of the decoration by the Public Works Department. Applicant will be charged for any costs associated with removal due to failure by the applicant to take corrective action.

The City reserves the right to remove Village streetscape decorations at any time for any or no reason.

V. PROCEDURE

- A. Submit Village Streetscape proposals to Public Works 60 days prior to desired installation. Repeat plans may be submitted 30 days in advance. Plan shall include the following:
 - 1) Description of decoration purpose and theme
 - 2) Date of installation and date of removal
 - 3) Description of decorations including:
 - a. Description of individual elements
 - b. Pictures or sketches required for all elements
 - c. Manufacturer or supplier and color of any lights
 - d. Size of elements if applicable
 - 4) Placement (use of a plan sheet is encouraged)

- 5) Insurance certificate
- B. Initial review by applicable Public Works Department
- C. Public Works will route to City Departments
- D. Approval by the City Manager or City Council
- E. Public Works Department will issue notice of approval

This policy is approved and authorized by:



Jamie Goldstein, City Manager

• Please Inspect and Read This Proof Very Carefully •

This proof is an important phase of your project. Now is the time to catch any errors. Items like phone numbers, addresses, and names cannot be spell checked, therefore PPD Multimedia is not accountable for incorrect information. Please take the time to verify all printed information prior to signing this form.

Item 8 A.



96" w x 28" h



Approved By _____ Date _____

Client: Capitola BIA

Project: Surfboard Parking Sign

Date: 4-13-22

Filename: capitola bia/signs/parking sign/surfboardparkingsign_proof4.ai

Studio 831.479.9098
3700 Portola Drive • Santa Cruz, CA 95062
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WELCOME TO
CAPITOLA VILLAGE

P ←
ALL DAY
PARKING

Day at the beach - July 9, 1903



Jesberg, Steve (sjesberg@ci.capitola.ca.us)

From: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
Sent: Wednesday, April 13, 2022 5:30 PM
To: Jesberg, Steve (sjesberg@ci.capitola.ca.us)
Subject: Fwd: [PDF] Parking sign
Attachments: surfboardparkingsign .pdf

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From: Carin Hanna <carinhanna@aol.com>
Sent: Wednesday, April 13, 2022 4:34:23 PM
To: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us>
Subject: [PDF] Parking sign

Hi Jamie,

The BIA board has voted on the final design for the parking sign at the intersection of Stockton and Cap Ave. Obviously this needs to go through the city. We are hoping since the general concept of a surfboard shaped sign has already been to the council and the only real objection was the wording, we are hoping we can see some sort of fast track on this. We took the council suggestions with minimal wording and predominantly international blue coloring. Could it go directly to the council rather than through Planning Commish? Also we hope not to get the Arts Commission involved to even further muddy the waters.

The sign will be produced by Pleasure Point Design. It will be a digital print laminated on aluminum as a real surfboard proved to be expensive and likely not look as crisp.

Please let me know what the next step will be. Summer's almost here.

Thanks, Carin

Capitola City Council

Agenda Report

Meeting: May 12, 2022

From: Police Department

Subject: Women on Waves Surf and Swim Contest



Recommended Action: Consider expanding Women on Waves Surf and Swimming Contest, a previously approved General Special Event, from a one-day to a two-day event.

Background: Women on Waves Surf Contests (WOW) are surf and swimming contests that highlight and celebrate female surfing while raising money to benefit women-focused non-profit organizations in the local community. Since its inaugural event in 1997, leadership has expanded and evolved. This year's event is being organized by local business owner Aylana Zanville.

Historically, Women on Waves events in Capitola drew crowds less than 200 attendees, necessitating only a Minor Special Event permit, processed by the Police Department, and approved by the City Manager. However, in 2018, due to positive surf conditions and weather, the event was a pivotal success with many more spectators and more than 200 participants. Event organizers did not apply for any type of SEP in 2019 and the event did not take place. As result of the 2018 success and the event's impact on City services, organizers were directed to apply for a General Special Event Permit in 2020, which was approved by City Council on March 12, 2020. The event did not end up taking place due to the onset of the COVID-19 pandemic. Now, WOW would like to expand the event proposed for this year to a two-day event held on October 22 and 23, 2022.

Discussion: Special Event Permits (SEP) are divided into two categories: Minor Special Events, with less than 200 attendees and limited City impact and which can be approved by the City Manager; and General Special Events, which have more than 200 attendees and/or expect notable impacts to City services or a neighborhood. Applications for new General Special Events must be presented to Council for review, consideration, and approval. Currently, the City has approved 19 Minor Event Permits this year and 11 General Event Permits. Furthermore, three of the 11 General events are 2-day events.

The applicant for the Women on Wave event has applied for a two-day General Event SEP on Saturday and Sunday, October 22 and 23, 2022, from 7:30 am – 7:30 pm. The event is comprised of women and girls surfing and swimming contests and the anticipated attendance is between 250 to 350 people. Vendor concession tents have been requested along the grassy area of the Esplanade Park, including a few contestant tents on the beach along the seawall. Vendors will be limited to selling event-shirts apparel, sunscreen, jewelry, and arts and crafts. There will also be a skin-cancer screening tent to encourage self-care. Attendees will be encouraged to dine at local restaurants. No food will be sold at the event and no merchandise will be sold outside of Esplanade Park.

Participants and attendees will use local City parking and no requests for road closures have been made. The applicant has agreed to supply two portable toilets and additional trash/recyclable receptacles. The applicant will rely on volunteers to staff the event and will hire off-duty lifeguards for the swimming event.

The Police Department has not received any complaints or citizen calls for police services during the designated operational period during any of the previous WOW events.

Fiscal Impact: The fiscal impact on the City of Capitola is offset by the event operator fees.

Attachments:

1. 2022 Women on Waves Surf and Swim Contest SEP Application

Report Prepared By: Andrew Dally, Chief of Police

Reviewed By: Chloé Woodmansee, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

SPONSORING ORGANIZATION AND APPLICANT INFORMATION

- ⊙ Event Name: Women on Waves Surf & Swim Contest
- ⊙ Event Description: Women & girls surf & swim contest
- ⊙ Event Purpose: To get women & girls in the water in a supportive atmosphere
- ⊙ Sponsor: Ola Chica
- ⊙ Sponsor's Address: 456 Palm St.
Santa Cruz CA 95060
city state zip code
- ⊙ Sponsoring Organization's Phone: (831) 359-1175
- ⊙ FAX Number: () N/A E-Mail Address: olachicasc@gmail.com
- ⊙ Contact Person's Name: Aylana Zanville
- ⊙ Business Phone: () Cellular Phone: (831) 359-1175
- ⊙ FAX Number: () E-Mail Address: olachicasc@gmail.com

Will you be using a professional Special Event Organizer? If yes, please include all foregoing information about the organizer on a separate sheet of paper and attach to your application.

EVENT INFORMATION

- ⊙ Type of event: Run Festival Parade Sale Motion Picture Block Party
- ⊙ Other (specify) _____
- ⊙ Event Location: Capitola Esplanade, upper esplanade & beach
- ⊙ Event Dates: 10/22-10/23/22 Anticipated Attendance: 250
- ⊙ Web Site Information: womenonwavessurfcontest.com E-Mail Address: womenonwavessurfcontest@gmail.com
- ⊙ Will the public be invited? Yes No

Actual hours open to the public or "advertised" event hours:

- ⊙ Date: 10/22 Time: 7:30 AM/PM to 7:30 AM/PM
- ⊙ Date: 10/23 Time: 7:30 AM/PM to 6:30 AM/PM
- ⊙ Date: _____ Time: _____ AM/PM to _____ AM/PM
- ⊙ Has this event taken place before? Yes No Any changes to this event? Yes No
- ⊙ If yes, what changes? Two days instead of one
- ⊙ If yes, please attach a copy of your last permit for this event, if available.
- ⊙ Will this event be promoted, advertised or marketed in any manner? Yes No
- ⊙ Will there be live media coverage during your event? Yes No
- ⊙ If yes, please explain: _____

- ∞ Are admission, entry or vendor participant fees required? Yes No
- ∞ If yes, explain: Public admission fees: \$ 0 per person
- Participant entry fees: \$ 50-100 per person
- Vendor fees: \$ 150 per booth
- Number of vendors: 14-20
- How many vendors are for profit? 12-18
- How many vendors are nonprofit? 2-3

∞ \$ 13,000 Total estimated gross receipts, including tickets, product and sponsorship sales from this event. Explain how this amount was computed. Indicate amount per item.

\$ <u>0</u>	Admission fees
\$ <u>2,000</u>	Product fees
\$ <u>3,000</u>	Sponsorship
\$ <u>7,000</u>	Participant entry fees
\$ <u>1,000</u>	Other (Please specify): <u>raffle tickets</u>

∞ \$ 7,050 Total estimated expenses for this event.

\$ <u>750</u>	Advertising
\$ <u>0</u>	Wages, salaries
\$ <u>2,400</u>	City services (police, fire, street closures)
\$ <u>400</u>	Insurance
\$ <u>150</u>	Business license fee
\$ <u>3,350</u>	Other (Please specify): <u>Lifeguards, awards, parking</u>

∞ Is the organization a "tax exempt, nonprofit" organization? Yes No

∞ \$ 5,000 Projected amount of revenue the Sponsoring Organization(s) will receive as a result of this event.

∞ Specify the organization(s) to receive funding: Non-profit organization to be determined

∞ City sponsorship requested? Yes No If yes, please describe:

OVERALL EVENT DESCRIPTION

∞ Will a staging/setup/assembly location be required? Yes No

∞ If yes, begin day/date: 10/21 Start time: 5:00 AM PM

∞ Location: Esplanade

∞ Description of the scope of the setup/assembly work (Attach additional pages and drawings as needed): structures for check in, banner
Some tables & chairs, a few tents &
judges stand at end of path.

Set-up

∞ If yes, dismantle day date: 10/23 Completion time: 7:00 AM/PM

∞ List the street(s) requiring closure as a result of this event. Include street names, day, date and time of closing and the time of reopening: NO street
closures

City of Capitola to conduct street closures as needed (cost to be specified)

∞ List street(s) requiring the posting of "No Parking" signs. Indicate days, dates, and times needed and an explanation of necessity for "No Parking" zone: 10/22 - 10/23
No parking in 2 spots closest to
Esplanade All day

Parking spots

Seventy-two

NOTE: "No Parking" signs will be posted twenty-four hours in advance of required days, dates and time. Cost for the posting of "No Parking" signs will be specified upon review of the application by City staff.

OVERALL EVENT DESCRIPTION (continued)

∞ Attach a diagram (please try to make diagram reasonably to scale), showing the overall layout and setup locations. Using the letters below, indicate the site for these on your diagram.

- A Alcoholic and nonalcoholic concession
- B First-aid facilities
- C Tables and chairs
- D Fencing, barriers and/or barricades
- E Generator locations and/or sources of electricity
- F Canopies or tent locations
- G Booths, exhibits, displays or enclosures
- H Scaffolding, bleachers, platforms, stages, grandstands, related structures
- I Vehicles and/or trailers
- J Trash containers or dumpsters
- K Non-food vendor locations
- L Food concession and/or food preparation areas
- M Portable toilet locations

N Other related event components not covered above (describe separately)

∞ Please describe how food will be served at the event: No Food

∞ Will food be cooked in the event area? Yes No

∞ If yes, specify method: Gas Electric Charcoal Other (specify):

∞ Does the event involve the sale or use of alcoholic beverages? Yes No

∞ If yes, please describe: _____

∞ If alcohol is to be sold, how will the alcohol sales be regulated? _____

Please attach a copy of your ABC license.

∞ Will there be items or services sold at the event? Yes No

∞ If yes, please describe: shirts, hats, apparel, jewelry
arts & crafts, sunscreen, surfboards

∞ Do the vendors have City of Capitola business licenses? Yes No

OVERALL EVENT DESCRIPTION (continued)

Portable and/or permanent toilet facilities:

- ∞ Number of portable toilets: 1 (Recommended: 1 for every 250 people)
- ∞ Number of ADA-accessible toilets: 0 (Recommended: 10% of total toilets)

(NOTE: Unless the Applicant can substantiate the availability of both accessible and non-accessible toilet facilities in the immediate area of the site, the above is required. Portable toilet facilities must be in place 24 hours in advance, cleaned and sanitized daily during the event, and must be removed by 8:00 a.m. the next business day following the event. Location sites for portable toilets must be pre-approved prior to installation.)

- ∞ Number of trash receptacles: 1
- ∞ Number of dumpsters with lids: 0 (Recommended 1 per 400 people)
- ∞ Number of recycling containers: 1 (Voluntary)
- ∞ Describe the plan for cleanup and removal of waste and garbage during and after the event:

We have volunteers throughout the day
cleaning up.
At the end of the day we have a
cleanup committee that will make
sure everything is as good, if not
better than we found it.

(Note: It is the event organizer’s responsibility to dispose of waste and garbage daily throughout the term of the event, unless otherwise contracted with City staff, which will require a fee. Immediately upon conclusion of the event, the venue must be returned to a clean condition. Street sweeping can be arranged with City crews for an additional fee.)

PARKING PLAN – SHUTTLE PLAN – MITIGATION OF IMPACT

- ∞ Please provide a detailed description or diagram that indicates the proposed parking plan and/or shuttle plan for the event. Include a description of the parking plan/shuttle plan for the disabled.

people will park in the paid parking lots. No shuttle service

∞ Describe plan to notify those residents, businesses, churches, etc. that will be impacted by this event.

We will walk around the village and hand out flyers to let all the businesses know about the event. I will also make some phone calls to connect with Matt @ the Surf company.

∞ Does this event involve a moving route of any kind along streets or sidewalks?

Yes No

∞ If yes, highlight your proposed route on the enclosed map, indicating the directions of travel, and provide a written narrative to explain your route and its impact.

∞ [Blank lined area for narrative]

∞ Does this event involve a fixed venue site? Yes No

∞ If yes, highlight the site on the enclosed map, showing all the streets impacted by the event.

SAFETY - SECURITY

Is there a professional security organization to handle security for this event? Yes No

If yes, please name security company: We will hire night security to

If no, do you wish to contract police services from the Capitola Police Dept.? Yes No (See fee schedule)

Make sure all structures are safe.

Security company's address: _____
street
_____ city _____ state _____ zip code

Security Director's name: _____

Security Director's phone number: (__) _____

Security company's state license number: _____

Security company's business license number: _____

Security company's insurance carrier: _____ City or privately secured?

On-site contact person (security supervisor): _____

Any searches prior to entering? Yes No

Bottle and can check? Yes No

Metal detectors? Yes No

How many security guards at each entrance? _____

Parking Lot Patrol (Private Security):

Security company: _____

Contact person (security supervisor): _____

Number of security guards patrolling the parking lot: _____

Lighting:

If this is an evening event, please state how the event and surrounding areas will be illuminated to ensure the safety of the participants and spectators.

Medical:

Indicate what arrangements have been made for providing first-aid staffing:

Lifeguard on duty all day

ENTERTAINMENT – ATTRACTION – RELATED EVENT ACTIVITIES

- ∞ Is there any musical entertainment or amplified sound related to your event?
 Yes No
- ∞ If yes, what kind: We will have 2 small amps: 1 for the surfers facing out to the water & 1 in the booth area playing
- ∞ Contact person's name: Aylana Phone number: (831) 359-1175 a playlist of mellow surf music.
- ∞ Contact person's address: _____ street _____
 _____ city _____ state _____ zip code
- ∞ Number of stages: 0 Number of bands: 0
- ∞ Type of music: Surf/Hawaiian Sound amplification? Yes No
- ∞ If yes, start time: 7:30 AM/ PM Finish time: 6:30 AM/ PM
- ∞ Have you applied for a sound permit? Yes No (Refer to city ordinance 9.12.040)
- ∞ Will sound checks be conducted prior to the event? Yes No
- ∞ If yes, do you wish to have the city provide the checks? Yes No
- ∞ Describe sound equipment that will be used: 2 small amps & a microphone
- ∞ Will fireworks, rockets or other pyrotechnics be used? Yes No
- ∞ If yes, name and phone number of pyrotechnic company: _____ () _____
- ∞ Describe (indicate dates, times and locations for launching and fallout areas): _____
- ∞ Has a permit been issued? Yes No
- ∞ Will there be any type of open flames used? Yes No
- ∞ If yes, please describe: _____
- ∞ Will any signs, banners, decorations or special lighting be used? Yes No
- ∞ If yes, please describe: _____
 (Refer to city ordinance chapter 17.57)

INSURANCE REQUIREMENTS

INSURANCE

Applicant must provide insurance at the following minimal limits: \$1,000,000 (one million) combined single limit. (Two million for the annual Art and Wine Festival). This Certificate of Insurance must name the City as an additional insured throughout the event duration, including setup and breakdown. The Certificate of Insurance, including limits of insurance, must be received by the Special Events Coordinator by Still Water Insurance to finalize this permit.

HOLD HARMLESS

The Applicant will, at its sole expense, provide the City with evidence of insurance for general liability and Worker's Compensation benefits for accidents or injuries that occur or are sustained in connection with the special event which is the subject of this permit application and contract. The Applicant agrees on behalf of itself and on behalf of its agents and employees that the Applicant will not make a claim against, sue, attach the property of, or prosecute the City or any of the City's agencies, employees, contractors or agents for injury or damages resulting from negligence or other acts, however caused, which might be asserted against the City in connection with actions taken by the City or the City's employees or agents in connection with this Special Event Permit. In addition, Applicant, on behalf of itself and its agents and employees, as well as its successors and assigns, hereby releases, discharges and holds the City harmless from, and indemnifies the City against, all actions, claims or demands Applicant, or Applicant's employees, agents, successors or assigns, or any third person now has or may hereafter have for personal injury or property damage resulting from the actions of the Applicant, the Applicant's employees or agents, or any other person under the control of the Applicant, taken pursuant to this Special Event Permit whether said actions are characterized as negligent or intentional.

Applicant Signature: 

ADVANCED CANCELLATION NOTICE REQUIRED

If this event is cancelled, notify the Special Events Coordinator at (831) 475-4242.

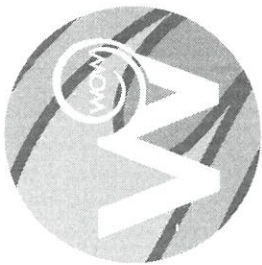
I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief, that I have read, understand and agree to abide by the rules and regulations governing the special event under Capitola Municipal Code, and that I understand that this applications is made subject to the rules and regulations established by the City Council and/or the City Manager or the City Manager's designee. I agree to comply with all permit conditions and with all other requirements of the City, County, state and federal governments and any other applicable entity that may pertain to the use of the event premises and the conduct of the event. I agree to abide by these rules and further certify that I, on behalf of the organization, am also authorized to commit that organization and, therefore, agree to be financially responsible for any costs and fees that may be incurred by or on behalf of the event to the City of Capitola.

Name of Applicant (print): Aylana Zanville

Title: Organizer

Signature of Applicant:  Date: 3/1/2022

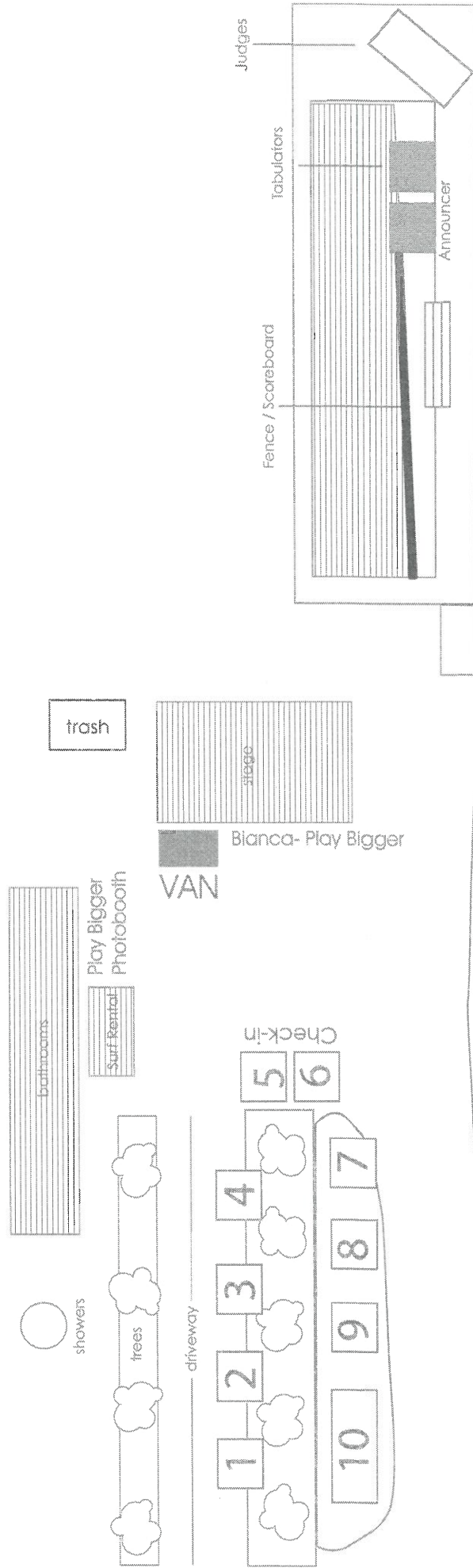
Submit to Capitola PD



WOMENONWAVESSURFCONTEST.COM

Expo 2022 / Option 1

1-15 VENDORS

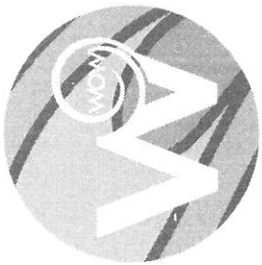


perfect waves



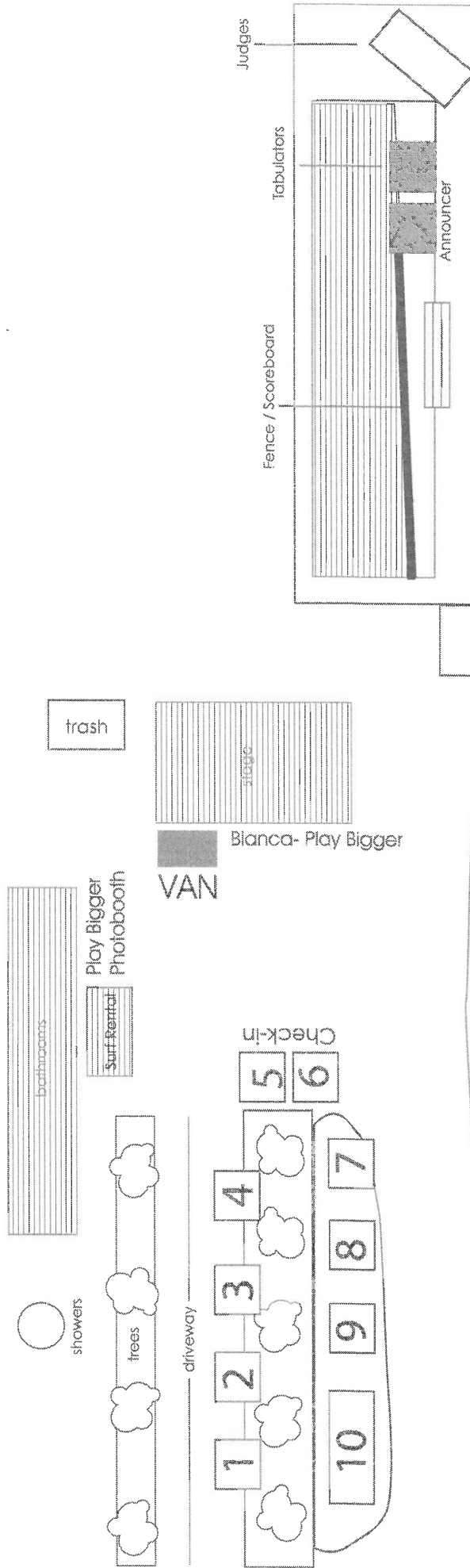
beach

Item 8 B.



WOMENONWAVESSURFCONTEST.COM

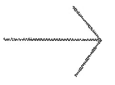
Expo 2022 / Option 2 1-20 VENDORS



- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

beach

perfect waves



Item 8 B.



CERTIFICATE OF LIABILITY INSURANCE

Item 8 B.

DATE (MM/DD/YYYY)

03/31/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Trans Bay Insurance 2161 San Pablo Ave Pinole, CA 94564 License #: 0I88680	CONTACT NAME: David G. Smith PHONE (A/C, No, Ext): (510)724-1200 FAX (A/C, No): (510)724-8041 E-MAIL ADDRESS: david@transbay.com INSURER(S) AFFORDING COVERAGE NAIC # INSURER A : Atain Specialty Insurance INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :
INSURED WOMEN ON WAVES SURF CONTEST P O BOX 7335 SANTA CRUZ, CA 95061	

COVERAGES **CERTIFICATE NUMBER: 00004356-22999** **REVISION NUMBER: 6**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		CIP436182	10/22/2022	10/24/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.I. EACH ACCIDENT \$ E.I. DISEASE - EA EMPLOYEE \$ E.I. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Capitola is named as Additional Insured.

Event: Woman on Waves Surf and Swim Contest - October 22-23, 2002

CERTIFICATE HOLDER City of Capitola 420 Capitola Ave CAPITOLA, CA 95010	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <div style="text-align: center;"> (DGS) </div>
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Capitola City Council

Agenda Report

Meeting: May 12, 2022

From: Community Development Department

Subject: Senate Bill 9 Residential Developments and Urban Lot Splits Ordinance



Recommended Action: 1) Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola adding Municipal Code Chapters 16.78 and 17.75, adding Municipal Code section 16.08.020, and amending section 17.74.040 for the implementation of government code sections 66411.7 and 65852.21 related to Urban Lot Splits and Senate Bill 9 Residential Developments; and 2) Adopt proposed resolution Authorizing Submittal to the California Coastal Commission for the Certification of an Amendment to the Local Coastal Program Adding Municipal Code Chapters 16.78 and 17.75, adding Municipal Code Section 16.08020, and Amending Section 17.74.040 for the Implementation of Government Code Sections 66411.7 and 65852.21 Related to Urban Lot Splits and Senate Bill 9 Residential Developments.

Background: The State legislature passed Senate Bill 9 (SB 9) in 2021; the bill went into effect on January 1, 2022. SB 9 enacted Government Code Sections 66411.7 and 65852.21, which apply solely to properties within a single-family (R-1) zone. The bill allows the subdivision on R-1 lots into two lots with up to two residential units on each new lot.

In February, 2022, the Planning Commission reviewed the draft SB9 ordinance and provided feedback. The feedback is outlined in the discussion portion of this report. During a special meeting in March the Commission reviewed SB9 buildout models designed to fit on typical Capitola lots and provided policy direction regarding height, setbacks, and parking options for smaller lots that cannot accommodate SB9 development without adding additional height or allowing parking within the entire front yard. On April 15, 2022, the City republished the draft ordinance, including all Planning Commission guidance. On April 21, 2022, the Planning Commission recommended City Council adopt the ordinance.

