City of Capitola City Council Meeting Agenda Thursday, August 28, 2025 – 4:00 PM

OF CAPITOL OF CORPORATED IN

City Council Chambers 420 Capitola Avenue, Capitola, CA 95010

Mayor: Joe Clarke

Vice Mayor: Margaux Morgan

Council Members: Gerry Jensen, Melinda Orbach, Susan Westman

Closed Session - 3 PM

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

i. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Govt. Code § 54956.8) Property: A portion of the easterly terminus of Escalona Drive, spanning approximately 60 feet wide, bounded by 620 El Salto Drive (APN 036-143-31) to the west and bounded by 722 Escalona Drive (APN 036-141-28) to the east.

City Negotiator: Jamie Goldstein, City Manager Under Negotiation: Price and Terms of Payment

- ii. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4) Three Cases
- iii. CONFERENCE WITH LEGAL COUNSEL—LIABILITY CLAIMS (Gov. Code § 54956.95)
 1) Carlos R. Lopez
 Claim against the City of Capitola

Regular Meeting of the Capitola City Council – 4 PM

1. Roll Call and Pledge of Allegiance

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

2. Additions and Deletions to the Agenda

3. Presentations

Presentations are limited to eight minutes.

4. Report on Closed Session

5. Additional Materials

Additional information related to an agenda item on this agenda and submitted to the City after distribution of the agenda packet pursuant to Government Code §54957.5. All correspondence received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that

Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

- A. Item 8D Correspondence Received
- B. Item 9A Correspondence Received & Staff Memo with Updated Ordinance
- C. Item 9B Staff Memo with Updated Attachment & Correspondence Received
- D. Item 9C Correspondence Received
- E. Item 9D Correspondence Received
- F. Item 9E Attachments to Staff Agenda Report & Correspondence Received
- G. Item 9F Correspondence Received

6. Oral Communications by Members of the Public

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

7. Staff / City Council Comments

Comments are limited to three minutes.

8. Consent Items

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

- A. City Council Meeting Minutes
 Recommended Action: Approve minutes from the regular meeting on July 24, 2025.
- **B.** Liability Claim Recommended Action: Deny a liability claim from Carlos R. Lopez.
- California Highway Patrol Cannabis Tax Fund Grant Recommended Action: Adopt a resolution accepting a California Highway Patrol Cannabis Tax Fund Grant in the amount of \$21,600 and amending the FY 2025-26 General Fund operating budget to increase revenues and expenditures by \$21,600.
- D. ADA Self-Evaluation and Transition Plan <u>Recommended Action</u>: Adopt the City of Capitola's ADA Self-Evaluation and Transition Plan, dated January 6, 2025.
- E. Coastal Development Permit Decision Appeal Recommended Action: Set October 9, 2025, at 6:00 PM as the hearing date and time for the appeal of the Planning Commission's decision to approve Application # 25-0056.
- F. Afterschool Scholarship & Equity Swim Donation

Recommended Action: Accept a donation of \$20,000 for Afterschool Rec Club scholarships and \$16,000 for the Equity Swim Program from the Soquel Union Elementary School District and authorize the City Manager, or his designee, to sign the Memorandum of Understanding.

- G. Seven-Year Extension of Library Financing Authority Joint Powers Agreement Recommended Action: Approve the fifth Amendment to the Joint Exercise of Powers Agreement establishing the Santa Cruz County Library Financing Authority, and authorize the City Manager to sign the amendment.
- H. Bandstand Weathervane Public Art Project
 Recommended Action: Approve the Art & Cultural Commission's recommendation to allocate
 \$10,000 from the Public Art Fund for the Bandstand Weathervane Project, with \$5,000 for an engineer to develop technical specifications and \$5,000 for an artist contract.
- Lestablishment of Santa Cruz Mountains Wine Improvement District
 Recommended Action: Adopt a resolution granting consent to the County of Santa Cruz to
 establish the Santa Cruz Mountains Wine Improvement District (SCMWID) and include the City
 of Capitola in the SCMWID.
- Community Center Patio Improvements Contract Award Recommended Action: 1) Authorize the City Manager to execute the construction contract for the Community Center Patio Improvements Project with SSB Contracting, Inc. in the amount of \$1,055,000; and 2) Authorize the Public Works Department to issue notices to proceed upon final contract execution.
- Managed IT Services Contract Amendment <u>Recommended Action</u>: Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Exceedio for managed information technology services in the amount of \$62,450, for a total annual contract value of \$147,000 for three years.
- Coastal Rail Trail Segments 10 & 11
 Recommended Action: No action is requested at this time.

9. General Government / Public Hearings

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

- A. First Reading of an Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters Recommended Action: Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit the sale of cigarettes and cigars with filters (i.e., "partially inconsumable" tobacco products).
- B. Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26 <u>Recommended Action</u>: 1) Conduct the duly noticed public hearing; 2) Adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget; and 3) Authorize the City Manager to execute a contract with the CVWBIA nonprofit in an amount not to exceed \$90,000.
- Capitola Mall Update and Amendment to Agreement with Ben Noble Planning Recommended Actions: 1) Receive update on the Capitola Mall and Housing Element implementation Programs 1.6 and 1.7 related to the City's zoning amendments; 2) Provide direction on the preferred approach to updating the City's zoning; 3) Adopt a resolution amending the FY 2025-26 Budget to allocate funding for Housing Element Implementation; and

- 4) Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Ben Noble Planning to assist in Housing Element implementation.
- Sustainable Transportation Planning Grant for the Capitola Active Transportation Plan Recommended Action: 1) Adopt a resolution authorizing the City Manager to enter into a grant agreement with the California Department of Transportation (Caltrans) for the Capitola Active Transportation Plan; 2) Authorize the City Manager to execute a professional services agreement with Ecology Action, the City's co-applicant for the project, in the amount of \$305,000; and, 3) Adopt a resolution amending the FY 2025-26 budget to accept the grant revenue and appropriate funds for the project.
- E. Cliff Drive Resiliency Project and Local Coastal Program Update
 Recommended Action: Receive an update on the Cliff Drive Resiliency Project and the
 associated Local Coastal Program (LCP) amendments and provide direction to staff as needed.
- F. Park at Rispin Mansion Project Update
 Recommended Action: Provide direction to staff regarding the materials and design for the
 additional hardscaping approved in May 2025 and the approach to landscaping in areas of the
 Park at Rispin Mansion outside the current construction scope.
- G. Amend Fiscal Year 2025-26 City Fee Schedule Recommended Action: Adopt a resolution amending the fee schedule for Fiscal Year (FY) 2025-26.

10. Adjournment

The next regularly scheduled City Council meeting is on September 11, 2025, at 6:00 PM.

How to View the Meeting

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

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

To Join Zoom Application or Call in to Zoom:

Meeting

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

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

Meeting ID: **833 2817 3113** Meeting Passcode: **678550**

How to Provide Comments to the City Council

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

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 6:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City's website and at Capitola City Hall prior to the meeting. Need more information? Contact the City Clerk's office at 831-475-7300.

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

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

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

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

From: Linda Smith <vlrsmith@sbcglobal.net>
Sent: Wednesday, August 27, 2025 9:53 AM

To: City Council

Subject: Re: Input for Item 8D, Aug. 28 Council Agenda

Sorry - Item 8D.

Linda Smith vlrsmith@sbcglobal.net
Life is short -- Break the rules!
Forgive quickly..
Kiss slowly..
Love truly..
Laugh uncontrollably..
And never regret anything that make you smile!

On Wednesday, August 27, 2025, 09:51:24 AM PDT, Linda Smith <vlrsmith@sbcglobal.net> wrote:

8D. ADA Self-Evaluation & Transition Plan

It seems that a lot of work was done to analyze our ADA accessibility, and the effort is appreciated! One thing that I didn't see specifically mentioned in the transition plan that I want to bring up is the intrusion in many of our sidewalks by signs. No Parking signs, directional signs, signs of all sorts.

As many of you know, I walk with a generational local who unfortunately lost his eyesight to a significant degree late in life. He knows Capitola, as he has walked it most of his life. As a blind man today, he struggles navigating our sidewalks.

1

As we build new sidewalks and upgrade old ones, PLEASE keep signage out of sidewalks as much as possible.

Thank you.

Linda Smith vlrsmith@sbcglobal.net
Life is short -- Break the rules!
Forgive quickly..
Kiss slowly..
Love truly..
Laugh uncontrollably..
And never regret anything that make you smile!

From: Linda Smith <vlrsmith@sbcglobal.net>
Sent: Wednesday, August 27, 2025 9:51 AM

To: City Council

Subject: Input for Item 9D, Aug. 28 Council Agenda

9D. ADA Self-Evaluation & Transition Plan

It seems that a lot of work was done to analyze our ADA accessibility, and the effort is appreciated! One thing that I didn't see specifically mentioned in the transition plan that I want to bring up is the intrusion in many of our sidewalks by signs. No Parking signs, directional signs, signs of all sorts.

As many of you know, I walk with a generational local who unfortunately lost his eyesight to a significant degree late in life. He knows Capitola, as he has walked it most of his life. As a blind man today, he struggles navigating our sidewalks.

2

As we build new sidewalks and upgrade old ones, PLEASE keep signage out of sidewalks as much as possible.

Thank you.

Linda Smith vlrsmith@sbcglobal.net
Life is short -- Break the rules!
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Kiss slowly..
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Laugh uncontrollably..
And never regret anything that make you smile!

From: Heidy Kellison <heidy@cwo.com>
Sent: Saturday, August 23, 2025 7:12 AM

To: City Council
Subject: [PDF] Item 9A

Attachments: Capitola City Council Tobacco Filter Ban 8-21-25.pdf

Attached please find communication from First 5 Santa Cruz County. I am in full support as a commissioner and individual.

Best Regards, Heidy Kellison





Commissioners

Faris Sabbah, *Ph.D.*Jennifer Herrera
Kimberly Petersen
Sandy Brown
Heidy Kellison
Monica Martinez
Sheree Storm
Raelene Walker, MD

Executive Director David G. Brody

August 21, 2025

Capitola City Council 420 Capitola Avenue Capitola, CA 95010

Dear Mayor Clarke and Councilmembers Jensen, Morgan, Orbach, and Westman,

I am writing in support of the proposed ban on the sale of tobacco products with filters, which you will consider at your August 28, 2025, meeting.

First 5 Santa Cruz County's mission is to foster equitable health, development and well-being for all young children and their families in Santa Cruz County by promoting early learning, health, and family support. Established by Proposition 10 in 1998, the First 5 network invests tobacco tax revenue in local communities to advance this mission. At its core, First 5 is committed to improving child and family well-being and reducing smoking, which remains one of the leading causes of preventable disease and death. Protecting personal health is the foundation of our work, and addressing tobacco use is essential to that goal.

When we think about personal health, we must recognize tobacco's broader harms to the environment—cigarette filters are one of the most common forms of litter worldwide, leaching toxins into waterways, creating fire hazards, contributing to deforestation, and contaminating fisheries. Protecting children's health therefore requires us to confront both the direct and indirect dangers of tobacco.

Moreover, so-called "filters" do not actually filter out harmful chemicals from cigarette smoke. In fact, recent studies have concluded that cigarette filters have no benefit in preventing the adverse health impacts of smoking, including the death of half a million people in the United States each year.

Office 4450 Capitola Rd.,

Ste. 106 Capitola, CA 95010

Mail

P.O. Box 1457 Capitola, CA 95010

T 831-465-2217 **F** 831-479-5477

Website www.first5scc.org For these reasons, we strongly support Capitola's leadership in ending the sale of tobacco products with filters. This action will not only protect health but also reduce environmental harm, consistent with First 5's mission to ensure that every child grows up in a safe, healthy community.

Sincerely,

David Brody

Executive Director

From: Bri Mishin <bri@saveourshores.org>
Sent: Monday, August 25, 2025 10:25 AM

To: City Council

Subject: Support for a ban on the sale of filtered tobacco products

Dear Capitola City Council Members,

I urge you to take action against one of the most pervasive and harmful forms of litter-cigarette butts. Specifically, I urge you to introduce and support a ban on the sale of filtered tobacco products in our city.

Cigarette butts are the most littered item in the world, and locally, they wash into Monterey Bay, contributing to ocean pollution and harming marine life. These filters do not biodegrade; instead, they break into microplastics and leach toxic chemicals like lead, arsenic, and nicotine into our environment. They are also a fire hazard, responsible for burning nearly 89,000 acres in California since 1980.

Thank you for your time and leadership on this critical issue.



Bri

Development & Communications Coordinator www.saveourshores.org

Due to the nature of my position I am frequently away from my computer. I will get back to you as soon as possible.

From: Megan Siegel <megan.siegel13@gmail.com>

Sent: Monday, August 25, 2025 12:17 PM

To: City Council

Subject: Ban filtered cigarettes

Dear Mayor Clarke, Vice Mayor Morgan, and Council Members Westman, Orbach and Jensen,

We need your support to ban the sale of filtered cigarettes that are polluting the beaches of the California Coast.

I grew up in Capitola and swam at the beaches all along the Santa Cruz County coast. A persistent memory is walking along the sand and finding cigarette butts that would end up in the water and ultimately in the bodies of sea creatures.

Cigarette butts are highly toxic. Smokers ingest more toxins from the filters themselves than if they did not use them at all. No one needs cigarette filters.

Please make Capitola a leader in environmental protection by banning the sale of filtered cigarettes.

Thank you,

Megan Siegel

I am writing to you in support of the adoption of a policy that bans the sale of filtered, prerolled tobacco products including cigarettes, cigarillos, and little cigars, in the City of Capitola. This policy is critical to address one of the most persistent litter items in Capitola, the county of Santa Cruz and across the globe: cigarette butts.

From: Lila lilaseldin1@gmail.com>
Tuesday, August 26, 2025 6:49 AM

To: City Council
Cc: Susan Pierszalowski

Subject: Support the ban of filtered tobacco products

Dear City Council Members,

We support the ban of filtered tobacco products in the city of Capitola. This would not only address this toxic litter in your city but also would help protect your neighbors and communities that surround our National Marine Sanctuary. It will safeguard our shared environment and wildlife from the harmful health consequences of tobacco filters and the microplastics from them.

Our team has been picking up litter, with a focus on cigarette filters weekly for over 10 years along our shoreline between Asilomar State Beach to Monterey. With the help of statistics professor Dr. Steven Kim and his students from California State University Of Monterey Bay, we had a yearly count of cigarette filters exceeding 31,000 over a 4 mile radius, in 2019. Our 2025 data also shows similar and devastating pollution numbers.

With this very important and impactful ordinance, we are hopeful that our beloved Monterey Bay will be free from this harmful waste. We will follow your lead in this ban by advocating similar bans in our Monterey County and our shoreline cities of Pacific Grove, Monterey, Seaside, Marina and Carmel.

Thank you for your time and continued leadership.

Sincerely,

Lila Seldin and Susan Pierszalowski Residents and Volunteers of Pacific Grove Sent from my iPhone

From: Leigh Martin <leigh@cfca.energy>
Sent: Thursday, August 14, 2025 9:10 AM

To: Clarke, Joe; Melinda Orbach; Gerry Jensen; Westman, Susan; mmorgan@ci.capitola.ca.us

Subject: CFCA Letter Regarding the Filtered Tobacco Ban Ordinance

Attachments: CFCA Capitola Filtered Tobacco Ban Letter.pdf

Dear Mayor and Council Members,

Please find attached California Fuels and Convenience Alliance (CFCA) letter the filtered tobacco ban ordinance. We respectfully request your consideration for our recommendations to protect local convenience stores and gas stations while achieving the City's policy objectives. Please let me know if you need any additional information or clarification regarding our recommendations.

Thank you,

Leigh Martín Policy Analyst

2520 Venture Oaks Way, Suite 100 | Sacramento, CA 95833 Main: (916) 646-5999 | Fax: (916) 646-5985 | www.cfca.energy











Advocates for the fuels and convenience store industries since 1952





August 14, 2025 Capitola City Council 420 Capitola Avenue Capitola, CA 95010

Subject: Opposition to Proposed Filtered Tobacco Ban Ordinance

Dear Members of the Capitola City Council,

On behalf of the California Fuels and Convenience Alliance (CFCA), we write to formally express concern regarding the proposed ordinance banning filtered tobacco products currently under consideration. While CFCA supports the City's environmental goals, this proposal will inadvertently harm gas stations and convenience stores—small, minority-owned businesses that play an essential role in the Capitola economy. Capitola's decision carries significant countywide implications, as adoption would trigger implementation throughout Santa Cruz County. We urge Capitola to carefully examine the evidence before making this consequential decision.

The proposed ban fundamentally targets the wrong problem. Capitola's own litter studies show that paper, plastic, food wrappers, and cannabis wrappers all rank higher than cigarette butts in collected debris. Moreover, since 99.5% of cigarettes sold contain filters, this proposal effectively serves as a cigarette ban rather than an environmental measure. The policy's inconsistency is further highlighted by the fact that cannabis products with similar filters will remain completely legal.

Historical evidence demonstrates that prohibition consistently fails to achieve its intended goals. California's menthol cigarette ban provides compelling proof: a study of 15,000 discarded cigarette packs found that menthol products still comprised over 21% of the marketplace after implementation, with 42% of discarded packs originating from illegal sources lacking tax stamps. Rather than eliminating the targeted products, the ban simply drove consumers to illegal markets while reducing tax revenue and fueling illicit sales.

The ban would create severe economic harm across all of Santa Cruz County. According to the National Association of Convenience Stores (NACS), the county's 100 convenience stores employ 1,770 people and generate \$550 million in total sales annually, collecting \$154 million in taxes. Since Capitola's vote would trigger countywide implementation, all of these stores—including Capitola's 5 convenience stores—would face significant revenue losses as community members are forced to travel to other counties to purchase cigarettes.

The industry estimates that roughly 30% of in-store purchases are tobacco-related, but the economic impact extends far beyond tobacco sales alone. When customers cannot purchase the tobacco products they want, they also forgo the additional items typically bought during these transactions, including fuel, beverages, snacks, and other merchandise, resulting in greater revenue losses that multiply the economic

damage. This level of revenue loss will inevitably lead to job losses and store closures, ultimately costing the county substantial tax revenue that funds essential public services.

In light of these concerns, we respectfully urge the City Council to reject this ordinance and consider the following alternatives:

- 1. Target the real litter problem through education campaigns and better waste management, rather than product prohibition that will force people to shop in neighboring counties.
- 2. Implement proven solutions such as installing ash receptacles in public spaces (which studies show increases proper disposal by 5.5%) and expand on existing programs to include cigarette waste management strategies.
- 3. Partner with recycling programs to repurpose cigarette butts and reduce landfill waste, building on Capitola's environmental leadership.

Capitola has the opportunity to prevent countywide economic harm by listening to its business owners and pursuing smart solutions that benefit both the environment and local economy. CFCA is committed to collaborating with the City of Capitola on workable, effective policy solutions that serve the interests of both the community and the business operators who help sustain it.

Sincerely,

Elizabeth Graham Chief Executive Officer

California Fuels & Convenience Alliance

Alessandra Magnasco

Sr. Director, Government Affairs

California Fuels & Convenience Alliance

From: Olivia Wickett <owickett@gmail.com>
Sent: Tuesday, August 26, 2025 11:32 AM

To: City Council
Subject: Ban Cigarette Butts

Good morning,

I urge you to take action against one of the most pervasive and harmful forms of litter- cigarette butts. These toxic plastic filters are a major environmental, health, and economic burden on our community.

Cigarette butts are the most littered items in the world, and locally, they wash into Monterey Bay, contributing to ocean pollution and harming marine life. I urge you to pay more attention as you visit different public areas around town. Once you notice one cigarette butt, you will start to notice them all. They are truly everywhere.

These filters do not biodegrade; instead, they break into microplastics and leach toxic chemicals like lead, arsenic, and nicotine into our environment. They are also a fire hazard, responsible for burning nearly 89,000 acres in California since 1980.