During the last Council meeting, staff provided an overview of SB9 and the draft ordinance.

Discussion: The proposed ordinance establishes two new chapters of the Capitola Municipal Code: Chapter 16.78 for Urban Lots Splits and Chapter 17.75 for Two Unit Developments. The ordinance establishes eligibility requirements, review procedures, and objective standards for review of urban lot splits and SB-9 residential development applications.

Consistent with State law requirements, the ordinance includes the following:

Eligibility:

- All properties located in the single family (R-1) zoning district Subdivision
- Up to two new parcels of at least 1,200 square feet in area
- Created lots at least 40 percent of the lot area of the original parcel
- Lots with access to the public right-of-way

Allowed Development:

- Up to two units allowed on each lot. Maximum of four units, total.

- Guaranteed allowance of up to 800 square feet per unit, regardless of setbacks, parking, and height
- 4 feet maximum side and rear yard setback

Ministerial Review:

- Ministerial review by staff. Not subject to discretionary review by the Planning Commission.
- Review limited to applying objective development standards
- Review cannot apply subjective standards, such as compatibility within the neighborhood.

When Planning Commission reviewed the first draft of the ordinance on February 3, it provided the following feedback:

1. Add requirement for deed restriction that development be limited to the standards within Chapter 17.75: Two-Unit Development in Chapter 17.75 and Chapter 17.74 Accessory Dwelling Units and prohibit Vacation Rental
2. Keep guaranteed allowance for unit size at 800 square feet
3. Increase maximum unit size to 1,200 square feet for consistency with ADU regulations
4. Do not require separation between residential units
5. Limit front porch development to maintain front yards
6. Remove requirement that color and materials must match other structures on the same parcel
7. Include stormwater and onsite infiltration/pervious surface requirements
8. Specify if accessory uses, such as home occupancy or childcare, are allowed
9. For guaranteed allowance, protect front yards as the last option to expand into
10. Consider decreased side and rear setbacks for smaller lots
11. For lots created through SB9 Urban Lot Split, allow zero setbacks from the new central lot line
12. Minimize curb cuts for driveways. Require shared driveways with a maximum of one curb cut
13. Create maximum driveway widths rather than minimum driveway widths
14. Add standards to preserve front yards in single-family neighborhoods
15. Do not require covered parking
16. Guide parking to the side and rear of homes, not in the front yard

On March 31, 2022, the Planning Commission reviewed SB9 buildout models on typical Capitola lots and provided feedback. Specifically, further study of the proposed SB9 development standards applied to Capitola's typical lot sizes revealed that lots under 5,500 square feet in size cannot accommodate four 800-square-foot units which comply with the SB9 ordinance setbacks, height, and parking requirements. For instance, on a 3,200 square foot lot, if parking is required onsite but not in the front yard, a third story and decreased front yard setbacks must be allowed to fit four 800 square foot units within the two lots. During the meeting, three of the five Commissioners directed staff to allow additional height up to three stories and require parking through shared access toward the back to the property to preserve front yards in the R-1 zone. Commissioners Routh and Wilk preferred parking in the front yard rather than additional height. Ultimately, the standards for additional height and no parking in the front yard were included in the draft ordinance recommended by Planning Commission, pursuant to the majority direction.

The draft ordinance was also sent to Coastal Commission staff for comments. In general, Coastal Commission staff comments suggested putting in protections for areas prone to flooding, sea

level rise, environmentally sensitive habitat areas (ESHA), and geologic hazards. Another suggestion of Coastal staff was to require onsite parking or limit development in areas with limited street parking availability to ensure coastal access. Lastly, they requested additional notes to ensure the requirement of a Coastal Development Permit (CDP) and necessary CDP findings are required for all SB9 development projects within the coastal zone. In response to Coastal Staff's suggestions, City staff updated the draft ordinance to prohibited SB9 Residential Developments and Urban Lot Splits within the 100-year and 500-year flood areas, the Geological Hazards (GH) overlay, and within the Environmentally Sensitive Habitat Areas (ESHA) overlay. The ordinance was also updated to not allow any parking exceptions to onsite parking requirement for properties located on streets with extremely limited street parking near the coast to ensure coastal access is not impacted. A map of impacted streets is included in the ordinance.

At the April 28, 2022, City Council meeting, Mayor Story asked if the language regarding the Ellis Act in Section 16.78.020.B.6.c should be modified to state something other than "evict tenants". The specific language from the Ellis Act is "withdraw accommodations from rent or lease". The draft ordinance has been updated with this change.

CEQA: This action is statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Government Code sections 65852.21(j) and 66411.7(n), as this action is to adopt an ordinance to implement the requirements of sections 65852.21 and 66411.7 of the Government Code.

Fiscal Impact: None.

Attachments:

1. SB9 Ordinance
2. Resolution Authorizing Submittal to California Coastal Commission for Certification
3. SB9 Buildout Models
4. SB9 Map
5. Environmentally Sensitive Habitat Area Map
6. Geologic Hazards Map
7. Flood Map
8. Zoning Map
9. HCD SB9 Guidance
10. Coastal Commission SB9 Guidance

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Chloé Woodmansee, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

ORDINANCE NO. XXXX**AN ORDINANCE OF THE CITY OF CAPITOLA ADDING MUNICIPAL CODE CHAPTERS 16.78 AND 17.75, ADDING MUNICIPAL CODE SECTION 16.08.020, AND AMENDING SECTION 17.74.040 FOR THE IMPLEMENTATION OF GOVERNMENT CODE SECTIONS 66411.7 AND 65852.21 RELATED TO URBAN LOT SPLITS AND SB9 RESIDENTIAL DEVELOPMENTS**

WHEREAS, SB-9 (Chapter 162, Statutes of 2021) enacted sections 66411.7 and 65852.21 to the Government Code, effective January 1, 2022; and

WHEREAS, these provisions require the City to provide ministerial approval of urban lot splits, (“Urban Lot Splits”) and the construction of up to two residential dwelling units (“SB9 Residential Developments”) on each single-family residential zoned lot within the City, subject to certain limitations; and

WHEREAS, Government Code section 66411.7(a) limits eligibility of Urban Lot Splits by size and proportionality; and

WHEREAS, Government Code sections 66411.7(a)(3)(C) and 65852.21(a)(2) limit Urban Lot Splits and SB9 Residential Developments, respectively, to sites that are not located on or within certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, habitats for protected species, and historic properties, unless projects on such sites meet specified conditions; and

WHEREAS, Government Code sections 66411.7(a)(3)(D) and 65852.21(a)(3) through (a)(5) limit eligibility of an Urban Lot Split and a SB9 Residential Development, respectfully, that proposes to demolish or alter housing subject to affordability restrictions, housing subject to rent or price controls, housing that has been occupied by a tenant in the last three years, housing that has been withdrawn from rent or lease within the past 15 years, and housing that requires demolition of existing structural walls unless authorized by local ordinance or has not been tenant-occupied within the past 3 years; and

WHEREAS, Government Code sections 65852.21(a)(6) and 66411.7(a)(3)(E) allow a city to deny an Urban Lot Split for properties within an historic district or listed on the State’s Historic Resource Inventory or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance; and

WHEREAS, Government Code sections 66411.7(c) and 65852.21(b) allow a city to establish objective zoning standards, objective subdivision standards, and objective

design review standards for Urban Lot Splits and SB9 Residential Developments, respectively, subject to limits within state law; and

WHEREAS, such objective zoning standards, objective subdivision standards, and objective design review standards may not have the effect of “precluding the construction of two units on either of the resulting parcels from an Urban Lot Split or that would result in a unit size of less than 800 square feet” for a SB9 Residential Development; and

WHEREAS, Government Code sections 66411.7 and 65852.21 allow a city to deny a proposed SB9 Residential Development or Urban Lot Split, respectively, if the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

WHEREAS, pursuant to Government Code sections 65852.21(j) and 66411.7(n), the City may adopt an ordinance to implement the provisions of Government Code sections 65852.21 and 66411.7, and such an ordinance shall not be considered a project under the California Environmental Quality Act (“CEQA”); and

WHEREAS, in recognition of the City of Capitola’s unique geography and proximity to the Pacific Ocean, the City Council desires to implement objective standards and an application process for projects undertaken pursuant to Government Code Sections 65852.21 and 66411.7 by the adoption of such an ordinance;

WHEREAS, on February 3, 2022, and March 31, 2022, the Planning Commission provided feedback on draft objective standards.

WHEREAS, on April 21, 2022, the Planning Commission recommended to the City Council adoption of the objective standards.

BE IT ORDAINED by the City of Capitola as follows:

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

Section 2. Section 16.08.120 (Urban Lot Split) is added to Chapter 16.08 (Definitions) to read as follows:

16.08.020 Urban Lot Split.

The subdivision of a parcel within a residential single-family (R-1) zone into two parcels pursuant to Section 66411.7 of the Government Code and Chapter 16.78 of the Capitola Municipal Code.

Section 3. Chapter 16.78 (Urban Lot Splits) is added to Title 16 (Subdivisions) of the Capitola Municipal Code as set forth in Attachment 1, attached hereto and incorporated herein by this reference.

Section 4. The following subsection M is added to Section 17.74.040 (General Requirements) of Chapter 17.74 (Accessory Dwelling Units) of the Capitola Municipal Code to read as follows:

M. Pursuant to the authority provided by section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: 1) an Urban Lot Split has been approved pursuant to Chapter 16.78 herein; and 2) a SB9 Residential Development with two units has been approved for construction pursuant to Chapter 17.75 herein.

Section 5. Chapter 17.75 (SB9 Residential Developments) is added to Title 17, Part 3 (Zoning, Citywide Standards) of the Capitola Municipal Code as set forth in Attachment 2, attached hereto and incorporated herein by this reference.

Section 6: Environmental Review.

The City Council finds and determines that enactment of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Government Code sections 65852.21(j) and 66411.7(n), as this action is to adopt an ordinance to implement the requirements of sections 65852.21 and 66411.7 of the Government Code.

Section 7: Effective Date.

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

Section 8: Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and

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

Section 9: Certification.

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

This Ordinance was introduced at the meeting of the City Council on the ____ day of _____ 2022, and was adopted at a regular meeting of the City Council on the ____ day of _____ 2022, by the following vote:

AYES:
NOES:
ABSENT:

Sam Story, Mayor

Attest: _____
Chloe Woodmansee, City Clerk

Approved as to form:

Samantha Zutler, City Attorney

CHAPTER 16.78 – URBAN LOT SPLITS

Sections:

16.78.010	Purpose and Intent
16.78.020	Eligibility
16.78.030	Objective Standards
16.78.040	Parcel Map Application Review and Action
16.78.050	Use and Development Requirements
16.78.060	Deed Restrictions

16.78.010 Purpose and Intent

This chapter contains requirements for urban lot splits to implement Government Code Section 66411.7. These requirements are necessary to preserve of the public health, safety, and general welfare, and to promote orderly growth and development. In cases where a requirement in the chapter directly conflicts with Government Code Section 66411.7, the Government Code governs.

16.78.020 Eligibility

- A. Parcel Map Required.** A parcel map is required for all urban lot splits pursuant to Government Code Section 66411.7.
- B. Requirements to Accept Application.** The City shall accept a parcel map application for an urban lot split only if the application complies with all of the following requirements:
1. **Existing Parcel Size.** The area of the existing parcel is 2,400 square feet or more.
 2. **Number of New Parcels.** The urban lot split creates no more than two new parcels.
 3. **New Parcel Size.** The area of each newly created parcel is:
 - a. At least 1,200 square feet; and
 - b. No smaller than 40 percent of the parcel area of the original parcel.
 4. **Zoning District.** The parcel is located within the Residential Single-Family (R-1) zoning district.
 5. **Environmental Resources and Hazards.**
 - a. The parcel satisfies the requirements of Government Code subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, which prohibits development on sites subject to specified environmental resources and hazards.
 - b. The parcel is not located in any of the following areas as identified in the City's certified Local Coastal Program:
 - (1) Geological hazard areas.

- (2) 100-year and/or 500-year flood hazard areas.
- (3) Environmentally Sensitive Hazard Habitat Areas (ESHA).

6. **Affordable and Rental Housing.** The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
- c. A parcel or parcels on which an owner of residential real property has exercised the owner’s rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code (the Ellis Act) to withdraw accommodations from rent or lease ~~evict tenants due to the property owner’s decision to no longer use the property for rental housing within~~ 15 years before the date that the development proponent submits an application.
- d. Housing that has been occupied by a tenant in the last three years based on the date of the application for an urban lot split.

7. **Historic Resources.**

- a. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code.
- b. The parcel is not located on a site which includes a structure that is a Designated Historic Resource or that meets the criteria provided in Municipal Code Section 17.84.020.B. to qualify as a Designated Historic Resource.

8. **No Prior Urban Lot Split.**

- a. The parcel has not been established through prior exercise of an urban lot split provided for in Government Code Section 66411.7 of this chapter.
- b. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this chapter.

16.78.030 Objective Standards

All urban lot splits shall comply with the following standards, unless the applicant can demonstrate that a standard would have the effect of physically precluding the construction of two units on either of the resulting parcels or would preclude a unit size of 800 square feet for either unit.

- A. Parcel Line Angles.** New parcel lines that abut a street shall maintain right angles to streets or radial to the centerline of curved streets, or be parallel to existing parcel lines.

B. Street Frontage/Flag Lots. Parcels without 20 feet or more of frontage on a street are not permitted, except that flag lots are permitted if:

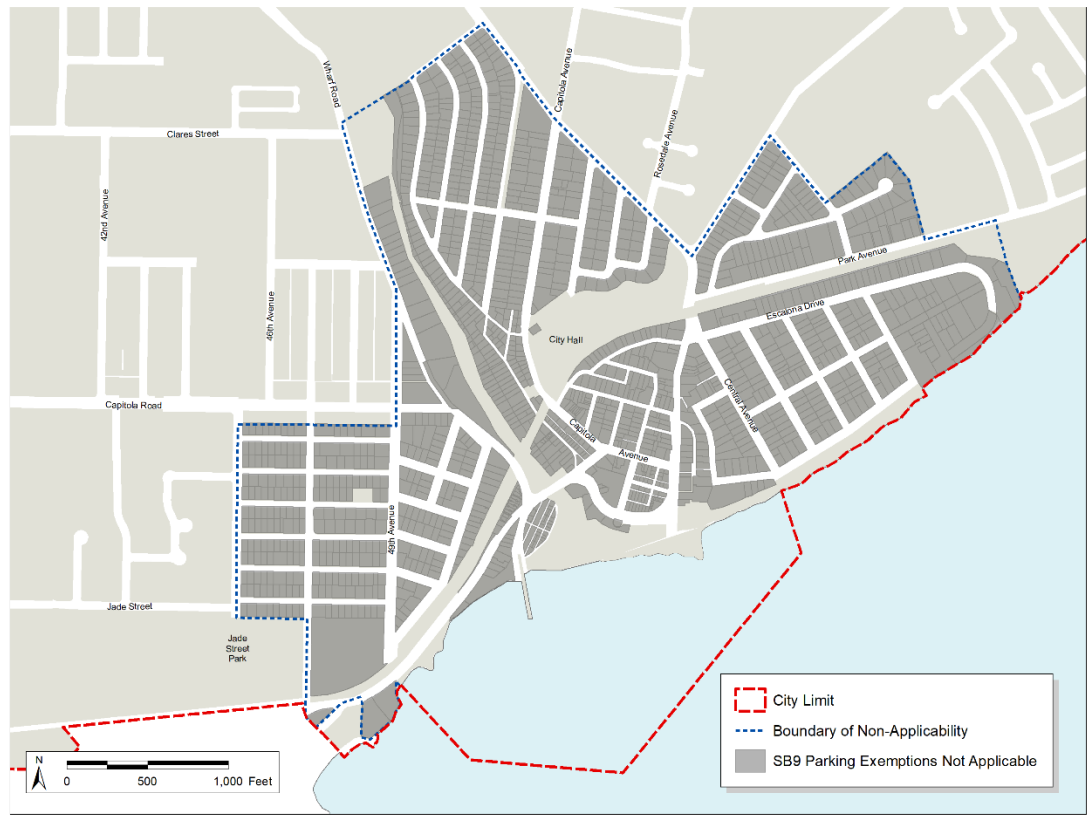
1. The front corridor portion of the flag lot is at least 5 feet in width; and
2. The lot shares with the other newly created lot a driveway or private road at least 10 feet in width and no more than 40 percent of the parcel width or 20 feet, whichever is less.

C. Parking.

1. **Number of Spaces.**

- a. A minimum of one off-street parking space shall be provided for each dwelling unit except that no parking is required where the parcel satisfies one or more of the following circumstances:
 - (1) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
 - (2) There is a car share vehicle located within one block of the parcel.
- b. The exception for parcels that satisfy subparagraphs (1) or (2) does not apply to areas identified in Figure 1.

Figure 1



2. Shared Driveways.

- a. Both newly created parcels shall share one driveway providing vehicle access to the parcels. A maximum of one curb cut is permitted to serve both newly created parcels.
- b. The maximum width of the new driveway crossing a public sidewalk is 12 feet.

D. Access to Public Right-of-way. The newly created parcels shall provide access to or adjoin the public right-of-way, sufficient to allow development on the parcel to comply with all applicable property access requirements under the California Fire Code section 503 (Fire Apparatus Access Roads) and California Code Regulations Title 14, section 1273.00 et seq. (Intent).

E. Setbacks.

1. No setback is required for an existing structure or a structure reconstructed in the same location and to the same dimensions as an existing structure. In all other circumstances minimum setbacks consistent with Zoning Code Section 17.75.050 (Objective Development Standards) are required.
2. Within the coastal zone, structures must comply with minimum setbacks from environmentally sensitive habitat areas and geologic hazards as specified in Zoning Code Chapter 17.64 (Environmentally Sensitive Habitat Areas) and Chapter 17.68 (GH Geologic Hazards District).

3. Verification of size and location of the existing and proposed structure requires pre- and post-construction surveys by a California licensed land surveyor.
- F. Existing Structure on One Parcel.** The proposed lot split shall not result in the splitting of any structure between the two parcels and shall not create a new encroachment of an existing structure over a property line.
- G. Residential Land Use.** The proposed new parcels must be intended for residential use.
- H. Floor Area Calculation.** Floor area calculation exclusions in 17.48.040(B)(6) do not apply to an SB9 residential development.
- I. Compliance with Subdivision Requirements.** The parcel map shall satisfy the objective requirements of the Subdivision Map Act and this title regarding parcel maps, including Chapter 16.24 (Design Standards) except as provided in this chapter.

16.78.040 Parcel Map Application Review and Action

- A. Application Contents.** A parcel map application for an urban lot split must be filed with the Community Development Department on an official City application form. Applications shall be filed with all required fees, information, and materials as specified by the Community Development Department. At a minimum, an application package shall include the following:
1. Title report showing the current ownership and all liens and encumbrances.
 2. Copies of deeds for all properties included in the request.
 3. A plat map drawn to scale by a licensed land surveyor or registered civil engineer depicting all of the following:
 - a. Existing and proposed parcel lines.
 - b. Location of easements required for the provision of public services and facilities to each of the proposed parcels.
 - c. Location of any easements necessary for each parcel to have access to the public right-of-way.
 - d. Survey of existing conditions signed and stamped by licensed land surveyor or civil engineer.
 - e. Site plan with existing conditions, proposed parcel lines, driveways, and location of utility easements.
 4. An affidavit, signed by the property owner under penalty of perjury, declaring all of the following to be true:
 - a. Any housing units proposed to be demolished or altered have not been occupied by a tenant at any time within three years of the date of the application for an urban lot split.

- b. The owner of the parcel intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split. Owner-occupancy is not required if the owner is a community land trust or qualified nonprofit corporation under Sections 214.15 or 402.1 of the Revenue and Taxation Code.
- c. The owner has not previously subdivided an adjacent parcel using an urban lot split.
- d. The owner has not previously acted in concert with any person to subdivide an adjacent parcel using an urban lot split. “Acted in concert” means that the owner, or a person acting as an agent or representative of the owner, knowingly participated with another person in joint activity or parallel action toward a common goal of subdividing the adjacent parcel.

B. Ministerial Approval. The Community Development Director shall ministerially approve a parcel map for an urban lot split if the application complies with all requirements of this chapter. No public hearing or discretionary review is required.

C. Basis for Denial.

1. The Community Development Director shall deny the urban lot split if either of the following is found:
 - a. The urban lot split fails to meet or perform one of more objective requirements imposed by the Subdivision Map Act or by this chapter. Any such requirement or condition that is the basis for denial shall be specified by the Community Development Director in writing.
 - b. The building official makes a written finding, based upon a preponderance of the evidence, that the proposed subdivision would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
2. For an urban lot split in the coastal zone, the Community Development Director shall deny the application upon finding that the development is inconsistent with policies of the Local Coastal Plan and/or will have an adverse impact on coastal resources.
3. The Community Development Director shall not deny an urban lot split solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

D. Conditions of Approval.

1. **Easements.** The Community Development Director shall condition parcel map approval on the dedication of any easements deemed necessary for the provision of public services to the proposed parcels and any easements deemed necessary for access to the public right-of-way.

- 2. **Nonconforming Zoning Conditions.** The Community Development Director may not require the correction of nonconforming zoning conditions on the parcel a condition of parcel map approval.

E. Within Coastal Zone.

- 1. A proposed urban lot split that is located in the coastal zone may require a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval).
- 2. A public hearing for a CDP application for an urban lot split is not required.
- 3. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code).

16.78.050 Use and Development Requirements

A. Short-term Rentals Prohibited. It is unlawful to use a dwelling unit constructed on a parcel created under this chapter for vacation rentals as defined in Chapter 17.160 (Glossary).

B. Residential Use. The primary use of a dwelling unit constructed on a parcel created under this chapter must be residential.

C. Maximum Unit Size. New dwelling units constructed on a parcel created under this chapter shall be no more than 800 square feet in floor area, or 1,200 square feet if each newly created parcels contain only one dwelling unit.

D. Compliance with Zoning Requirements

- 1. New dwelling units constructed on a parcel created under this chapter are subject to the requirements of Zoning Code Chapter 17.75 (Two-Unit Developments) and shall also comply with all applicable objective zoning requirements set forth in Zoning Code.
- 2. The standards described in this paragraph (1) of this subsection apply to all urban lot splits except where a standard directly conflicts with a provision of this chapter, or where the applicant demonstrates that a standard would:
 - a. Have the effect of physically precluding the construction of two units on either of the newly created parcels; or
 - b. Necessarily result in a unit size of less than 800 square feet.

E. Maximum Number of Dwelling Units. Notwithstanding any other provision of the Municipal Code, no more than two dwelling units, including any accessory dwelling units or junior accessory dwelling units, are permitted on a parcel created under this chapter.

16.78.060 Deed Restrictions

A. Before obtaining a building permit for a dwelling unit constructed on a parcel created under this chapter, the property owner shall file with the County Recorder a declaration of restrictions

containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

1. The maximum size of the dwelling unit is limited to 1,200 square feet for two-unit projects and 800 square feet for three and four-unit projects;
 2. The primary use of the unit must be residential;
 3. Use of shared driveway must be permanently provided and maintained for both newly created parcels through a reciprocal access easement or other comparable mechanism; and
 4. The unit may not be used for vacation rentals as defined in Zoning Code Chapter 17.160 (Glossary).
- B.** The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement.
- C.** The deed restriction shall lapse upon removal of all dwelling units established on a parcel created under this chapter.

CHAPTER 17.75 – SB 9 RESIDENTIAL DEVELOPMENTS

Sections:

17.75.010	Purpose and Intent
17.75.020	Definitions
17.75.030	Permitting Process
17.75.040	General Requirements
17.75.050	Objective Development Standards
17.75.060	Objective Design Standards.
17.75.070	Deed Restrictions

17.75.010 Purpose and Intent

This chapter contains requirements for SB 9 residential developments pursuant to Government Code Section 65852.21. These requirements are necessary to preserve the public health, safety and general welfare, and to promote orderly growth and development. In cases where a requirement in the chapter directly conflicts with Government Code Section 65852.21, the Government Code governs.

17.75.020 Definitions

- A. SB 9 Residential Development.** An SB 9 residential development is a proposed residential project pursuant to Government Code Section 65852.21.
- B. Urban Lot Split.** The subdivision of a parcel within the Residential Single-family (R-1) zoning district into two parcels pursuant to Government Code Section 66411.7 and Municipal Code Chapter 16.78 (Urban Lot Splits).

17.75.030 Permitting Process

- A. Administrative Permit.** The Community Development Director shall ministerially approve an Administrative Permit for an SB 9 residential development if the application complies with all requirements of this chapter and Municipal Code Chapter 16.78 (Urban Lot Split), when applicable. No discretionary review or public hearing is required.
- B. Basis for Denial.**
 1. The Community Development Director shall deny an application for an SB 9 residential development if either of the following is found:
 - a. The two-unit development fails to comply with any objective requirement imposed by this chapter. Any such requirement or condition that is the basis for denial shall be specified by the Community Development Director in writing; or

- b. The building official makes a written finding, based upon a preponderance of the evidence, that the proposed development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
 - 2. For an SB 9 residential development in the coastal zone, the Community Development Director shall deny the application upon finding that the development is inconsistent with policies of the Local Coastal Plan and/or will have an adverse impact on coastal resources.
 - 3. The Community Development Director shall not deny an SB 9 residential development solely because it conflicts with the City’s density limitations for the R-1 zoning district.
- C. Within Coastal Zone.** A proposed Two-Unit Development that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).
- 1. A public hearing for a CDP application for an SB 9 residential development is not required.
 - 2. Nothing in this chapter shall be construed to supersede or in any other way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code).
- D. Building Permit.** A building permit for an SB 9 residential development may be submitted only after:
- 1. The City approves the Administrative Permit for the two-unit development; and
 - 2. A parcel map for the urban lot split parcel map is recorded by the Santa Cruz County Recorder if a dwelling unit will be constructed on a lot created by an urban lot split.

17.75.040 General Requirements

- A. Eligibility Requirements.** The City shall accept an application for an SB 9 residential development only if the project complies with the following requirements:
- 1. **Zoning District.** The two-unit development is located in the Residential Single-Family (R-1) zoning district.
 - 2. **Compliance with Chapter.** The two-unit development complies with all applicable requirements of this chapter.
 - 3. **Environmental Resources and Hazards.**
 - a. The two-unit development satisfies the requirements of Government Code subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, which prohibits development on sites subject to specified environmental resources and hazards.

b. The parcel is not located in any of the following areas as identified in the City's certified Local Coastal Program:

- (1) Geological hazard areas.
- (2) 100-year and/or 500-year flood hazard areas.
- (3) Environmentally Sensitive Hazard Habitat Areas (ESHA).

4. Affordable and Rental Housing.

a. The two-unit development will not require demolition or alteration of any of the following types of housing:

- (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- (3) Housing that has been occupied by a tenant in the last three years.

b. The parcel subject to the proposed Two-Unit Development is not a parcel on which an owner of residential real property has exercised the owner's rights under Government Code Section 7060 et seq. (the Ellis Act) to [withdraw accommodations from rent or lease](#) ~~evict tenants due to the property owner's decision to no longer use the property for rental housing~~ within 15 years before the date that the Two-Unit Development proponent submits an application.

5. Historic Resources.

- a. The two-unit development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1.
- b. The two-unit development is not located on a site which includes a structure that is a Designated Historic Resource or that meets the criteria provided in Capitola Municipal Code Section 17.84.020.B. to qualify as a Designated Historic Resource.

B. Number of Primary Dwelling Units.

1. A maximum of two primary dwelling units are allowed on a parcel.
2. If a parcel is subdivided pursuant to Municipal Code Chapter 17.78 (Urban Lot Splits), a maximum of two primary dwelling units are allowed on each newly created parcel. Up to four units are allowed on the two parcels combined.

C. Accessory Dwelling Units.

1. **Projects with Urban Lot Split.** The following accessory dwelling unit (ADU) rules apply to a parcel created through an urban lot split as provided in Chapter 16.78 (Urban Lot Split.)

- a. If the parcel contains one primary dwelling unit, one ADU or Junior ADU is also allowed on the parcel.
 - b. If the parcel contains two primary dwelling units, an ADU or Junior ADU is not allowed on the parcel.
2. **Projects Without Urban Lot Split.** Where a parcel has not been subdivided as provided in Chapter 16.78 (Urban Lot Split), one ADU and/or JADU is allowed on the parcel in addition to the two primary dwelling units.

D. Utility Connections.

1. Each dwelling unit shall be served by a separate utility connection for water, sewer, and electrical services.
2. The Community Development Director shall condition approval of a dwelling unit on the dedication of any easements deemed necessary to provide public services to the unit and access to the public right-of-way.

E. Residential Uses Only.

1. The primary use of a dwelling unit must be residential. A dwelling unit may not be utilized for a non-residential primary use otherwise permitted in the R-1 zoning district as identified in Table 17.16-1.
2. Home occupations and other accessory uses are permitted in a dwelling unit consistent with Section 17.96.040 (Home Occupations) and Section 17.52 (Accessory Uses).

F. Vacation Rentals. A dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).

G. Guaranteed Allowance.

1. The standards in 17.75050 (Objective Development Standards) and 17.75.060 (Objective Design Standards) shall not prohibit up to two dwelling units each with up to 800 square feet of floor area, provided the dwelling units comply with all other applicable standards.
2. The Community Development Director shall determine which standards must be adjusted, if any, to comply with this section.

H. Floor Area Calculation. Floor area calculation exclusions in 17.48.040(B)(6) do not apply to an SB9 residential development.

I. Existing Nonconformities. Establishing a dwelling unit shall not require the correction of an existing legal nonconforming zoning condition on the property.

17.75.050 Objective Development Standards.

A. General. Table 17.75-1 shows development standards for two-unit development on parcels with an area of 5,500 square feet or more. Table 17.75-2 shows development standards on parcels with an area of less than 5,500. Parcel sizes are based on the area of a parcel prior to an urban lot split.

Table 17.75-1: Development Standards for Parcels 5,500 Sq. Ft. or More

Maximum Unit Size	
Projects with Two Units	1,200 sq. ft. per unit
Projects with Three and Four Units [1]	800 sq. ft. for each unit within the project
Minimum Setbacks	
Front	
Ground floor	15 ft.
Second story	15 ft.
Garage	20 ft.
New Interior Property Line [2]	0 ft.
Rear	4 ft.
Interior Side	4 ft.
Street Side	4 ft.
Maximum Height	
One-story Building	16 ft.
Two-story Building	
Plate height [3]	20 ft.
Roof peak	3 ft. above plate height
Three-story Building	Not allowed
Minimum Private Open Space [4]	
	48 sq. ft.

Notes:

[1] For projects with a dwelling unit on a parcel created through an urban lot split pursuant to Chapter 16.78 (Urban Lot Split).

[2] "New interior property line" means a property line created pursuant to 16.78 (Urban Lot Split) that does not abut an existing parcel outside of the property subject to the urban lot split.

[3] "Plate height" means the vertical distance from the assumed ground surface of the building to the point that exterior wall meets the roof eave.

[4] Private open space may include screened terraces, decks, balconies, and other similar areas.

Table 17.75-2: Development Standards for Parcels Less than 5,500 Sq. Ft.

	Number of Units [1]		
	Up to Two	Three	Four
Maximum Unit Size	1,200 sq. ft.	800 sq. ft.	800 sq. ft.
Minimum Setbacks			
Front			
Ground floor	15 ft. [2]	10 ft.	0 ft.
Second story	15 ft. [2]	10 ft.	0 ft.
Garage	20 ft. [2]	10 ft.	0 ft.
New Interior Property Line [3]	0 ft.	0 ft.	0 ft.
Rear	4 ft. [4]	4 ft. [4]	4 ft. [5]
Interior Side	4 ft. [4]	4 ft. [4]	4 ft. [6]
Street Side	4 ft. [4]	4 ft. [4]	4 ft. [6]
Maximum Height			
One-story Building	16 ft.	16 ft.	16 ft.
Two-story Building			
Plate height [7]	20 ft.	20 ft.	20 ft.
Roof peak	3 ft. above plate height	3 ft. above plate height	3 ft. above plate height
Three-story Building	Not allowed	Allowed [8]	Allowed
Plate height [7]	-	20 ft.	28 ft.
Roof peak	-	33 ft.	3 ft. above plate height
Minimum Private Open Space [9]	48 sq. ft.	48 sq. ft.	48 sq. ft.

Notes:

[1] Standards for three and four-unit projects apply to projects with a dwelling unit on a parcel created through an urban lot split pursuant to Chapter 16.78 (Urban Lot Split). Standards apply to all units established as part of the project.

[2] For parcels less than 3,200 sq. ft., minimum front setback is 10 feet for ground floor and second story and 15 feet for garage.

[3] "New interior property line" means a property line created pursuant to 16.78 (Urban Lot Split) that does not abut an existing parcel outside of the property subject to the urban lot split.

[4] For parcels less than 3,200 sq. ft., the minimum rear, interior side, and street side setback is 3 feet.

[5] On parcels less than 3,200 sq. ft., 0 ft. rear setback allowed where a side driveway provides vehicle access to parking located behind the front building. A 3-foot rear setback is allowed for all other 4-unit configurations on parcels less than 3,200 sq. ft.

[6] 0 ft. side setback allowed where a side driveway provides vehicle access to parking located behind the front building. A 3-foot side setback is allowed for all other 4-unit configurations on parcels less than 3,200 sq. ft.

[7] "Plate height" means the vertical distance from the assumed ground surface of the building to the point that exterior wall meets the roof eave.

[8] Third story must be built into roof element (2 ½ stories)

[9] Private open space may include screened terraces, decks, balconies, and other similar areas.

B. Additional Setback Standards.

- 1. Converting and Replacing Existing Structures.** No setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- 2. Within Coastal Zone.** Within the coastal zone, structures must comply with minimum setbacks from environmentally sensitive habitat areas and geologic hazards as specified in Zoning Code Chapter 17.64 (Environmentally Sensitive Habitat Areas) and Chapter 17.68
- 3. (GH Geologic Hazards District).**

C. Separation Between Dwelling Units.

1. No minimum separation is required between dwelling units on a parcel.
2. Dwelling units may be connected if the structures meet building code safety standards and are sufficient to allow a separate conveyance.

D. Parking.

1. **Required Parking.** A minimum of one off-street parking space is required per dwelling unit except as provided in subsection (D)(7) of this section.
2. **Tandem Spaces.** Required off-street parking for two separate dwelling units shall not be provided as tandem parking.
3. **Parking Placement.** Required off-street parking may not be located within minimum required front setback area.
4. **Number of Driveways.**
 - a. A maximum of one curb cut is allowed to provide vehicle access to the parking.
 - b. Shared driveways are required to serve parking on separate parcels created through an urban lot split.
5. **Driveway Width.** The maximum width of a new driveway crossing a public sidewalk is 12 feet.
6. **Alley Access.** Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.
7. **Exceptions to Required Parking.**
 - a. No off-street parking is required in the following cases:
 - (1) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
 - (2) There is a car share vehicle located within one block of the parcel.
 - b. The exception for parcels that satisfy subparagraphs (1) or (2) does not apply to areas identified in Figure 1.

Figure 1



17.75.060 Objective Design Standards

- A. Entrance Orientation.** The primary entrance to each new dwelling unit shall face the front or interior of the parcel unless the dwelling unit is directly accessible from an alley.
- B. Neighbor Privacy.** To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:
1. For a single-story wall or the first story of a two or three-story wall, privacy impacts shall be minimized by either:
 - a. A 6-foot solid fence on the property line; or
 - b. Clerestory or opaque windows for all windows facing the adjacent property.
 2. For a second or third-story wall, all windows facing an adjacent property shall be clerestory or opaque.

C. Upper Story Decks and Balconies. Second and third-story exterior decks and balconies and rooftop decks are prohibited.

D. Front Porches, Patios and Entry Features.

1. If a dwelling unit is set back 15 feet or more from a front property line, a front porch or covered patio may project up to 5 feet into the front setback area.
2. A front porch or covered patio less than 15 feet from a front property line may not exceed a width greater than 10 feet.
3. For a dwelling unit setback less than 15 feet from a front property line, the primary entrance may be covered by a roof element, or other similar overhanging feature provided that:
 - a. The covering is attached to the building wall and is not supported by columns, walls, or other vertical structural elements that extend to the ground; and
 - b. The covering dimensions do not exceed five feet width and three feet depth.

E. Pervious Surface Area. Pervious materials shall be used for all on-site paved areas including driveways, walkways, and patios.

F. Stormwater. SB 9 residential developments shall comply with Municipal Code Chapter 13.16 (Stormwater Pollution Prevention and Protection).

17.75.070 Deed Restrictions

- A.** Before obtaining a building permit for an SB 9 residential development, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
1. The maximum size of the dwelling unit is limited to 1,200 square feet for two-unit projects and 800 square feet for three and four-unit projects;
 2. The primary use of the dwelling unit must be residential;
 3. For SB 9 residential developments involving an urban lot split, use of shared driveway must be permanently provided and maintained for both newly created parcels through a reciprocal access easement or other comparable mechanism; and
 4. The dwelling unit may not be used for vacation rentals as defined in 17.160 (Glossary).
- B.** The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement.
- C.** The deed restriction shall lapse upon removal of all dwelling units established under this chapter.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM ADDING MUNICIPAL CODE CHAPTERS 16.78 AND 17.75, ADDING MUNICIPAL CODE SECTION 16.08.020, AND AMENDING SECTION 17.74.040 FOR THE IMPLEMENTATION OF GOVERNMENT CODE SECTIONS 66411.7 AND 65852.21 RELATED TO URBAN LOT SPLITS AND SB9 RESIDENTIAL DEVELOPMENTS.

WHEREAS, the City of Capitola's Local Coastal Program (LCP) was certified by the California Coastal Commission in December of 1981 and has since been amended from time to time; and

WHEREAS, the City Council adopted the General Plan Update on June 26, 2014; and

WHEREAS, the Local Coastal Program Land Use Plan is a comprehensive long-term plan for land use and physical development within the City's coastal zone and includes the Coastal Land Use Plan Map; and

WHEREAS, SB-9 (Chapter 162, Statutes of 2021) enacted sections 66411.7 and 65852.21 to the Government Code, effective January 1, 2022; and

WHEREAS, these provisions require the City to provide ministerial approval of urban lot splits, ("Urban Lot Splits") and the construction of up to two residential dwelling units ("SB9 Residential Developments") on each single-family residential zoned lot within the City, subject to certain limitations; and

WHEREAS, Government Code section 66411.7(a) limits eligibility of Urban Lot Splits by size and proportionality; and

WHEREAS, Government Code sections 66411.7(a)(3)(C) and 65852.21(a)(2) limit Urban Lot Splits and SB9 Residential Developments, respectively, to sites that are not located on or within certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, habitats for protected species, and historic properties, unless projects on such sites meet specified conditions; and

WHEREAS, Government Code sections 66411.7(a)(3)(D) and 65852.21(a)(3) through (a)(5) limit eligibility of an Urban Lot Split and a SB9 Residential Development, respectively, that proposes to demolish or alter housing subject to affordability restrictions, housing subject to rent or price controls, housing that has been occupied by a tenant in the last three years, housing that has been withdrawn from rent or lease within the past 15 years, and housing that requires demolition of existing structural walls unless authorized by local ordinance or has not been tenant-occupied within the past 3 years; and

WHEREAS, Government Code sections 65852.21(a)(6) and 66411.7(a)(3)(E) allow a city to deny an Urban Lot Split for properties within an historic district or listed on the State's Historic Resource Inventory or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance; and

WHEREAS, Government Code sections 66411.7(c) and 65852.21(b) allow a city to establish objective zoning standards, objective subdivision standards, and objective design review

RESOLUTION NO.

standards for Urban Lot Splits and SB9 Residential Developments, respectively, subject to limits within state law; and

WHEREAS, such objective zoning standards, objective subdivision standards, and objective design review standards may not have the effect of “precluding the construction of two units on either of the resulting parcels from an Urban Lot Split or that would result in a unit size of less than 800 square feet” for a SB9 Residential Development; and

WHEREAS, Government Code sections 66411.7 and 65852.21 allow a city to deny a proposed SB9 Residential Development or Urban Lot Split, respectively, if the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

WHEREAS, pursuant to Government Code sections 65852.21(j) and 66411.7(n), the City may adopt an ordinance to implement the provisions of Government Code sections 65852.21 and 66411.7, and such an ordinance shall not be considered a project under the California Environmental Quality Act (“CEQA”); and

WHEREAS, in recognition of the City of Capitola’s unique geography and proximity to the Pacific Ocean, the City Council desires to implement objective standards and an application process for projects undertaken pursuant to Government Code Sections 65852.21 and 66411.7 by the adoption of such an ordinance;

WHEREAS, on February 3, 2022, and March 31, 2022, the Planning Commission provided feedback on draft objective standards.

WHEREAS, on April 21, 2022, the Planning Commission recommended to the City Council adoption of the objective standards.

WHEREAS, City staff consulted with Coastal Commission staff in the preparation of the Zoning Ordinance amendments to ensure that the proposed program and ordinance would comply with the California Coastal Act and Capitola’s Local Coastal Program; and

WHEREAS, the draft ordinance was then circulated for a 60-day public review period on January 28, 2022; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 3, 2022, March 31, 2022, and April 21, 2022, at which time it reviewed the proposed amendments, considered all public comments on the revisions and related CEQA exemption, and provided input on the draft ordinance, and a recommendation to approve the proposed ordinance; and

WHEREAS, the Capitola City Council conducted duly noticed public hearings on May 12, 2022, at which the City Council introduced and performed a first reading of the added and revised municipal code sections. On May 26, 2022, the City Council adopted the ordinance, which added municipal code chapters 16.78 and 17.75, added municipal code section 16.08.020, and amended section 17.74.040 for the implementation of government code sections 66411.7 AND 65852.21 related to urban lot splits and SB9 residential developments; and

WHEREAS, the City Council determined that the amendments are consistent with the General Plan and that the revisions would be internally consistent with all other provisions of the Municipal Code.

WHEREAS, the amendments would become a component of Implementation Plan of the

City's Local Coastal Program and is intended to be implemented in a manner that is in full conformance with the California Coastal Act.

WHEREAS, following the City Council's adoption, Capitola staff submitted the Zoning Code update to the Californian Coastal Commission staff for preliminary review in preparation for Local Coastal Plan (LCP) certification; and

WHEREAS, the Local Coastal Program Implementation Plan establishes specific land use and development regulations to implement the Local Coastal Program Land Use Plan, and Chapter 16 (Subdivision), Chapter 17 (Zoning) and the Zoning Map are part of Capitola's Local Coastal Program Implementation Plan; and

WHEREAS, the City provided Public Notice, as required under Coastal Act 30514 et seq., for Certification of the LCP Implementation Plan and Corresponding Maps.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the City of Capitola, that this Resolution declares and reflects the City's intent to amend the LCP Implementation Plan as it pertains to Chapter 16 (Subdivisions) and Chapter 17 (Zoning), as drafted, if certified by the California Coastal Commission, in full conformity with the City of Capitola LCP and provisions of the California Coastal Act.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit the said Coastal Commission LCP Amendments to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take

RESOLUTION NO.

effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 26th day of May, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sam Storey, Mayor

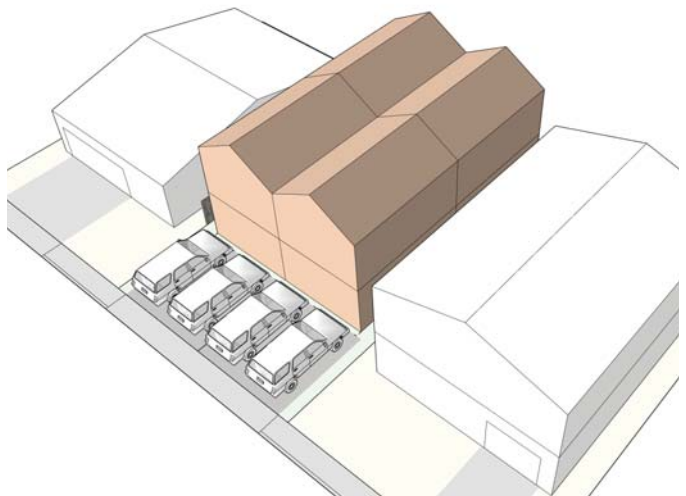
ATTEST: _____
Chloé Woodmansee, City Clerk

1. 40'x70' lot (4 units with parking)

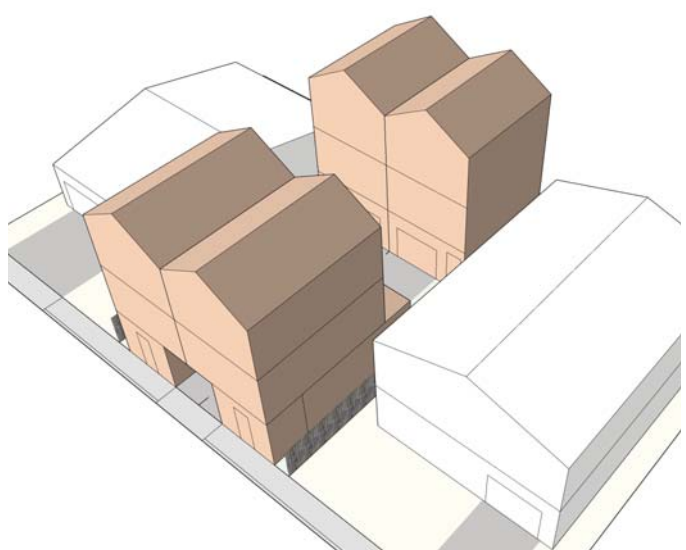
	A.	B.	C.
Front setback	18'	0'	0'
Side setbacks	3'	3'	0'
Rear setback	3'	3'	0'
Height (stories)	2	3	3

All layouts

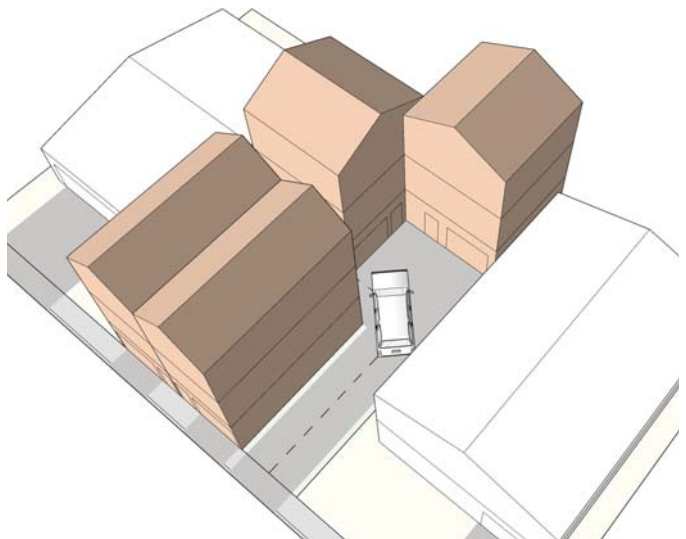
Units	4
Parking (per unit)	1



A. 2 stories, surface parking in front setback



B. 3 stories, garage parking w/one driveway



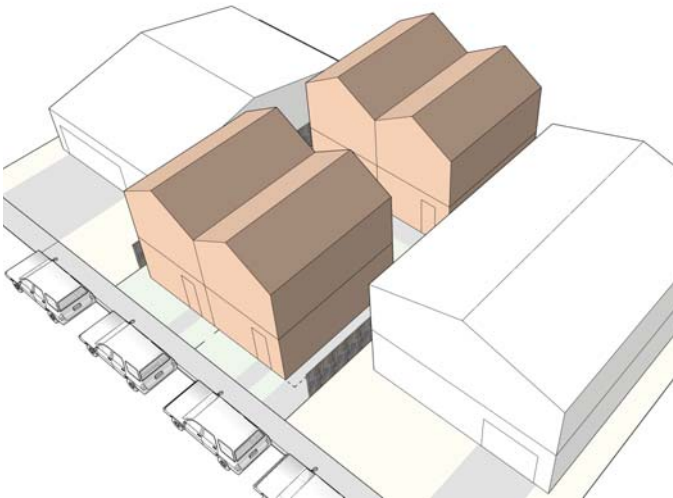
C. 3 stories, garage parking w/three driveways

2. 40'x70' lot (4 units with no parking)

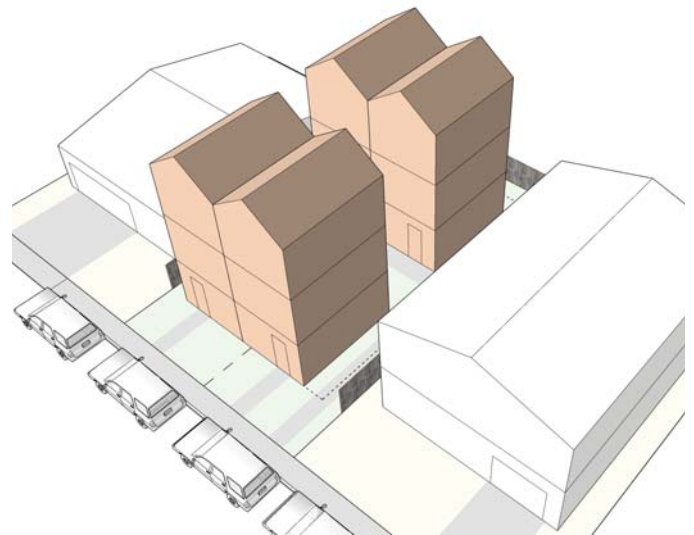
	D.	E.
Front setback	5'	10'
Height (stories)	2	3

All layouts

Units	4
Side setbacks	4'
Rear setback	4'
Parking (per unit)	0



D. 2 stories, no onsite parking



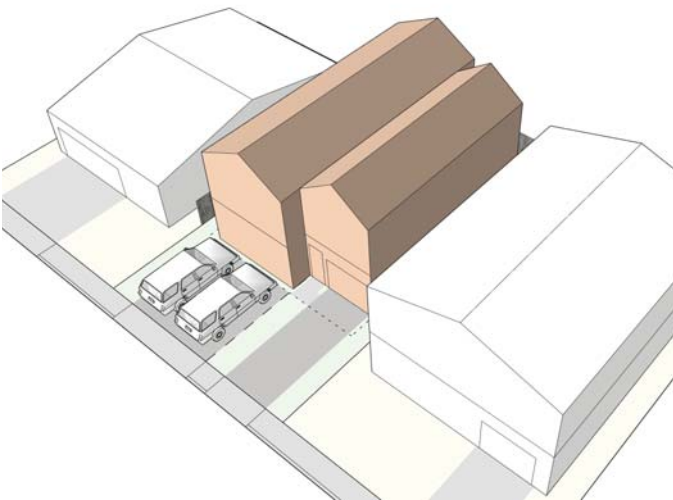
E. 3 stories, no onsite parking

3. 40'x70' lot (2 and 3 units)

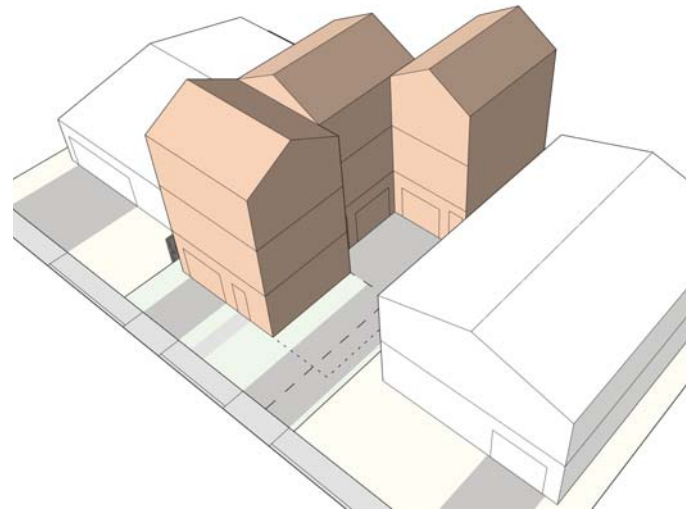
	F.	G.	H.
Units	3	3	2
Front setback	18'	10'	10'
Height (stories)	2	3	2

All layouts

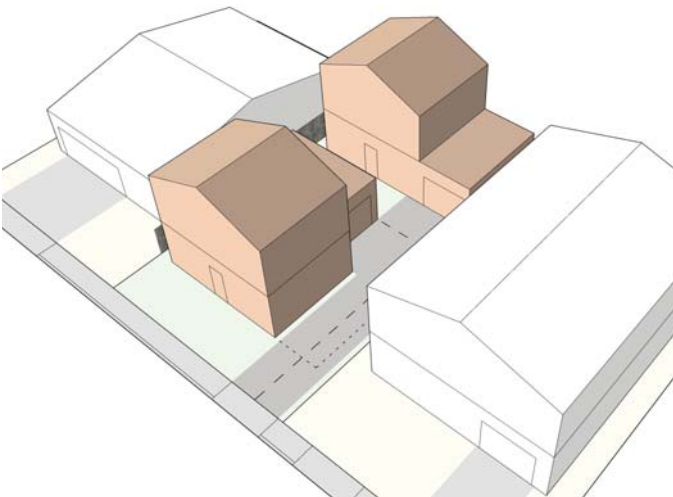
Side setbacks	3'
Rear setback	3'
Parking (per unit)	1