The financial burden of cigarette butt cleanup falls on local governments and volunteers rather than the tobacco companies responsible for the waste. In California alone, Caltrans spend \$14 million annually on cigarette litter cleanup.

I urge you to introduce and support a ban on the sale of filtered tobacco products in our city, especially at the local City Council vote on August 28th.

Eliminating these non-essential and harmful filters will significantly reduce pollution, protect, public health, and lessen the financial strain on our local government.

Thank you for your time and leadership on this critical issue. I look forward to your response.

See you at the vote, Olivia Wickett

From: Molly Ording <molly.ording@icloud.com>
Sent: Tuesday, August 26, 2025 12:14 PM

To:City CouncilSubject:Cigarette Filter Ban

Sent from my iPhone Capitola City Council!

Please, please support the ban on cigarette filters. I go to our beaches regularly and am always so pleased and relieved to find them generally free of trash, plastic and cigarette butts. Please use your influence to keep them this way! It is an on-going, permanent effort and so, so important!

Mists sincerely, MOLLY I ORDING 218 Monterey Ave. Capitola

From: John <jxmulry@gmail.com>

Sent: Tuesday, August 26, 2025 4:35 PM

To: City Council

Subject: Re: Pass the cigarette butt ban

Please see email below was left out of the agenda packet. I often read the packets before you publish them if you haven't figured that out yet. I'm a fun lad.

Warmly JM

- > On Aug 18, 2025, at 4:55 PM, John < jxmulry@gmail.com> wrote:
- > It's both the right thing to do and good for business.

- > Warmly JM

From: John Perdikis < johnperdikis2@gmail.com>

Sent: Tuesday, August 26, 2025 6:25 PM

To: City Council

Subject: Fwd: Cigarette butts

Sent from my iPhone

Begin forwarded message:

From: John Perdikis < johnperdikis 2@gmail.com>

Date: August 26, 2025 at 6:00:20 PM PDT

Subject: Fwd: Cigarette butts

Sent from my iPhone

Begin forwarded message:

From: John Perdikis < johnperdikis 2@gmail.com>

Date: August 26, 2025 at 12:26:40 PM PDT

Subject: Fwd: Cigarette butts

Sent from my iPhone

Begin forwarded message:

From: John Perdikis < johnperdikis 2@gmail.com>

Date: August 26, 2025 at 12:25:04 PM PDT

Subject: Cigarette butts

City Council, I would like to offer an alternative approach to the authoritarian mandate banning the sale of filtered cigarettes.

A simple deposit of 5 cents for each cigarette filter would be much more effective in eliminating discarded butts from our environment. A pack of 20 cigarettes would be taxed 1\$, to be refunded when 20 butts are turned in at purchase time. The cigarette packaging could be used to store the butts and turned in together at purchase time.

It is my observation, having lived here over 50 years, that this

Item 5 B.

self described enlightened community is terrible at recycling. A small number of the hardest working homeless folks can be seen rummaging through trash cans to pull out sticky, dirty bottles and cans to recycle for a small amount of money. If cigarette butts were worth 5 cents apiece, and were easily cashed in for money, I guarantee you would not see them on beaches or anywhere else.

The logistics of this idea could be worked out with Cigarette retailers and the Council. Perhaps a special fund could be allocated for butt deposit reimbursement.

Tourists will bring their butts and leave them behind and Capitola will join the County and City of Santa Cruz to become the BUTT of many jokes as authoritarian rules fail to solve a problem but make the elected feel like they've done something.

Sent from my iPhone

From:Sylvi Kayser <sylvikayser@gmail.com>Sent:Tuesday, August 26, 2025 9:19 PM

To: City Council

Subject: Banning the Sale of Filtered Cigarettes

Good evening,

My name is Sylvi Kayser and I am a current student at Aptos High School. Before I moved out to the Corralitos woods, I used to live right by Capitola beach. As beautiful as the space is, it has been impeded upon by cigarette butts littering the sand and the sidewalks. They are, unfortunately, present everywhere in this county. I am writing this email to urge each and every one of the board members to ban the sale of filtered cigarettes.

According to Save Our Shores, \$1.1 billion dollars was allocated to clean up waste in 2021 in California, in both state and local settings, alone. By banning the sale of filtered cigarettes, not only would it be a critical financial move with distributing resources, it would be a crucial environmental move. 23% of all litter collected in the state of California is cigarette butts. Eliminating the sale of filtered cigarettes is the most efficient means of reducing this waste, which is ending up in our beaches and places that make Santa Cruz so special. I highly encourage you all to ban these dangerous--and toxic--products, not only to cultivate cleaner and safer communal spaces but to aid in lessening the exposure of addictive tobacco to teens my age. With your support, we can ban the sale of filtered cigarettes to make our Santa Cruz meet its highest potential and keep California beautiful.

Thank you for your consideration,
Sylvi Kayser
Youth for Environmental Action Senior Leader with Santa Cruz COE

From: Jack McCourt < jackmccourt710@gmail.com>

Sent: Tuesday, August 26, 2025 11:49 PM

To: City Council

Subject: Please Support Banning Cigarette Butts

Dear Council,

My name is Jack McCourt and I want to voice my support to ban disposable tobacco products. I pick up way too many butts from other people and I'm tired of it.

Thank you,

Jack

From: Don and Erin Coolman <coolman@cruzio.com>

Sent: Wednesday, August 27, 2025 9:53 AM

To: City Council Ban on cigarettes

My family and I have been a property owners in Capitola village since the 1950's.

I am highly in favor of banning cigarettes and smoking at Capitola beach. I suggest you hold a contest for Capitola students to design signs, drawings etc. to alert visitors that there should be no smoking or cigarettes on Capitola beach. I would also place cans near the beach to act as ashtrays I'm sure you would find some great talent among your citizens.

Erin Hoenes Coolman Owner 131 Monterey Ave in the Village

215 San Juan Ave Santa Cruz Ca. 95062 831 4581273 Sent from my iPad

From: Elizabeth Hicks <elizabeth@consumerchoicecenter.org>

Sent: Wednesday, August 27, 2025 11:50 AM

To: City Council

Subject: [PDF] Consumer Group Opposes Proposed Ban on Sales of Filtered Cigarettes

Attachments: CCC Testimony_ Capitola Cigarette Filter Ban.pdf

Dear Members of Capitola City Council,

As a consumer advocacy group that fights for lifestyle freedom, innovative technologies, and smart policy, we are concerned about the proposed ban on the sale of filtered cigarettes.

We appreciate and support the intention of finding solutions to reduce litter within Capitola. However, we believe the unintended consequences of prohibitive policies like this proposed ban will prevent the city from achieving its desired outcome.

Similar policies have been tried in other localities and states and the result is always the same: prohibition doesn't work. Instead, it drives consumers to nearby localities or states or even to the illicit market to find their desired products.

Massachusetts implemented a flavor ban on nicotine products in 2019 with the hopes that no one within the state would be purchasing or consuming flavored nicotine products. Instead, according to the <u>Massachusetts</u> <u>Illegal Tobacco Task Force</u>, the ban resulted in an increase of interstate smuggling of tobacco products, more tobacco-related police interactions, and a massive loss in tax revenue for the state.

Ultimately, the flavor ban did **not** eliminate consumer use of flavored tobacco products, it just shifted where consumers purchased products - with a notable influx in flavored tobacco sales in the states surrounding Massachusetts. The illicit market also thrived, which poses a serious risk to public health as product standards, regulations, and age verification can all be ignored.

California is not immune to these results. In fact, we've already seen them at a state level from a <u>study</u> of discarded cigarette packs that was conducted to examine the ban on flavored tobacco products (including menthol) that was implemented in California in 2022. Researchers found that after the ban had taken effect, menthol products and menthol work-around products continue to make up over 21% of the marketplace. Whereas before the ban went into effect, menthol cigarettes made up a little over 24% of the marketplace, meaning the ban had little effect on consumer access.

Frighteningly, international smuggling through the illicit market has helped fill the void for consumer demand. One of the most-found brands, Sheriff, is known to be trafficked by Mexican cartels. It made up over 5% of the sample examined in the study, which suggests that tens of millions of packs are illegally in California.

It's fair to consider that similar outcomes could easily take place in Capitola if there is a ban on sales of filtered cigarettes as nearby cities or the illicit market could help meet consumer demand.

Instead of prohibitive policies that won't help solve the problem, there are better solutions that could be implemented that will help Capitola ensure less cigarette filters are discarded improperly.

First, providing more appropriate receptacles for cigarette filters to be discarded will help make it more convenient for proper disposal. Ensuring that there is signage or images near those designated receptacles to

Item 5 B.

demonstrate proper disposal could also serve as an educational opportunity to highlight the importance responsible disposal. If Capitola is as serious about the public health of its citizens as it is about litter, then providing additional signage or incentives to educate or encourage using less harmful nicotine alternatives over combustible tobacco products will be something worth considering.

Additionally, Capitola could explore cigarette filter-specific recycling programs that not only ensure proper disposal, but take it a step further by potentially recycling the materials into an entirely new product.

While we support the intention to reduce litter within Capitola, we respectfully urge this body to consider that the proposed ban on the sale of filtered cigarettes will create an array of unintended consequences that fail to achieve the desired outcome.

We therefore encourage this body to **reject** the proposed ban on the sale of filtered cigarettes and instead explore evidence-based solutions to the problems that Capitola is trying to resolve.

Thank you for your time and consideration on this matter.

Respectfully, Elizabeth Hicks

--



Elizabeth Hicks

U.S. Affairs Analyst
Consumer Choice Center



+1 (319) 558-9506

elizabeth@consumerchoicecenter.org

www.consumerchoicecenter.org



Capitola's Proposal to Ban the Sale of Filtered Cigarettes

Dear Members of Capitola City Council,

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We appreciate and support the intention of finding solutions to reduce litter within Capitola. However, we believe the unintended consequences of prohibitive policies like this proposed ban will prevent the city from achieving its desired outcome.

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27



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We therefore encourage this body to **reject** the proposed ban on the sale of filtered cigarettes and instead explore evidence-based solutions to the problems that Capitola is trying to resolve.

Thank you for your time and consideration on this matter.

Respectfully,

Elizabeth Hicks US Affairs Analyst



From: Dale Hillard <dalehillard43@gmail.com>
Sent: Wednesday, August 27, 2025 4:57 PM

To: City Council **Cc:** dale Hillard

Subject: I support a ban on the sale of filtered tobacco products

Dear City Council Members of Capitola,

I support a ban on the sale of filtered tobacco products.

Cigarette filters have been referred to as the "deadliest fraud in the history of human civilization".5

https://www.tobaccotactics.org/article/cigarette-filters/#:~:text=Cigarette filters have been referred,that smoking caused lung cancer.

As I have picked up discarded cigarette filters in Capitola, Santa Cruz City, & County, I have only encountered one smoker that stopped to tell me, that after he smoke a filtered cigarette, when finished, he puts the filter back into the cigarette package. Unfortunately, the custom has been to flick it to the curb.

Because habits are hard to change and filters are a deadly fraud, it's time to ban the sale of filtered tobacco products.

Thank you, Dale Hillard

From: Dianna Harrison < diannamharrison@yahoo.com>

Sent: Wednesday, August 27, 2025 8:11 PM

To: City Council **Subject:** Ban the Butt

Please support Ban the Butt in Capitola to continue efforts to keep our immediate environment clean from toxic trash. Many have worked very hard to keep our city beaches and environment clean from toxic trash. Please help by voting Ban the Butt into law.

Sent from Yahoo Mail for iPhone



Public Works Department

Memo

To: City Council

From: Jessica Kahn, Public Works Director

Date: August 28, 2025

Re: Item 9A: First Reading of an Ordinance Prohibiting the Sale of Cigarettes and

Cigars with Filters

Staff has revised the proposed ordinance to conform with the ordinance adopted by the County of Santa Cruz. In preparing the earlier draft, staff attempted to simplify the wording, but in doing so broadened the scope beyond that adopted by both the County and the City of Santa Cruz. The County subsequently contacted the City and recommended use of the County's exact language to ensure regional consistency and facilitate enforcement.

The revised ordinance, now printed for Council and included in the meeting packet for attendees, incorporates the County's definition of "partially inconsumable cigarette or cigar," limits the prohibition to embedded filters, and clarifies that the restriction applies regardless of the material used.

The revised ordinance maintains the County's enforceability date of January 1, 2027. Because the City of Capitola is the second jurisdiction to adopt, the enforcement of the City's ordinance will take effect on that date consistent with the County's ordinance.

At the meeting, staff will provide this clarification and recommend adoption of the revised version.

Attachments:

- 1. Revised Ordinance Redline/Tracked Changes
- 2. Revised Ordinance Clean Version

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 5.38.030 OF CAPITOLA MUNICIPAL CODE TO PROHIBIT THE SALE OF PARTIALLY INCONSUMABLE TOBACCO PRODUCTS CIGARETTES AND CIGARS

WHEREAS, cigarette and cigar filters are made of non-biodegradable materials, primarily cellulose acetate, which break down into microplastics and leach toxic chemicals into the environment;

WHEREAS, these materials are consistently among the most collected litter items on California's beaches, including those in the City of Capitola;

WHEREAS, filtered tobacco products serve no health purpose and instead increase harm by encouraging deeper inhalation and promoting environmental pollution;

WHEREAS, Santa Cruz County adopted Ordinance No. 5461 prohibiting the sale of partially inconsumable tobacco products cigarettes and cigars, and enforcement is contingent upon adoption of similar ordinances by at least two incorporated cities within the county or January 1, 2027, whichever is later;

WHEREAS, the City of Santa Cruz adopted a substantially similar ordinance on June 24, 2025:

WHEREAS, the City Council finds that adopting this ordinance is in the interest of public health, environmental protection, and regional consistency;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES ORDAIN AS FOLLOWS:

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

<u>Section 2.</u> Section 5.38.030 of Chapter 5.38 of the Capitola Municipal Code is hereby amended to add a new subsection D, to read as follows:

- D. No tobacco retailer or any of the tobacco retailer's agents or employees shall sell or offer for sale, or possess with intent to sell or offer for sale, any partially inconsumable tobacco product cigarette or cigar.
 - "Partially inconsumable tobacco product cigarette or cigar" means any tobacco product cigarette or cigar that contains, or is intended to be used with, a component not intended to be consumed, including but not limited to embedded filters, whether made of plastic, cellulose acetate, other fibrous plastic material, or any other inorganic, or any other inorganic, or biodegradable material. plastic tips, or mouthpieces that are attached to or embedded in the tobacco product.
 - 2. This prohibition includes, but is not limited to, cigarettes with cellulose acetate filters and cigars with plastic or non-biodegradable tips.
 - 3.2. This subsection shall become enforceable on January 1, 2027, or on the effective date of a substantially similar ordinance adopted by at least two incorporated cities in Santa Cruz County, whichever occurs first.

4.3. Violations of this subsection shall be subject to penalties, suspension, or revocation as provided in Sections 5.38.090 through 5.38.130.
Section 3. Environmental Review.
The City Council finds that this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
Section 4. Effective Date.
This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.
Section 5. 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 6. 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 of2025, and was adopted at a regular meeting of the City Council on the day of 2025, by the following vote: AYES: NOES: ABSENT:
Joe Clarke, Mayor
Attest: Julia Gautho, City Clerk
Approved as to form:

Samantha W. Zutler, City Attorney

ORDIN	ANCE	NO.	

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 5.38.030 OF CAPITOLA MUNICIPAL CODE TO PROHIBIT THE SALE OF PARTIALLY INCONSUMABLE CIGARETTES AND CIGARS

WHEREAS, cigarette and cigar filters are made of non-biodegradable materials, primarily cellulose acetate, which break down into microplastics and leach toxic chemicals into the environment:

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 - 2. This subsection shall become enforceable on January 1, 2027.
 - 3. Violations of this subsection shall be subject to penalties, suspension, or revocation as provided in Sections 5.38.090 through 5.38.130.

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The City Council finds that this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section

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AYES: NOES: ABSENT:	
Joe Cla	rke, Mayor
Attest: Julia Gautho, City Clerk	
Approved as to form:	
Samantha W. Zutler, City Attorney	

From: Stephanie Harlan <teppie1941@gmail.com>

Sent: Thursday, August 28, 2025 12:37 PM

To:City CouncilSubject:cigarette ban

Dear Mayor and Council Members,

I encourage you to pass the cigarette ban in Capitola. A letter writer in a Letter To The Editor in a recent newspaper is correct. The majority of cigarette smoking at the beach is by VISITORS. What can we do about that? Ban smoking, but that would be hard to enforce.

I very much appreciate your work on environmental issues.

Thank you. Stephanie Harlan

From: Silver Surfer <pnkrck808@gmail.com>
Sent: Thursday, August 28, 2025 2:41 PM

To: City Council

Subject: Bann butts in Santa Cruz

I have work today or else I would be in person today for banning pointless polluting cigarette butts. Please be the change we need by voting to start the bann. Regards, Kaitlyn McKee

From: Leslie Nielsen <lpbeach21@gmail.com>
Sent: Tuesday, August 26, 2025 10:36 PM

To: City Council

Subject: Agenda Item 9B - CVWBIA

City Council,

Please consider action on only recommendation 1 and 2 of Item 9B to have a public hearing and adopt a resolution to levy assessments for the CVWBIA.

For recommendation 3 - Authorize the City Manager to execute a contract with the CVWBIA, I would encourage you to postpone this item until the entity the City will be contracting with has had a chance to review it.

The current professional services agreement includes Appendix One with a Scope of Services and Attachment A - Financial Policy. Both of these have been taken out of the proposed agreement and simply replaced with a one page copy of the budget called Attachment One "Scope of Work" highlighting the \$55K of member assessment revenue for which the City refers to City Scope of Services not to exceed \$90K in the staff summary.

10 of 17 pages have been deleted and replaced with 1. The BIA Board should understand what is no longer in the proposed agreement.

It is important that roles and responsibilities of parties entering into agreements are clearly understood before contracts are executed.

The BIA Board has not seen the contract yet, so please allow the review process to play out before you are asked to authorize execution of a new agreement.

The assessments can be levied and the group is operating in compliance with the newly appointed advisory committee, so we have time to do this right.

Thank you, Leslie Nielsen



Memo

To: City Council

From: Jim Malberg, Administrative Services Director

Date: August 27, 2025

Re: Item 9B: Capitola Village and Wharf Business Improvement Area

Assessments for FY 2025-26

Staff wishes to note that the attachment for Item 9B (Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26) has been revised.

The revised attachment includes additional services listed as Scope of Work that were inadvertently not included with the original attachment.

	FY 23/24		FY 24/25		FY 25/26		FY 25/26		FY 25/26		
		Actual		Adopted Assessmen Budget Budget			TOT Budget		Total Budget		Notes
Beginning Fund Balance	\$	44,242	\$	32,486	\$	18,000			\$	18,000	
Revenues											
Member Assessment		53,854		53,370		55,000				55,000	
Associate Assessment				0						0	
Assessment Revenues - Trade		0		0						0	
Late Fees		0		0						0	
TOT Revenue		36,761		37,000		0		35,000		35,000	
Sip N' Stroll		41,704		54,000		54,000				54,000	
Cookie Walk				2,500		5,000				5,000	
Interest Revenue		1,936		100		100				100	
Total Revenues	\$	134,254	\$	146,970	\$	114,100	\$	35,000	\$	149,100	
Total Source of Funds	\$	178,496	\$	179,456	\$	132,100	\$	35,000	\$	167,100	
Expenditures											
Charitable Donations				6,000		6,000				6,000	
CDS Direct Distribution		3,028		4,000		4,000				4,000	
Doubtful Accounts		8,376		5,000		3,000				3,000	Scope of Work
Insurance		0		2,000		2,000				2,000	
Office Supplies		418		1,000		500				500	
Storage Unit		1,836		1,700		2,000				2,000	Scope of Work
Renewal		636		800		800				800	
Total Administration	\$	14,293	\$	20,500	\$	18,300	\$	-	\$	18,300	
City Accounting Services	\$	4,200	\$	4,200	\$	4,200			\$	4,200	Scope of Work
City Public Works		3,000		3,000		3,000				3,000	Scope of Work
Total City Services	\$	7,200	\$	7,200	\$	7,200	\$	-	\$	7,200	
Ambassador		\$6,600		\$7,200		\$6,000				\$6,000	Scope of Work
Communications Manager		25,500		18,000		36,000				36,000	Scope of Work
Directories Printing		74		2,000		4,500				4,500	Scope of Work
VSC TV Partnership		9,407		0		25,000				25,000	
VSC Map		700		400		0				0	
Insurance		1,435		2,000						0	
Miscellaneous Print		2,990		0						0	
Miscellaneous Advertising				15,000		0				0	
Miscellaneous Marketing						0				0	
Monterey Travel Magazine				600						0	
Print Explore				1,000						0	
Social Media Boost		2,250		3,000		1,500				1,500	
Website Management		7,199		6,000		10,000				10,000	Scope of Work
Video Photo Production				6,000		3,000				3,000	Scope of Work
Village Enhancement		13,340		16,000		0		14,000		14,000	Scope of Work
Total Marketing	\$	69,496	\$	77,200	\$	86,000	\$	14,000	\$	100,000	
Holiday & Events		\$474		\$15,000		\$0		\$4,000		\$4,000	Scope of Work
Palm Tree Lights				0		0				0	
Sip N' Strol1 - Cookie Walk		54,547		36,000		36,000				36,000	
Total Special Events	\$	55,021	\$	51,000	\$	36,000	\$	4,000	\$	40,000	
Total Expenditures	\$	146,011	\$	155,900	\$	147,500	\$	18,000	\$	165,500	
Ending Fund Balance	\$	32,486	\$	23,556					\$	1,600	

From: Santa Cruz YIMBY <santacruzyimby@gmail.com>

Sent: Wednesday, August 27, 2025 8:41 AM

To: City Council

Cc: Herlihy, Katie (kherlihy@ci.capitola.ca.us); Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)

Subject: [PDF] Comment on Agenda Item 9.C, August 28 **Attachments:** Santa Cruz YIMBY input on Agenda Item 9.c.pdf

Mayor, Vice Mayor and Council Members,

Please see the attached comment on Agenda Item 9.C for the August 28, 2025 meeting.

Thank you,

Janine Roeth
Rafa Sonnenfeld
Jocelyn Wolf
Hope Armstrong
Ryan Meckel

Volunteer leads, Santa Cruz YIMBY



August 26, 2025

To: Capitola City Council

Re: Agenda Item 9.C, Capitola Mall Update

Mayor, Vice-Mayor and Council Members,

We are writing regarding Agenda Item 9.C: Capitola Mall Update and Amendment to Agreement with Ben Noble Planning. We urge the Council to support **Option 2 – Expedited Objective Standards**.

The Capitola Mall site is the most important housing opportunity in the Housing Element, providing the great majority of the RHNA units and nearly 40% of the required affordable homes, largely on the Merlone Geier property.

Programs 1.6 and 1.7 were designed to enable redevelopment of the Mall through objective standards, and zoning that supports housing and mixed-use opportunities appropriate to the site. **Program 1.7, focused specifically on the shopping mall, is among the most consequential Housing Element programs, with a firm deadline of December 31, 2025.**

We applaud the ongoing conversations with Merlone Geier to shape the City's options, and we urge the Council to support Merlone Geier's recommended approach, **Option 2 – Expedited Objective Standards.** This option is:

- The quickest and least expensive path to compliance;
- Fully consistent with Housing Element requirements and deadlines;
- Aligned with the property owner's preference to move forward; and
- Predictable in producing coherent urban design and placemaking outcomes.

By contrast:

- Option 3, with its highly prescriptive form-based codes and regulating maps, would undermine Programs 1.6 and 1.7 and cause the City to miss the December 31, 2025 deadline.
- Option 1 is unnecessary. Capitola already completed citywide objective standards and developed the Housing Element with extensive community input. The task now is simply to modify the standards to the Mall site. Option 1 wastes additional city dollars, and also risks missing the December 31, 2025 deadline.

It's critical that Capitola meet the December 31, 2025 deadline for Program 1.7. If the deadline is missed, the state could take away Capitola's Housing Element certification, which would mean losing local control over development and opening the door to "Builder's Remedy" projects that bypass city zoning. Even without decertification, missing the deadline could still invite lawsuits and make it easier for developers to submit Builder's Remedy projects the City would have to approve.

We respectfully urge you to act decisively on Thursday to keep Capitola on track, protect local control, and position the City to deliver the housing and revitalization opportunities promised at the Capitola Mall. **Support Option 2 – Expedited Objective Standards.**

Thank you for your leadership and commitment to meeting Capitola's housing obligations.

Sincerely,

Janine Roeth, volunteer lead, Santa Cruz YIMBY Rafa Sonnenfeld, volunteer lead, Santa Cruz YIMBY Jocelyn Wolf, volunteer lead, Santa Cruz YIMBY Hope Armstrong, volunteer lead, Santa Cruz YIMBY Ryan Meckel, volunteer lead, Santa Cruz YIMBY

Santa Cruz YIMBY Mission: We envision a community where our neighbors of all ages, cultures, abilities, and incomes, can make Santa Cruz County their home. In response to the ever-increasing cost of living, we advocate for more affordable housing to meet the needs of our growing population.

Santa Cruz YIMBY is a chapter of YIMBY Action, a 501(c)(4) nonprofit organization.

From: Liz McDade liz.mcdade@gmail.com>
Sent: Wednesday, August 27, 2025 4:01 PM

To: City Council **Subject:** 8/28 mtg, item 9C

Dear Capitola City Council,

I'm a resident of Capitola and a small business owner with a business near the mall (2121 41st Ave.). I'm also the mother of 2 daughters who live here and bike through the community frequently.

I'm writing to express my support for the mall redevelopment option 2. I am in favor of increased housing in my community, especially affordable housing. I would like my daughters to be able to afford to live in this town one day.

I'd like to see the city council move forward with a plan ASAP. If we move forward with option 2 we can get housing more quickly. In addition, we are more likely to maintain control of the project rather than lose control to the state.

Thank you for your consideration. sincerely,
Liz McDade

From: Mike Jones <writemtj@gmail.com>
Sent: Thursday, August 28, 2025 8:39 AM

To: City Council

Subject: Mall Housing Project

Hello,

As a long-time Capitola resident who resides near the mall, I am extremely concerned about the negative impact that additional housing will cause. My top concerns are:

Infrastructure

Our roads are already clogged. This will negatively impact traffic.
 41st avenue and the surrounding streets are already at a standstill during peak commute times. It's even worse during the holiday season.

What steps are being taken to alleviate this?

• Infrastructure

Our roads are in disrepair. This will only make things worse
 What steps are being taken to alleviate this?

Infrastructure

 Water & sewage. We are already maxed out. Where will the water for the new residents come from?

Privacy

A high-rise building will reduce the privacy of those of us who live near the mall

Noise

Both during construction & after with the additional traffic & residents

Lower quality of life during construction

• What steps are being taken to mitigate noise & dust during construction?

Please respond to my questions & concerns. I hope that you take my concerns into account before moving forward with the project.

Thank you for your time & service, Mike Jones 2217 Albert Lane Capitola

From: Barbara Davies <bdavies@merlonegeier.com>

Sent: Thursday, August 28, 2025 2:11 PM **To:** Herlihy, Katie (kherlihy@ci.capitola.ca.us)

Cc: Gautho, Julia; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); ephillips@bwslaw.com;

gcolli@perkinscoie.com; Jamas Gwilliam; Scott McPherson; Scott Belz

Subject: [PDF] Capitola Mall, 828 City Council Item No. 9.c

Attachments: City of Capitola 08-28-25.pdf

Katie,

Please see attached letter send on behalf of Scott McPherson regarding City Council Item No. 9.c.

Thank you,

Barbara

Barbara A. Davies
Executive Assistant
Office Manager

Verlone Geier

Partners

4365 Executive Drive Suite 1400 San Diego, CA 92121

Tel: 858 / 259 / 9909 **Dir:** 858 / 259 / 8126



August 27, 2025

BY ELECTRONIC MAIL

Katie Herlihy, Community and Economic Development Director City of Capitola 420 Capitola Ave, Capitola, CA 95010

kherlihy@ci.capitola.ca.us

Re: August 28, 2025, City Council Item No. 9.c; Capitola Mall Update and Amendment to Agreement with Ben Noble Planning – Merlone Geier Partners' Comments

Dear Ms. Herlihy:

As you know, Merlone Geier Partners ("MGP") is the owner of the majority of the Capitola Mall site including specifically Assessor's Parcel Numbers 034-261-15; -37;- 38; -39; and -40 (the "Mall"). Accordingly, the above-referenced agenda item bears directly on MGP's property and our ability to redevelop the site in accordance with the City's Housing Element. The purpose of this letter is to express our support for what staff refers to as "Option 2 – Expedited Objective Standards." Under this option, and as explained below, the Council would adopt zoning amendments by the end of the year. This timing is not *expedited* by any means; rather, under State law, conforming zoning amendments should have been adopted nearly one year ago, and the Housing Element states that the amendments will be adopted by the end of 2025. Continued delay in adopting zoning amendments required by State law, mandated in the Housing Element, and now exempt from review under the California Environmental Quality Act ("CEQA"), is neither permissible nor warranted.

Conforming Zoning Amendments are Mandatory

State law mandates that the City adopt zoning amendments described in the Housing Element relating to the Mall. Specifically, where a housing element requires zoning amendments to facilitate the projected housing production on a site within the city or county's housing sites inventory, those amendments "shall be completed." Further, the amendments must be adopted by outside dates established based on when the city or county adopts a certified housing element. Refer to our letter of September 5, 2024, included here as <u>Attachment 1</u>. The reason for these rules is obvious; failure to require timely adoption of zoning amendments would undermine the purpose of the State's Regional Housing Needs Allocation process and the related laws designed to ensure local agencies permit their fair share of housing. Here, little over five years remain in the current housing cycle, and the City has yet to adopt the required zoning.

The Housing Element includes mandatory zoning amendments that are no longer subject to debate or reconsideration. Specifically, the Housing Element commits the City to adopting the following Zoning Code amendments "by the end of 2025":

- (i) Establish the Capitola Mall as the area between Clares Street, 41st Avenue and Capitola Road.
- (ii) Allow for building height up to 75 feet for Mall Redevelopment.
- (iii) Define "Mall Redevelopment" top mean a mix of uses that includes residential and retail/commercial components.
- (iv) Exclude parking garages from the project FAR calculations.
- (v) Adopt objective development standards to facilitate mall redevelopment.

(See Housing Element, CH.5: Housing Plan P. 5-11.) These amendments are mandatory because they underpin the City's assumptions it used to justify realistic development potential for housing units on the Mall property during the 2023-2031 housing cycle.

There is no Basis for Creating Extraneous Bureaucratic Processes Around Mandatory Zoning Amendments

The State's housing laws are designed to thwart the types of unnecessary time and delay that are reflected in the descriptions of Options 1 and 3. As noted above and in our prior correspondence, the City is subject to a one-year deadline for adopting zoning amendments to implement the Housing Element. Options 1 and 3 unambiguously ignore that deadline and the 2025 date the City self-imposed in the Housing Element.

The mandatory zoning amendments are straightforward and have already undergone extensive review by the public, the City Council, and the California Department of Housing and Community Development. Options 1 and 2 are the same, except for the fact that Option 1 includes "three stakeholder meetings, one community workshop, and interim presentations to the Planning Commission and City Council" all before a public review draft is published. All this review would cover zoning amendments that were evaluated in the Housing Element, including, but not limited to, the increase in building heights, allowances for horizontal mixed-use projects, and changes to the FAR calculation. The Housing Element and its various drafts were presented at community workshops, joint study sessions, and Planning Commission and City Council hearings. Public feedback is already reflected in the adopted Housing Element.

There will be ample opportunity for stakeholder participation around the City's adoption of the mandatory zoning amendments. While the City is compelled under State law to adopt the zoning amendments, it must still do so in the form of an ordinance, which triggers standard notice and hearing procedures. The zoning amendments will be subject to public review and comment and must be approved only after the requisite City Council hearings, as would be the case with any other Municipal Code amendment. As such, Option 2 is not "expedited," but it would instead be the least violative approach to compliance with State law and in a manner that follows typical code amendment processes.

There is Sufficient Time for the City to Adopt the Mandatory Zoning Amendments by the End of 2025

It is the City's obligation to timely adopt the mandatory zoning amendments. These provisions do not require further study or debate given that they are prescribed by the Housing Element. Further, the City's adoption of the amendments is exempt from CEQA under SB 131, since the amendments are to implement zoning changes contemplated by the Housing Element. (Pub. Resources Code, § 21080.085(a) ("This division does not apply to a rezoning that implements the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code.") Given the finite nature of the amendments, the fact they are mandatory, and the CEQA exemption, we see no legitimate reason as to why the amendments should be delayed any longer.

MGP Remains Willing to Work with the City

Despite our concern with the delay in adoption of the zoning amendments, MGP remains committed to working with the City toward the redevelopment of the Mall. That said, State law imposes mandates around the adoption of zoning amendments that apply here. These rules and other mandates, including SB 330 and the Density Bonus Law, will inform any future applications as a matter of State law. We continue to invest time and resources into the feasibility and scale of potential project attributes such as a hotel and affordable housing; however, our willingness to consider these project components and the timing of any potential applications depends on the City's adoption of timely and compliant zoning amendments.

Scott A. McPherson Managing Partner

cc: Jamie Goldstein, City Manager Eric Phillips, Burke, Williams & Sorensen LLP

Exhibit A

September 5, 2024, Letter

Perkins Coie

Perkins Coie LLP

505 Howard Street Suite 1000 San Francisco, CA 94105-3204 T: +1.415.344.7000 F: +1.415.344.7050 PerkinsCoie.com

MATTHEW S. GRAY

MGray@perkinscoie.com D: +1.415.344.7082 September 5, 2024

Sean Sesanto
Associate Planner
City of Capitola
420 Capitola Avenue
Capitola, California 95010
ssesanto@ci.capitola.ca.us

Re: Re: City of Capitola 2024-2031 Housing Element / Proposed Zoning Amendments

Mr. Sesanto:

We write on behalf of Merlone Geier Partners ("MGP"), the owner of a portion of the Capitola Mall property (the "Property") in the City of Capitola ("City"). MGP has closely monitored the 2024-2031 Housing Element ("Housing Element") through its various drafts and related communications from the Department of Housing and Community Development ("HCD"). We noted in prior correspondence that redevelopment of the Property with a mix of commercial and residential uses as contemplated in the Housing Element will require amendments to site development controls that would otherwise render such development impracticable. The purpose of this letter is to express our concern that the City is improperly delaying necessary zoning amendments.

The Housing Element Requires Zoning Amendments to Achieve Assumed Housing Production During the Sixth Cycle

The Property is the most important site in the City for achieving Regional Housing Needs Assessment ("RHNA") requirements as part of the Sixth Cycle. The City's overall RHNA allocation is 1,336 units. The Housing Element assumes a realistic development capacity for the Property of as many as 1,067 units, including 160 low-income units and 54 moderate-income units. (See Housing Element Table 4-8.) The Housing Element acknowledges that development capacity assumptions for the Property are predicated on development density assumptions of 48-units per acre, which will require modifications to zoning controls; namely an increase in building heights up to 75 feet and a maximum building floor area ratio (FAR) of 2.0. (See Housing

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¹ Refer to our letters of August 1, 2023, and November 8, 2023, and subsequent e-mail correspondence with Community Development staff.

Element, Program 1.7; see also p. 4-44 ("The proposed 48 dwelling units per acre can be achieved by permitting building heights up to 75 feet on the Capitola Mall Parcels.").) The City proposes to address the height and FAR modifications through amendments to Section 17.88 of the City Municipal Code ("Code"). (*Ibid.*)

The City Proposes to Delay Amendments to Section 17.88 Until 2025

Even though amendments to Code Section 17.88 are critical to redevelopment of the Property at the densities assumed in the Housing Element, the City proposes to defer those amendments to a second tranche of zoning actions sometime in 2025. The Community Development Department's website states:

On August 15, 2024, the Planning Commission directed staff not to include the zone changes and zoning code amendments of multifamily zones with the 2024 amendments. In 2025, the City will consider amendments to Residential Multifamily (RM) subzones (Capitola Municipal Code Section 17.16 Residential Zoning Districts) and the rezoning of the existing RM subzones. The City will also review amendments to Incentives for Community Benefits (Chapter 17.88).²

The Planning Commission is scheduled to consider amendments to the Code to address certain Housing Element requirements in a series of meetings scheduled for September 5th and October 10th, with City Council hearings then scheduled for October 10th and October 24th. As of this time, there are no draft amendments to Code Section 17.88 published online, and there is similarly no published schedule as to when such amendments will be made available for public review or subsequent action by the Planning Commission and City Council.

The Housing Element Law Requires the City to Adopt Zoning Amendments to Implement the Housing Element in 2024

The timing for adoption of zoning amendments to implement the Housing Element is established by Government Code Section 65583. Where a given jurisdiction timely adopts its housing element, the jurisdiction has up to three years to adopt required zoning amendments. (Govt. Code, § 65583(c).) However, when a jurisdiction fails to meet the deadline for adoption of a certified housing element, conforming zoning amendments must be adopted within one year of the statutory deadline for adoption of the housing element. (Govt. Code, § 65583(c)(1)(A).)

The City is subject to the one-year limit on Section 65583(c)(1)(A) because it failed to adopt a housing element that HCD deemed to be in substantial compliance with the Housing Element Law within 120 days of the December 15, 2023 statutory deadline. Thus, the City must adopt not just some, but all zoning updates necessary to effectuate the Housing Element as applied to parcels within the sites inventory by <u>December 15, 2024</u>. While the Property will not be rezoned per se, it is unambiguous from the Housing Element that amendments to Code Section 17.88--including amendments to site controls

² See https://www.cityofcapitola.org/communitydevelopment/page/public-review-drafts-zoning-code-updates#:~:text=The%20City%20is%20currently%20working,%2C%202024%2C%20at%206%20pm.

(height and FAR) that Housing Element notes will apply only to the Property-- are essential to realizing projected densities.

We Urge the City to Timely Adopt Amendments to Section 17.88

MGP respectfully urges the City to adopt the amendments to Section 17.88 required in the Housing Element on or before the December 15, 2024 deadline. The necessary amendments to Section 17.88 are already described in detail in the Housing Element. There is no need for further study or analysis of the height or FAR increases, as these changes have already been studied and are mandated in the Housing Element.³ Indeed, the Housing Element states that the City will adopt the following Code amendments "by the end of 2024":

- (i) Establish the Capitola Mall as the area between Clares Street, 41st Avenue and Capitola Road.
- (ii) Allow for building height up to 75 feet for Mall Redevelopment.
- (iii) Define "Mall Redevelopment" to mean a mix of uses that includes residential and retail/commercial components.
- (iv) Exclude parking garages from the project FAR calculations.
- (v) Adopt objective development standards to facilitate mall redevelopment.

The City is nearly two years behind in adopting a substantially compliant Housing Element, and our concern is that delaying the Code amendments to enable the redevelopment of the Property will only further jeopardize the City's ability to make meaningful progress towards its RHNA allocation during the Sixth Cycle. The Housing Element directions on amendments to Code Section 17.88 are sufficiently clear for staff to draft and then present those amendments for approval within the required timeframe under state law.