F. 3 units, 2 stories, surface parking in front setback/garage parking in front



G. 3 units, 3 stories garage parking in front and rear



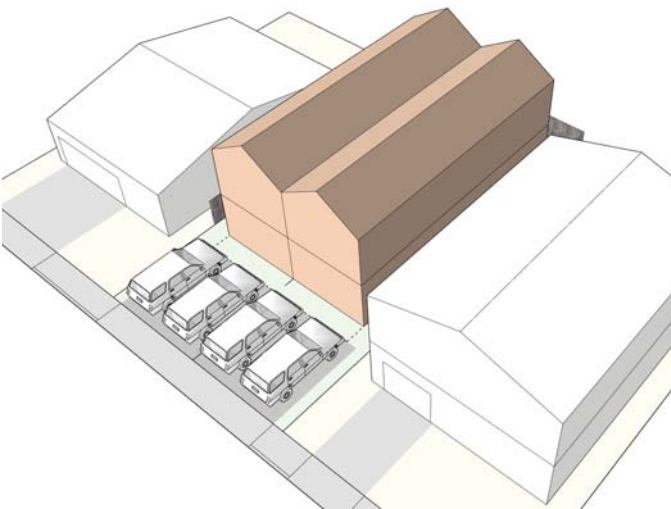
H. 2 units, 2 stories, parking in rear

4. 40'x80' lot (4 units with parking)

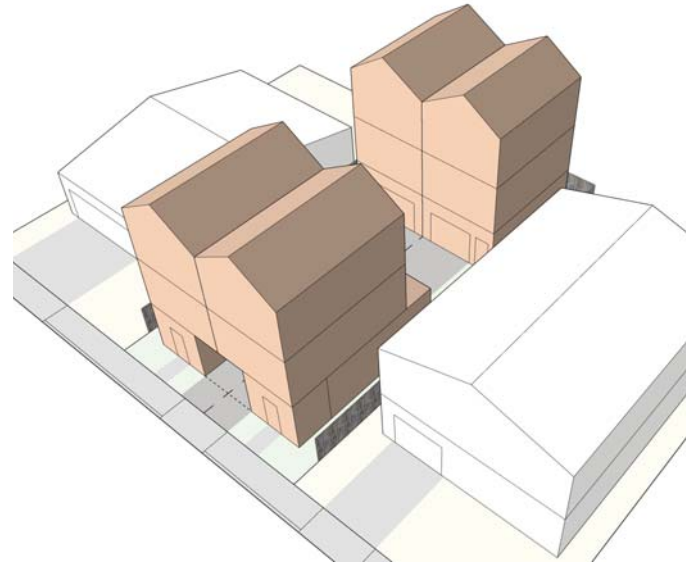
	A.	B.	C.
Front setback	18'	5'	0'
Side setbacks	4'	4'	0'
Height (stories)	2	3	3

All layouts

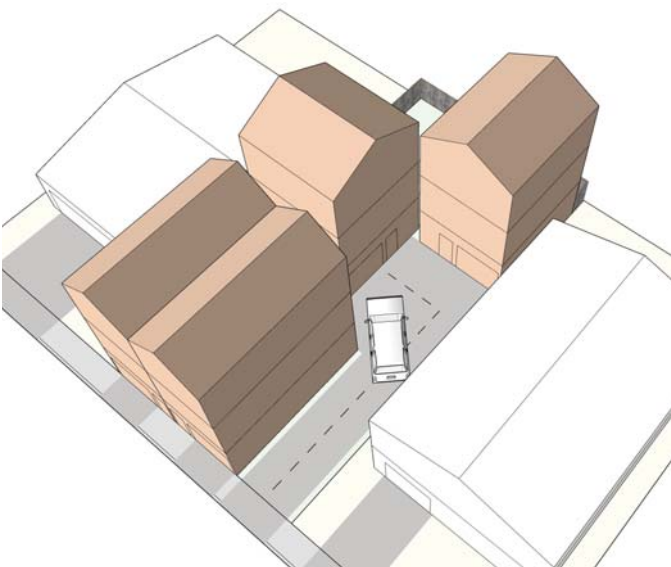
Units	4
Rear setback	4'
Parking (per unit)	1



A. 2 stories, surface parking in front setback



B. 3 stories, garage parking w/one driveway

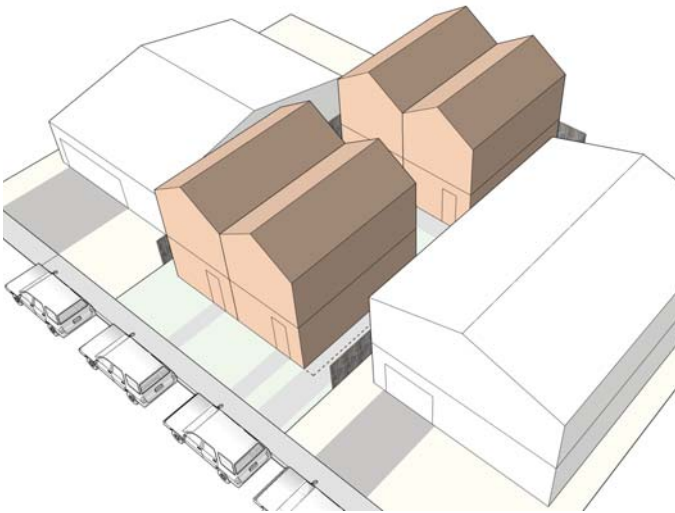


C. 3 stories, garage parking w/three driveways

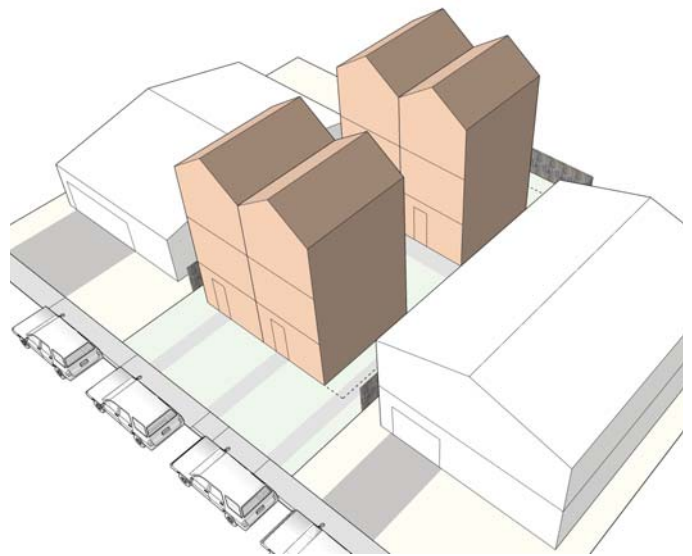
5. 40'x80' lot (4 units with no parking)

	D.	E.
Front setback	10'	15'
Height (stories)	2	3

All layouts	
Units	4
Side setbacks	4'
Rear setback	4'
Parking (per unit)	0



D. 2 stories, no onsite parking



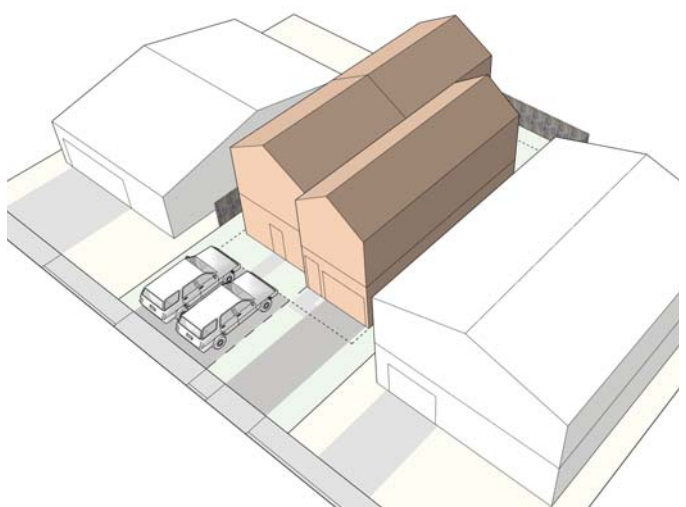
E. 3 stories, no onsite parking

6. 40'x80' lot (3 units)

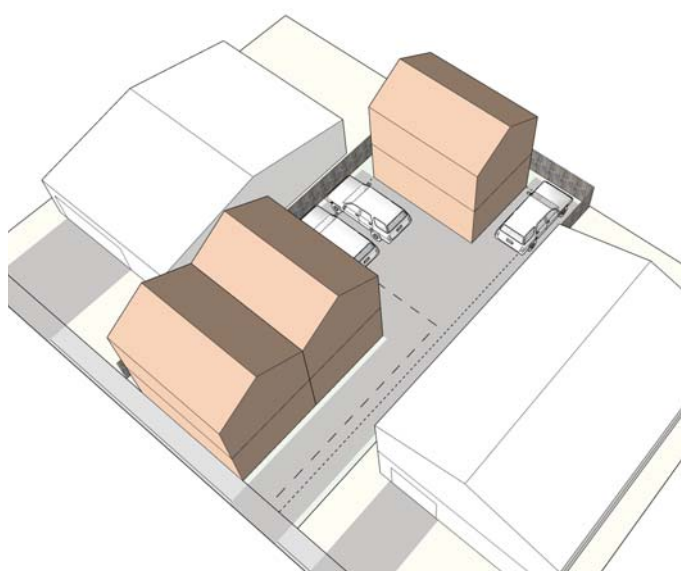
	F.	G.	H.	I.
Front setback	18'	0'	0'	10'
Side setbacks	4'	4'	3'	4'
Height (stories)	2	2	2	3

All layouts

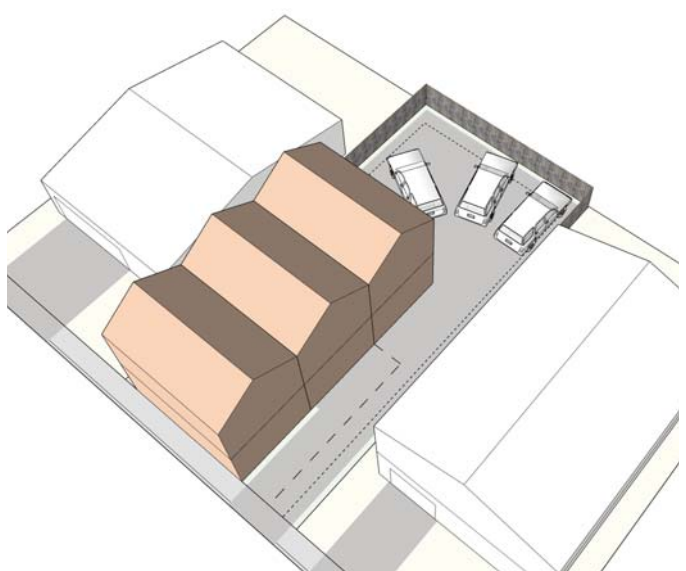
Units	3
Rear setback	4'
Parking (per unit)	1



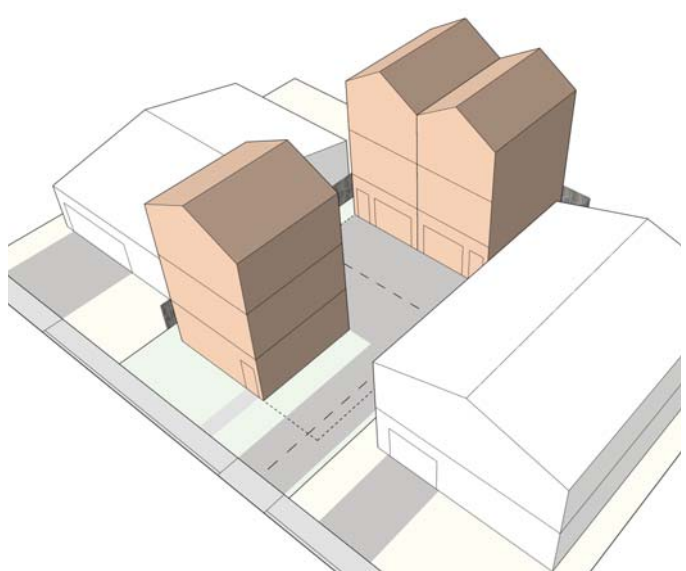
F. 2 stories, surface parking in front setback/garage parking in front



G. 2 stories, parking in side/rear



H. 2 stories, parking in rear

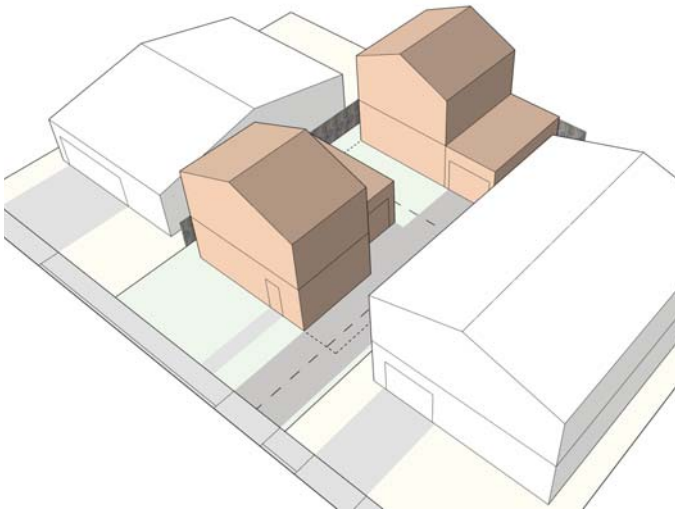


I. 3 stories, parking in rear

7. 40'x80' lot (2 units)

Item 8 C.

	J.
Units	2
Front setback	15'
Side setbacks	4'
Rear setback	4'
Height (stories)	2
Parking (per unit)	1



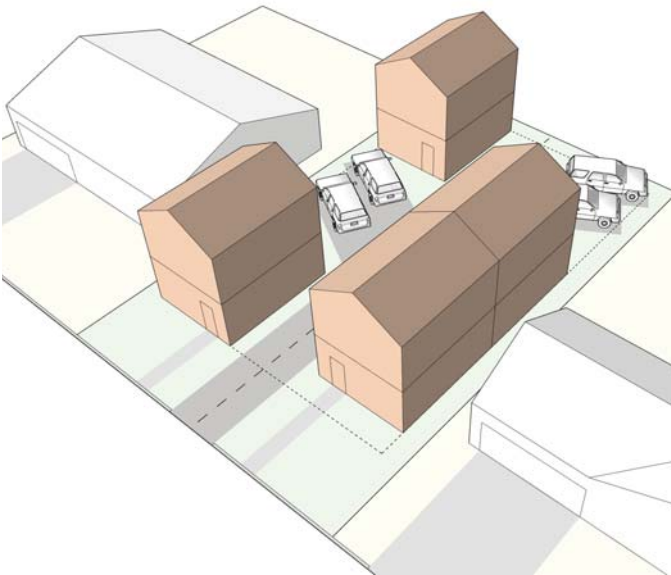
J. 2 stories, 2 units

8. 60'x100' lot (4 units)

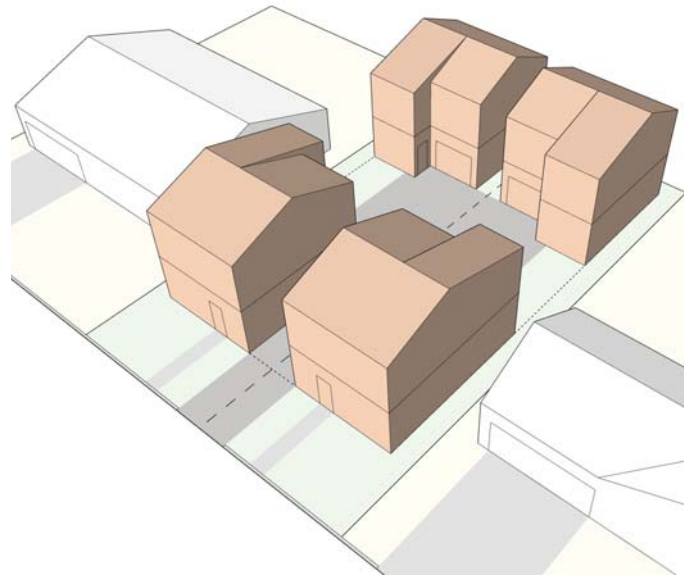
Item 8 C.

All layouts

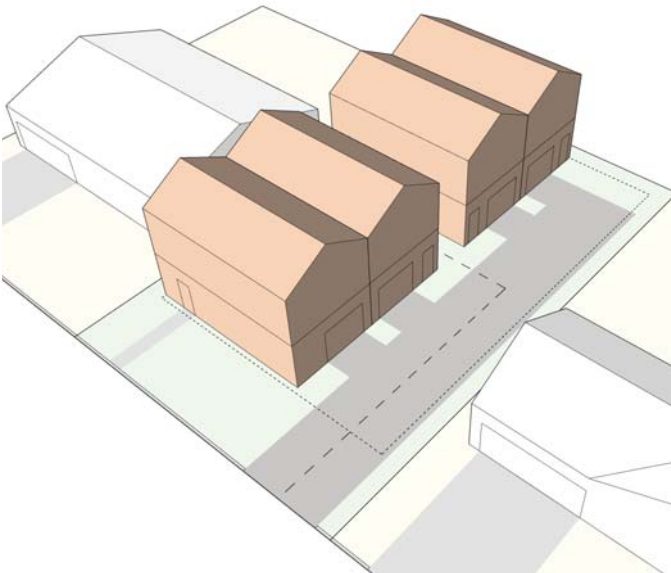
Units	4
Front setback	15'
Side setbacks	4'
Rear setback	4'
Height (stories)	2
Parking (per unit)	1



A. Surface parking in rear



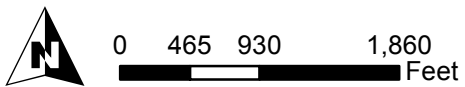
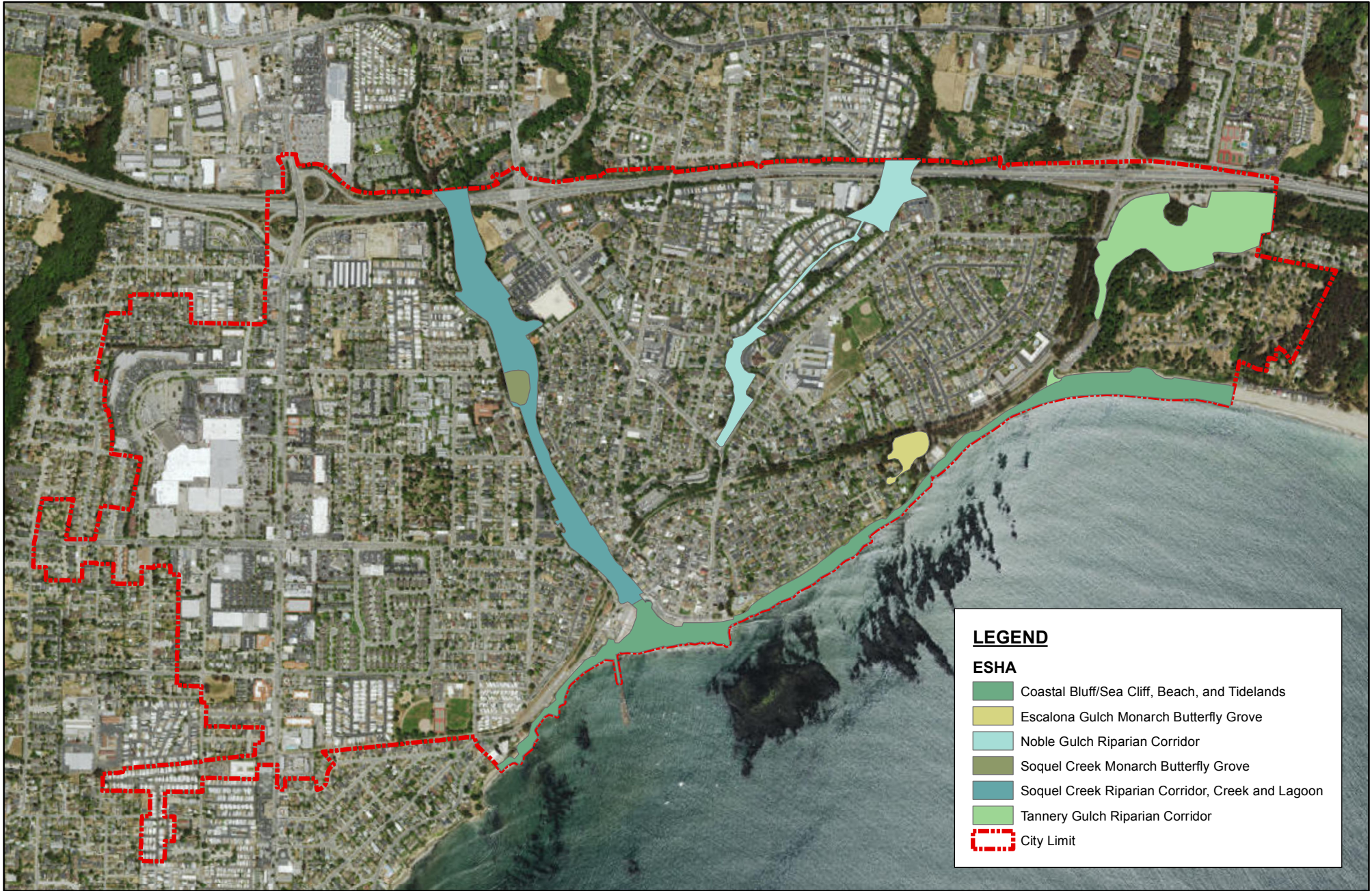
B. Garage parking, detached units



C. Garage parking, attached units

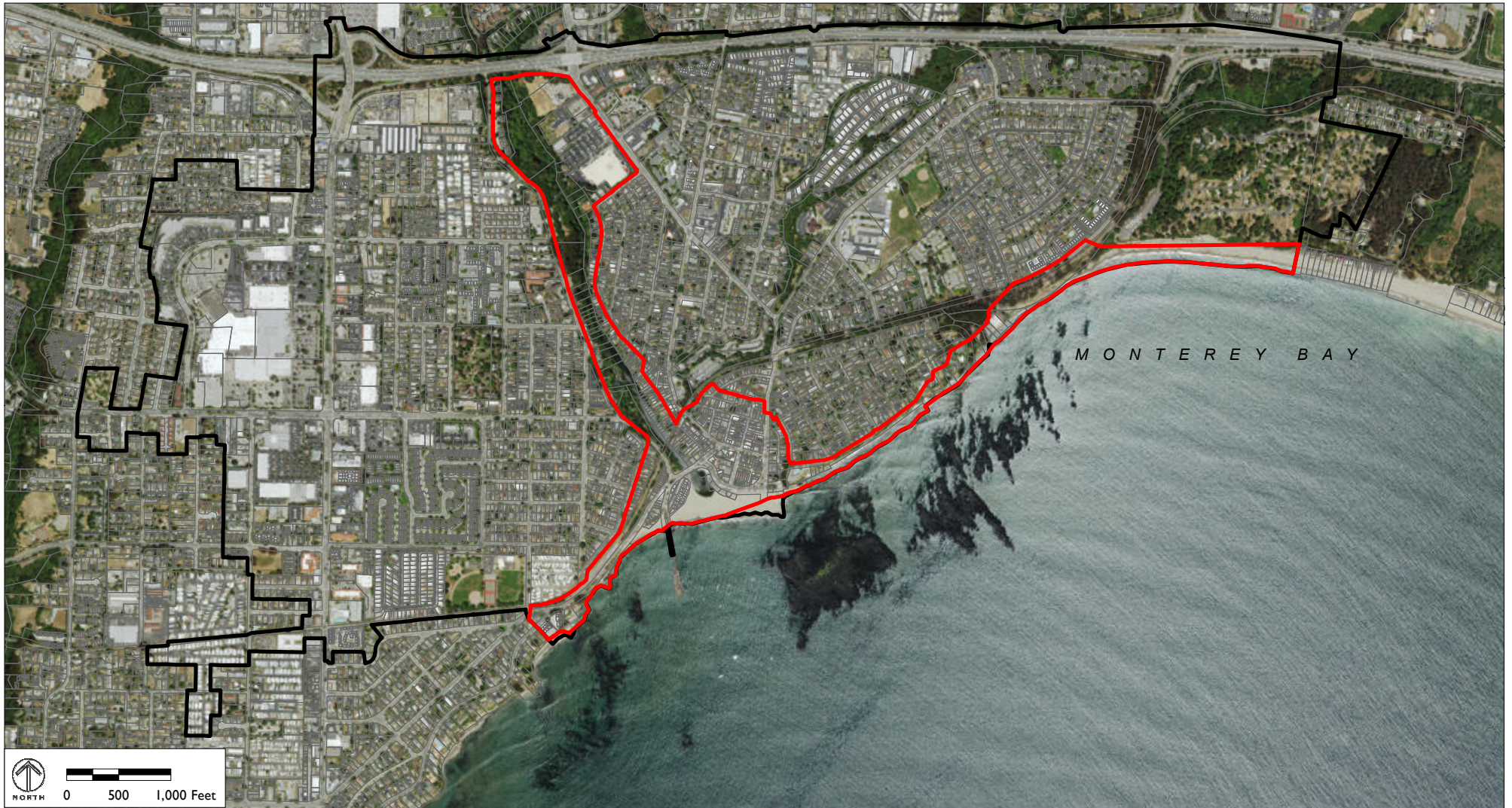
Note: Consider requiring shared driveway access for 60x100 lots








Source: ESRI, 2017; Kimley-Horn, 2017.

CITY OF CAPITOLA
ZONING CODE UPDATE



-  Geological Hazard
-  City Limits
-  Land Parcels

Source: ESRI 2017; PlaceWorks, 2017.