Further, we note that an extension of time to accomplish rezonings would be inconsistent with the Housing Element Law. While a jurisdiction may, under limited circumstances, delay required rezonings, such delays are permissible only if the jurisdiction completes rezonings sufficient to accommodate at least 75% of the units for low and very-low income households and the legislative body can justify, based on substantial evidence, that at least one of three scenarios exist that prevent the jurisdiction from timely completing the rezonings. (Cal. Govt. Code, § 65583(f).) Here, the City's RHNA allocation is for 712 low and very-low income units. Per the Housing Element, the City will rely on properties in the RM zones to deliver 64 units, and properties on the Capitola Mall site to deliver 266 units, meaning nearly 47% of the total for lower income units. Yet, the City proposes to delay updates to Section 17.16 (pertaining to RM zones) and Section 17.88 affecting the Capitola Mall site. As noted above, the Housing Element assumes development capacities of 48 units per acre on the Capitola Mall site, and that assumption depends on the proposed increases to building height and FAR to be facilitated through amendments to Section 17.88. There is no evidentiary basis in the Housing Element or otherwise to conclude that the City can satisfy the 75% threshold in Government Code Section 65583(f)

³ Note page 3-13 of the Housing Element ("A recent feasibility analysis, including a pro forma, was conducted for the Capitola Mall. The study found that adding incentives (higher density, FAR and height) increased residual land value. The study also found that these changes would enhance project feasibility, particularly for multi-family development.")

without the necessary changes to the site controls for Capitola Mall that the City opted to address the "incentive" scheme in Section 17.88 rather than in the property's underlying zoning, particularly when the City is also delaying the RM zoning amendments.

Sincerely,

Matthew S. Gray

From: Mick <qwakwak@gmail.com>
Sent: Thursday, August 28, 2025 4:05 PM

To:City CouncilSubject:Mall housing

Council members,

I just read the council is considering rezoning the Mall site for 1700 housing units! Why? You have rezoned 600 Park for a few hundred units, and many other smaller parcels to meet the state mandate. Why in the world would the council create more housing than required by the state?

Does this eliminate the commercial / retail use of the site? Where will the revenue come from to service these housing units? We are already totally congested - Where will all the traffic go? What about police and fire services - can they keep up with unbridled growth?

This is one of the worst ideas I have seen the city put forth. Common sense has gone out the window. Please read the objectives of the General Plan!

Mick Routh Sent from my iPhone

From: Linda Smith <vlrsmith@sbcglobal.net>
Sent: Wednesday, August 27, 2025 4:40 PM

To: City Council

Subject: Agenda Item 9D - Aug. 28 Council Meeting

9D. Sustainable Transportation Planning Grant for the Capitola Active Transportation Plan

Parking and automobile traffic have long been a top issue for Capitola. Overall pedestrian safety has long been an issue, especially in Capitola Village. The popularity of the electric bicycle, and the more recent trend of the bicycle as a mode of transportation as well as recreation, has become an issue worth prioritizing.

I applaud the City for engaging in the development of an Active Transportation Plan for Capitola.

I am not very familiar with Ecology Action, who's role has been updated to "lead community outreach and engagement, equity-focused programming, and coordination with local partners, while supporting the City in meeting Caltrans requirements" in the development of the foundational Capitola Active Transportation Plan. Their website indicates they are a non-profit out of Berkley, CA focused on "driving behavior change in... transportation alternatives", among other things.

The Project Stakeholders listed in the Scope of Work do not include many key Capitola organizations such as the BIA, Chamber of Commerce, Senior Center, and others, but DO include bicycle advocacy groups from Santa Cruz. Underlining the disconnect, Pacific Cove Mobile Home Park is listed as a Project Stakeholder.

I am concerned that engaging in the development of such a TRANSFORMATIVE plan for Capitola, led by a group from Berkley, may not be the direction that will yield the best Active Transportation Plan for Capitola.

I urge you to consider development of the initial foundation for this plan be done in-house, with community involvement.

Thank you

Linda Smith vlrsmith@sbcglobal.net
Life is short -- Break the rules!
Forgive quickly..
Kiss slowly..
Love truly..
Laugh uncontrollably..
And never regret anything that make you smile!



Public Works Department

Memo

To: City Council

From: Jessica Kahn, Public Works Director

Date: August 25, 2025

Re: 9E Cliff Drive Resiliency Project and Local Coastal Program Update

Staff wishes to note that attachments for Item 9E (Cliff Drive Resiliency Project and Local Coastal Program Update) were inadvertently left out of the published agenda packet.

The missing attachments are provided here for Council's review. No other changes have been made to the staff report.

Attachments:

- 1. Q&A from Community Meeting
- 2. Preliminary Design Drawings

COASTAL COMMISSION AND PERMITTING

Q1. Do our (City) policies supercede the Coastal Commission?

A1. No. Capitola's Local Coastal Program (LCP) implements the California Coastal Act and is certified by the Coastal Commission. The City issues permits under the LCP, but projects in certain areas can be appealed to the Commission.

Q2. Have we reached out to universities for research or grant support?

A2. Yes. UCSC has participated in regional adaptation planning.

Q3. When will permit applications be submitted?

A3. For the near-term stabilization work, the City is preparing to submit permit applications in the coming months. A full Coastal Development Permit (CDP) will also be required for the longer-term phased project.

Q4. Will the Coastal Commission allow a phased approach?

A4. Yes. The City is coordinating closely with Commission staff to ensure that a phased approach can move forward.

DESIGN AND ENGINEERING

Q5. What is the design of the footing and embedment?

A5. The footing is designed to be thick and deeply set into the stable rock at the base of the bluff, following geologist recommendations. Existing rock slope protection (RSP) will be restacked to provide additional support. The footing adds stability but does not support structures above it.

Q6. Does the design address earthquakes?

A6. Yes. While concrete could crack during a seismic event, anchors and wire mesh reinforcement will hold the structure in place.

Q7. Why use a cantilevered path, and how far does it extend?

A7. The cantilever is necessary to create the planned coastal trail facility. It extends up to about 30 inches.

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CLIFF DRIVE RESILIENCY PROJECT

August 12, 2025 Community Meeting Questions & Answers

Q8. Will backfill be needed behind the cantilevered walkway?

A8. The old wall will be removed and the new walkway built at the cliff edge. Fill could be added if needed to extend the walkway.

Q9. Could removing the cantilever reduce costs and allow more seawall to be built?

A9. No. The cantilever cost is a small percentage of the overall budget, and eliminating it would not create additional seawall.

Q10. How will erosion at the ends of the wall be handled?

A10. The wall ends will be reinforced with additional concrete or RSP to prevent flanking erosion

Q11. Why is the bike lane in the middle of the road?

A11. The lane runs between future perpendicular parking and the travel lane to maintain a safe and consistent facility.

Q12. How will Rock Slope Protection (RSP) be used, and can more be approved?

A12. RSP helps absorb wave energy, and the plan is to reuse the existing material. Importing new RSP is not currently allowed.

Q13. Was West Cliff (in the City of Santa Cruz) allowed RSP?

A13. Yes, but only as a temporary measure.

PHASING, SCOPE, AND FUNDING

Q14. Can private property be included in the project?

A14. No. Current funding is limited to public land. Private property would need to pursue their own projects and permits. The initial phase ends at the public parking lot, though future connections such as the staircase could be considered later. The City could potentially coordinate with private projects, but additional mitigations would be required.

Q15. How many phases are anticipated?

A15. At least three phases are likely, due to funding limitations and the small number of qualified contractors. The most compromised sections will be addressed first.

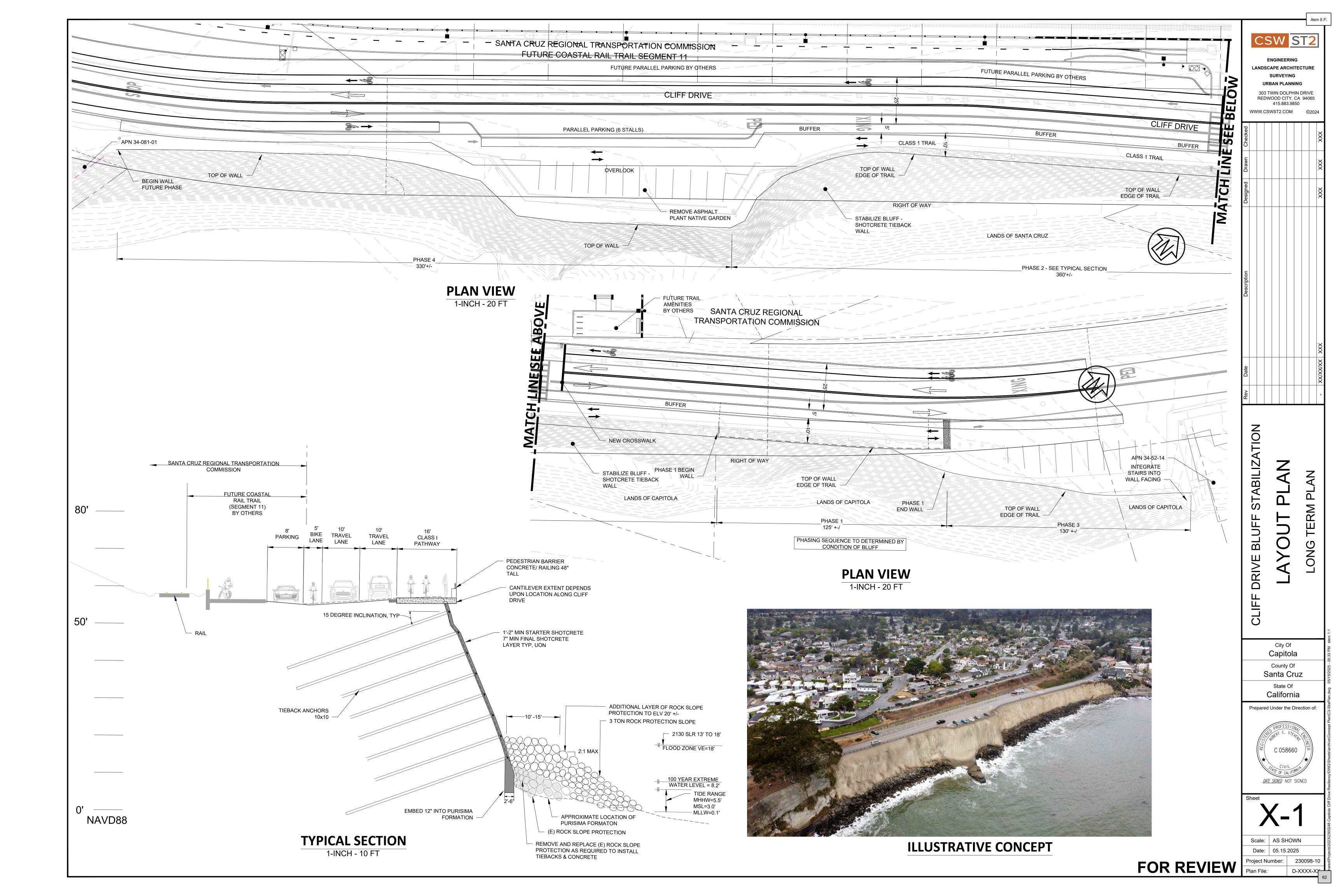
Q16. Is the small initial scope worthwhile given overall cost?

A16. Yes. Completing Phase I will improve the City's ability to secure future funding. Current funding is from the Federal Highway Administration.

Q17. Why was this area selected first?

A17. This section has the most critical erosion concerns, including sea caves and documented bluff loss

August 2025 61



Jessica

Gaatiio, Jana								
From: Sent: To:	Leslie Nielsen <lpbeach21@gmail.com> Monday, August 25, 2025 7:14 PM Kahn, Jessica</lpbeach21@gmail.com>							
Cc: Subject:	PLANNING COMMISSION; Herlihy, Katie (kherlihy@ci.capitola.ca.us); John M. Sobrato; Graeven, Rainey@Coastal; Laura DeVere; Breeze Kinsey [PDF] Re: Cliff Drive and LCP							
Attachments:	ITEM 9E CDRP -Attachment-001-424db3b397484bb0a78772eb29fe0c95.pdf							
Hi Jessica,								
Thursday. Given the phase 1 endpoints	of the additional materials to Item 9E for the City Council Meeting on will be designed to prevent flanking erosion, and we are adjacent properties are available to discuss and coordinate in Phase 1 in addition to your							
Best regards, Leslie	ing enorts in Friase 2.							
On Fri, Aug 22, 2025 at 6:06 F	PM Kahn, Jessica < <u>jkahn@ci.capitola.ca.us</u> > wrote:							
Hi Leslie,								
including the City Manager's e scoped Cliff Drive Resiliency F	regarding the stairway and project scope. As noted in prior correspondence— emails of December 4 and 10, 202 — the City is moving forward with the funded and Project. The bluff section below your properties is not part of the current project would be helpful for us to share those prior emails.							
	mber 10, if you and your neighbors are interested, the City is open to meeting to use II effort and leverage the existing work the City has already completed, or if there exitunity to partner.							
We appreciate your continued	I interest and will include your correspondence in the project record.							

Jessica Kahn, P.E.

Public Works Director

City of Capitola

(831) 475-7300 x 217

jkahn@ci.capitola.ca.us

From: Leslie Nielsen < lpbeach21@gmail.com Sent: Thursday, August 21, 2025 12:20 AM

kherlihy@ci.capitola.ca.us; Kahn, Jessica kherlihy@ci.capitola.ca.us; Kahn, Jessica kherlihy@ci.capitola.ca.us;

Cc: John M. Sobrato < johnm@sobrato.com >; Graeven, Rainey@Coastal < rainey.graeven@coastal.ca.gov >; Laura

DeVere laura@blinkcv.com; Breeze Kinsey breeze@civicknit.com>

Subject: Cliff Drive and LCP

Planning Commission, Director Kahn and Director Herlihy,

The Item 8A redline LCP document included in the agenda for tomorrow's meeting describes items on page 25 and 26 noting (all descriptions below as of 2025)

Under the CLIFF DRIVE section it says, " A city stairway provides access to Hooper Beach at the downcoast viewpoint"

Under the HOOPER BEACH section it says, "Access is also provided via a vertical stairway along the midpoint of Cliff Drive as noted above.

Can you please update this to properly reflect that the stairway has not been repaired or functional since damaged in 2023, and note that public access is compromised as a result.

Please also note, this stairway appears to be "out of scope" for the Cliff Drive Resiliency Project, in spite of communications that the repairs would be included in this project.

My neighbors and I (three properties adjacent to the project scope at 4920, 4930 and 4940 Cliff Dr.) restacked 18 rocks (riprap) after the 2023 storm under an emergency CDP, and our CDP Waiver has a footnote that says,

Item 5 F.

"In addition, anticipated future work to the overall revetment (i.e. the portions fronting Cliff Drive) invariably impacts the portion of the revetment fronting the subject site, and thus will require a coordinated effort.

We met with the City Manager and staff in March 2023 to discuss the future of Cliff Drive, and followed up with several e-mails and attendance at public meetings sharing our thoughts about safe transportation and public access up to and including the possibility of allowing an improved public access path on the beach side of our properties should the City consider that option.

The section of Cliff Drive between the Hooper Beach stairway and the Stockton Bridge needs to be comprehended in the full scope of the project.

Our interest in collaborating with the City has been communicated since the onset of the Cliff Drive project.

Best regards,

Leslie Nielsen



Public Works Department

Memo

To: City Council

From: Jessica Kahn, Public Works Director

Date: August 25, 2025

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CLIFF DRIVE RESILIENCY PROJECT

August 12, 2025 Community Meeting Questions & Answers

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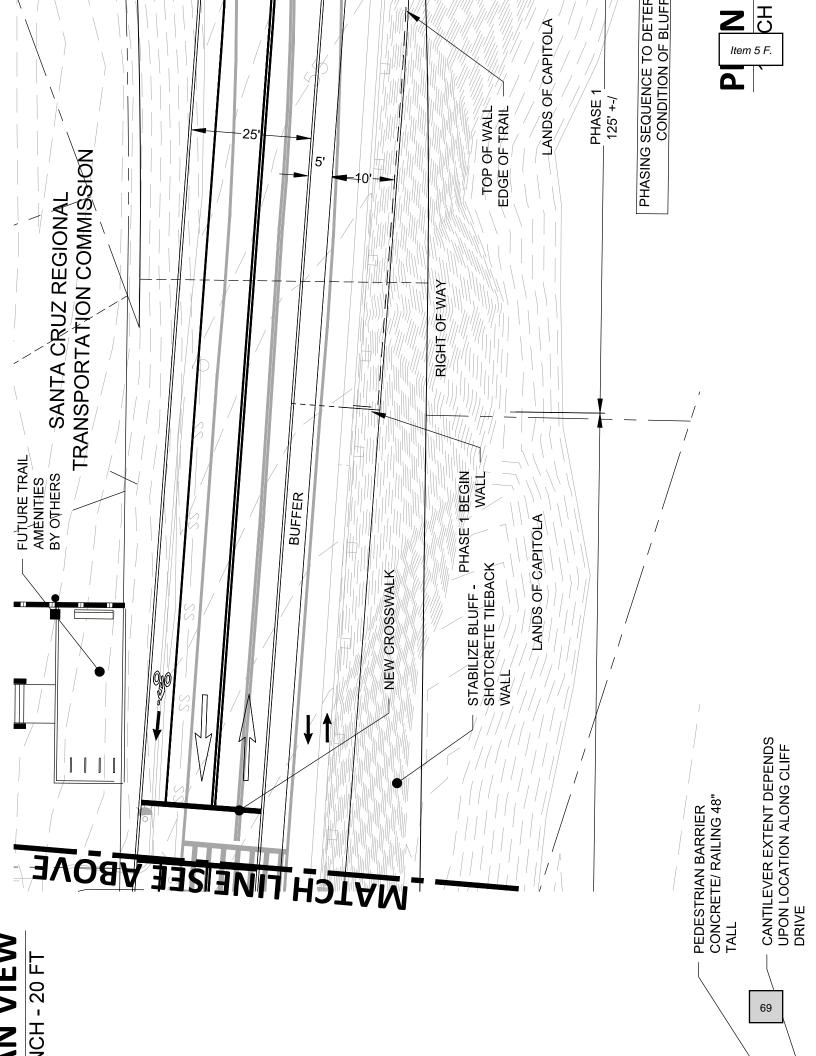
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A17. This section has the most critical erosion concerns, including sea caves and documented bluff loss.

August 2025 2



From:Leslie Nielsen <|pbeach21@gmail.com>Sent:Wednesday, August 27, 2025 12:05 PMTo:City Council; John M. Sobrato; Laura DeVereSubject:Item 9E on Aug 28, 2025 City Council Agenda

City Council,

The materials for Item 9E - Cliff Drive Resiliency Project and Local Coastal Program Update are very confusing.

The staff report background says the project extends from the Western City limit to Capitola Village and includes connections to Hoopers Beach. Q&A #14 says, the initial phase ends at the public parking lot, though future connections such as the staircase could be considered later. The LCP draft updates sections on Cliff Drive and Hoopers Beach with language indicating stairs are there and providing access.

Council directed staff in Aug. 2024 to move forward with Alternative 3 - Full Bluff Protection. Staff has now developed Alternative 4 - Partial Bluff Protection (Phased).

While I understand the funding limitations, projects of this magnitude should be planned and permitted for FULL protection and then allow for phased construction efforts.

The Q&A indicates the City is preparing to submit permit applications for the near term stabilization work, and that a full CDP will also be required for the longer term phased approach.

If an emergency permit can facilitate action, it must also comprehend the impact to the full plan. Ignoring adjacent properties feels careless. The scope boundary for this project puts red dotted lines around a vulnerable area. Wave run up does not follow such artificial boundaries, and an incorrectly designed solution could adversely impact adjacent property.