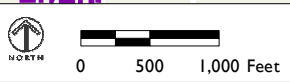
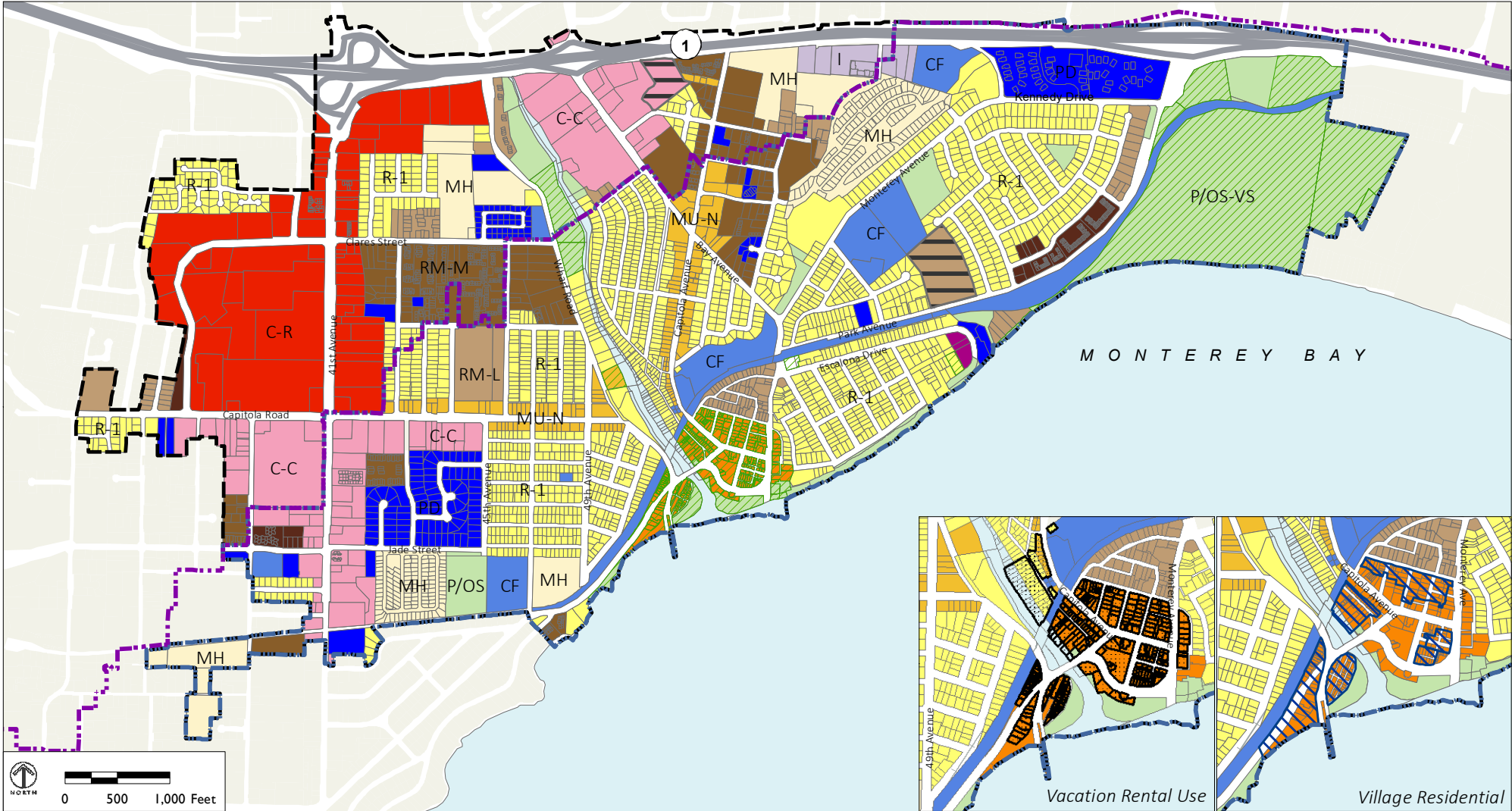
CITY OF CAPITOLA
ZONING CODE UPDATE



- 100-year flood
- 500-year flood
- City Limit
- Sphere of Influence

Source: ESRI, 2017; PlaceWorks, 2017.

CITY OF CAPITOLA
ZONING MAP



Residential Zoning Districts

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

Mixed-Use Zoning Districts

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

Commercial and Industrial Zoning Districts

- C-R - Regional Commercial
- C-C - Community Commercial

I - Industrial

Other Zoning Districts

- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development
- VS - Visitor Serving

Overlay Zones*

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

City Limit

- Santa Cruz Coastal Zone Boundary

Source: ESRI, 2017; PlaceWorks, 2017.

Zoning Map Certified
June 9, 2021
by CA Coastal Commission

*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.

California Department of Housing and Community Development

SB 9 Fact Sheet

On the Implementation of Senate Bill 9 (Chapter 162, Statutes of 2021)



Housing Policy Development Division
March 2022

This Fact Sheet is for informational purposes only and is not intended to implement or interpret SB 9. HCD does not have authority to enforce SB 9, although violations of SB 9 may concurrently violate other housing laws where HCD does have enforcement authority, including but not limited to the laws addressed in this document. As local jurisdictions implement SB 9, including adopting local ordinances, it is important to keep these and other housing laws in mind. The Attorney General may also take independent action to enforce SB 9. For a full list of statutes over which HCD has enforcement authority, visit HCD's [Accountability and Enforcement webpage](#).

Executive Summary of SB 9

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. SB 9 contains eligibility criteria addressing environmental site constraints (e.g., wetlands, wildfire risk, etc.), anti-displacement measures for renters and low-income households, and the protection of historic structures and districts. Key provisions of the law require a local agency to modify or eliminate objective development standards on a project-by-project basis if they would prevent an otherwise eligible lot from being split or prevent the construction of up to two units at least 800 square feet in size. For the purposes of this document, the terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an accessory dwelling unit (ADU) or junior ADU or otherwise defined.

Single-Family Residential Zones Only

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7 subd. (a)(3)(A))

The parcel that will contain the proposed housing development or that will be subject to the lot split must be located in a single-family residential zone. Parcels located in multi-family residential, commercial, agricultural, mixed-use zones, etc., are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use. While some zones are readily identifiable as single-family residential zones (e.g., R-1 “Single-Family Residential”), others may not be so obvious. Some local agencies have multiple single-family zones with subtle distinctions between them relating to minimum lot sizes or allowable uses. In communities where there may be more than one single-family residential zone, the local agency should carefully review the zone district descriptions in the zoning code and the land use designation descriptions in the Land Use Element of the General Plan. This review will enable the local agency to identify zones whose primary purpose is single-family residential uses and which are therefore subject to SB 9. Considerations such as minimum lot sizes, natural features such as hillsides, or the permissibility of keeping horses should not factor into the determination.

Residential Uses Only

(Reference: Gov. Code, §§ 65852.21, subd. (a))

SB 9 concerns only proposed housing developments containing no more than two residential units (i.e., one or two). The law does not otherwise change the allowable land uses in the local agency’s single-family residential zone(s). For example, if the local agency’s single-family zone(s) does not currently allow commercial uses such as hotels or restaurants, SB 9 would not allow such uses.

Ministerial Review

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7, subds. (a), (b)(1))

An application made under SB 9 must be considered ministerially, without discretionary review or a hearing. Ministerial review means a process for development approval involving no personal judgment by the public official as to the wisdom of carrying out the project. The public official merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgment in reaching a decision. A ministerial review is nearly always a “staff-level review.” This means that a staff person at the local agency reviews the application, often using a checklist, and compares the application materials (e.g., site plan, project description, etc.) with the objective development standards, objective subdivision standards, and objective design standards.

Objective Standards

(Reference: Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c))

The local agency may apply objective development standards (e.g., front setbacks and heights), objective subdivision standards (e.g., minimum lot depths), and objective design standards (e.g., roof pitch, eave projections, façade materials, etc.) as long as they would not physically preclude either of the following:

Up to Two Primary Units. The local agency must allow up to two primary units (i.e., one or two) on the subject parcel or, in the case of a lot split, up to two primary units on each of the resulting parcels.

Units at least 800 square feet in size. The local agency must allow each primary unit to be at least 800 square feet in size.

The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Any objective standard that would physically preclude either or both of the two objectives noted above must be modified or

waived by the local agency in order to facilitate the development of the project, with the following two exceptions:

Setbacks for Existing Structures. The local agency may not require a setback for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).

Four-Foot Side and Rear Setbacks. SB 9 establishes an across-the-board maximum four-foot side and rear setbacks. The local agency may choose to apply a lesser setback (e.g., 0-4 feet), but it cannot apply a setback greater than four feet. The local agency cannot apply existing side and rear setbacks applicable in the single-family residential zone(s). Additionally, the four-foot side and rear setback standards are not subject to modification. (Gov. Code, §§ 65852.21, subd. (b)(2)(B); 66411.7, subdivision (c)(3).)

One-Unit Development

(Reference: Gov. Code, §§ 65852.21, subd. (a); 65852.21, subd. (b)(2)(A))

SB 9 requires the ministerial approval of either one or two residential units. Government Code section 65852.21 indicates that the development of just one single-family home was indeed contemplated and expected. For example, the terms “no more than two residential units” and “up to two units” appear in the first line of the housing development-related portion of SB 9 (Gov. Code, § 65852.21, subd. (a)) and in the line obligating local agencies to modify development standards to facilitate a housing development. (Gov. Code, § 65852.21, subd. (b)(2)(A).)

Findings of Denial

(Reference: Gov. Code, §§ 65852.21, subd. (d); 66411.7, subd. (d))

SB 9 establishes a high threshold for the denial of a proposed housing development or lot split. Specifically, a local agency’s building official must make a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(2).)

Environmental Site Constraints

(Reference: Gov. Code, §§ 65852.21, subd. (a)(2) and (a)(6); 66411.7, subd. (a)(3)(C) and (a)(3)(E))

A proposed housing development or lot split is not eligible under SB 9 if the parcel contains any of the site conditions listed in Government Code section 65913.4, subdivision (a)(6)(B-K). Examples of conditions that may disqualify a project from using SB 9 include the presence of farmland, wetlands, fire hazard areas, earthquake hazard areas, flood risk areas, conservation areas, wildlife habitat areas, or conservation easements. SB 9 incorporates by reference these environmental site constraint categories that were established with the passing of the Streamlined Ministerial Approval Process (SB 35, Chapter 366, Statutes of 2017). Local agencies may consult HCD's [Streamlined Ministerial Approval Process Guidelines](#) for additional detail on how to interpret these environmental site constraints.

Additionally, a project is not eligible under SB 9 if it is located in a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or as a historic property or district pursuant to a city or county ordinance.

California Environmental Quality Act (CEQA)

Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (n))

Because the approval of a qualifying project under SB 9 is deemed a ministerial action, CEQA does not apply to the decision to grant an application for a housing development or a lot split, or both. (Pub. Resources Code, § 21080, subd. (b)(1) [CEQA does not apply to ministerial actions]; CEQA Guidelines, § 15268.) For this reason, a local agency must not require an applicant to perform environmental impact analysis under CEQA for applications made under SB 9. Additionally, if a local agency chooses to adopt a local ordinance to implement SB 9 (instead of implementing the law directly from statute), the preparation and adoption of the ordinance is not considered a project under CEQA. In other words, the preparation and adoption of the ordinance is statutorily exempt from CEQA.

Anti-Displacement Measures

(Reference: Gov. Code, §§ 65852.21, subd. (a)(3); 66411.7, subd. (a)(3)(D))

A site is not eligible for a proposed housing development or lot split if the project would require demolition or alteration of any of the following types of housing: (1) housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) housing that has been occupied by a tenant in the last three years.

Lot Split Requirements

(Reference: Gov. Code, § 66411.7)

SB 9 does not require a local agency to approve a parcel map that would result in the creation of more than two lots and more than two units on a lot resulting from a lot split under Government Code section 66411.7. A local agency may choose to allow more than two units, but it is not required to under the law. A parcel may only be subdivided once under Government Code section 66411.7. This provision prevents an applicant from pursuing multiple lot splits over time for the purpose of creating more than two lots. SB 9 also does not require a local agency to approve a lot split if an adjacent lot has been subject to a lot split in the past by the same property owner or a person working in concert with that same property owner.

Accessory Dwelling Units

(Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (f))

SB 9 and ADU Law (Gov. Code, §§ 65852.2 and 65858.22) are complementary. The requirements of each can be implemented in ways that result in developments with both “SB 9 Units” and ADUs. However, specific provisions of SB 9 typically overlap with State ADU Law only to a limited extent on a relatively small number of topics. Treating the provisions of these two laws as identical or substantially similar may lead a local agency to implement the laws in an overly restrictive or otherwise inaccurate way.

“Units” Defined. The three types of housing units that are described in SB 9 and related ADU Law are presented below to clarify which development scenarios are (and are not) made possible by SB 9. The definitions provided are intended to be read within the context of this document and for the narrow purpose of implementing SB 9.

Primary Unit. A primary unit (also called a residential dwelling unit or residential unit) is typically a single-family residence or a residential unit within a multi-family residential development. A primary unit is distinct from an ADU or a Junior ADU. Examples of primary units include a single-family residence (i.e., one primary unit), a duplex (i.e., two primary units), a four-plex (i.e., four primary units), etc.

Accessory Dwelling Unit. An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family or multifamily dwelling is or will be situated.

Junior Accessory Dwelling Unit. A Junior ADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior ADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an ADU or Junior ADU or otherwise defined. This distinction is critical to successfully implementing SB 9 because state law applies different requirements (and provides certain benefits) to ADUs and Junior ADUs that do not apply to primary units.

Number of ADUs Allowed. ADUs can be combined with primary units in a variety of ways to achieve the maximum unit counts provided for under SB 9. SB 9 allows for up to four units to be built in the same lot area typically used for a single-family home. The calculation varies slightly depending on whether a lot split is involved, but the outcomes regarding total maximum unit counts are identical.

Lot Split. When a lot split occurs, the local agency must allow up to two units on each lot resulting from the lot split. In this situation, all three unit types (i.e., primary unit, ADU, and Junior ADU) count toward this two-unit limit. For example, the limit could be reached on each lot by creating two primary units, or a primary unit and an ADU, or a primary unit and a Junior ADU. By building two units on each lot, the overall maximum of four units required under SB 9 is achieved. (Gov. Code, § 66411.7, subd. (j).) Note that the local agency may choose to allow more than two units per lot if desired.

No Lot Split. When a lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law. Unlike when a project is proposed following a lot split, the local agency must allow, in addition to one or two primary units under SB 9, ADUs and/or JADUs under ADU Law. It is beyond the scope of this document to identify every combination of primary units, ADUs, and Junior ADUs possible under SB 9 and ADU Law. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units, ADUs, and Junior ADUs.

See HCD’s [ADU and JADU webpage](#) for more information and resources.

Relationship to Other State Housing Laws

SB 9 is one housing law among many that have been adopted to encourage the production of homes across California. The following represent some, but not necessarily all, of the housing laws that intersect with SB 9 and that may be impacted as SB 9 is implemented locally.

Housing Element Law. To utilize projections based on SB 9 toward a jurisdiction’s regional housing need allocation, the housing element must: 1) include a site-specific inventory of sites where SB 9 projections are being applied, 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute an impediment for additional residential use, 3) identify any governmental constraints to the use of SB 9 in the creation of units (including land use controls, fees,

and other exactions, as well as locally adopted ordinances that impact the cost and supply of residential development), and 4) include programs and policies that establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9. Learn more on HCD’s [Housing Elements webpage](#).

Housing Crisis Act of 2019. An affected city or county is limited in its ability to amend its general plan, specific plans, or zoning code in a way that would improperly reduce the intensity of residential uses. (Gov. Code, § 66300, subd. (b)(1)(A).) This limitation applies to residential uses in all zones, including single-family residential zones. “Reducing the intensity of land use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site’s residential development capacity. (Gov. Code, § 66300, subd. (b)(1)(A).)

A local agency should proceed with caution when adopting a local ordinance that would impose unique development standards on units proposed under SB 9 (but that would not apply to other developments). Any proposed modification to an existing development standard applicable in the single-family residential zone must demonstrate that it would not result in a reduction in the intensity of the use. HCD recommends that local agencies rely on the existing objective development, subdivision, and design standards of its single-family residential zone(s) to the extent possible. Learn more about [Designated Jurisdictions Prohibited from Certain Zoning-Related Actions](#) on HCD’s website.

Housing Accountability Act. Protections contained in the Housing Accountability Act (HAA) and the Permit Streaming Act (PSA) apply to housing developments pursued under SB 9. (Gov. Code, §§ 65589.5; 65905.5; 65913.10; 65940 et seq.) The definition of “housing development project” includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit. (Gov. Code, § 65905.5, subd. (b)(3).) For additional information about the HAA and PSA, see HCD’s [Housing Accountability Act Technical Assistance Advisory](#).

Rental Inclusionary Housing. Government Code section 65850, subdivision (g), authorizes local agencies to adopt an inclusionary housing ordinance that includes residential rental units affordable to lower- and moderate-income households. In certain circumstances, HCD may request the submittal of an economic feasibility study to ensure the ordinance does not unduly constrain housing production. For additional information, see HCD’s [Rental Inclusionary Housing Memorandum](#).

CALIFORNIA COASTAL COMMISSION

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To: Planning Directors of Coastal Cities and Counties
From: John Ainsworth, Executive Director, California Coastal Commission
Date: January 21, 2022

Re: Implementation of New SB 9 Housing Laws in Sea Level Rise Vulnerable Areas

As of January 1, 2022, SB 9 (Atkins) changed the way that local governments can regulate new residential development and lot splits in single-family residential zones within designated urban areas, with the goal of increasing housing density in those areas. The new housing laws added by SB 9, Government Code Sections 65852.21 and 66411.7, contain Coastal Act savings clauses. This means that, except for public hearing requirements, the Coastal Act continues to apply in full force in the coastal zone. Accordingly, certified Local Coastal Program (LCP) provisions continue to apply but, in most places, will need to be updated to conform with SB 9 to the greatest extent possible while still complying with the Coastal Act. This memorandum focuses on how to harmonize the new SB 9 requirements with LCP and Coastal Act policies in areas that are vulnerable to sea level rise because increasing residential density in these areas presents unique challenges and risks. When updating LCPs, local governments should keep in mind that LCP provisions must continue to be consistent with all applicable Coastal Act policies in all areas.

I. Housing in the Coastal Zone

The State of California is experiencing a critical shortage of affordable housing. In recognition of this critical shortage, the state Legislature passed numerous laws in recent years aimed at increasing construction of additional housing units, and preferably affordable units. Many of these measures, including SB 9, state that they do not supersede or lessen the application of the Coastal Act. The Coastal Commission (Commission) recognizes the particularly critical shortage of affordable housing in the coastal zone and has strongly supported strategies to increase access to affordable housing near the coast. To address housing shortages in the coastal zone over the long-term, new residential development must be built in locations and with designs that ensure it will be safe from hazards, have access to adequate public services, and will minimize coastal resource impacts.

Importantly, siting new housing in areas projected to be impacted by sea level rise, without planning for adaptation, will not address the housing crisis over the long-term and will instead put more residences and lives at risk and exacerbate housing shortages. The hazards and other impacts associated with sea level rise require local governments to plan carefully to ensure that new housing is safe both now and for future generations. Likewise, effective January 1, 2022, a

new section was added to the Coastal Act that explicitly requires the Commission to “take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.” (Pub. Res. Code § 30270.) While the Commission has considered sea level rise in its planning, policies, and activities for many decades, the new section of the Coastal Act further emphasizes the importance of accounting for sea level rise.

New residential development in the coastal zone must be consistent with Coastal Act and LCP policies, including requirements relating to protection of coastal resources and hazards, such as Coastal Act Sections 30250, 30253, 30235 and 30240, as discussed further below. In addition to these requirements, a variety of other provisions in the Coastal Act relate to housing in the coastal zone. As relevant here, the Coastal Act does not exempt local governments from complying with state and federal law “with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted.” (Pub. Res. Code § 30007.) The Coastal Act also requires the Commission to encourage housing opportunities for low- and moderate-income households (Pub. Res. Code § 30604(f)), but states that “[n]o local coastal program shall be required to include housing policies and programs.” (Pub. Res. Code § 30500.1.) Lastly, the Coastal Act regulates where new development can be sited. New residential development must be “located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it” or in other areas where development will not have significant adverse effects, either individually or cumulatively, on coastal resources. (Pub. Res. Code § 30250(a).) Land divisions, other than leases for agricultural uses, are permitted outside existing developed areas “only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.” (Pub. Res. Code § 30250(a).)

II. Overview of New Legislation

As of January 1, 2022, SB 9 adds Government Code Sections 65852.21 and 66411.7, and amends Government Code Section 66452.6. The new laws apply only to parcels located in: (a) a city that includes some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, within the city’s boundaries; or (b) an unincorporated area, *and* the parcel is located entirely within either an urbanized area or urban cluster, as designated by the United States Census Bureau. (Gov. Code §§ 65852.21(a)(1), 66411.7(a)(3)(B).) Currently certified LCPs are not superseded by the new laws and continue to apply until an LCP amendment is adopted.

The new legislation makes two primary changes to existing law:

a. Ministerial consideration of proposals to develop two or fewer residential units in urban areas

For projects outside the coastal zone, local governments must now ministerially consider, without discretionary review, proposals to develop two or fewer residential units in a single-family residential zone in designated urban areas when certain criteria are met. (Gov. Code § 65852.21.) Proposals to construct two new residential units and proposals to add one new unit to a parcel with an existing unit are both covered by this section. (Gov. Code § 65852.21(i)(1).) For ministerial consideration of proposed residential development to be required, proposals must meet the many criteria set forth in the statute, including that rental of any new unit created is for a term longer than 30 days. (See Gov. Code § 65852.21(a), (d)-(g).) Local governments are free to adopt objective zoning, subdivision, and design review standards for development of residential units in any residential zone that do not conflict with Government Code Section 65852.21. (Gov. Code § 65852.21(b)-(c).) This new section of the Government Code does not supersede or in any way alter application of the Coastal Act, except that local governments are not required to hold public hearings for coastal development permit (CDP) applications. (Gov. Code § 65852.21(k).) This means that, aside from CDP public hearing requirements, Government Code Section 65852.21 does not override the Coastal Act or LCP policies implementing the Coastal Act, which may involve the application of discretion. Therefore, local governments should adopt LCP amendments with standards that harmonize with SB 9 requirements as much as is feasible and that also ensure such new development is consistent with the Coastal Act and any applicable LCP policies, including requirements relating to notice of local decisions to the public and the Commission.

b. Ministerial approval of urban lot splits

For projects outside the coastal zone, local governments must now ministerially approve lot splits that create no more than two new lots in single-family residential zones in designated urban areas when certain criteria are met, (Gov. Code § 66411.7). However, as with the new requirements regarding residential development, this section of the Government Code does not supersede or in any way alter application of the Coastal Act, except that local governments are not required to hold public hearings for coastal development permit (CDP) applications. (Gov. Code § 66411.7(o).) Accordingly, for projects in the coastal zone, review for consistency with Coastal Act and applicable LCP policies is still required, and that may involve the application of discretion. For ministerial approval to be required outside the coastal zone, proposals must meet the many criteria set forth in the statute, including that no more than two new lots are created, and that rental of any new unit created is for a term longer than 30 days. (See Gov. Code § 66411.7.) Although discretionary review is prohibited in these circumstances in non-coastal zone areas, local governments are free to adopt objective zoning standards, objective subdivision standards, and objective design review standards applicable to urban lot splits that do not conflict with Government Code § 66411.7. (Gov. Code § 66411.7(c), (e).)

Although the new laws do not supersede the Coastal Act, and the requirement for ministerial approval does not automatically apply in the coastal zone, the laws should be harmonized with the Coastal Act as much as feasible. This could be accomplished, for example, by updating LCPs to create a checklist of objective standards for qualifying projects so that little or no discretion is involved when considering them. Overall, local governments should adopt LCP amendments with standards to ensure that such new development is consistent with the Coastal Act and any applicable LCP policies, including requirements relating to notice of local decisions to the public and the Commission.¹

III. SB 9 Application to Coastal Act Policies Generally

Local governments should consider how to amend their LCPs to comply with SB 9 to the greatest extent possible, while continuing to be consistent with the Coastal Act. Approval of the types of lot split and residential development projects contemplated by SB 9 is likely to increase residential density in urban areas, both in terms of the overall number of residential units and in terms of the nature of the built environment itself. In some areas, this increase in density may be able to be accommodated with limited coastal resource impacts. However, in other areas, there may be cases where such projects cause significant adverse impacts to coastal resources such as public access, sensitive habitats, and recreation areas. (See Pub. Res. Code § 30250.) For example, approval of new residential development projects and lot splits pursuant to SB 9 would not be consistent with the Coastal Act if the projects are adjacent to environmentally sensitive areas (ESHA) and are not sited and designed to prevent impacts which would significantly degrade those areas, or are incompatible with the continuance of those habitat and recreation areas. (Pub. Res. Code § 30240.) Residential areas in the coastal zone are often intertwined with significant coastal resource areas, such as along the immediate shoreline, between the first public road and the sea, near LCP-designated scenic areas, and near sensitive habitat areas. LCPs generally include a myriad of provisions protecting these coastal resources; LCP provisions designed to implement SB 9 should not conflict with or inappropriately diminish any such LCP protections that already apply. At the same time, SB 9's focus on ensuring that applicable standards are objective and processed ministerially means that local governments should consider ways to evaluate the potential for coastal resource impacts at the LCP planning stage, such as by using checklists or other such ministerial tools that can be employed at the CDP application stage as much as possible. Local governments are encouraged to coordinate with Commission staff as they develop LCP provisions to implement SB 9.

¹ SB 9 also amends Government Code § 66452.6 to allow local governments to provide by ordinance an additional 24-month time period before an approved or conditionally approved tentative subdivision map expires.

IV. SB 9 Application in Sea Level Rise Vulnerable Areas

As described in Chapter 3 of the Coastal Commission’s [2018 Update to the Sea Level Rise Policy Guidance](#) (SLR Guidance), as sea levels rise, tidal and groundwater inundation, flooding, wave impacts, bluff and beach erosion, saltwater intrusion, and other impacts are projected to worsen and further threaten residential development and coastal resources in the coastal zone. The applicability of SB 9 in areas vulnerable to the impacts associated with sea level rise is thus a critical concern.

a. Development of two or fewer residential units in sea level rise vulnerable areas

In many cases, increasing density in areas subject to sea level rise impacts without including appropriate siting, design, and mitigation features will not be consistent with Coastal Act policies. Proposals to develop two or fewer residential units pursuant to Government Code Section 65852.21 may be permitted in sea level rise-vulnerable areas if they can be developed in such a way as to be found consistent with the Coastal Act and LCP provisions, and can be designed and sited to be safe from hazards for the expected life of the structures. Proposed projects to construct two or fewer residential units pursuant to Government Code Section 65852.21 typically qualify as “development” under the Coastal Act because such projects usually involve “the placement or erection of any solid material or structure,” and/or a “change in the density or intensity of use of land. . . .” (Pub. Res. Code § 30106.)² As new development, the new units must minimize risks to life and property in areas of geologic and flood hazard; assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area; and not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (Pub. Res. Code §§ 30253, 30270; *see also* corresponding LCP provisions.) New residential development must be consistent with the Chapter 3 policies of the Coastal Act and any relevant LCP policies, including that they must be sited and designed to prevent significant degradation of adjacent sensitive habitats and recreation areas and to allow the continuance of those areas into the future (Pub. Res. Code § 30240(b)).