The most vulnerable area in the drawing includes a small public parking area over a sea cave below. Please consider looking at NOT reducing parking on the other side of the Road and allowing the seaward side to retreat inward to align with the rest of the road at that spot, particularly given cost constraints.

The staff report and Q&A indicate design measures will prevent erosion at wall endpoints. Back to Q&A #14 - future connections to the staircase "COULD BE" considered later. The City COULD potentially coordinate with private projects.

I represent the 3 homes adjacent to the Hoopers beach stairway on Cliff Drive. Questions to the City regarding plans have been met with responses that Phase 1 does not include you, but happy to discuss Phase 2.

This doesn't make sense to me as any design for phase 1 will obviously impact us. Any approved design needs to be assured to not put adjacent property at risk.

We are working on a private application for a Coastal Development permit to maintain our revetment structure and cannot do this in a vacuum and without understanding the City plans for the staircase and surrounding area.

Item 5 F.

Lastly, the staff report indicates a local match of 11.47% is required for the \$10.5M FHWA emerger relief program grant, and notes that a requested funding extension will allow more time before later phases proceed. How does this impact the current proposed phase?

I would like to requests more clarity (update) on the project timeline given the need to raise additional funds for the required match, and understand how this allows for the proper collaboration of a full bluff protection project.

Regards, Leslie Nielsen Cliff Drive homeowner representative

From: Narendra Dev <naren_private@yahoo.com>

Sent: Monday, August 25, 2025 2:58 PM

To: City Council

Subject: 9F: Park at Rispin Mansion

Dear City Council.

I read project update on item 9F. I'm pretty excited at the work in progress and look forward to when the park opens.

Regarding the Hardscape options, It appears that Stamped Asphalt is an acceptable lower cost option compared to Stamped Concrete. I researched this a bit and it fits in the existing budget.

The only clarification is that once the pattern is imprinted, a special polymer-modified coating be applied to the pattered surface. This coating, which comes in a variety of colors, adds the desired aesthetic and protects the surface from UV damage, water, and wear.

Regards, Naren 4820 Opal cliff dr. #202 Capitola (Jewel box district)

Narendra Dev,

Mobile: +1 408 771 8088,

eMail: naren private@yahoo.com

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: City Manager Department

Subject: City Council Meeting Minutes

Recommended Action: Approve minutes from the regular meeting on July 24, 2025.

<u>Background</u>: Attached for City Council review and approval are the draft minutes from the regular meeting on July 24th.



1. Regular Meeting 7/24/2025

Report Prepared By: Julia Gautho, City Clerk Approved By: Jamie Goldstein, City Manager



City of Capitola City Council Meeting Minutes Thursday, July 24, 2025 – 6:00 PM

TO ROBATED 1918

City Council Chambers 420 Capitola Avenue, Capitola, CA 95010

Mayor: Joe Clarke

Vice Mayor: Margaux Morgan

Council Members: Gerry Jensen, Melinda Orbach, Susan Westman

Closed Session - 5 PM

i. LIABILITY CLAIMS (Government Code § 54956.95)
Claimants: Richard Aberman, Karin Anderson, Trisha Avila, Darrielle Ayres, Elicia Baron, Jon Baron, Kristie Baron, Charlene Caparra, Aann Marie Conrad, Doug Conrad, Phoebe Evans, Babette Fenton, Marilee French, John Geraci, Julie Geraci, Anthony Guajardo, Ashely Hargrove, Time Hill, Serina Hughes, David Kelty, Mia Kettman, John Kettman, Mary Locke, Terri MacKay, Marcy Mock, David Moore, Jeffrey Moore, Tony Pagliaro, Delia Rey, Devon Salter, Amanda Sherman, Anthony Spencer, Christine Spencer, Randy Watts, Rodney Wartzok Agency Claimed Against: City of Capitola

ii. LIABILITY CLAIM (Government Code § 54956.95)

Claimant: John Mulry

Agency Claimed Against: City of Capitola

iii. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov't Code § 54956.8)

Property: Capitola Wharf Buildings, 1400 Wharf Road (APN: 034-072-01)

City Negotiator: Jamie Goldstein, City Manager

Negotiating Parties: JFS Incorporated (dba Capitola Boat and Bait)

Under Negotiation: Use of Premises

Regular Meeting of the Capitola City Council – 6 PM

- 1. Roll Call and Pledge of Allegiance The meeting was called to order at 6:00 PM. In attendance: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke.
- **2.** Additions and Deletions to the Agenda Staff requested to continue Item 9B to the August 28th City Council meeting.

3. Presentations

- A. Sophie Schwirzke, Community Relations Manager, provided a presentation from Central Coast Community Energy.
- **4.** Report on Closed Session The City Council met and discussed three items in Closed Session. No reportable action was taken.

5. Additional Materials

- A. Item 8C One email received after publication of the agenda packet.
- B. Item 8I One email received after publication of the agenda packet.
- C. Item 8J One email received after publication of the agenda packet.

- D. Item 9A One email received after publication of the agenda packet.
- E. Item 9D Staff distributed an updated report after publication of the agenda packet.
- F. Item 9E Three emails received after publication of the agenda packet.

6. Oral Communications by Members of the Public

- Tricia Wiltshire
- Oliver Potts
- Linda Smith
- Dorothy Anton
- Gina Thomkins
- Carrie Howard
- Clark Cochran
- James Whitman
- Terre Thomas
- Goran Klepic
- John Noland
- Steven Duclo
- Armani Chase
- Speaker
- Craig Curtis
- Bob Hickman
- Speaker
- Speaker
- Ron Hex
- Marilyn Garrett
- Speaker
- Eve Marie Grath
- Dan Haifley

7. Staff / City Council Comments

- City Manager Goldstein updated the City Council that the RTC will be presenting to the City Council at the August meeting.
- Community and Economic Development Director Herlihy highlighted the award of CDBG funding in Consent Items 8I and 8J.
- Council Member Jensen provided updates on local events attended; shared that he and Mayor Clarke have been working with residents at Castle Mobile Estates; and requested staff prepare a statement of facts about the Bay Avenue traffic corridor for the public.
- Council Member Orbach provided updates on upcoming events open to the public.
- Council Member Westman requested an agenda item to discuss the Bay Avenue traffic corridor in late September or early October.
- Vice Mayor Morgan thanked the public for their attendance; provided updates on local events attended and upcoming events.
- Mayor Clarke provided comments on traffic safety and traffic enforcement.

8. Consent Items

- A. City Council Meeting Minutes

 Recommended Action: Approve minutes from the regular meeting on June 26, 2025.
- B. Liability Claims

 Recommended Action: Deny a liability claim from the following claimants: Richard Aberman,
 Karin Anderson, Trisha Avila, Darrielle Ayres, Elicia Baron, Jon Baron, Kristie Baron, Charlene

Caparra, Aann Marie Conrad, Doug Conrad, Phoebe Evans, Babette Fenton, Marilee French, John Geraci, Julie Geraci, Anthony Guajardo, Ashely Hargrove, Time Hill, Serina Hughes, David Kelty, Mia Kettman, John Kettman, Mary Locke, Terri MacKay, Marcy Mock, David Moore, Jeffrey Moore, Tony Pagliaro, Delia Rey, Devon Salter, Amanda Sherman, Anthony Spencer, Christine Spencer, Randy Watts, Rodney Wartzok

C. Liability Claim

Recommended Action: Deny a liability claim from John Mulry.

D. Military Equipment Use

<u>Recommended Action</u>: Adopt a resolution renewing Chapter 2.60 of the Capitola Municipal Code entitled Military Equipment Use Ordinance, Capitola Military Equipment Use Policy 706, and finding that the annual Military Equipment Report complies with the standards of approval outlined in Government Code Section 7071(d). *(Resolution No. 4440)*

E. Conflict of Interest Code

<u>Recommended Action</u>: Adopt a resolution amending the City of Capitola's Conflict of Interest Code to reflect the current organizational structure. (*Item pulled for discussion by Council Member Westman*) (*Resolution No. 4441*)

F. Title VI Program Manual

<u>Recommended Action</u>: Adopt a resolution adopting the City of Capitola Title VI Program Manual to comply with Caltrans and Federal Highway Administration (FHWA) requirements for recipients of federal transportation funding; appoint the Public Works Director as the City's Title VI Coordinator; and authorize submittal of required Title VI Program documentation to Caltrans Division of Local Assistance. *(Resolution No. 4442)*

G. Upper Village Parking Lot Sidewalk Improvement Project Completion

Recommended Action: 1) Accept as complete the Upper Village Parking Lot Sidewalk Improvement Project constructed by Diamond D Company at a final cost of \$382,491; 2) authorize the City Clerk to file and record a Notice of Completion; 3) adopt a resolution amending the FY 2025-26 Adopted Budget to allocate \$12,491 for additional project expenditures; and 4) authorize the release of the contract retention of \$18,528 as prescribed in the construction agreement. (Resolution No. 4443)

H. Coastal Rail Trail Segments 10 & 11

<u>Recommended Action</u>: Reschedule the Coastal Rail Trail Project update to the August 2025 City Council meeting to allow participation by representatives from the Santa Cruz County Regional Transportation Commission (RTC) and the County of Santa Cruz.

2024 CDBG Grant Award

<u>Recommended Action</u>: Receive staff update on the 2024 Community Development Block Grant Award for the Jade Street Community Center Project Phase II and Public Service Food Distribution Programs; and adopt a resolution amending the FY 2025-26 budget to accept \$3.6 million into the CDBG Special Revenue Fund. *(Resolution No. 4444)*

J. Treasure Cove Playground and Jade Street Park Improvements <u>Recommended Action</u>: Authorize the City Manager to execute a Professional Services Agreement with Cumming Management Group, Inc. in the amount of \$242,000 for construction management services related to the Treasure Cove Playground, public restroom renovation,

K. Police Department Staffing

and Community Center patio improvements.

<u>Recommended Action</u>: Authorize the over-hire of one Police Officer Trainee position for a period of three months, while concurrently holding a vacant Community Service Officer position to offset the cost.

Council Member Westman requested to pull Item 8E. Council Member Westman requested that the construction manager proposed in Item 8J come to the City Council quarterly to provide a report to the Council on construction progress.

8E. Conflict of Interest Code (*Item pulled for discussion by Council Member Westman*)

Recommended Action: Adopt a resolution amending the City of Capitola's Conflict of Interest Code to reflect the current organizational structure.

The City Council discussed the role of the Finance Advisory Committee and weighed the merits of including the Finance Advisory Committee as Conflict of Interest Form Filers.

Motion to approve Consent Items 8A –8K, with a modification to Item 8E to remove the FAC from the resolution: Council Member Westman

Second: Council Member Orbach

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

The City Council took a recess from 7:34 PM and reconvened at 7:39 PM.

9. General Government / Public Hearings

A. Community Grant Program

Recommended Action: 1) Provide direction to staff on the upcoming Community Grant Program term length and other program details; 2) consider grant priorities for the use of restricted Early Childhood and Youth Programming funds; and 3) appoint City Council Members to a subcommittee to review grant applicants and prepare funding recommendations.

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

Public Comment: None

The City Council discussed the term length for the Community Grants, the grant priorities, and the use of youth programming funds. Council Members Westman and Orbach volunteered to participate on the subcommittee.

B. Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26

Recommended Action: Continue the noticed public hearing to adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget to the August 28, 2025, Council meeting. (Continued to August 28, 2025)

Public Comment: None

Motion to continue the public hearing to August 28th Council meeting: Council Member Westman

Second: Council Member Jensen

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

C. CVWBIA Advisory Committee

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<u>Recommended Action</u>: Adopt a resolution approving bylaws for the Capitola Village and Wharf Business Improvement Area (CVWBIA) Advisory Committee.

City Clerk Gautho presented the staff report.

Public Comment:

Anthony Guajardo

Motion to adopt Resolution No. 4445 with a change to the composition to allow three members of the public: Vice Mayor Morgan

Second: Council Member Orbach

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

D. Appointment to City Advisory Bodies

<u>Recommended Action</u>: By motion and vote, appoint members of the public to the City's Capitola Village and Wharf Business Improvement Area Advisory Committee and the Historical Museum Board; and, in accordance with Capitola Municipal Code Section 2.12.020, appoint a member of the public to the Planning Commission.

City Clerk Gautho presented the staff report.

Public Comment: None

Motion to make the appointments below: Council Member Westman

Second: Council Member Jensen

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

Historical Museum Board of Trustees, Term Expiring June 2028:

- Enrique Dolmo
- Gordon Van Zuiden
- Cami Corvin

CVWBIA Advisory Committee, Term Expiring June 2027:

- Daniel Castagnola
- Ted Burke
- Kathleen French

Council Member Jensen appointed TJ Welch to the Planning Commission to a term expiring December 2026, in accordance with CMC Section 2.12.020.

E. Administrative Policy I-42: Code of Conduct

<u>Recommended Action</u>: Review Administrative Policy I-42: Council and Board Code of Conduct; and provide direction to staff for desired changes.

City Manager Goldstein presented the staff report.

Public Comment:

City of Capitola

- Speaker
- Kevin Maguire

The City Council discussed revisions to Administrative Policy I-42. The Council provided direction to amend the policy to simplify the complaint hearing procedure and the resolution of complaints.

Page 5

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F. City Council Representation on Regional Boards & City Advisory Bodies Recommended Action: Review appointments of City Council representatives on regional boards and committees and City advisory bodies.

City Clerk Gautho presented the staff report.

Public Comment: None

Motion to make the appointments below: Vice Mayor Morgan

Second: Council Member Orbach

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

Clarke

Advisory Council on Aging:

• Council Member Westman

Association of Monterey Bay Governments:

- Council Member Westman
- Vice Mayor Morgan
- G. Regional Transportation Improvement Program Grant Sidewalk Infill
 Recommended Action: Authorize staff to submit an application for Regional Transportation

Improvement Program funding to construct high-priority sidewalk segments identified in the City's ADA Transition Plan.

Public Works Director Kahn presented the staff report.

Public Comment: None

Motion to authorize staff to apply for RTIP funding for sidewalk construction: Vice Mayor Morgan

Second: Council Member Westman

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

H. Regional Transportation Improvement Program Grant – Bay Avenue
 <u>Recommended Action</u>: Authorize staff to submit an application for Regional Transportation
 Improvement Program funding to complete final design of the Bay Avenue Corridor Project.

Council Member Jensen recused himself due to the proximity of his residence to the proposed project. Public Works Director Kahn presented the staff report.

Public Comment: None

Motion to authorize staff to apply for RTIP funding for the Bay Avenue Corridor Project: Council Member Orbach

Second: Vice Mayor Morgan

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

Abstain: Council Member Jensen

10. Adjournment – The meeting adjourned at 8:57 PM. The next regularly scheduled City Council meeting is on August 28, 2025, at 6:00 PM.

City of Capitola Page 6

ATTEST:	Joe Clarke, Mayor
Julia Gautho, City Clork	
Julia Gautho, City Clerk	

Capitola City Council Agenda Report

Meeting: August 28, 2025
From: Police Department

Subject: California Highway Patrol Cannabis Tax Fund Grant



<u>Recommended Action</u>: Adopt a resolution accepting a California Highway Patrol Cannabis Tax Fund Grant in the amount of \$21,600 and amending the FY 2025-26 General Fund operating budget to increase revenues and expenditures by \$21,600.

<u>Background</u>: The California Highway Patrol (CHP), through the Cannabis Tax Fund Grant Program, has allocated \$21,600 to the Capitola Police Department to support DUI enforcement and education programs. These grants are designed to assist local law enforcement agencies with education, prevention, and enforcement related to impaired driving involving alcohol and drugs, including cannabis. The Capitola Police Department has actively pursued state grant funding to enhance public safety and previously received similar awards for impaired driving prevention. This grant covers the period from July 1, 2025, through June 30, 2026.

<u>Discussion</u>: Under the terms of this grant, the awarded funds will be used exclusively for DUI enforcement operations and educational outreach within the City of Capitola. The grant supports targeted DUI saturation patrols and educational presentations aimed at raising awareness of the dangers of impaired driving. It also includes youth education efforts and community engagement, in coordination with local schools and organizations.

The \$21,600 award is allocated as follows:

- \$10,800 for DUI saturation patrol staffing
- \$10,800 for education and outreach staffing

These activities align with the grant's scope and the Police Department's ongoing efforts to reduce DUIrelated incidents and increase public awareness, particularly with the presence of cannabis dispensaries in the City.

<u>Fiscal Impact</u>: There is no fiscal impact to the General Fund. Acceptance of the grant will increase both revenues and expenditures by \$21,600. All grant funds must be used for personnel hours related to DUI enforcement and cannabis-impaired driving education.

Attachments:

- 1. Selection Letter
- 2. Resolution

Report Prepared By: Leo Moreno, Police Captain

Reviewed By: Julia Gautho, City Clerk; Sarah Ryan, Chief of Police

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ACCEPTING GRANT FUNDING FROM THE CALIFORNIA HIGHWAY PATROL CANNABIS TAX FUND GRANT PROGRAM TO SUPPORT DUI ENFORCEMENT AND EDUCATION AND AMENDING THE FISCAL YEAR 2025-26 BUDGET

WHEREAS, the California Highway Patrol (CHP) administers the Cannabis Tax Fund Grant Program to assist local law enforcement agencies in addressing impaired driving related to alcohol and drugs, including cannabis; and

WHEREAS, the Capitola Police Department has been awarded \$21,600 through the Cannabis Tax Fund Grant Program to support DUI enforcement and education efforts within the City of Capitola during the 2025-26 fiscal year; and

WHEREAS, the grant award includes funding for DUI saturation patrols and educational outreach to increase public awareness and reduce DUI-related incidents, including those involving cannabis-impaired driving; and

WHEREAS, the grant funds will be used exclusively for staff hours associated with enforcement and education efforts, with no local match required and no fiscal impact to the City's General Fund; and

WHEREAS, it is necessary to amend the Fiscal Year 2025-26 Adopted Budget to accept and appropriate the grant funds according to the grant agreement; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Capitola hereby accepts the \$21,600 award from the California Highway Patrol Cannabis Tax Fund Grant Program and authorizes an amendment to the FY 2025-26 General Fund operating budget to increase revenues and expenditures by \$21,600 for the purpose of DUI enforcement and education.

BE IT FURTHER RESOLVED by the City Council of the City of Capitola that the 2025-26 Fiscal Year Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution and that the Finance Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 28th day of August 2025, by the following vote:

AYES:		
NOES:		
ABSENT:		
ABSTAIN:		
	Joe Clarke, Mayor	

Item	

ATTEST:	
Julia Gautho, City Clerk	-

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

601 North 7th Street Sacramento, CA 95811 (916) 843-4360 (800) 735-2929 (TT/TDD) (800) 735-2922 (Voice)



June 13, 2025

File No.: 060.17344.17369

Esme Gonzalez
Capitola Police Department
422 Capitola Avenue
Capitola, CA 95010

Dear Ms. Gonzalez:

On behalf of the California Highway Patrol (CHP), it is my pleasure to inform you, the Capitola Police Department, is conditionally approved for Cannabis Tax Fund Grant Program (CTFGP) funding in the amount of \$21,600.00. The purpose of this grant funding is to help your agency reduce and mitigate the impacts of impaired driving in your community.

All grant awards, including any adjustments to requested funding, were made by the Department based on the merits of the Grant Application, scale of operation, and in accordance with the Request for Application (RFA) requirements and associated regulations.

The official Grant Agreement for signature is forthcoming. In order to execute your Grant Agreement, please provide documentation from a local governing body, authorizing your organization to receive this grant funding, to the Cannabis Grants Unit, by email at <u>CGUGrants@chp.ca.gov</u>, as soon as possible. Refer to California Code of Regulations Title 13, Division 2, Chapter 13, Section 1890.13(g) for additional information.

The CHP looks forward to partnering with you and your agency on this project in an effort to make California's roadways a safer place to travel. If you have any questions, please feel free to contact the Cannabis Grants Unit at (916) 843-4360.