In some areas vulnerable to sea level rise, the risk of hazards during the anticipated life of the structure may be too great to permit development of two residential units on one lot if the new unit(s) cannot be sited and designed safely and consistent with relevant Coastal Act and LCP provisions. In other vulnerable areas, development may be permitted where adaptation strategies and special conditions can minimize hazard risks and avoid impacts on coastal

² As discussed in the Updates Regarding the Implementation of New ADU Laws Memorandum (Jan. 2022), conversion of existing habitable space within a single-family residence into another residential unit may not qualify as development if there are no major structural changes (e.g., changes to roofs, exterior walls, foundations, etc.) and no change to the size or intensity of use of the existing structure. (See Pub. Res. Code § 30106.)

resources. Local governments and applicants should refer to the Commission’s SLR Guidance when determining whether construction of residential units pursuant to Government Code Section 65852.21 in vulnerable areas is consistent with the Coastal Act and LCP policies. Chapter 7 of the SLR Guidance describes some of the adaptation strategies to consider when planning for development in sea level rise vulnerable areas. Some adaptation strategies may require land use plans or proposed projects to anticipate long-term impacts now. Other strategies may build adaptive capacity into the plan or project itself, such as special conditions that require elevation or removal of structures when certain triggers are met, so that future changes in hazard risks can be effectively addressed while ensuring long-term resource protection.

b. Lot splits in sea level rise vulnerable areas

As discussed above, Government Code Section 66411.7 requires ministerial consideration of urban lot splits in single-family residential zones in designated areas outside the coastal zone when certain criteria are met. “[S]ubdivision . . . and any other division of land, including lot splits,” qualify as “development” under the Coastal Act, thereby triggering the need for a CDP or other appropriate authorization. (Pub. Res. Code § 30106.) Lot splits also qualify as development because they constitute a “change in the density or intensity of use of land.” (*Id.*) As new development, proposals to subdivide land must:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(Pub. Res. Code § 30253.) New development must also be sited and designed to prevent significant degradation of adjacent sensitive habitats and recreation areas and to allow the continuance of those areas in the future. (Pub. Res. Code § 30240(b).) In addition, new development must be consistent with all Chapter 3 policies of the Coastal Act, including Sections 30210 through 30224 protecting public access and recreational opportunities; Sections 30230 and 30231 protecting marine habitats and water quality; Section 30250 requiring development to have adequate public services; and Section 30251 protecting visual resources. Subdivisions in areas with certified LCPs must also be consistent with corresponding, relevant LCP provisions. The Commission must also consider the effects of sea level rise in its coastal resources planning and management policies and activities, including those relating to new residential development. (Pub. Res. Code § 30270.)

The Commission’s SLR Guidance states that to comply with Section 30253 of the Coastal Act or the equivalent LCP section, projects will need to be planned, located, designed, and engineered

for the changing water levels and associated impacts that might occur over the life of the development. In addition, Chapter 7 of the SLR Guidance recommends concentrating development away from hazardous areas and limiting subdivisions in areas vulnerable to sea level rise. To be consistent with the Coastal Act, including how it is interpreted through the SLR Guidance, proposals to subdivide land in areas vulnerable to sea level rise should be considered very carefully for several reasons.

First, subdividing land projected to be negatively impacted by sea level rise in the foreseeable future is not a sound way to minimize risks to life and property in areas with high flood and geologic hazards. (See Pub. Res. Code § 30253.) Instead, subdivision in these areas is likely to increase risks to life and property by allowing for increased density and intensity of use of sites that are projected to be exposed to hazards such as tidal and groundwater inundation, flooding, wave impacts, bluff and beach erosion, and saltwater intrusion. Under SB 9, a lot currently zoned for a single-family residence could support many additional residential units. For example, a lot could be subdivided pursuant to Government Code Section 66411.7, and then two residential structures could be built on each of the newly divided lots pursuant to Government Code Section 65852.21. This scenario would result in four residences on a lot that, prior to SB 9, could only support one residence. When considering the circumstances in which residentially zoned lot splits (pursuant to SB 9 or otherwise) should be allowed in the coastal zone, local governments should consider whether each of the new lots would have a buildable area that is safe from coastal hazards for the foreseeable future without relying on shoreline armoring and could be developed in conformance with relevant coastal resource protection policies of the LCP and Coastal Act.

Second, it is important to analyze the safety of proposed lot splits over the longest feasible timeframe. Hazard analyses typically evaluate potential hazards for the expected life of the development. Unlike the development of residential structures that may only need to be safe for approximately 75-100 years, land divisions tend to be permanent and have little to no adaptive capacity. Although the SLR Guidance does not suggest a specific timeframe for the hazard analysis of proposed lot splits, it does note that projects that are expected to last indefinitely should consider time frames of 100 years or more, and this is also consistent with past Commission action. For example, Commission staff recently recommended denial of a proposal to subdivide property in Orange County that was particularly vulnerable to sea level rise because, among other reasons, the project did not minimize risks to life and property and could not assure stability and structural integrity of the project, as Section 30253 of the Coastal Act requires. ([Staff Report](#), Application Nos. 5-18-0907 & 5-18-0908, August 29, 2019.) The staff report found that the proposed subdivision could last in perpetuity, potentially long beyond the anticipated life of the proposed residential structure, and that both new lots would likely be subject to sea level rise impacts after the anticipated life of the residential structure. (*Id.*) After some deliberation with the Commission at the public hearing, the applicant [withdrew](#) its application and submitted a new proposal to build two single-family residences on the lot

without subdivision. The Commission [approved](#) the new application with the condition that the property cannot be subdivided now or in the future, among other conditions addressing the property’s sea level rise vulnerabilities. ([Staff Report](#), Application No. 5-20-0646, May 21, 2021.) In the zoning context, the Commission [denied](#) a request by the County of Santa Barbara to amend its Land Use Plan (LUP) to rezone a single oceanfront property from recreation/open space to single-family residential because the property was projected to be impacted by hazards in the foreseeable future, among other reasons. The Commission found that the hazards analysis for a proposed land use designation change should consider hazards for the foreseeable future because “[u]nlike residential structural development, where the Commission generally analyzes whether the structure will be stable and safe for its expected life of 75 to 100 years, the land use designation change of a parcel would be more or less permanent.” ([Staff Report](#), Application No. LCP-4-STB-18-0039-1- Part D, July 10, 2019, p. 16.) Land divisions, like land use designation changes, may last in perpetuity. Thus, the Commission’s past guidance and actions demonstrate that, in most circumstances, a hazard analysis for a lot split proposal should consider the longest time frame feasible.

Third, subdivision may limit the adaptation strategies available to individuals and communities as sea levels rise. Unlike structural development, which can be designed to incorporate adaptive elements like waterproofing, elevation, or relocation, subdivisions have little to no adaptive capacity; thus, it is not always feasible to mitigate the impacts created by subdivisions. Subdividing a parcel can also limit the opportunities to adapt to sea level rise on that land by decreasing the land available on a lot for existing development to be moved landward, or for new development to be sited in a more landward or higher elevation location. Land divisions also increase the number of property interests in a site. This can add cost and logistical complexity to community-scale adaptation strategies, making it harder to form and manage geological hazard abatement districts, negotiate buyouts, and implement conservation easements, and making it more difficult to minimize hazards and protect coastal resources in the future.

Lastly, allowing subdivisions in vulnerable areas may negatively impact coastal resources and public access. Coastal resources such as beaches and wetlands will migrate and naturally adapt due to future coastal erosion and sea level rise conditions. Increased residential density and intensity of use along the shoreline and in vulnerable areas may impact coastal resources through, for example, “coastal squeeze” where shoreline development prevents beaches and bluffs from migrating inland, which causes the narrowing and eventual loss of beaches, dunes, and other shoreline habitats as well as the loss of offshore recreational areas. Having fewer structures on relatively larger lots may allow more opportunities for those structures to adapt—for example, by being moved to other parts of the lot that are safer. Depending on the geography and other site-specific conditions, creating additional, smaller lots with more structures may reduce this adaptive capacity.

In light of the potential hazards and coastal resource impacts associated with subdivision in areas vulnerable to sea level rise, many local governments have avoided such land divisions. For example, Policy 7-2 of the City of Half Moon Bay's Local Coastal LUP limits "subdivisions in areas vulnerable to environmental hazards, including as may be exacerbated by climate change, by prohibiting any new land divisions, including subdivisions, lot splits, and lot line adjustments that create new building sites unless specific criteria [are] met that ensure that when the subject lots are developed, the development will not be exposed to hazards, pose any risks to protection of coastal resources, or create or contribute to geologic instability." Likewise, San Mateo County's LCP Implementation Plan (IP) requires applications for proposed subdivisions to include a development footprint analysis that comprehensively evaluates site development constraints and potential impacts, including sea level rise impacts, prior to approval of subdivision parcel maps. These LCP policies allow lot splits, such as those authorized by Government Code § 66411.7, but only when consistent with the Coastal Act.

c. Identifying areas vulnerable to sea level rise

The best available, up-to-date scientific information about coastal hazards and sea level rise should be used to determine whether proposals for lot splits and new residential units in areas vulnerable to sea level rise are consistent with the Coastal Act and LCP provisions. Local governments and applicants should refer to the SLR Guidance when conducting this analysis.

Step 1: Identify sea level rise projections. First, identify the best available, locally-relevant sea level rise projections. In line with statewide guidance, the Commission currently recognizes the Ocean Protection Council's 2018 State Sea-Level Rise Guidance as the best available science on sea level rise projections for California.

- *Tide gauges.* Appendix G of the SLR Guidance includes sea level rise projections for every 10 years from 2030 to 2150 for 12 tide gauges along the California coast; the projections from the closest tide gauge to the project site should be used.
- *Planning horizon.* Hazard analyses typically evaluate potential hazards for the expected life of the development. Some LCPs include a specified design life for new types of development. If no specified time frame is provided, a time frame may be chosen based on the type of development. For proposed development of new residential units, it is generally appropriate to analyze sea level rise impacts for at least the expected life of the proposed structure(s), often 75-100 years for residential structures, as described in Chapter 6 of the SLR Guidance. Although situations may vary, local governments and applicants should typically use a longer planning horizon of at least 100 years for lot splits because, as described in subsection (b), land divisions are expected to be permanent, unlike many other kinds of development, and have a limited ability to adapt.
- *Risk aversion scenario.* Evaluate impacts from the "medium-high risk aversion" scenario, as described in Chapters 5 and 6 of the SLR Guidance. The SLR Guidance recommends

that all communities evaluate the impacts from the “medium-high risk aversion” scenario (p. 76), and that residential structures and projects with greater consequences and/or a lower ability to adapt use this projection scenario (p. 102). In addition, impacts under other risk aversion scenarios may be helpful to analyze.

Step 2: Analyze the physical effects of sea level rise. Analyze the following hazards under the medium-high risk aversion scenario: erosion of beaches, bluffs, cliffs, and other landforms; tidal inundation of shoreline areas; flooding (wave run-up and storm impacts); and saltwater intrusion and groundwater impacts, consistent with the SLR Guidance and Coastal Act and LCP requirements.

Step 3: Assess impacts to future development and coastal resources. Determine whether the proposed residential units and/or potential building sites on new parcels are vulnerable to sea level rise impacts.

Step 4: Determine whether proposed development is appropriate. Lastly, determine whether the proposed development is consistent with the LCP and Coastal Act as proposed, or can be made consistent with design modifications, adaptive strategies, or other conditions. Development of new residential units in areas projected to be impacted by sea level rise may be inconsistent with the Coastal Act or LCPs if adaptive strategies cannot minimize the risk of hazards and protect coastal resources, as discussed in subsection (a). Lot splits may be inconsistent with the Coastal Act or LCP policies if they occur in areas projected to be impacted by the hazards associated with sea level rise over the next 100+ years under the medium-high risk aversion scenario, as discussed in subsection (b). As described in the SLR Guidance, local governments should consider whether to “[p]rohibit any new land divisions, including subdivisions [and] lot splits . . . that create new beachfront or blufftop lots unless the lots can meet specific criteria that ensure that when the lots are developed, the development will not be exposed to hazards or pose any risks to protection of coastal resources.” (SLR Guidance, p. 130.) A lot split may be appropriate if the project site is not projected to be impacted by sea level rise hazards for the longest time frame feasible, typically at least 100 years, and is otherwise consistent with the LCP and Coastal Act.

V. Local Government Application of SB 9 in the Coastal Zone

a. Update applicable LCP provisions

Local governments in the coastal zone are required to comply with both the Coastal Act and, to the extent they do not conflict with Coastal Act requirements, the new SB 9 requirements. Currently certified provisions of LCPs are not superseded by Government Code Sections 65852.21 and 66411.7 and continue to apply to CDP applications until an LCP amendment is adopted. Where LCP provisions directly conflict with the new Government Code provisions or require refinement to be consistent with the new laws, those LCP provisions should be updated to be consistent with SB 9 to the greatest extent feasible while still complying with Coastal Act

requirements. As discussed above, when updating LCP policies to account for SB 9, local governments should also consider how proposed lot splits and residential development might impact public access, sensitive habitats, recreation areas, and other coastal resources. Local governments should also consider new LCP provisions that limit or prohibit subdivisions in areas vulnerable to sea level rise, and that appropriately account for coastal hazards and coastal resource impacts, including as exacerbated or associated with sea level rise, for new residential development.

Although a public hearing is not required under SB 9, public notice requirements still apply. LCP amendment applications should specify how local and Coastal Act public notice requirements will be fulfilled, including the notice requirements for: (a) pending action to interested parties prior to a local decision, and (b) notice of final action to the Commission and those who have requested such notice after a local decision. LCP amendment applications should specify the procedures for issuing a Final Local Action Notice (FLAN) for local decisions on applications for development that are appealable to the Commission. Some LCP amendments may qualify for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); Cal. Code Regs., tit. 14, § 13554.)

b. Review SB 9 applications consistent with the Coastal Act/LCP and SB 9

Local governments should generally follow the below process when considering proposed SB 9 projects outside of areas that are potentially vulnerable to sea level rise.

Review Prior CDP History. First, determine whether a CDP or other form of Coastal Act authorization was previously issued for development of the site and whether that CDP and/or authorization limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Commission district office if a Commission-issued CDP and/or authorization limits the applicant’s ability to apply to construct two or fewer residential units or split the lot.

Consider Possible Expedited Permitting Processes. Second, and only if an application proposes to undertake development in an area where it will be consistent with LCP and Coastal Act hazard and coastal resource protection policies, consider whether any expedited permitting processes, such as waivers or administrative permits, are available. If a local government’s LCP includes a waiver provision, and the proposed lot split and/or residential unit development proposal meets the criteria for a CDP waiver, the local government may issue a CDP waiver in place of a CDP. The Commission has generally allowed a CDP waiver only when the Executive Director determines that the proposed development is de minimis (i.e., it is development that has no potential for any individual or cumulative adverse effect on coastal resources and is consistent with all Chapter 3 policies of the Coastal Act). Such a finding can typically be made when the proposed project has been sited, designed, and limited in such a way as to ensure any potential impacts to coastal resources are avoided (such as through habitat and/or hazards setbacks, provision of adequate off-street parking to ensure that public access to the coast is

not impacted, etc.). (See Pub. Res. Code § 30624.7.) Projects that qualify for a CDP waiver typically allow for a substantially reduced evaluation process and streamlined approval. It may be appropriate for local governments to use waivers to approve applications in both appealable and non-appealable areas to streamline permitting.³ Local governments interested in exploring this option should consult with Commission staff. LCP amendment applications that propose to allow waivers in appealable areas should ensure that there are proper procedures for notifying the public and the Commission of approvals for individual, appealable waivers (such as Final Local Action Notices) so that the proper appeal period can be set, and any appeals received are properly considered.⁴

Require and Review a CDP Application. Lastly, if a proposal is not eligible for a waiver or similar expedited process authorized by the Coastal Act and the certified LCP, including because it is located in an area potentially subject to coastal hazards and/or future sea level rise hazards, it requires a CDP. (Pub. Res. Code § 30600.) The CDP must be consistent with the requirements of the certified LCP and any relevant policies of the Coastal Act. Local governments must provide all required public notice for any CDP applications for development covered by SB 9 and process the application pursuant to LCP requirements, but local governments are not required to hold public hearings. (Gov. Code §§ 65852.21(k); 66411.7(o).) Once the local government has made a CDP decision, it must send the required final local action notice of that decision to the appropriate Commission district office. If the CDP decision on the proposed project is appealable, a local government action to approve a CDP for the proposed project may be appealed to the Commission. (Pub. Res. Code § 30603.)

³ Most, if not all, LCPs with CDP waiver provisions do not allow for waivers in areas where local CDP decisions are appealable to the Coastal Commission. There have been a variety of reasons for this in the past, including that the Commission’s regulations require that local governments hold a public hearing for all applications for appealable development (14 Cal. Code Regs § 13566), and also that development in such areas tends to raise more coastal resource concerns and that waivers may therefore not be appropriate. However, under SB 9 provisions, public hearings are not required for qualifying development. Because of this, the above-described public hearing issue would not be a concern, so it could be appropriate for LCPs to allow CDP waivers in both appealable and non-appealable areas at least related to this criterion. Local governments should consult with Commission staff should they consider proposing CDP waiver provisions in their LCP.

⁴ The development authorized by SB 9—specifically, residential lot splits and development of new residential units that change the intensity of use—are not types of development that the Commission has typically found to be exempt from CDP requirements as improvements to single-family residences. (See Pub. Res. Code § 30610; Cal. Code Regs., tit. 14, § 13250(a).) In addition, any development that is not designated as the principal permitted use under the approved zoning ordinance or zoning district map—such as lot splits—is appealable to the Commission. (Pub. Res. Code § 30603(a)(4).)

VI. Conclusion

The Commission strongly supports increased access to affordable housing and increased residential density in the coastal zone. For new housing to be a long-term solution to the housing shortage, it must be sited and designed to be safe from hazards, such as sea level rise, and to not have significant adverse effects on coastal resources. Local governments should review their LCPs to determine what changes are necessary to implement SB 9 in a manner that is consistent with the Coastal Act and appropriate for local geography, and prepare and submit LCP amendments to the Commission as soon as is feasible.

This document was developed using federal financial assistance provided by the Coastal Zone Management Act, as amended, under award NA19NOS4190073, administered by the Office for Coastal Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author and do not necessarily reflect the views of the National Oceanic and Atmospheric Administration or the U.S. Department of Commerce.

Capitola City Council

Agenda Report

Meeting: May 12, 2022

From: Community Development Department

Subject: Objective Standards for Multifamily and Mixed-Use Residential Ordinance



Recommended Action: 1) Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola adding Municipal Code Chapter 17.82 to establish objective standards for multifamily dwellings and mixed-use residential development, amending section 17.16 Residential Zoning Districts, section 17.20 Mixed Use Zoning Districts, and 17.24 Commercial and Industrial Zoning Districts to reference Chapter 17.82 Objective Standards for Multifamily Dwellings and Mixed-Use Residential Development; and 2) Adopt the proposed resolution Authorizing Submittal to the California Coastal Commission for the Certification of an Amendment to the Local Coastal Program.

Background: In 2017, the State of California established the Senate Bill 2 (SB2) grant program to fund city planning efforts that streamline housing approvals and accelerate housing production. Capitola utilized part of its SB2 grant to create objective standards for multi-family and mixed-use development projects, which will ensure quality design and development in Capitola, while keeping the City in compliance with new state housing laws.

In 2021, the City began to prepare objective standards for multifamily dwellings and mixed-use residential development. These standards are needed to protect the city and ensure quality development considering new state housing laws. The City is using part of its SB2 grant funds for this project and is working with consultants Ben Noble and Bottomley Design and Planning on the project.

The City has held the following meetings regarding the Objective Standards project:

- 2021:
 - February 3: Planning Commission Study Session to present project goals and approach
 - April 8: City Council Study Session to present project goals and approach
 - July 21: Stakeholder Meeting #1 to receive preliminary input from developers, architects, and residents on potential draft standards
- 2022:
 - February 16: Stakeholder Meeting #2 to receive feedback on draft standards
 - March 31: Planning Commission to receive feedback on draft standards
 - April 21: Planning Commission positive recommendation to City Council
 - April 28: City Council receives staff presentation on recommended ordinance

Discussion: Recent changes to state law aimed at increasing housing production mandate an “expedited review” process for multifamily housing projects. These laws include Senate Bill (SB) 35, the Housing Accountability Act, and SB 330. The state created a streamlined administrative review process for applicable multifamily housing projects which comply with the local jurisdiction’s objective standards. Objective standards are defined by the state as standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark. Subjective standards, such as “neighborhood

compatibility,” are not allowed in the review of applicable multifamily and mixed-use housing applications. Multifamily housing is allowed in the Multifamily Residential (RM) zoning districts in the City, and mixed-use applications are allowed in Mixed-Use Neighborhood (MU-N), Community Commercial (C-C), and Regional Commercial (C-R) zoning districts as shown in Zoning Map in Attachment 3.

The objective standards for multifamily and mixed-use residential development would apply to all new multifamily and mixed-use residential development in the Multifamily Residential (RM), Mixed-Use Neighborhood (MU-N), Community Commercial (C-C), and Regional Commercial (C-R) districts. The standards would not apply in the Mixed-Use Village (MU-V) district as sufficient standards are already in place for this district. The standards would apply to projects that require a design permit, as well as projects requesting ministerial approval under SB 35.

The standards are divided into six categories. Each category includes an intent statement to explain the purpose of the standards followed by the objective standards to guide the design and citing. The six categories are:

1. Circulation and Streetscape
2. Parking and Vehicle Access
3. Building Placement, Orientation, and Entries
4. Building Massing
5. Facade and Roof Design
6. Other Site Features

A proposed project would be permitted to request deviation from one or more standards with Planning Commission review. The Planning Commission could approve a deviation upon finding the project successfully incorporates an alternative method to achieve the intent of the standard. A project requesting a deviation would not be eligible for streamlined review under SB 35.

CEQA:

State CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. There is no possibility that the objective design standards will have a significant effect on the environment, and all non-ministerial projects approved pursuant to the objective design standards shall be subject to CEQA review.

Fiscal Impact: None.

Attachments:

1. Objective Standards for Multifamily and Mixed-Use Residential Ordinance
2. Objective Standards LCP Amendment Resolution
3. Memorandum on Objective Standards for Multifamily and Mixed-Use Development
4. Zoning Map

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Chloé Woodmansee, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF CAPITOLA ADDING MUNICIPAL CODE CHAPTERS 17.82 TO ESTABLISH OBJECTIVE STANDARDS FOR MULTIFAMILY DWELLINGS AND MIXED-USE RESIDENTIAL DEVELOPMENT, AMENDING SECTION 17.16 RESIDENTIAL ZONING DISTRICT, SECTION 17.20 MIXED USE ZONING DISTRICTS, AND 17.24 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS TO REFERENCE CHAPTER 17.82 OBJECTIVE STANDARDS FOR MULTIFAMILY DWELLINGS AND MIXED-USE RESIDENTIAL DEVELOPMENT.

WHEREAS, SB-35 (Chapter 366, Statutes of 2017) enacted section 65913.4 to the Government Code, effective January 1, 2018; and

WHEREAS, Government Code section 65913.4 requires cities and counties to approve qualifying multifamily projects through a streamlined ministerial process if a project conforms to applicable objective standards and meets other requirements;

WHEREAS, The Housing Accountability Act (HAA), Government Code section 65589.5, limits the ability of cities and counties to deny or reduce the density of housing development projects that are consistent with objective standards;

WHEREAS, SB-330 (Chapter 654, Statutes of 2019) enacted Government Code section 66300 which prohibits cities and counties from establishing design standards that are not objective;

WHEREAS, the HAA and SB-330 apply within the coastal zone, but do not alter or lessen the effect or application of Coastal Act resource protection policies;

WHEREAS, Capitola's Zoning Code currently contains limited objective design standards for multifamily residential development;

WHEREAS, Capitola currently relies on subjective design review criteria in Zoning Code Section 17.120.070 to ensure that multifamily residential development exhibits high-quality design that enhances Capitola's unique identity and sense of place;

WHEREAS, for a project requesting streamlined review under SB-35, the City cannot enforce these requirements;

WHEREAS, under the Housing Accountability Act and SB-330, the City cannot require compliance with these standards for any multifamily or mixed-use residential project in a manner that disallows or reduces the density of the proposed project;

WHEREAS, in 2021 Capitola was awarded an SB-2 grant from the State of California established to fund city planning efforts to streamline housing approvals and accelerate housing production;

WHEREAS, Capitola elected to use part of this SB-2 grant to prepare new objective standards for multifamily and mixed-use residential development;

WHEREAS, the Planning Commission held a study session on February 3, 2021 and the City Council held a study session on April 8, 2021 to provide feedback on the project goals and approach;

WHEREAS, a stakeholder group including architects, developers, and residents provided input on new objective standards at meetings on July 21, 2021 and February 16, 2022;

WHEREAS, on March 31, 2022, the Planning Commission provided feedback on draft objective standards.

WHEREAS, on April 21, 2022, the Planning Commission recommended to the City Council adoption of the objective standards.

BE IT ORDAINED by the City of Capitola as follows:

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

Section 2. Section 17.82 (Objective Standards for Multifamily and Mixed-Use Residential Development) is added to the Municipal Code to read as shown in Attachment 1.

Section 3:

Paragraph 4 is added to Municipal Code Section 17.16.030.C as follows:

4. Objective Standards for Multifamily Dwellings. New multifamily dwellings in the RM zoning district must comply with Chapter 17.82 (Objective Standards for Multifamily and Mixed-use Residential Development).

Subsection I is added to Municipal Code Section 17.20.040 as follows:

I. Objective Standards for Multifamily Dwellings and Mixed-use Residential Development. New multifamily dwellings and mixed-use residential development in the MU-N zoning district must comply with Chapter 17.82 (Objective Standards for Multifamily and Mixed-use Residential Development).

Subsection H is added to Municipal Code Section 17.24.030 as follows:

H. Objective Standards for Multifamily Dwellings and Mixed-use Residential Development. New multifamily dwellings and mixed-use residential development in the C-c and C-R zoning districts must comply with Chapter 17.82 (Objective Standards for Multifamily and Mixed-use Residential Development).

Section 4: Environmental Review.

State CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. There is no possibility that the objective design standards will have a significant effect on the environment, and all non-ministerial projects approved pursuant to the objective design standards shall be subject to CEQA review.

Section 5: Effective Date.

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

Section 6: Severability.

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

Section 7: Certification.

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

This Ordinance was introduced at the meeting of the City Council on the ____ day of _____ 2022, and was adopted at a regular meeting of the City Council on the ____ day of _____ 2022, by the following vote:

AYES:
NOES:
ABSENT:

Sam Story, Mayor

Attest: _____
Chloe Woodmansee, City Clerk

Approved as to form:

Samantha Zutler, City Attorney

Chapter 17.82 - OBJECTIVE STANDARDS FOR MULTIFAMILY AND MIXED-USE RESIDENTIAL DEVELOPMENT

Sections:

- 17.82.010 Purpose
- 17.82.020 Applicability
- 17.82.030 Deviations
- 17.82.040 Circulation and Streetscape
- 17.82.050 Parking and Vehicle Access
- 17.82.060 Building Placement, Orientation, and Entries
- 17.82.070 Building Massing
- 17.82.080 Facade and Roof Design
- 17.82.090 Other Site Features

17.82.010 Purpose

This chapter contains objective standards for multifamily and mixed-use residential development. These standards are intended to help ensure that proposed development exhibits high-quality design that enhances Capitola's unique identity and sense of place.

17.82.020 Applicability

A. Land Use.

1. The standards in this chapter apply to new multifamily dwellings, attached single-family homes (townhomes), and mixed-use development that contain both a residential and non-residential use.
2. This chapter does not apply to detached-single-family dwellings, including subdivisions of multiple subdivisions of multiple single-family homes.

B. Zoning Districts. The standards in this chapter apply in all zoning districts except for the Single-Family (R-1), Mobile Home (MH), Mixed Use Village ((MU-V), and Industrial (I) districts.