Sincerely,



Enforcement and Planning Division





Budget Adjustment Request

07/22/2025

Requesting Department *

Police

Type of Adjustment

- Administrative
- Council

Item #

Council Date

8/28/25

Council Approval

Revenues

Account Number	Account Description	Increase/Decrease
1000-20-20-000-3700.001	Other revenue, grants, donations	\$21,600.00

Total Revenues

\$21,600.00

Expenditures

Account Number	Account Description	Increase/Decrease
1000-20-20-000-4130.200	Overtime, grant funded	\$21,600.00

Total Expenditures

\$21,600.00

Net Impact

\$0.00

Purpose

Acceptance of California Highway Patrol Cannabis Tax Fund Grant and appropriation of grant funds.

Department Head Approval



Item 8 C.

Finance Director Approval

Tim Malberg

City Manager Approval

Jamie Goldstein

Submit	by Jim Malberg 7/22/2025 4:28:57 pm (Budget Amendment Request Submitted)
Approve	by Sarah Ryan 7/22/2025 4:37:47 pm (Routed to PD) • Sarah Ryan assigned the task to Sarah Ryan 7/22/2025 4:37:30 pm
	 The task was assigned to Leo Moreno, Mike Kilroy & Sarah Ryan 7/22/2025 4:28:57 pm
rove (send to CM for approval)	 by Jim Malberg 7/22/2025 4:38:59 pm (Routed to Finance Director) The task was assigned to Jim Malberg 7/22/2025 4:37:47 pm
prove (return to Finance for processing)	 by Jamie Goldstein 7/23/2025 10:30:24 am (Routed to CM for final approval) The task was assigned to Jamie Goldstein 7/22/2025 4:38:59 pm

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Public Works Department

Subject: ADA Self-Evaluation and Transition Plan



<u>Recommended Action</u>: Adopt the City of Capitola's ADA Self-Evaluation and Transition Plan, dated January 6, 2025.

<u>Background</u>: The Americans with Disabilities Act (ADA) requires public agencies to evaluate their programs, services, and activities to ensure compliance with non-discrimination requirements and to develop a Transition Plan identifying and prioritizing the removal of physical barriers that limit accessibility.

The City of Capitola adopted its original ADA Transition Plan on March 24, 1994. That plan guided many improvements across City facilities, but it was never formally updated. A partial review was completed in 2010 to identify remaining items from the original plan, but it did not evaluate newer facilities or programs. Since that time, ADA requirements have evolved, and the City has acquired and renovated multiple properties not reflected in the original plan.

In 2017, the City retained SZS Engineering to develop a comprehensive update to the City's Self-Evaluation and Transition Plan. This included facility inspections, evaluations of programs and services, and initial public outreach. That same year, SZS conducted a Citywide facility assessment and hosted a community meeting to better understand public needs and collect feedback. Although significant work was completed at that time, including the preparation of detailed facility reports, the project was delayed due to staff turnover and the COVID-19 Pandemic.

<u>Discussion:</u> Since 2017, several major improvements have been made, including the renovation of the Capitola Library, Wharf, and Community Center, as well as upgrades to right-of-way infrastructure and accessibility features in various public buildings. Over the past year, staff worked with SZS to update all facility reports, revisit and verify data, and conduct a second round of public outreach. The public was invited to provide comments through a survey and a January 2025 community meeting held at the Capitola Library. Outreach was promoted via social media, mailers, posters in public buildings, and direct notifications to local organizations that support individuals with disabilities. Materials were available in accessible formats upon request.

The updated ADA Self-Evaluation and Transition Plan evaluates existing City policies, procedures, and physical conditions to ensure accessibility across all programs and services. It includes a complete inventory of City-owned facilities such as parks, public buildings, and the public right-of-way. The plan identifies barriers, recommends changes to policies and procedures, and sets out priorities for physical improvements. While some improvements will be addressed as standalone projects, many are expected to be integrated into ongoing capital efforts—such as building renovations or transportation corridor upgrades.

The Plan outlines a framework to organize and implement accessibility improvements over time. Barrier removal is grouped into multi-year phases that align with the City's capital budgeting process. Prioritization is based on the severity of barriers, feasibility of improvements, and community impact. The Plan also includes guidance on how to incorporate ADA improvements into future Capital Improvement Program (CIP) projects. Facility reports serve as internal checklists that can be used when planning and scoping future projects.

Adoption of the Plan will allow the City to formalize its accessibility goals, track progress over time, and continue providing inclusive public spaces and services. The Plan is intended to be a living document and will be updated as improvements are made and new facilities or programs are introduced.

<u>Fiscal Impact:</u> Adoption of the Plan does not require any immediate funding. Implementation of the recommended improvements, however, will require both short- and long-term investments. Costs for accessibility upgrades will be included in the City's Capital Improvement Program as projects are scoped and budgeted. Some improvements may be addressed through dedicated accessibility funding, while others will be incorporated into broader building or roadway projects.

<u>Environmental Review</u>: Approval of the ADA Transition Plan is not considered a project under the California Environmental Quality Act (CEQA). Future improvement projects that result from the Plan may require environmental review depending on their location and scope.

Attachments:

1. ADA Self-Evaluation Report

Report Prepared By: Jessica Kahn, Public Works Director

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

Approved By: Jamie Goldstein, City Manager



CITY OF CAPITOLA, CA









ADA SELF-EVALUATION AND TRANSITION PLAN

January 6, 2025



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ADA SELF-EVALUATION AND TRANSITION PLAN



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City of Capitola ADA Self-evaluation and Transition Plan

1) Executive Summary

A. Background

The City of Capitola is a small seaside town located on the northern shores of Monterey Bay in the county of Santa Cruz, California. The original settlement now known as the City of Capitola grew out of what was previously referred to as Soquel Landing, which was named after the wharf located at the mouth of Soquel Creek. This wharf, which dates to the 1850s, served as an outlet for the produce and lumber grown in the interior. In 1869, Frederick A. Hihn, who owned the property in the vicinity of the wharf, decided to develop it as a seaside resort. Capitola is known as the oldest beach resort on the West Coast.¹

Steep cliffs mark access to several popular beaches, including New Brighton Beach, or drop directly to the rocky shoreline of the bay. Capitola Village is located in a depression among the cliffs where popular tourist and shopping areas lead directly to Capitola Beach. Colorful houses and hotels line the slopes of the town leading back up to the clifftops.

The City had a population of 9,938 at the 2020 census. The PSAs provided by the City take place within facilities leased and owned, including buildings, parking lots, parks, trails, shared use paths, a shuttle service and pedestrian network within the public right-of-way (PROW) shared by vehicles, cyclists, and pedestrians traveling by foot or other means.

The City is committed to providing an inclusive and vibrant community for all residents, including individuals with disabilities. As a result, the City has undertaken the process to develop a Self-evaluation and Transition Plan pursuant to the Americans with Disabilities Act (Plan), which reviews the policies and practices governing PSAs while correlating information collected to identify physical barriers to access for a comprehensive approach in determining their impact on residents accessing these public services provided.

B. Overview

This report describes the Plan required under the Americans with Disabilities Act (ADA). The intent is to ensure that when each City program, service or activity

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¹ Clark, Donald Thomas. Santa Cruz County Place Names: A Geographical Dictionary. [Santa Cruz, CA: Santa Cruz Historical Society, 1986]. See pages 61–62.



(PSA) is viewed in its entirety², it is accessible to and usable by people with disabilities.

Under the 1990 ADA legislation, every state and local government was required to either demonstrate that their facilities providing space for PSAs were fully compliant to existing federal and state access requirements, or to develop a Plan to document the existing barriers, establish methods of remediation for each barrier, and create a schedule to remediate documented within the Plan.

This report is intended to ensure that the City of Capitola remains in compliance with the ADA by remediating barriers to access over time, until a point at which all barriers to access have been removed.

The City worked in partnership with an ADA Access Compliance consultant (SZS) who provided the breadth of knowledge and expertise necessary to successfully navigate the multitude of state and federal requirements, statutes and pertinent case law that govern ADA Access Compliance.

This partnership allowed SZS to perform field assessments correlating the physical barriers to access identified within physical locations of each PSA. At the same time, the City focused on the review of recommendations for policy and practice development, as well as the prioritization of barriers for remediation to determine the schedule of the Plan. This City was identified with the following City-owned locations, which have been assessed for program access as part of this process.

Table 1: City Owned Facilities

FACILITY	ADDRESS
Capitola Wharf	1400 Wharf Rd
City Hall Complex	420 Capitola Ave
City of Capitola Museum	410 Capitola Ave
City Sidewalks within the Public Rights-of-Way	Citywide
Community Center at Jade St. Park	4400 Jade St
Corporation Yard	430 Kennedy Dr
Cortez Park	Cortez Street
Esplanade Park, Restrooms and Beachfront	110 Monterey Ave
Hihn Park	Cliff Ave
Jade Street Park	4400 Jade St
Library and Tot Lot	2005 Wharf Rd
Lower Beach/Village Parking Lot 2	426 Capitola Ave, Capitola
Monterey Park	700 Monterey Ave
Noble Gulch Park	409-411 Monterey Ave

² https://www.ada.gov/comprob.htm









Park at Rispin Mansion	2000 Wharf Road
Peery Park & Restrooms	815 Bay Ave
Prospect Ave Park	1300 Prospect Ave
Soquel Creek Park	Soquel Creek Park
Vista Parking Lots on Cliff Dr.	4939 - 4973 Cliff Dr.
Upper Beach/Village Parking Lot 1	426 Capitola Ave, Capitola

The City website also plays an important part in providing PSAs to the public by providing many types and forms of communication and information such as broadcasting city council meetings, providing public service announcements and providing an access point for many PSAs.

Standards applied to these facilities include the 2010 ADA standards, the California Access Compliance Standards contained in the California Building Code, the California Manual on Traffic Control Devices (CA MUTCD), the Public Rights-of-Way Accessibility Guidelines (PROWAG), pertinent case law and additional applicable standards. Manual measurements and digital documentation were taken within exterior paths of travel and interior spaces. Sidewalks, walkways shared use paths, and trails were also assessed and inventoried for inclusion in the Plan.

An important part of the process involved applying a proprietary <u>barrier severity</u> rating and ranking system to systematically to facilitate the process to <u>prioritize</u> <u>barrier remediation</u> projects over the years during which the Plan will be implemented.

Methods used to remediate physical barriers include in-house improvements and maintenance, physical alterations including rehabilitation, renovation and future programming in the City's Capital Improvement Projects (CIP). Other planned obsolescence and the replacement of facilities over time has also been considered. Some barrier removal will be performed as exclusively part of the Plan, but much of the work included in the schedule is likely to be carried out as part of other planned alterations. Coordination between the information on barrier data contained in this Plan and future alterations is essential to make the most cost-effective improvements possible.

Please see <u>Section 4: ADA Transition Plan</u> for details on the present version of the Plan to improve accessibility. The Plan is not set in stone; it is a living document that is expected to evolve over time, due to the changing nature of ADA Access Compliance requirements. These changes may necessitate revisions to the Plan or schedule.

The City reserves the right to modify barrier removal priorities to allow for flexibility in accommodating community requests, requests for accommodations from



people with disabilities, changes in program locations, on-going evaluations, updates as additional facilities are acquired (leased or owned), and for future funding constraints and opportunities. Future remediation phases may be shortened or lengthened, as needed.

The City website will be used to make the public aware of alterations and new construction projects that include accessibility improvements. The Plan will be updated by City Staff over time to reflect the completion of remedial actions based on the Plan's recommendations.

2) Introduction

The Center for Disease Control and Prevention estimates that 1 in 4 Americans have a disability³, which means that 61 million people live with a disability in our country. State and federal laws have been in place for decades that prohibit discrimination. For over 50 years, the US DOJ Civil Rights Division has worked to provide state and local governments, and the public, with guidance and requirements intended to help public entities improve access for people with disabilities by implementing civil rights protections.

The Federal Access Board was established by Section 502 of the Rehabilitation Act of 1973 (Rehab Act)⁴ to develop requirements intended to ensure that people with disabilities are integrated into everyday life.

The Board consists of 25 total members, 13 of which are appointed by the US President from among the general public of which the majority of those members must be individuals with disabilities. The remaining 12 members are the heads of 12 Federal departments and agencies specified by statute, including the heads of the Department of Justice and the Department of Transportation (DOT). Originally, the Access Board (Board) was established to develop and maintain accessibility guidelines for facilities designed, constructed, altered, or leased using Federal funds under the Architectural Barriers Act of 1968 (ABA)⁵. Other laws have been passed to extend that coverage to all facilities used by the public, regardless of the funding source.

The Americans with Disabilities Act (ADA) is known as the integration mandate. The passage of the ADA in 1990 expanded the Board's responsibilities to "issue minimum guidelines…to ensure that buildings, facilities, rail passenger cars, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities".⁶

The ADA requires the US DOJ to issue enforceable accessibility standards applicable

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³ https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html

^{4 29} U.S.C. 792

⁵ 42 U.S.C. 4151 et seq

^{6 42} U.S.C. 12204



to facilities subject to ADA title II that are consistent with the 'minimum guidelines' issued by the Board⁷. Translated into common language, this clause means that the US DOJ is required to enforce the standards that the Board adopts, although no timeframe for enforcement is mandated. It also means that the Standards set are considered minimum guidelines, which may not ensure access for all people with disabilities.

The ADA became effective on July 26, 1990 and extended legislation intended to eliminate discrimination against individuals with disabilities in federally funded facilities under the Rehab Act to all activities of State and local government, regardless of the funding source. It prohibits the denial of equal access and equal opportunities to individuals with disabilities who participate in programs, services, and activities provided by public entities.

The ADA is divided into five sections, which are referred to as titles. Title I establishes civil rights in employment for individuals with disabilities. Title II prohibits discrimination in the provision of programs and services of state and local governments, such as the City. Title III prohibits discrimination in public accommodations and commercial facilities, including virtually all nonresidential, privately owned and operated buildings used by the public, such as restaurants, retail establishments, hotels, etc. Title IV prohibits discrimination in the provision of telecommunications and Title V contains miscellaneous provisions related to enforcement of the law.

In 1994, the Board began updating their 1990 standards to provide clarification of questions and concerns raised by entities attempting to comply with the order. An advisory committee composed of members of the design and construction industry, the building code community, and State and local government entities, as well as individuals with disabilities was established. In 1998, the Board added specific guidelines on State and local government facilities⁸ and building elements designed for use by children. Other updates to the 1990 ADA Standards have been made with the final version being compiled in the 1994 ADA/ABA Guidelines.

The 1994 ADA/ABA Guidelines were the culmination of a long-term effort to facilitate ADA compliance by eliminating inconsistencies among Federal accessibility requirements (ADA & ABA Standards) and between Federal accessibility requirements and State and local building codes. In support of this effort, the US DOJ amended its regulation implementing Title II and adopted standards consistent with 1994 ADA/ABA Guidelines, renaming them the 2010 ADA Standards for Accessible Design.

On March 15, 2011, the final rule on the 2010 ADA Standards for Accessible Design became effective, revising the 1990 regulations. The final rule was issued to adopt enforceable accessibility standards under the ADA that were more consistent with the

⁷ 42 U.S.C. 12134(c); 42 U.S.C. 12186(c)

^{8 63} FR 2000 (Jan. 13, 1998)



minimum guidelines and requirements issued by the Board, and to update or amend provisions of the Title II regulation so that they better reflected the practical experience the US DOJ had gained enforcing the ADA since 1991.

New laws take time to play out in practical application, with interpretations and an evolutionary process that can either strengthen the law or identify necessary changes. The 2010 ADA Standards provide a higher degree of clarity for state and local agencies to facilitate their efforts to comply with the spirit and intent of the ADA.

The requirements that determine the contents of this report are contained in the Americans with Disabilities Act US DOJ Technical Assistance Manual, sections II-8.1000 and II-8.20009. Even though this Plan is mandated by federal regulations, the City is also subject to the state mandated statutes and regulations. California statutes and regulations have adopted the ADA and include the requirement (and benefit) of developing an ADA Self-evaluation and Transition Plan.

These two parts of the process are complimentary; the Self-evaluation process is intended to analyze all PSAs provided by the entity to determine whether policy or practices that govern them may create conditions that could discriminate. The Transition Plan is intended to identify physical barriers to access that require some form of remediation to ensure that programs, services, and activities are accessible. Together, they facilitate improvements in accessibility within a comprehensive effort.

A. California Statutes and Regulations

Civil rights statutes and regulations are provided in numerous sections of California government code, civil code, health and safety code, vehicle code and building code. For instance, Government Code (GC) 4451-4460 requires facilities to be usable by and accessible to people with disabilities 10, which is a far higher standard than the minimum requirements contained in building code or the 2010 ADA Standards. In addition, California state accessibility requirements contained in building code have been in place since 1981, predating the ADA. The UnRuh Act codified in civil code 51 and 52, have prohibited discrimination in California since 1959.

Since 1968, GC 4450 has required the Division of State Architect (DSA) to ensure that California building code requirements were at least as stringent as federal accessibility requirements, which at that time included the ABA and Rehab Act. Since 1981, California has also enforced accessibility requirements for the built environment through the building code although state and federal requirements have differed in many ways,

⁹ https://www.ada.gov/taman2.html

¹⁰ California Government Code 4450b. http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=04001-05000&file=4450-4461



To establish boundaries for jurisdictions and better define their responsibilities under the ADA, the State Attorney General issued a ruling in 2002 that instructed cities and counties, under GC 4450, only to enforce the California Code of Regulations/Title 2 (CBC). This ruling assumed that since GC 4450 required state accessibility regulations to be at least as stringent as the federal standards, DSA would have complied with that mandate.

The Attorney General could not have anticipated then that DSA would not complete the certification process and submit the CBC to the US DOJ until 2013 to ensure that the CBC was at least as stringent as the ADA Standards. The certification process was nearing completion with the enforcement of the 2013 California Code of Regulations/Title 2 (CBC) Section 11A and 11B but still has not been completed. To be clear, the CBC has still not been certified by the US DOJ as equally as stringent as the 2010 ADA Standards.

California GC Section 11135 also requires entities using state funds to provide facilities that are accessible to people with disabilities by incorporating the ADA into California law and Section 12926 broadens the definition of disability under the ADA or the ADA Amendments Act of 2008 to cover a larger population.

The definition of a facility under regulations from the US DOJ, Federal Highway Administration (FHWA), the US Department of Transportation (DOT/Caltrans) and under case law (Barden) includes a broad array of physical locations where PSAs are provided. Examples of a facility include a sidewalk, a parking lot, a park, recreation area or open space such as hiking trails, amusement rides, a beach or camping site, and many other types of physical structures.

One common misperception is the notion that the grandfathering of built elements that complied with prior code requirements is allowed even for facilities with physical elements that constitute civil rights violations. Building code and civil rights laws are quite different in their intent and application.

Under state and federal civil rights laws, discrimination exists when a facility is not accessible to or usable by a person with a disability. This scenario is defined by the courts as a violation of the civil rights of a person with a disability. Civil rights violations are vastly different from building code violations, in that:

- 1. No statute of limitation exists for physical elements that cause discrimination
- 2. The age of a building has no bearing on the violation
- 3. Alterations to the facility, or a lack of alterations, does not affect liability
- 4. No local ordinance can supersede state or federal civil rights law

Another important civil rights law under GC 12900-12996 is defined as the California Fair Employment and Housing Act (FEHA) and provides additional



definitions and requirements that affect people with disabilities. This law is one of the most significant state requirements, as it fundamentally changes the qualifying definition of disability under FEHA.

The ADA defines a disability as a physical or mental impairment that **substantially** limits one or more major life activities (such as walking, hearing, seeing, caring for oneself, speaking, breathing, learning, and working).