17.82.030 Deviations

An applicant may request deviation from one or more standard through the design permit process. The Planning Commission may approve a deviation upon finding that the project incorporates an alternative method to achieve the intent statement the proceeds the standard. A project requesting a deviation is not eligible for streamlined ministerial approval under Government Code Section 65913.4.

17.82.040 Circulation and Streetscape

A. Intent. The intent of the circulation and streetscape standards is to:

1. Enhance the visual character and aesthetic qualities of the city.
2. Encourage pedestrian mobility with safe, functional, and attractive sidewalks.
3. Provide for sufficient sidewalk widths to accommodate street trees and an ADA-compliant pedestrian clear path.
4. Provide for appropriate and attractive transitions from the public to private realm.
5. Promote social engagement along property frontages.

B. Standards.

1. **Sidewalks.** Outside of designated sidewalk exempt areas, public sidewalks abutting a development parcel shall have a minimum sidewalk width (back of curb to back of walk) as follows:
 - a. RM and MU-N zones: 6 feet. If the sidewalk ties into an existing 4-foot sidewalk, the minimum sidewalk width is 4 feet.
 - b. C-C and C-R zones: 10 ft.
2. **Street Trees.**
 - a. At least one street tree for every 30 feet of linear feet of sidewalk length shall be provided within the sidewalk.
 - b. A minimum 48-inch pedestrian clear path shall be maintained adjacent to street trees.
 - c. Sidewalk tree wells shall be minimum 36 inches in width by minimum 36 inches in length. Tree grates are required for sidewalks less than 7 feet in width.
 - d. Street trees shall be located a minimum 15 feet from power and/or other utility poles and “small” per PG&E’s “Trees and shrubs for power line-friendly landscaping” to reduce potential utility line conflicts.
 - e. Street trees shall not be planted over buried utilities, public or private,
 - f. Street trees shall be planted with approved root guard to encourage downward root growth
 - g. The variety of street tree to be planted must be approved the City as part of a landscape plan.
3. **Public Access Easement.** If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum standards above, extension of the sidewalk onto the property, with corresponding public access easement or dedication, shall be provided.

17.82.050 Parking and Vehicle Access

A. Intent. The intent of the parking and vehicle access standards is to:

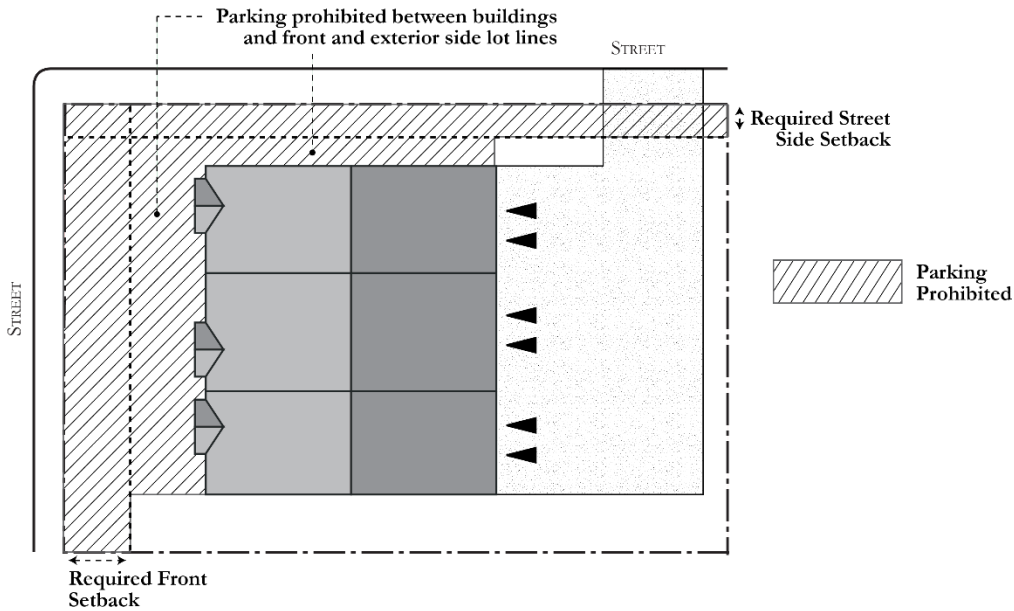
1. Support a pedestrian-friendly streetscape, walkable neighborhoods, and active and inviting mixed-use districts.
2. Minimize the visual dominance of parking facilities visible from the street frontage.
3. Encourage residents to walk, bike, and/or take transit to destinations, rather than drive.

B. Standards

1. Parking Placement.

- a. As shown in Figure 17.82-1, surface parking spaces may not be located:
 - (1) In a required front or street side setback area; or
 - (2) Between a primary structure and a front or street side property line.
- b. The Director may administratively approve an exception to this requirement for age-restricted senior housing developments or when necessary to provide ADA-compliant parking. For such exceptions, the following standards apply:
 - (1) Parking areas adjacent to a street must include a landscaped planting strip between the street and parking area at least four feet wide with a minimum planting height of 36 inches.
 - (2) Plantings and screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the Director to meet the intent of this requirement.
 - (3) Trees must be provided within the planting strip at a rate of at least one tree for each 30 feet of street frontage with a minimum distance of not more than 60 feet between each tree. Tree species must reach a mature height of at least 20 feet.

Figure 17.82-1: Parking Placement



2. **Driveway Width.** The maximum width of a new driveway crossing a public sidewalk is 12 feet for a one-car driveway and 20 feet for a two-car driveway. Greater driveway width is allowed if required by the Fire District.
3. **Number of Driveways.** A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per street frontage per 150 feet of lineal street frontage. Deviation from this standard is allowed if required by the Fire District.
4. **Garage Width and Design.**
 - a. Garage doors may occupy no more than 40 percent of a building's street frontage and shall be recessed a minimum of 18 inches from a street-facing wall plane.
 - b. Street-facing garage doors serving individual units that are attached to the structure must incorporate one or more of the following so that the garage doors are visually subservient and complementary to other building elements:
 - (1) Garage door windows or architectural detailing consistent with the main dwelling.
 - (2) Arbor or other similar projecting feature above the garage doors.
 - (3) Landscaping occupying 50 percent or more of driveway area serving the garage (e.g, "ribbon" driveway with landscaping between two parallel strips of pavement for vehicle tires)
5. **Podium Parking.**

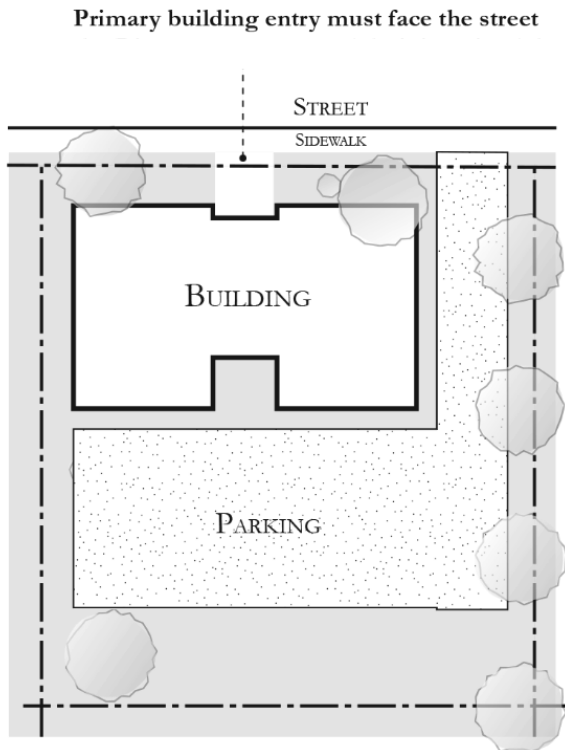
- a. **Landscaping Strip.** Partially submerged podiums adjacent to a street must include a landscaped planter between the street and podium at least 4 feet wide with a planting height and vegetative cover sufficient in height to fully screen the podium edge and ventilation openings from view. At maturity, plantings must comprise a minimum of 75 percent of the total landscape planter area.
 - b. **Residential-only Projects.**
 - (1) The maximum height of lower-level parking podium adjacent to the street is 5 feet above finished sidewalk grade.
 - (2) First-floor units above a street-facing podium must feature entries with stoops and stairs providing direct access to the adjacent sidewalk.
 - c. **Mixed-Use Projects.** The podium parking entry shall be recessed a minimum of 4 feet from the front street-facing building facade.
6. **Loading.**
- a. Loading docks and service areas on a corner lot must be accessed from the side street.
 - b. Loading docks and service areas are prohibited on the primary street building frontage.

17.82.060 Building Placement, Orientation, and Entries

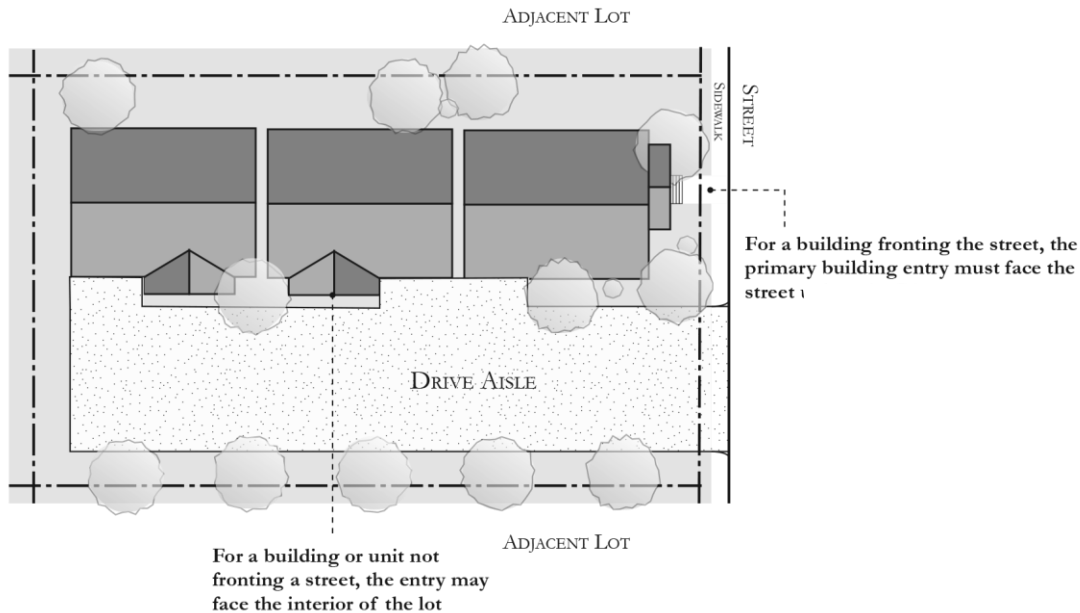
- A. Intent.** The intent of the building placement, orientation, and entries standards is to:
- 1. Support cohesive neighborhoods and social interaction with outward facing buildings.
 - 2. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character.
 - 3. Provide for sensitive transition from the public realm (sidewalk) to the private realm (residences).
 - 4. Provide adequate area behind buildings for parking.
- B. Standards**
- 1. **Maximum Front Setback.**
 - a. RM Zone: 25 ft. or front setback of adjacent building, whatever is greater.
 - b. MU-N Zone: 25 ft.
 - c. C-C and C-R Zones: 25 ft. from edge of curb.
 - 2. **Front Setback Area.**

- a. All areas between a building and adjoining sidewalk shall be landscaped with live plant materials, except for:
 - (1) Areas required for vehicular or pedestrian access to the property; and
 - (2) Courtyards, outdoor seating areas, and other similar outdoor spaces for residents, customers and/or the general public.
 - b. Landscaping shall consist of any combination of trees and shrubs, and may include grass or related natural features, such as rock, stone, or mulch. At maturity, plantings must comprise a minimum of 75 percent of the total landscape area.
3. **Building Entrances.**
- a. For buildings with one primary entrance that provides interior access to multiple individual dwelling units, the primary building entrance must face the street. A primary building entrance facing the interior of the interior of a lot is not allowed. See Figure 17.82-2.

Figure 17.82-2: Building Entry Orientation – Single Primary Entry



- b. On lots where units have individual exterior entrances, all ground floor units with street frontage must have an entrance that faces the street. If any wall of a ground floor unit faces the street, the unit must comply with this requirement. For units that do not front the street, entrances may face the interior of the lot. See Figure 17.82-3.

Figure 17.82-3: Building Entry Orientation – Multiple Primary Entries

- c. The Director may administratively approve an exception to the entry-orientation standards in this section for residential-only projects on Bay Avenue, Capitola Road, and 41st Avenue north of Jade Street that comply with all of the following standards:
 - (1) At least one pedestrian walkway per 50 feet of property street frontage must connect the adjacent sidewalk to the interior of the lot.
 - (2) The area between a building and the street must be landscaped, except for private open space for units (patios) and pedestrian pathways.
 - (3) Continuous solid fences between buildings and the street are prohibited. Private outdoor space, if provided, may be defined by a low fence at least 50 percent transparent.
 - (4) Street-facing buildings may not exceed a width of 100 feet.
4. **Pedestrian Walkway.** A pedestrian walkway, minimum 6-foot width, shall provide a connection between the public street and all building entrances (i.e., residents shall not be required to walk in a driveway to reach their unit).

C. Entry Design.

1. Residential Projects.

- a. A street-facing primary entrance must feature a porch, covered entry, or recessed entry clearly visible from the street that gives the entrance visual prominence. Entrances must be connected to the adjacent sidewalk with a pedestrian walkway.
- b. Front porches must comply with the following:

- (1) The front porch must be part of the primary entrance, connected to the front yard and in full view of the street-way.
 - (2) Minimum dimensions: 6 feet by 5 feet.
 - (3) The porch or covered entry must have open-rung railings or landscaping defining the space.
- c. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a 45-degree cut away entry. This standard does not apply to secondary or service entrances.
2. **Mixed-Use Projects.** Entrances to mixed-use buildings with ground floor commercial must be emphasized and clearly recognizable from the street. One or more of the following methods shall be used to achieve this result:
- a. Projecting non-fabric awnings or canopies above an entry (covered entry);
 - b. Varied building mass above an entry, such as a tower that protrudes from the rest of the building surface;
 - c. Special corner building entrance treatments, such as a rounded or angled facets on the corner, or an embedded corner tower, above the entry;
 - d. Special architectural elements, such as columns, porticos, overhanging roofs, and ornamental light fixtures;
 - e. Projecting or recessed entries or bays in the facade;
 - f. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a 45-degree cut away entry; and
 - g. Changes in roofline or articulation in the surface of the subject wall.
3. **Street-facing Entries to Upper Floors.** Street-facing entries to upper floors in a mixed-use building shall be equal in quality and detail to storefronts. This standard may be satisfied through one or more of the following:
- a. Dedicated non-fabric awning, canopy, or other projecting element
 - b. Dedicated light fixture(s)
 - c. Decorative street address numbers or tiles
 - d. Plaque signs for upper-floor residences.

17.82.070 Building Massing

A. Intent. The intent of the building massing and open space standards is to:

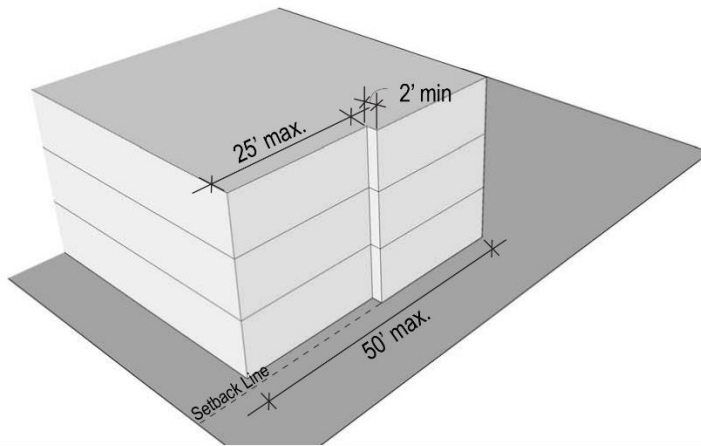
1. Provide for human-scale and pedestrian-friendly building massing where large buildings are broken into smaller volumes that fit into the surrounding neighborhood.
2. Provide for sensitive transitions to adjacent lower-density residential uses.
3. Minimize visual and privacy impacts to neighboring properties.

B. Standards.

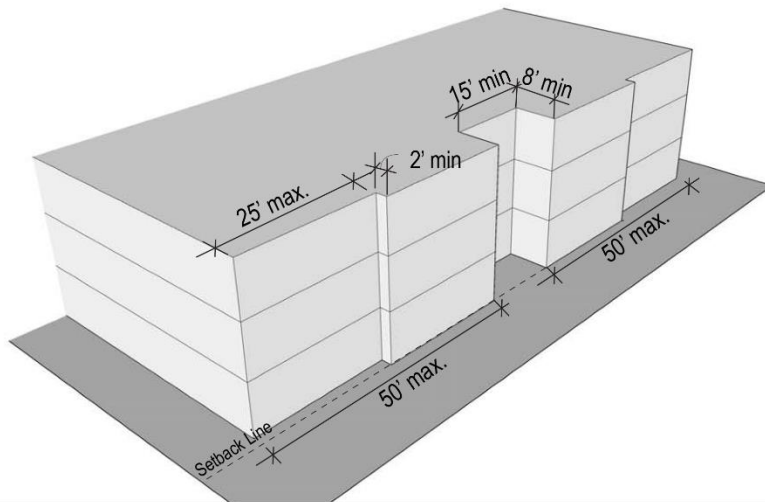
1. Massing Breaks.

- a. All street-facing building facades 25 feet or more in length shall incorporate a building projection or recess (e.g., wall, balcony, or window) at least 2 feet in depth. See Figure 17.82-4.

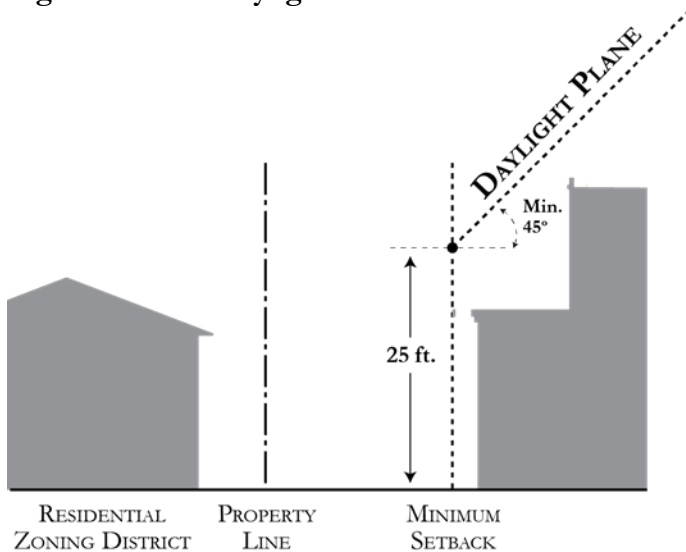
Figure 17.82-4: Massing Breaks – 25 ft. Module



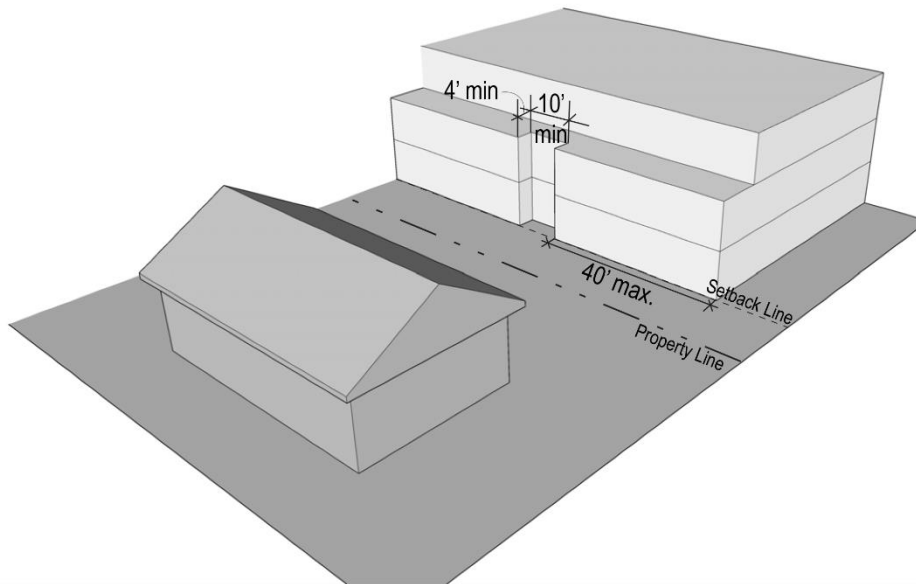
- b. Buildings that exceed 50 feet in length along a street facade shall provide a prominent recess at intervals of 50 feet or less. The recess shall have a minimum of depth of 8 feet and minimum width of 15 feet. See Figure 17.82-5.

Figure 17.82-5: Massing Breaks – 50 ft. Module

2. **Residential Transitions.** Development sharing a side or rear lot line with the R-1 district shall comply with the following:
 - a. No structure shall extend above or beyond a daylight plane having a height of 25 feet at the setback from the residential property line and extending into the parcel at an angle of 45 degrees. See Figure 17.82-6.

Figure 17.82-6: Daylight Plane

- b. A side building wall adjacent to a single-family dwelling may not extend in an unbroken plane for more than 40 feet along a side lot line. To break the plane, a perpendicular wall articulation of at least 10 feet width and 4 feet depth is required. See Figure 17.82-7.

Figure 17.82-7: Break in Side Building Wall**17.82.080 Facade and Roof Design**

A. Intent. The intent of the facade and roof design standards is to:

1. Create street-facing building facades that are varied and interesting with human-scale design details;
2. Incorporate architectural elements that reduce the perceived mass and box-like appearance of buildings;
3. Provide for buildings designed as a unified whole with architectural integrity on all sides of the structure;
4. Promote design details and materials compatible with the existing neighborhood character; and
5. Minimize privacy impacts to neighboring properties

B. Standards.

1. **Blank Wall Areas.**
 - a. The area of a blank building wall fronting a public street may not exceed a square area where the height and width are both 10 feet. See Figure 17.82-8.
 - b. A break in a blank building wall may be provided by any of the following:
 - (1) Doors, windows, or other building openings.
 - (2) Building projections or recesses, decorative trim, trellises, or other details that provide architectural articulation and design interest.

- (3) Varying wall planes where the wall plane projects or is recessed at least six inches.
- (4) Awnings, canopies or arcades.
- (5) Murals or other similar public art.

Figure 17.82-8: Blank Walls



2. **Windows and Doors.** Street-facing windows and doors shall comply with one of the following:
 - a. All street-facing windows and doors feature built up profile trim/framing. Windows must include sills and lintels. Trim/framing must project at least two inches from the building wall with material that visually contrasts from the building wall.
 - b. For all street-facing windows, glass is inset a minimum of 3 inches from the exterior wall or frame surface to add relief to the wall surface.
3. **Facade Design.** Each side of a building facing a street shall include a minimum of two of the following façade design strategies to create visual interest:
 - a. **Projecting Windows.** At least 25 percent of the total window area on the street-facing building wall consists of projecting windows. The furthest extent of each projecting window must project at least one foot from the building wall. This requirement may be satisfied with bay windows, oriel windows, bow windows, canted windows, and other similar designs.
 - b. **Window Boxes.** A minimum of 50 percent of street-facing windows feature window boxes projecting at least one-half foot from the building wall.
 - c. **Shutters.** A minimum of 50 percent of street-facing windows feature exterior decorative shutters constructed of material that visually contrasts from the building wall.

- d. **Prominent Front Porch.** A front porch with a minimum depth of 6 feet and width of 12 feet providing access to the unit's primary entrance.
 - e. **Balconies.** Balconies, habitable projections, or Juliet balconies, with at least 20 percent of the linear frontage of the street-facing building wall containing one or more above-ground balcony.
 - f. **Shade/Screening Devices.** Screening devices such as lattices, louvers, shading devices, awnings, non-fabric canopies, perforated metal screens, with such a device occupying at least 20 percent of the linear frontage of the street-facing building wall.
 - g. **Datum Lines.** Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material.
 - h. **Varied Exterior Color.** The street-facing building walls feature two or more visibly contrasting primary colors, with each color occupying at least 20 percent of the street-facing building wall area.
 - i. **Varied Building Wall Material.** The street-facing building walls feature two or more visibly contrasting primary materials (e.g., wood shingles and stucco), with each material occupying at least 20 percent of the street-facing building wall area.
4. **Roof Design.** Each side of a building facing a street shall include a minimum of one of the following roof design strategies to create visual interest:
- a. **Roof Eaves.** A roof eave projecting at least two feet from the street-facing building wall with ornamental brackets or decorative fascia and eave returns.
 - b. **Roof Form Variation.** At least 25 percent of the linear frontage of the building's street-facing building roof line incorporates at least one element of variable roof form that is different from the remainder of the street-facing roof form. This requirement may be satisfied with recessed or projecting gabled roof elements, roof dormers, changes in roof heights, changes in direction or pitch of roof slopes, and other similar methods.
 - c. **Roof Detail and Ornamentation.** At least 80 percent of the linear frontage of the building's street-facing roof line incorporates roof detail and/or ornamentation. This requirement may be satisfied with Parapet wall that is an average of at least one-foot tall and has a cornice, periodic and articulated corbelling or dentils, an ornamental soffit, an offset gable clearstory, and other similar methods.
5. **Neighbor Privacy.**
- a. Balconies, roof decks and other usable outdoor building space is not allowed on upper-story facades abutting R-1 zoning district.

- b. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting R-1 zoning district.
 - c. Windows facing adjacent dwellings must be staggered to limit visibility into neighboring units. The vertical centerline of a window may not intersect the window of an adjacent dwelling.
6. **360-degree Design.** Buildings shall have consistent architectural quality on all sides, with all exterior surfaces featuring consistent facade articulation, window and door material and styles, and building wall materials and colors.

17.82.090 Other Site Features

A. Intent. The intent of the other site feature standards is to:

- 1. Minimize visual clutter on a development site.
- 2. Enhance the design character of the public realm.
- 3. Support an active and welcoming pedestrian environment.
- 4. Minimize noise, odor, and visual impacts on neighboring residential properties.

B. Standards.

- 1. **Refuse Storage Areas.**
 - a. Refuse collection and storage areas may not be located:
 - (1) In a required front or street side setback area;
 - (2) Between a primary structure and a front or street side property line;
 - (3) Within a required landscape area; or
 - (4) Within a required side setback area adjacent to an R-1 district.
 - b. Refuse containers shall be located in a building or screened from public view by a solid enclosure.
- 2. **Mechanical Equipment Screening.**
 - a. Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.
 - b. Ground-mounted mechanical equipment may not be located
 - (1) In a required front setback area; or
 - (2) Between a primary structure and a front property line.
- 3. Backflow prevention devices shall not be placed directly in front of the building but may be located in a side location of the front yard. Backflow prevention devices may be located within the front half of the lot, when located between the side building plane extending to the front property line and the side yard property line. The equipment shall be either:

- a. Screened to its full height by a combination of fencing and perennial landscaping to 70 percent opacity; or
- b. Contained within a protective enclosure (metal grate) within a planter or landscape bed.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM ADDING MUNICIPAL CODE CHAPTER 17.82 TO ESTABLISH OBJECTIVE STANDARDS FOR MULTIFAMILY DWELLINGS AND MIXED-USE RESIDENTIAL DEVELOPMENT, AMENDING SECTION 17.16 RESIDENTIAL ZONING DISTRICTS, SECTION 17.20 MIXED USE ZONING DISTRICTS, AND 17.24 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS TO REFERENCE CHAPTER 17.82 OBJECTIVE STANDARDS FOR MULTIFAMILY DWELLINGS AND MIXED-USE RESIDENTIAL DEVELOPMENT.