Under the FEHA, a disability is defined as a physical or mental impairment that only *limits* (**not substantially limits**) one or more major life activity, which is a far broader definition. Disabilities that limit a major life activity are identified on an individual basis and are based not on the *existence* of a disability, but rather the *impact* that the disability has on an individual.

Impairment is defined as when the conditions, manner, or duration under which a major life activity can be performed by an individual are limited when compared to most people. Some general types of disabilities or impairments are visual, hearing, mobility, cognitive, psychiatric, speech, learning-based, in addition to numerous non-visible impairments. GC Section 11135 and 12926 reinforce these more stringent state requirements.

B. Access Terminology

The use of the term *disability* instead of *handicap* or the phrase *individual with a disability* instead of "handicapped individual" represents an effort by the US Congress and others to make use of up-to-date, currently accepted terminology that does not define people by their disabilities.

As with racial and ethnic epithets, the choice of terms to apply to a person with a disability is overlaid with stereotypes, patronizing attitudes, and other emotional connotations. For example, since 1990 when the ADA became law, California vehicle code 22511.9 has prohibited use of parking signage that contains the term *handicapped*.

Many individuals with disabilities, and organizations representing such individuals, object to the use of terms such as *handicapped* or *the handicapped*. In other recent legislation, Congress also recognized this shift in terminology and a recognition of meaning, e.g., by changing the name of the National Council on the Handicapped to the National Council on Disability (Pub. L. 100- 630). Other comparative illustrations include use of the antiquated term "crippled" rather than *disabled* or "mentally retarded", rather than *learning impaired*.

Descriptions are provided below of a person who has an impairment, in comparison to a person with conditions that do not limit one or more major life activities:



Seasonal hay fever:

- A general nuisance for the sufferer
- Treated with over-the-counter medication
- Duration of condition is limited (seasonal)
- Does not significantly curtail activities

Multiple Chemical Sensitivities

- Severe, debilitating symptoms
- Individual unable to be in public places with new paint or carpeting, etc. or be around people wearing perfumes
- Activities significantly curtailed

This person has a disability.

A sprained leg with a sling or cast

- Duration of injury limited
- · Activities only moderately curtailed
- Normal activities can be performed with certain simple modifications

A severe leg fracture

- Individual unable to care for themselves
- Requires surgery and extensive physical therapy
- Lengthy duration of treatment
- Activities significantly curtailed

This person has a disability.

The ADA, FEHA and GC 12926 define three general categories of disabilities which can be applied to an employee or to the general public who access PSAs:

- Individuals with commonly regarded disabilities such as mobility impairments, blindness, low vision, hearing impairments, chronic medical illnesses, heart disease, cancer, cerebral palsy, multiple sclerosis, HIV/AIDS, arthritis, and a mental, psychological disorder or condition that requires special education or related services or alcoholism (non-active),
- 2) Individuals with a history or record of having such an impairment including cancer survivors, etc. or individuals with a history of treatment for mental illness, or such a condition which is known to the employer or other entity covered by these regulations. Drug addiction is considered a disability, but to be protected by the ADA, the individual must be either successfully rehabilitated or currently participating in a treatment program. People who use methadone as a part of a treatment program are protected, as well as individuals who use controlled substances under the care of a licensed physician.

Persons who currently engage in the use of illegal drugs can be denied access to





programs, services, or activities,

3) Individuals perceived or regarded as having a disability. These individuals generally have no disability but are discriminated against due to fear, myth or stereotyping. An example of this type of disability is an individual who has severe facial scars as a result of burns, who repeatedly experiences rejection when applying for employment due to their physical appearance. This person experiences discrimination and is protected by the ADA.

Typical physical characteristics, such as eye color or skin color are not considered to be physical or mental impairments, but physical disfigurement that may result in discrimination is covered. Disadvantages of an environmental, cultural, or economic nature are also not considered to be physical or cognitive impairments. Age, in and of itself, is not impairment although the elderly comprises the largest percentage of persons with disabilities in the US. The ADA also extends its protection to people who do not have disabilities themselves but are discriminated against on the basis of their association with a person with a disability.

The above-mentioned information is not intended to be an all-inclusive list of disabilities that are covered under the ADA or state laws and statutes. It is recognized that other conditions may be identified that would fall under these definitions.

C. Qualified Individuals and Eligibility

The presence of a disability is not, in and of itself, an automatic qualification for use of or admittance to any or all programs, services or activities offered by the City. People with disabilities must also possess the qualifications required for participation by other individuals in each specific program, service or activity where they exist.

A *qualified individual* with a disability is defined as an individual who meets the **essential eligibility requirements** that the entity has set forth as required to receive benefits and services or participate in its programs or activities.

The individual should also be eligible to receive the same benefits and services or participate in those same programs or activities with or without reasonable modifications made to policies, practices, or procedures by the entity.

Reasonable modifications that will enable an individual with a disability to participate in a program, service or activity that the entity provides may include the removal of structural, architectural, communication, or transportation barriers, or the provision of auxiliary aids and assistive devices. But before modifications are considered, a person must first qualify for the basic requirements for participation in the program, service or activity provided.



An example of a typical scenario in which this definition of a *qualified individual* applies is as follows:

A program is provided for single parents who are looking for a job and are having difficulty juggling their parental responsibilities and their job search. The program is highly successful, and many people apply to use the program. One person interested in joining the program is a person with a hearing impairment. This person applies to use the job placement program created for use by single parents. While this person with a hearing impairment has a verified disability, but is not a single parent, they are not a *qualified individual* with the right to participate in this program protected by the ADA. The person must possess the qualification of being a single parent to make use of a program created for single parents.

3) Self-Evaluation

A. Regulations

Original regulations contained in Section 35.105 of the ADA require Title II entities to ensure that existing policies and practices do not constitute discrimination through the performance of a Self-Evaluation.

The regulations governing this Self-Evaluation are based on those originally found in Section 504 of the Rehabilitation Act of 1973 and the 1991 ADA Standards. According to the US DOJ ADA Title II Regulations published on September 15, 2010, a Self-Evaluation must provide the following basic requirements:

- A public entity shall evaluate its current services, policies, and practices, and the
 effects thereof and to the extent that modification of any such services, policies,
 and practices is required, the public entity shall proceed to make the necessary
 modifications.
- A public entity shall provide an opportunity to interested individuals, including individuals with disabilities and organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments.
- A public entity, which employs 50 or more individuals, shall, for at least three years following completion of the Self-Evaluation, maintain on file and make available for public inspection:
 - 1) A list of the interested individuals consulted,
 - 2) A description of areas examined and any problems identified,
 - 3) A description of any modifications made.
- If a public entity has already complied with the Self-Evaluation requirement mandated when implementing Section 504 of the Rehab Act, then the

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requirements of this section shall apply only to those policies and practices that were not included in the previous Self-Evaluation.

The development of an ADA Transition Plan and Self-Evaluation as both a legal requirement, and a good faith effort to comply with ADA Title II requirements, can serve as a useful tool as a legal defense.

The information compiled in the updated ADA Transition Plan is essential to the development of an ADA Self-Evaluation. Physical barrier data has been correlated with the PSAs provided in those same physical locations to create a comprehensive review of how they function in these facilities to systematically determine where physical alterations must take place, where changes to policies and procedures could be useful, or where program access can be applied to provide people with disabilities an improvement in access to PSAs. The intent of the ADA was to ensure that public entities combine an evaluation of their physical environment with an evaluation of the associated policies and procedures that govern the use of those spaces, so that a public entity could be seen as a functioning whole.

Policies and procedures that govern PSAs may not be discriminatory, but when the facilities in which the PSAs are located are not accessible, people with disabilities may be excluded from participation. That concept is also true in the reverse; if facilities are physically free of barriers, there still may be discriminatory policies or practices in place that prevent people with disabilities from making use of facilities that are otherwise accessible.

This Self-Evaluation contains a list of PSAs, along with the policies and practices that allow the application of programmatic accessibility where physical barrier removal may not be the best solution to improve access. Barriers to access identified within the updated ADA Transition Plan are prioritized and organized into mitigation phases within a paper document in binder format for use as a public document, as requested, and within the SZS ADA Transition Plan Database (TPD) or other facilities management software to correlate physical barrier removal over a period of annual phases that correspond to existing and anticipated budgetary constraints.

Once the development process is complete and the ADA Self-Evaluation and Transition Plan are in place, implementation of the plan and documentation of progress in implementation is essential to maintain safe harbor under state and federal access requirements.

Compliance is not a static condition; PSAs change or grow, and facilities are altered, leased, or sold over time. Change is expected and it requires on-going monitoring and review to ensure continued compliance with new PSAs or existing physical facilities added over time.



(i) Programmatic Accessibility

The cost of improving access for public entities has always been a concern for the US Congress and the US DOJ. Any new legislation that requires improvements to physical access must be accompanied by real-time estimates of the cost that public entities will incur in compliance efforts.

The focus on improving access for people with disabilities within an ADA Transition Plan has always been on what happens in facilities within PSAs overall, rather than on buildings or facilities. When each program, service or activity is examined, looking at each physical location where it is provided, it becomes possible to plan for physical barrier removal to make at least one location accessible without going through the effort and cost of making all locations physically accessible.

This practice is known as programmatic accessibility, or more commonly known as *program access*. The civil rights law requires public entities to operate each program, activity, or service in such a manner that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, unless achieving accessibility would cause a fundamental alteration in the nature of the program, service, or activity.

In the process of providing access, the ADA does not require public entities to provide access to programs, services, or activities where the mitigation of barriers would result in an undue financial or administrative burden, or either threaten or destroy the historic significance of a historic facility. The practice of applying program access presents an important opportunity for an ADA Title II public entity because the cost of removing every physical barrier in every facility is unsustainable for any existing entity. With this understanding, the importance of identifying each physical location where a PSA takes place early in the ADA Transition Plan process is clear; the result can mean a reduction in barrier remediation obligations.

Where more than one location exists for each PSA, the group of locations can be examined to determine which location(s) can be most cost-effectively altered to comply. Those locations will then satisfy the requirement to provide program access and can be the basis for the barrier remediation schedule.

In practical terms, this practice means that pursuing physical barrier removal to improve accessibility without performing a Self-evaluation will likely result in barrier removal efforts that are not legally required.

Additional methods used to achieve program accessibility include but are not limited to relocating services to accessible locations, providing new equipment, redesigning existing equipment, assigning aides to individuals with disabilities,





providing home visits, making alternative formats available, delivering services at alternate accessible sites, altering existing facilities, pursuing physical barrier removal and/or constructing new facilities.

When the time comes to renew a lease at an existing non-compliant facility where PSAs take place, the move could be seen as an opportunity to find a facility that provides access to people with disabilities, or one which would be less costly to mitigate. It is important to note that some alternatives, like home visits, may present an administrative burden over time that should be taken into consideration when establishing these practices implementing program access. Such practices may only be of temporary benefit to an entity.

An example of how program accessibility can be provided is as follows:

A Health and Human Services Department (HHS) provides services for Women/Infant/Children (WIC) at five different physical locations. This WIC program is sponsored and funded by the state and federal government, and two of the physical buildings where the WIC program is offered are in parts of the geographical region where no public transportation exists. Applying program access, the entity is not required to make each of the five facilities physically accessible, but instead, is required to make sure that the WIC program, when seen in its entirety, is accessible. This means that the entity must ensure that at least one, but not necessarily all the locations where the program is offered, are physically accessible to everyone, including people with disabilities. Prioritizing locations served by public transportation is strongly recommended, where public transportation is available and the accessible route to each building entrance.

The goal of the ADA is to achieve the full integration of individuals with disabilities into the fabric of society. The ADA does not intend to establish preferences for people with disabilities, as can be perceived by the public at large. Public entities are obligated to provide the most integrated setting possible, but people with disabilities cannot be restricted from participating in general activities, even where separate programs, services, or activities are provided expressly for them. People with disabilities should be allowed to participate in programs, services, and activities with able-bodied people; the expectation is that individuals with disabilities will be given a choice as to which program, service, or activity they want to participate in.

When choosing a method (or methods) to provide program access, a public entity must give priority to the method or methods that result in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.



(ii) Discrimination in Policies and Practices

Discrimination is prohibited by the ADA and numerous California state statutes and regulations. Discriminatory policies and practices may manifest within written or unwritten policies, as well as actual practices. Using US DOJ guidance, discrimination must be considered in the form of direct action, actions taken on behalf of the entity under a contractual relationship by a contractor or others, or by actions taken by another Title II entity, such as a local or regional transit authority that operates PSAs or enforces their ordinances within the facilities owned or leased by the City.

Discriminatory practices or policies can be explicitly exclusionary, although policies that may appear to be neutral can also discriminate. For example: Many people with vision impairments cannot obtain a driver's license. Since a driver's license has become the most common form of personal identification, this poses a problem for anyone who cannot obtain a license. Therefore, if a policy is instituted that requires a driver's license as the only form of identification that people can use to be allowed to participate in any PSA, the policy will exclude people who, due to their disability, are unable to obtain such a license. Other forms of ID must be allowed for use in such situations.

When a public entity engages in licensing or certification, an individual cannot be denied licensure or certification if the person can meet the eligibility criteria. Also, public entities cannot establish criteria for licensing or certification, which have the effect of limiting participation.

If examinations are administered for the certification licensing process, they must take place in a location that is physically accessible to persons with disabilities and in a manner to ensure that persons with vision, hearing or other impairments are provided opportunity to take the examination as other non-disabled persons are provided.

Eligibility criteria, which screen out or tend to screen out people with disabilities, are prohibited unless such eligibility criteria are vital to providing the PSA. As an example, a program may be discriminatory that requires people with disabilities to be accompanied by an attendant to participate.

Neutral rules such as safety requirements are generally allowed even if they screen out individuals with disabilities. As an example, a minimum level of vision is acceptable as a prerequisite for participation in an archery class or other activities where safety constraints exist, and vision is required.

Surcharges to offset the costs of providing accessibility are prohibited when a public entity provides PSAs for people with disabilities.



Access to Information and Communications Technology (ICT) must also be provided for persons with disabilities, including website accessibility. Digital access means that people can access PSAs at any time, which makes the provision of an accessible website and accessible formats of digital documentation posted on the website essential for people with disabilities. When necessary, individual accommodations must be made to offer PSAs that satisfy this requirement. Accessible PSAs must be provided include, but are not limited to excursions, seminars, or courses necessary to complete instruction. New technologies that facilitate electronic accessibility are to be evaluated on a regular basis, as they become available on the market for implementation.

(iii) Effective Communication and Alternate Formats

The requirement to provide equally effective communication is often one of the greatest challenges that state and local agencies face in the ADA Self-evaluation process. Section 35.106 of the ADA requires all public entities take steps that may be necessary to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communication with others. Appropriate auxiliary aids and services must be provided, when necessary, to afford people with disabilities an equal opportunity to participate in and enjoy the benefits of the programs, services, or activities offered. A basic tenant of accessible information is this:

When information provided is visual, it also must be audible.

When audible information is provided, it must also be provided in a visual format.

Software can assist people who are blind or visually impaired to access information only when that information is in a proper format. Public entities also must allow people with disabilities to request an auxiliary aid or service of their choice and the express choice must be given primary consideration11. Furthermore, the entity must honor the requesters first choice of an alternate format, unless it can demonstrate that another effective means of communication exists, or that use of the means chosen by the person is not required under the ADA. A good way to determine what the needs of local constituents are, in terms of alternate formats, is to start posting a notice on each advertisement that is made public for PSAs that asks people to request accommodations under the ADA. This notice is a requirement under the ADA intended to reduce or prevent discrimination, but it will also help to anticipate the needs of the community through the experience of fulfilling these requests.

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¹¹ 35.160(b)(2)



Honoring the first request of the person with disabilities is important because of the range of types of disabilities, the variety of auxiliary aids and services available and different circumstances that require effective communication. For example, many courtrooms are now equipped with computer-assisted transcription (closed captioning) which can be a particularly useful auxiliary aid for people that are deaf or hard of hearing but can use speech to communicate. However, it may not be useful for those who communicate only by using American Sign Language (ASL) or reading Braille.

There are two major categories of programs, services, and activities covered by the ADA:

- 1) Programs, services, and activities involving general public contact, as part of ongoing operations of the entity, and
- 2) Programs, services, and activities directly administered by the entity for program beneficiaries and participants.

Activities in both categories involve direct communication with the public during public use of facilities. These activities can include telephone contacts, office walk-ins, interviews, or web-based interfaces such as online submissions, etc. This requirement facilitates the goal of inclusion for people with disabilities, but it can be complex. In practical terms, public entities are required to make and provide all the documents that it provides to the public in formats that are accessible to people with disabilities to ensure equally effective communication for all groups. Common types of alternative formats provided by public entities include large print format with min. 18 point in a simple font, audio format (WP3) files), Braille, electronic text documents that are in HTML (hypertext markup language) format¹² online, as an audible digital file, CD or other form of portable digital device for those without internet access.

PDF (portable document format) is in broad use as a type of document posted to websites or sent as an email attachment, but the format is not always accessible to people who are blind or who have low vision. A PDF appears as a flat, blank page to screen reader software or similar devices. Major modifications are required to each PDF document to provide alt tags, etc. described in the ADA/CBC Tool Kit Chapter 5 Guidance. Access to the alt tagged information is also dependent on software, hardware, or assistive devices to access information. PDF documents can also be accompanied by a document containing the same information in an accessible format. This list of possible alternate formats is not all-inclusive and almost constant technological developments will mean that new options become available on a regular basis.

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¹² Documents that are intended to be read by the visually impaired using software require alt tags that the software can read and audibly communicate to the user. These tags cannot currently be added to documents saved in PDF but can be usable when posted in HTML.





At times, providing people who serve as readers or note-takers at public meetings and videotaping with real-time captioning may also be an accessible option, when interaction such as providing public comment is not an option at the meetings. Where public meetings allow public comments, people with disabilities must be given the opportunity to submit comments, but this type of communication can happen only when they are first given access to the information being presented or discussed in an accessible format.

The use of oral and manual interpreters is also an integral part of producing an accessible environment. Qualified interpreters must be used and must be able to interpret effectively, accurately and impartially. Interpreters should be able to receptively and expressively interpret as well as possess expertise in any necessary specialized vocabulary.

An interpreter is necessary when the information imparted is complex or lengthy in nature. Factors to take into consideration when deciding whether to provide an interpreter are the context of the event, the number of people involved, and the importance of the information involved. An example of when an interpreter is necessary is where a patient with a disability in a health clinic has a serious medical condition that must be discussed. Other situations may not require an interpreter, such as that of a visitor with a hearing impairment who purchases food at a cafeteria or persons who must pay a parking ticket who can be adequately served using paper and pencil, even when the particular person normally uses sign language to converse.

(iv) Public Outreach

The US DOJ requires public entities to obtain input from interested persons within the development process of the Plan. Multiple options are available, but public meetings are one of the most common ways to gain public input, when circumstances permit. Advertising the public outreach process can involve publishing ads for the meetings as radio announcements on local stations, in local newspapers, posters or flyers posted in conspicuous locations at social gathering areas such as community centers, recreation facilities, local senior centers and at other local agencies that serve people with disabilities including Independent Living Centers (ILC).

The Coronavirus pandemic has instituted changes in the public outreach process and future public health emergencies may continue to force changes to the way the public can safely meet in groups. Even so, the City understands the value of public input and has sought to include people with disabilities in this process.

The City carried out an initial public outreach process early in the data collection time period to serve as a feasibility report on providing pedestrian access for



people with disabilities within the existing system of city roadways (sidewalks). SZS facilitated this process by developing questionnaires and compiling documentation for a public presentation used during the public outreach process. This outreach process was intended to be the first of two public outreach efforts. The first public outreach meeting was held on April 5th, 2017. Questionnaires developed for the outreach process focused on the following:

- How programs, services, and activities provided by the City are used.
- Known problem areas and concerns to the local Community.
- Ways for the City to improve access and address the community's needs.