WHEREAS, the City of Capitola's Local Coastal Program (LCP) was certified by the California Coastal Commission in December of 1981 and has since been amended from time to time; and

WHEREAS, the City Council adopted the General Plan Update on June 26, 2014; and

WHEREAS, the Local Coastal Program Land Use Plan is a comprehensive long-term plan for land use and physical development within the City's coastal zone and includes the Coastal Land Use Plan Map; and

WHEREAS, SB-35 (Chapter 366, Statutes of 2017) enacted section 65913.4 to the Government Code, effective January 1, 2018; and

WHEREAS, Government Code section 65913.4 requires cities and counties to approve qualifying multifamily projects through a streamlined ministerial process if a project conforms to applicable objective standards and meets other requirements;

WHEREAS, The Housing Accountability Act (HAA), Government Code section 65589.5, limits the ability of cities and counties to deny or reduce the density of housing development projects that are consistent with objective standards;

WHEREAS, SB-330 (Chapter 654, Statutes of 2019) enacted Government Code section 66300 which prohibits cities and counties from establishing design standards that are not objective;

WHEREAS, the HAA and SB-330 apply within the coastal zone, but do not alter or lessen the effect or application of Coastal Act resource protection policies;

WHEREAS, Capitola's Zoning Code currently contains limited objective design standards for multifamily residential development;

WHEREAS, Capitola currently relies on subjective design review criteria in Zoning Code Section 17.120.070 to ensure that multifamily residential development exhibits high-quality design that enhances Capitola's unique identity and sense of place;

WHEREAS, for a project requesting streamlined review under SB-35, the City cannot enforce these requirements;

WHEREAS, under the Housing Accountability Act and SB-330, the City cannot require compliance with these standards for any multifamily or mixed-use residential project in a manner that disallows or reduces the density of the proposed project;

WHEREAS, in 2021 Capitola was awarded an SB-2 grant from the State of California established to fund city planning efforts to streamline housing approvals and accelerate housing production;

WHEREAS, Capitola elected to use part of this SB-2 grant to prepare new objective standards for multifamily and mixed-use residential development;

WHEREAS, the Planning Commission held a study session on February 3, 2021 and the City Council held a study session on April 8, 2021 to provide feedback on the project goals and approach;

WHEREAS, a stakeholder group including architects, developers, and residents provided input on new objective standards at meetings on July 21, 2021 and February 16, 2022;

WHEREAS, on March 31, 2022, the Planning Commission provided feedback on draft objective standards.

WHEREAS, on April 21, 2022, the Planning Commission recommended to the City Council adoption of the objective standards.

WHEREAS, the draft ordinance was then circulated for a 60-day public review period on April 14, 2022; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 31, 2022, and April 21, 2022, at which time it reviewed the proposed amendments, considered all public comments on the revisions and related CEQA exemption, and provided input on the draft ordinance, and a recommendation to approve the proposed ordinance; and

WHEREAS, the Capitola City Council conducted duly noticed public hearings on May 12, 2022, at which the City Council introduced and performed a first reading of the added and revised municipal code sections. On May 26, 2022, the City Council adopted the ordinance, which added Municipal Code Chapter 17.82 to establish objective standards for multifamily dwellings and mixed-use residential development, amending section 17.16 residential zoning districts, section 17.20 Mixed use zoning districts, and 17.24 Commercial and Industrial zoning districts to reference Chapter 17.82 Objective Standards for Multifamily Dwellings and Mixed-Use residential development;, and

WHEREAS, the City Council determined that the amendments are consistent with the General Plan and that the revisions would be internally consistent with all other provisions of the Municipal Code.

WHEREAS, the amendments would become a component of Implementation Plan of the City's Local Coastal Program and is intended to be implemented in a manner that is in full conformance with the California Coastal Act.

WHEREAS, following the City Council's adoption, Capitola staff submitted the Zoning Code update to the Californian Coastal Commission staff for preliminary review in preparation for Local Coastal Plan (LCP) certification; and

WHEREAS, the Local Coastal Program Implementation Plan establishes specific land use and development regulations to implement the Local Coastal Program Land Use Plan, and Chapter 16 (Subdivision), Chapter 17 (Zoning) and the Zoning Map are part of Capitola's Local Coastal Program Implementation Plan; and

WHEREAS, the City provided Public Notice, as required under Coastal Act 30514 et seq., for Certification of the LCP Implementation Plan and Corresponding Maps.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the City of Capitola, that this Resolution declares and reflects the City's intent to amend the LCP Implementation Plan as it pertains to Chapter 17 (Zoning), as drafted, if certified by the California Coastal Commission, in full conformity with the City of Capitola LCP and provisions of the California Coastal Act.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit the said Coastal Commission LCP Amendments to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take

RESOLUTION NO.

effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 12th day of May, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sam Storey, Mayor

ATTEST: _____
Chloé Woodmansee, City Clerk



memorandum

To: City of Capitola
From: Ben Noble
Subject: Objective Standards for Multifamily and Mixed-Use Development

This memorandum describes the approach to prepare new objective standards for multifamily and mixed-use residential development in Capitola (the “Objective Standards project”). In addition to this project approach, this memorandum also provides background information about the Objective Standards project and describes recently adopted state housing law relevant to the project.

PROJECT BACKGROUND

In 2017 the State of California established the SB2 grant program to fund city planning efforts to streamline housing approvals and accelerate housing production. Capitola is using part of its SB2 grant for the Objective Standards project. As described further below, new objective standards for multifamily and mixed-use development will help to protect the City and ensure quality development in light of new state housing laws. The City hired consultants Ben Noble and Bottomley Design and Planning to assist with this project.

Process and Schedule

The Objective Standards project includes the following three main tasks:

- **Task 1: Existing Regulation Review & Recommended Approach.** Summarize existing regulations and recommend approach to new objective standards (to be completed in March 2021).
- **Task 2: Objective Standards Drafting.** Prepare new objective standards for multifamily and mixed-use residential development (to be completed in June 2021).
- **Task 3: Public Review and Adoption.** Hold public hearings and adopt new objective standards (to be completed in October 2021).

Public Engagement

Information about the Objective Standards project will be posted online at www.cityofcapitola.org.communitydevelopment. The public will be able to participate in the project in the following ways:

- Planning Commission and City Council study sessions (2)
- Stakeholder meetings (2)
- Planning Commission and City Council public hearings

For the stakeholder meetings, the City will invite interested architects, builders, property owners, and residents to review and comment on project materials. At the first meeting planned for April 2021,

stakeholders will review a draft outline of new objective standards. Stakeholders will meet a second time in May 2021 to review the draft standards prior to public hearings.

STATE LAW

Recent changes to state housing law aim to facilitate housing production by streamlining the approval of housing projects that comply with established local standards. These laws include Senate Bill (SB) 35, the Housing Accountability Act, and SB 330. The Regional Housing Needs Allocation (RHNA) requirement in state housing element law is also relevant to the Objective Standards project.

SB 35

In 2017 the California legislature adopted SB 35, which was part of a 15-bill housing package aimed at addressing the state’s housing shortage and high housing costs. SB 35 requires local governments that have not met their RHNA to approve by right without a discretionary process qualifying multifamily and mixed-use residential projects. A qualifying project in Capitola must be consistent with all objective standards, contain at least 50 percent affordable units, agree to pay prevailing wages for construction work, and meet other requirements. Projects in the coastal zone are not eligible for streamlined approval under SB 35.

If an applicant requests streamlined approval for a qualifying project under SB 35, the City must approve the project if it is consistent with objective standards in effect at the time the application was submitted. The City must review and act on the application through a ministerial process without a use permit, design review, or public hearings. SB 35 defines objective standards as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.”

Housing Accountability Act and SB 330

The Housing Accountability Act (HAA), Government Code Section 65589.5, limits a local government’s ability to deny or reduce the density of housing development projects that are consistent with objective standards. The HAA was originally enacted in 1982 and amended in 2017, 2018, and 2019 to expand and strengthen its provisions.

The HAA applies to any development project with two or more units, including multifamily housing, mixed-use residential development and projects with two or more detached single-family homes. Under the HAA, a local government may deny or reduce the proposed density of a project only if it finds that 1) the project “would have a specific, adverse impact upon the public health or safety” and 2) “there is no feasible method to satisfactorily mitigate or avoid the adverse impact.”

SB 330, adopted in 2019, amended the HAA to establish vesting rights for projects that use a new pre-application process. SB 330 also added a new chapter to the Government Code, the “Housing Crisis Act of 2019,” which prohibits local governments from:

- Reducing the allowed intensity on a property below what was allowed under the general plan or zoning in effect on January 1, 2018;
- Imposing a moratorium or similar restriction or limitation on housing development;

- Establishing or imposing growth control measures that meter the pace of housing construction or limit the jurisdiction’s population; and
- Establishing new design standards that are not “objective.” The definition of an objective standard in SB 330 is the same as in SB 35.

The HAA and SB 330 apply within the coastal zone, but do not alter or lessen the effect or application of Coastal Act resource protection policies. Government Code Section 65589.5(e) states “Nothing in this section shall be construed to relieve the local agency from complying with...the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code)”

Regional Housing Needs Allocation (RHNA)

State housing element law requires Capitola to accommodate its fair share of new housing units during a specified planning period. This fair share requirement is determined by the Association of Monterey Bay Area Governments (AMBAG) and known as the Regional Housing Needs Allocation (RHNA). Table 1 shows Capitola’s RHNA for the 2015-2023 planning period, including units affordable at different income levels. Since January 1, 2015, Capitola has not approved any very low or low-income units. One moderate income unit, a town house in Tera Court located behind OSH, was approved.

Table 1: RHNA and Permits Issued for 2015-2023 Planning Period

Income Group	RHNA
Very Low-Income (<50% of Median Family Income)	34
Low-Income (50-80% of Median Family Income)	23
Moderate-Income (80-120% of Median Family Income)	26
Above Moderate-Income (>120% of Median Family Income)	60
Total	143

In 2022, Capitola will be assigned a new RHNA for the 2024-2032 planning period and will update its Housing Element and Zoning Code (if needed) to provide adequate sites for these units. Based on preliminary information from AMBAG, Capitola’s new RHNA will likely be two to three times greater than the RHNA for the prior planning period. AMBAG will release its draft RHNA in January 2022 and approve the final RHNA in June 2022.

To accommodate the new RHNA, Capitola may need to identify new housing sites, increase the allowed density of existing sites, or both. Recently approved state law also may limit Capitola’s ability to carry forward previously identified sites where housing was not approved during prior planning periods. If Capitola adds new sites for multifamily housing, it becomes increasingly important for the City to have quality standards in place.

EXISTING REGULATIONS

Objective Standards

Table 2 on the following page shows Capitola's existing Zoning Code requirements for multifamily and mixed-use residential development that meets the state definition of an objective standard. Table 2 shows objective standards in all zoning districts where multifamily and mixed-use residential development is allowed. A gray cell in Table 2 means that there is no objective standard in the zoning district.

Objective standards may also be found in the in the General Plan, Subdivision Ordinance, and other similar regulatory documents. The General Plan contains few objective standards as it was written to provide a policy foundation for land use and development in Capitola. Objective standards in the General Plan are limited to allowed land uses and density in RM designation, allowed land use and FAR in mixed-use and commercial designations, and noise standards in Policy SN-7.4.

Subdivision Ordinance Chapter 16.24 contains design standards that apply to proposed subdivisions. Standards in Chapter 16.24 that qualify as objective standards include new street standards (street alignment, intersection angles, intersection cure radius, street grade) and lot configuration standards (property line angles, minimum frontage width).

If a qualifying project requests streamlined review under SB 35, the City must approve the project ministerially if it conforms with these standards. The City may not require project changes to comply with subjective requirements, such as the City's design review criteria in Zoning Code Section 17.120.070. The Housing Accountability Act and SB 330 may also limit the City's ability to require changes to a proposed project if the project complies with all objective standards

Table 2: Existing Zoning Code Objective Standards

Standard	Zoning District			
	MF	MU-V	MU-N	C-C & C-R
Allowed Land Uses	17.16.020	17.20.020	17.20.020	17.24.020
Development Standards				
Parcel Size and Dimensions			17.20.040	17.24.030
Floor Area Ratio		17.20.030	17.20.040	17.24.030
Building Coverage	17.16.030			
Open Space	17.16.030			17.24.030
Density	17.16.030			17.24.030
Setbacks	17.16.030	17.20.030	17.20.040	17.24.030
Build-to Line		17.20.030.D	17.20.040	
Height	17.16.030	17.20.030	17.20.040	17.24.030
Design Standards				
Building Orientation		17.20.030.E	17.20.040.B	17.24.040.B.3
Blank Walls		17.20.030.E		17.24.040.B.4
Storefront Width	N/A	17.20.030.E		17.24.040.B.5
Ground Floor Transparency		17.20.030.E		17.24.040.B.6
Retail Depth	N/A			17.24.040.B.7
Ground Floor Height				17.24.040.B.8
Parking Placement and Screening		17.20.030.E	17.20.040.E	17.24.040.B.9
Driveway Width		17.20.030.E	17.20.040.F	
Garbage and Recycling Screening		17.20.030.E		
Residential Transitions			17.20.040.D	17.24.030.E
Landscaping				
Required landscape areas	17.72.050.A	17.72.050.B	17.72.050.B	17.72.050.B
General standards [1]	17.72.060.A	17.72.060.A	17.72.060.A	17.72.060.A
Irrigation and Water Efficiency	17.72.060.B	17.72.060.B	17.72.060.B	17.72.060.B
Maintenance	17.72.070	17.72.070	17.72.070	17.72.070
Parking				
Required Spaces	17.76.030	17.76.030	17.76.030	17.76.030
Parking in Setbacks	17.76.040.B	17.76.040.B	17.76.040.B	17.76.040.B
Parking Design Standards [2]	17.76.060	17.76.060	17.76.060	17.76.060
Landscaping [3]	17.76.070	17.76.070	17.76.070	17.76.070
Bicycle Parking	17.76.080	17.76.080	17.76.080	17.76.080
Outdoor Lighting [4]	17.967.110	17.967.110	17.967.110	17.967.110

Notes:

[1] Includes plant selection, turf limitations, maximum slope, plant groupings, water features, watering times

[2] Includes parking space dimensions, parking lot dimensions, surfacing, pedestrian access, screening

[3] Includes minimum amount of required landscaping, shade trees

[4] Includes maximum height, prohibited lighting types, fixture types, light trespass

Subjective Requirements

Proposed multifamily and mixed-use residential development requires a Design Review Permit and, in certain zoning districts, a Conditional Use Permit. To approve these permits, the Planning Commission must make findings in Section 17.120.080 for Design Permits and Section 17.124.070 for Conditional Use Permits. These findings are provided in Attachment A.

Design Permit Finding E requires compliance with all applicable design review criteria in Zoning Code Section 17.120.070. These design review criteria, also provided in Attachment A, address a broad range of building and site design issues and were recently developed as part of the Zoning Code Update. These criteria reflect public desires for new development and are based on design-related policies in the General Plan such as community character, neighborhood compatibility, mass and scale, articulation, and visual interest.

In addition to permit findings, the Zoning Code contains a number of requirements for multifamily and mixed-use residential development that do not meet the state definition of an objective standard. These subjective requirements are identified in Attachment B. Some requirements apply in all zoning districts (e.g., fence color and material) while others apply only in certain zoning districts or locations (e.g., 3-story building requirements on Capitola Road).

For projects requiring a Design Review Permit or Conditional Use Permit, the City can require compliance with subjective requirements through the discretionary process. For a project requesting streamlined review under SB 35, the City cannot enforce these requirements. Under the Housing Accountability Act and SB 330, the City also cannot require compliance with these standards for any multifamily or mixed-use residential project in a manner that disallows or reduces the density of the proposed project.

PROJECT APPROACH

Given the project goals and relevant state law, this section describes the City's approach to prepare new objective standards for multifamily and mixed-use residential development.

1. Translate Design Review Criteria to New Standards

As described above, a qualifying project requesting streamlined approval under SB 35 must be approved ministerially without Design Review or a public hearing. Instead, the City may only require compliance with objective standards in effect at the time the application was submitted. The City would not be able to require changes to the project to address Design Review criteria in Section 17.120.070.

For this reason, we will translate Design Review criteria into objective standards as needed to ensure quality design for all multi-family and mixed-use residential projects, including projects qualifying for streamlined approval under SB 35. Table 3 below lists Design Review criteria appropriate for translation into objective standards. Translating Design Review criteria into objective standards will also benefit applicants, decision-makers, and the public by providing greater certainty on City requirements and expectations for all proposed projects.

Table 3: Design Review Criteria to Translate into New Objective Standards

<p>B. Neighborhood Compatibility. The project is designed to respect and complement adjacent properties. The project height, massing, and intensity is compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.</p> <p>C. Historic Character. Renovations and additions respect and preserve existing historic structure. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.</p> <p>E. Pedestrian Environment. The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.</p> <p>F. Privacy. The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimizes privacy impacts on adjacent properties and provides adequate privacy for project occupants.</p> <p>H. Massing and Scale. The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes, heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.</p> <p>J. Articulation and Visual Interest. Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.</p> <p>L. Parking and Access. Parking areas are located and designed to minimize visual impacts and maintain Capitola’s distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.</p> <p>S. Mechanical Equipment, Trash Receptacles, and Utilities. Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.</p>
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Design Review criteria excluded from Table 3 will not be translated into new objective standards. New standards to translate Design Review Criteria M (Landscaping), N (Drainage), O (Open Space and Public Places), P (Signs), Q (Lighting), and R (Accessory Structures) are not needed because existing standards are sufficient to address these issues. We will not translate Design Criteria I (Architectural Style) and K (Materials) to avoid establishing overly prescribe building design standards. We also will not translate G (Safety) as this criterion does not easily lend itself to objective standards.

Many of the Design Review criteria in Table 3 are already addressed in existing objective standards for some zoning districts. For example, Mixed-Use Village design standards in Section 17.20.030.E contain building orientation, blank walls, storefront width, ground floor transparency, and parking location and buffer standards that address aspects of Design Review Criteria E (Pedestrian Environment), H (Massing and Scale), J (Articulation and Visual Interest), L (Parking and Access), and J (Articulation and Visual Interest). As we prepare the new standards, we will consider if any existing standards should be applied in other zoning districts. We will also consider if existing standards should be augmented or modified to more fully implement the Design Review criteria.

2. Consider New Standards for Other Subjective Requirements

As described above, the City may not require compliance with subjective requirements in Attachment B for projects requesting streamlined approval under SB 35. For this reason, we will review the requirements in Attachment B to determine which, if any, should be translated into an objective standard. Some of these existing requirements are relatively minor and may not need an objective standard (e.g., MU-V pavement material in 17.20.030.E.7). Other requirements may be important to the community and warrant a new objective standard (e.g., 3-story buildings on Capitola Road).

3. Provide Options to Achieve Objectives

Design standards can establish a single method by which all proposed projects must achieve a design objective. For example, to provide variation in facade articulation, the design standards could require all building walls to feature a wall modulation or increase setback every 30 feet. Alternatively, design standards could allow projects to choose from different options to achieve the objective. With this approach, a project could achieve the facade articulation objective by selecting from options such as changes in material and color, vertical accent lines, wall modulation, balconies, bay windows, and changes in building height.

New objective standards will include options to achieve design objectives where appropriate. The facade articulation standard above is an example of where providing options is appropriate. For other standards, options may not be needed or desirable. As we prepare the standards, we will look for opportunities to incorporate options into standards so that individual projects can determine the best design solutions to achieve the City's objectives. In unique circumstances, applicants will also be able to request a deviation from a standard, as described below.

4. Allow Deviations with Design Review

The design standards need to specify if a proposed project may deviate from the standards through a discretionary process. If deviation is allowed, the standards need to identify who approves the deviation, the criteria to allow the deviation, and if deviation is allowed from all standards, or just certain ones.

We will allow deviation from all standards with Planning Commission approval of a Design Permit. This approach matches allowed deviations for accessory dwelling units in Zoning Code Section 17.74.100. However, the default assumption should be that projects will comply with all standards, with deviations allowed only due to unique circumstances.

Findings required to approve the deviation will allow for flexibility when needed but ensure that all projects achieve quality design. We will clearly identify the intent of the standards, and allow for deviation only if the Planning Commission finds that 1) the project, with the deviation, achieves the intent of the standard to the extent possible; and 2) unique circumstances on the property require the deviation.

For example, the new design standards may include a requirement for buildings to be oriented towards a public street with the primary entrance to the building directly accessible from an adjacent sidewalk. The new standards will identify the intent of the standard, which is to provide for an active public realm and an inviting pedestrian environment. On certain sites, complying with this standard may not be feasible or desirable due to unique circumstance such as the location of existing buildings or an unusual

parcel configuration. In such a case, the Planning Commission could allow for an alternative entrance orientation upon finding that the project incorporates alternative design features to support a pedestrian-friendly environment and active/inviting public realm.

5. Locate Standards in Zoning Code

New standards may be located in the Zoning Code or adopted separately by resolution. We plan to locate new standards in the Zoning Code so that all similar development and design standards are found together in one place. With this approach, users will not need to consult a separate document to find the standards, and the standards are less likely to be overlooked by City staff and applicants.

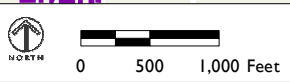
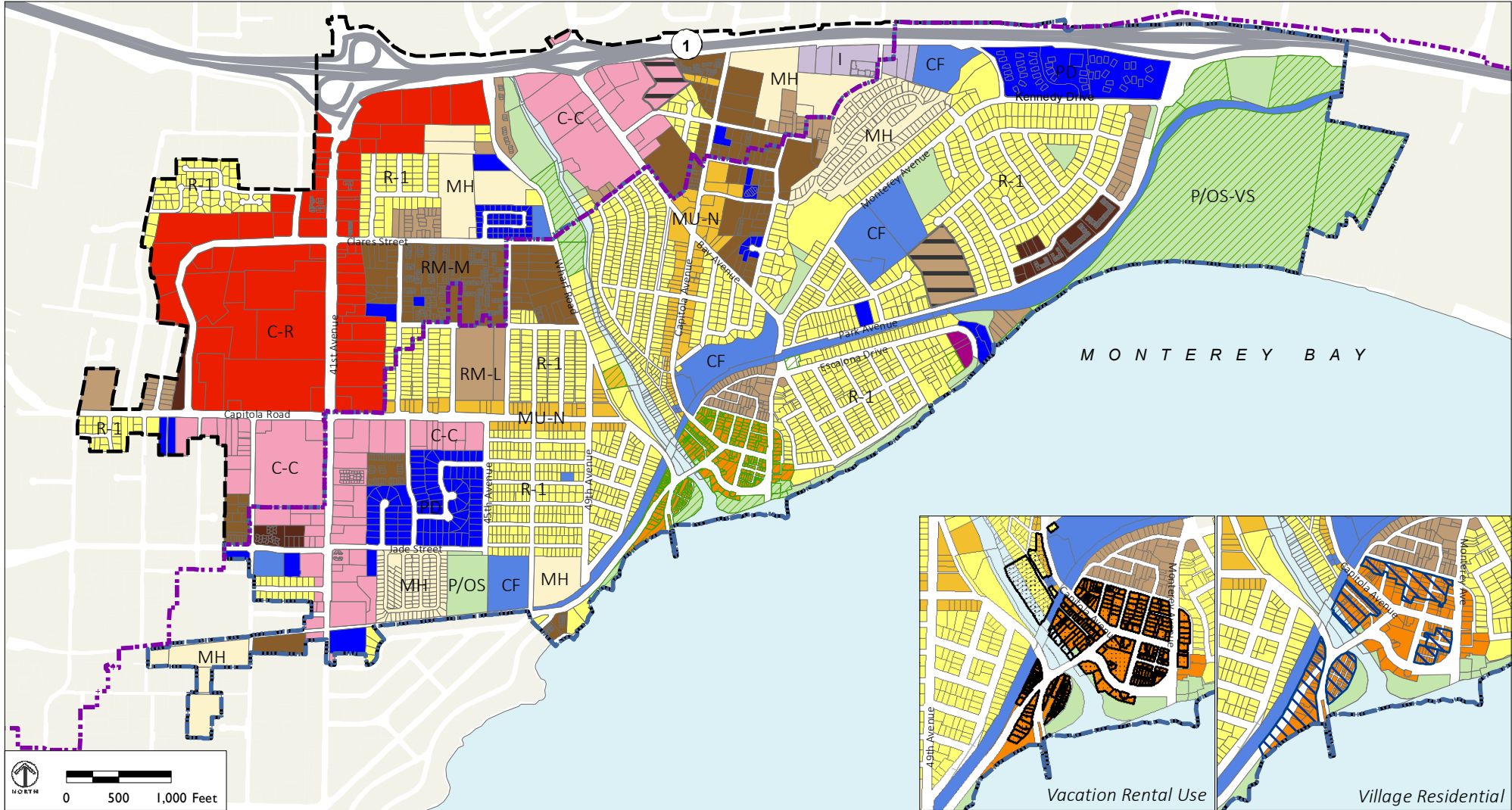
Within the Zoning Code, the new standards may be added to individual zoning district chapters (e.g., Chapter 17.16: Residential Zoning Districts) or placed in a new separate chapter in the Zoning Code. The best location will depend on the details of the standards once they are drafted. If the standards vary considerably across zoning districts, the best location for the standards will likely be individual zoning district chapters. If the standards are more generally applicable to all zoning districts, a separate new chapter may be preferable.

Because new standards will be tailored to different areas of the city and types of development, we expect that we will add the standards to individual zoning district chapters. As we proceed with drafting the standards, we will confirm that this approach works best. The goal should be to locate standards where readers expect to find them while minimizing unnecessary repetition where possible.

Attachments:

- A. Design Permit Findings, Conditional Use Permit Findings, and Design Review Criteria
- B. Additional Subjective Zoning Code Requirements

CITY OF CAPITOLA
ZONING MAP



Residential Zoning Districts

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

Mixed-Use Zoning Districts

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

Commercial and Industrial Zoning Districts

- C-R - Regional Commercial
- C-C - Community Commercial

I - Industrial

Other Zoning Districts

- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development
- VS - Visitor Serving

Overlay Zones*

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

City Limit

Santa Cruz Coastal Zone Boundary

Source: ESRI, 2017; PlaceWorks, 2017.

Zoning Map Certified
June 9, 2021
by CA Coastal Commission



*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.