The questionnaire developed for this first outreach process is provided in the Appendix.

The second public outreach meeting was held to present the final Plan to the public for input. SZS presented the Plan during the meetings and designated City staff were present to answer questions and provide input on the Plan.

The questionnaire developed to gather public input was provided in a webbased format with alternate formats provided, including large print paper format and MS Word files available on flash drives for those who requested the materials to be mailed. Braille format questionnaires were also made available, upon request.

The first and second public outreach processes and questionnaires were also advertised on the City website and made available to the public by use of flyers provided in conspicuous locations within buildings, including alternate formats.

The questionnaire was made available through a 45-day comment period from June-July 2017, and Jan-Feb 2025. The public outreach meetings were advertised with local citizens and organizations that serve the needs of people with disabilities.

The following list provides information on the local groups and interested individuals that are recommended for inclusion in this public outreach process. Invitations to join the online public outreach meetings were extended to these groups:

<u>Table 2: Community Based Disability Access Groups</u>

ORGANIZATION	WEBSITE	ADDRESS	PHONE
California Civil Rights Department (CRD)	https://calcivilright s.ca.gov/	651 Bannon Street, Suite 200 Sacramento, CA 95811	(800) 884-1684





California Department of Rehabilitation (DOR)	https://www.dor.c a.gov/	1350 41st Avenue, Ste. 101 Capitola, CA 95010	(831) 465-7100
E&D TAC (Elderly & Disabled Transportation Advisory Committee)	Santa Cruz County Regional Transportation Commission	1101 Pacific Ave. Suite 250 Santa Cruz, CA 95060	(831) 460-3200
Santa Cruz County Commission on Disabilities	Santa Cruz County Commission on Disabilities	701 Ocean Street, Room 510 Santa Cruz, California 95060	(831) 454-2772
Access Santa Cruz County	Access Santa Cruz County		
County Park Friends	County Park Friends		
Vista Center for the Blind and Visually Impaired	<u>Vista Center</u>	3315B Mission Dr, Santa Cruz, CA 95065	(831) 458-9766
Central Coast Center for Independent Living (CCCIL) – Capitola/Santa Cruz Office	http://www.cccil.o rg	1350 41st. Ave Suite 101 Capitola, CA 95010	(831) 462-8720
Regional Centers – Department of Developmental Services (San Andreas Center)	https://www.dds.c a.gov/rc/	6203 San Ignacio Avenue, Suite #200, San Jose, CA 95119	844-700-9889

(v) ADA/CBC Tool Kit

After the passage of the 1990 ADA Standards, the US DOJ Civil Rights Division began working with communities across the United States to increase knowledge about and application of these new regulations and thereby, improve access to PSAs provided by state and local governments for people with disabilities.

The Division found that, despite good intentions, many communities lacked the knowledge or skills needed to identify barriers to access in their programs, services, and activities. Public entities did not know how to survey buildings to identify physical barriers or found it difficult to review policies and practices for compliance with the ADA or state statutes and regulations. Communities nationwide turned into the US DOJ to help fill this knowledge gap.

Give a person a fish, and you provide food for a day. Teach a person to fish, and you provide food for a lifetime.



-- Asian Proverb

The US DOJ Civil Rights Division assembled the ADA Tool Kit to give entities the necessary background on the regulations and convey the importance of evaluating their policies and practices in place to help ensure equal access for people with disabilities. The intent was to educate state and local government officials the following:

- How facilities can be investigated to identify common architectural barriers for people with disabilities.
- How to identify red flags indicating that their programs, services, activities, and facilities may have common ADA Access Compliance problems; and
- How to remove the barriers and fix common problems

California is on the cutting edge of technology and innovation, and the field of ADA Access Compliance is part of that culture. SZS has updated the ADA Tool Kit by broadening the scope to include California requirements to ensure that the public entities we work with are aware of the most stringent requirements from both state and federal statutes and case law when evaluating programs, services, and activities, along with the policies and practices that facilitate public use. Significant differences exist between state law and federal law.

The original US DOJ version of the toolkit can be found at https://www.ada.gov/pcatoolkit/toolkitmain.htm. The updated ADA/CBC version was provided to the City online, and offered in alternate formats, in 2022.

SZS completed updates to chapters 1, 5 & 6 of the original Tool Kit. Chapter 1 now includes California statutes and regulations that are both very different and more stringent than federal standards. In this information age, with almost constant innovation in information and communication technology, SZS teamed with industry experts on web accessibility to modify Chapter 5 to reflect the most current US, worldwide web consortium and accessible technology standards. The focus in accessible information and communication technology is now on providing access within functional performance criteria, rather than setting standards based on specific devices that could become obsolete in the near future, such as TTY. Tool Kit Chapter 6 covers curb ramps, for which California requirements and the PROWAG are far more stringent than the federal standards in place in 2006 when the original Tool Kit was developed.

Each ADA/CBC Tool Kit chapter is organized into two components: 1) an educational component and 2) a quiz to test the knowledge gained and provide information necessary to review policies and practices. The following sections are included:



- ADA Basics Statute and Regulations: This updated section is purely instructional and provides the knowledge base for all following checklists. This information can be useful for all staff who have public interaction, as well as for those who administer or manage those positions.
- 2. ADA Coordinator and General Grievance Procedure Checklist: This checklist teaches about the basic state and federal requirements and helps public entities to determine whether they are acting in compliance with basic ADA administrative requirements. It also includes a sample "ADA Notice" that agencies can adapt for their use as a public Statement of Commitment in complying with basic ADA administrative requirements for Transition Plans.
- 3. General Effective Communication Requirements under Title II of the ADA: This checklist explains what it means for communication to be "effective" for people with disabilities, what type of auxiliary aids and services can potentially provide effective communication, and when those auxiliary aids and services are required.
- 4. **9-1-1 and Emergency Communications Services**: This checklist explains how the ADA's effective communication requirements apply to 9-1-1 and emergency communications services. It also helps to identify common accessibility problems with 9-1-1 and emergency communications services.
- 5. Website Accessibility: This updated checklist explains how web access under Title II of the ADA applies to state and local government websites, describes functional performance criteria within various groups of people with disabilities and what must be considered when providing information online. Website design practices are described that pose barriers to people with disabilities, and action items are identified that can help to eliminate these online barriers.
- Curb Ramps: This updated checklist provides information on the most stringent requirements for curb ramp design and inspection from the ADA Standards, California Building Code and Public Rights-of-Way Accessibility Guidelines (PROWAG).
- 7. **Emergency Management:** This checklist explains requirements on providing emergency policies and procedures for ADA Title II entities. The Checklist can also be used to review existing policies and services for evacuation, training of first responders and emergency shelter management.



B. Self-Evaluation: Summary of Findings

The Self-evaluation creates the foundation of the Transition Plan by reviewing existing policies and practices, completing and providing input from the ADA/CBC - Best Practices Tool Kit for State and Local Governments (Tool Kit), interviews with key staff, a public outreach process, and prioritization of facilities for remediation by identifying and correlating locations for PSAs after applying programmatic accessibility.

(i) ADA Public Notice of Compliance

The first step in this process required by the US DOJ, Civil Rights Division that enforces the ADA¹³, is a public statement that an entity is starting the process to improve access. When this ADA Transition Plan process begins, a public entity is required to make their intent to comply with the ADA known through publishing a public notice as a Statement of Commitment on the City website or in another form. Considering the fact that the ADA is enforced through litigation, the act of making this effort highly visible notice is a prudent step in reducing risk while complying with the federal regulations. The publication of this Statement also serves as the start of a period of safe harbor for the ADA Title II entity during which the Plan is implemented.

The following ADA Notice is posted online on the City's website. It can be found here https://www.cityofcapitola.org/publicworks/page/americans-disabilities-act. The language contained in the document is as follows:

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Capitola will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Capitola does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The City of Capitola will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City of Capitola will make all

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¹³ THE AMERICANS WITH DISABILITIES ACT TITLE II TECHNICAL ASSISTANCE MANUAL COVERING STATE AND LOCAL GOVERNMENT PROGRAMS AND SERVICES: SECTION II-8.4000 NOTICE TO THE PUBLIC. SEE: http://www.usdoj.gov/crt/ada/taman2.html#II-8.2000





reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Capitola offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Capitola, should contact the office of the City Manager at 831-475-7300 as soon as possible but no later than 48 hours before the scheduled event. The ADA does not require the City of Capitola to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of Capitola is not accessible to people with disabilities should be directed to the ADA Coordinator. The City of Capitola will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

ADA Coordinator City Manager's Office Capitola City Hall 420 Capitola Road Capitola, CA 95010 (831) 475-7300

(ii) Programs, Services and Activities

The City collaborated with SZS to produce this ADA Self-Evaluation as an update to the existing documentation in compliance with both the ADA and the California statutes and regulations. Official programs, services, and activities provided were detailed by the organization and researched by SZS. An inventory of the PSAs provided is presented below.

The following list is intended to be complete, but as additional facilities may have been added, or existing facilities may have been closed since the completion of this evaluation, it is considered a snapshot in time. The following list contains facilities included in the ADA Transition Plan and Self-evaluation process.

Table 3: List of Program, Services, and Activities

FACILITY TYPE	NAME	PROGRAMS, SERVICES & ACTIVITIES
Parks	Rispin Park	Site of historic Rispin Mansion with a fountain, stairway and pathways through mature trees and riparian habitat.





	Prospect Park (property	Benches, Walking Path, Stairways
	partially owned by and fully	Denones, walking Fair, Stallways
	within SCCRTC right of way)	
	McGregor Park	Skate Park, Pump Track, Dog Park, Portable Restroom
	Cortez Park	Playground Equipment, Lawn Area and Benches. The park is not visible from the street.
	Esplanade Park	Benches, Restroom, Drinking Fountains, Walking Paths, Outdoor Showers, Bike Racks, Seating and Walking Paths along Beachfront with Beach Access.
	Noble Gulch Park	Picnic Tables, Lawn Areas and Benches
	Soquel Creek Park	Benches, Bird Watching and Walking Paths
	Jade Street Park (property owned by the school district)	Classes, Recreation leagues, Youth Sports and Recreation Camps, Play Areas, Softball, Soccer, Picnic Areas, Tennis, Basketball, Benches, Restroom, Drinking Fountains, Walking Paths
	Peery Park	Bike/Pedestrian Paths, Picnic Tables, Bike/Pedestrian Bridge
	Monterey Park	Softball Field, Walking Path, Lawn Area, Benches, Drinking Fountain, Special Events
	Library Tot Lot	Toddler Play Areas
	Hihn Park	Walking Paths
	Capitola Beach	Volleyball, Picnic Areas
	Dog On-leash Parks	Park at Rispin Mansion, Mc Gregor Park, Monterey Avenue Park, Noble Gulch Park, Perry Park, Soquel Creek Park, Jade Street Park (except for lawn and tennis court areas), and Esplanade Park.
	Capitola Wharf Parks	Benches, Picnic Tables, Drinking Fountain, Whale and Dolphin Watching, Boat and Kayak Rental, Restrooms, Special Events
Buildings	Corporation Yard	Vehicle Maintenance and Repair, Equipment and Supply Storage, Public Works Offices Support
	City of Capitola Museum	Extensive collections of photographs and artifacts. Museum grounds include a reconstructed 20th century cottage and a wash house
	City Hall Complex, including Police Station and Post Office	City Council Meetings, Workshops, City Commission and Committees, Finance Department, Community Development, Public Works, City Administration, Rental of space for public use
	Library	Book loans, Reading Areas, Meetings, Instruction
	Community Center at Jade St. Park	Recreation classes. Rental of space for public use (recreational gatherings, meetings, and events)
Parking	Lot Parking Lot	Parking for Beach and Village Areas. Beach shuttle service stop.
	Vista Parking Lots on Cliff Dr.	Parking for Beach and Village Areas
	Beach Shuttle Service	Free summer shuttle which runs from the Beach and Village Parking Lot 2 Saturdays, Sundays and holidays from 10 a.m. to 8 p.m. from Memorial Day weekend through mid-September.





Upper Beach/Village Parking Parking for Beach and Village Areas. Beach shuttle service stop.

Some of the programs, services, and activities provided in owned or leased facilities are not sponsored by the City. Under the ADA, those programs must take place in a facility that is physically accessible, no different than typical sponsored programs.

The identification of both the function and location of each PSA, and the groups of people served by each PSA, is essential to fully develop a useful Self-Evaluation report. Based on this information, the analysis of the policies and practices that govern the administration of these PSAs was performed and recommendations for improvements, if needed, are provided on the following pages.

(iii) Grievance Procedure

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA¹⁴. Grievance procedures set out a system for resolving complaints of disability discrimination in a prompt and fair manner. Although the City has fewer than 50 employees, an ADA grievance procedure is provided on the City website and

https://www.cityofcapitola.org/sites/default/files/fileattachments/public_works/page/22708/i-1_americans_with_disabilities_act_grievance.docx.pdf.

(iv) Policies and Practices

The primary task of an ADA Self-Evaluation is to review and evaluate existing policies and procedures to identify policies and procedures that may unintentionally discriminate and to identify areas in which policies and procedures can be improved or, in some cases, be developed for the first time. The information compiled has been correlated with the physical barrier data to determine where policies and practices are applied.

During the field investigations, observations were made in several facilities that led SZS to develop recommendations for policies and practices intended to improve access to facilities for people with disabilities.

(v) Recommendations for Improvement - Policies and Practices

Under the ADA, all public PSAs must be accessible to people with disabilities. Making PSAs accessible involves many types of efforts, including physical barrier removal, but extending to efforts that ensure that people with vision,

¹⁴ 28 C.F.R. § 35.107(b)





cognitive or hearing impairments can take part in PSAs. Information and Communication technology will be necessary to ensure that some groups of people with disabilities are provided access to public programs that the City offers.

If a meeting is taking place in a few minutes, it is probably too late to try to find an American Sign Language interpreter for a person at the meeting. The fact that this kind of request has not been made in the past does not mean that it will not or cannot happen in the future.

Policies and practices need to be in place, and ready to implement when a person with a disability requests an ADA accommodation. Otherwise, people with disabilities could have grounds to complain or act to protect their civil rights through litigation. Preparation is the key to avoiding situations where constituents could experience discrimination, and the City could be put at risk.

Now is the time to act. Developing policies and practices, while training staff on the reasons for these developments and how to implement them, are essential to an organization that seeks to serve its community equally.

Staff training is a vital step in this process. It is often the case that the ADA/CBC Tool Kit Chapters are completed by multiple departments which each have a different set of responses to the same questions. This process provides an opportunity to establish citywide policies and practices through training.

After new policies and practices are developed, it is equally essential to provide training to staff to ensure that the efforts to put the policies and practices into place are implemented in a consistent manner from department to department. For instance, each department may post information to your organization's website and each of these departments must receive training on how to produce alternate formats of these documents before posting them on the website.

This draft report allows review by designated City staff of the compiled lists of programs, services, and activities that take place in facilities, as well as the policies and practices that facilitate the function of the PSAs provided. Input from these stakeholders may result in revisions to ensure that this information is used to improve access to PSAs for people with disabilities. A Public Outreach process will also allow for inclusion of public input into the final report. The Plan will take time to implement and determining where current needs are now will make the implementation process run more smoothly and help to alleviate potential complaints. Public outreach is the process to enable this conversation with people who make use of City programs, services, and activities.





Recommendations for improvements to policies and practices, or development of new policies include the following:

1. <u>Public Meeting Notices:</u> The City provides the following notice on public meeting agendas describing how to request ADA accommodations:

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 room 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.

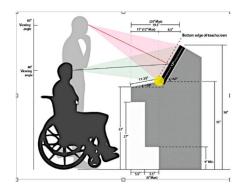
The agendas also must be in an accessible format for this information to be useful to people with disabilities.

- 2. American Sign Language (ASL) Interpreters: Develop policy and practice to locate an interpreter service and establish a relationship with associated service providers to enable the provision of ASL interpreters, note takers and other assistance, as requested under the ADA for people with speech or hearing impairments who wish to participate in public meetings. Where a practice does not yet exist; establish a policy and develop the practice to provide closed captioning of city council meetings and other televised public meetings.
- 3. Alternate Formats: Develop a policy to establish which types of alternate formats will be provided by the City for all documents made public. See the ADA/CBC Tool Kit Chapter 5 for options. Develop practices to provide alternate formats and train staff on a regular basis (due to possible attrition, reassignment, etc.) to produce and provide accessible documents for City programs, services and activities. Traditional types of alternate formats include large print format (min. 18 pt. San serif font), audio files converted from printed documentation onto flash drives, Braille, digital information in HTML, online documents in Word®, etc. Many other options exist in using current technology.
- 4. <u>Procurement:</u> Establish practice to ensure that when staff consider the purchase of furniture and fixtures (dispensers, tables, counters, workstations, drinking fountains, fare vending machines, etc.), each of the elements considered for purchase are reviewed for compliance with state and federal accessibility requirements for protruding objects, toe/knee



clearance and working surface height, bubbler height at drinking fountains in conjunction with knee and toe clearance, etc.

Example - Fare Vending Machines: The CBC contains requirements for accessible fare vending machines. The controls and location of the display in reference to the viewer is regulated (see figure at right). These requirements apply to equipment such as fare vending machines and kiosks that serve parking facilities. At the existing parking facilities, the monitors were identified outside of



viewing range for people who are of short stature or for those who use wheelchairs. This example highlights the need for establishing a practice that ensures items procured by the City meet existing accessible standards.

- 5. <u>Accessible Route Maintenance:</u> Develop policy and practice involving property owners in the process of ensuring that foliage, trash receptacles, rental bicycles, scooters, or similar vehicles etc. parked in or near the sidewalk do not encroach into the required pedestrian access route. Notify residential or commercial property owners of their responsibility to maintain the required path of travel through the sidewalk.
 - a. Consider performing foliage trimming using City staff or contractors or allowing property owners a reasonable amount of time to perform the work to maintain access to the sidewalk before instituting a fine/penalty or performing the work for them to reduce risk to the City.
 - b. Consider establishing policy or practice to discourage or prohibit parking of vehicles, bicycles, scooters or similar on sidewalks to maintain the use of the pedestrian access route, where provided. Where such parking is allowed, designate areas where parking does not encroach into the required pedestrian access route.
- 6. <u>Accessible Entrance Maintenance:</u> Develop a policy to implement and conduct regular adjustments to door closers in facilities where programs, services and activities take place.
 - a. Consider installing automatic door opening devices at main entrances to reduce maintenance requirements long-term and improve access.
 - b. Consider removing door closers where they are installed, but not required by building code or other regulations (HSC, etc.) to reduce maintenance requirements long-term and improve access.



- 7. <u>Sidewalk Maintenance:</u> Develop policy and practice to notify residential or commercial property owners of their responsibility to maintain accessible sidewalks or alter existing sidewalks to comply. Special focus should be placed on abrupt changes in level, holes or surface damage that can cause trip hazards, and protruding objects (signs, branches, etc.) that can cause injury. Annual notices may serve as a proactive reminder of the legal obligation.
- Maintenance of Accessible Features: Consider establishing a policy to prohibit vehicles from parking on the sidewalk and obstructing travel for people with disabilities where a pedestrian facility is provided.

These recommendations will be most effectively implemented through staff training and education for members of the public (property owners, inhabitants, and visitors, etc.). This information may apply to more than one facility where similar activities take place, and in some cases, will apply to physical elements or services citywide.

(vi) Recommendations for Improvement - ADA/CBC Tool Kit

The following Tool Kit sections were provided to City staff who participated in this process, including input derived from the stakeholders, and from responses online and/or in paper format were reviewed and compiled. Where recommendations for revisions or additional policies or practices were identified, details are listed below.

Chapter 1 – ADA Best Practices Tool Kit for State and Local Governments

No recommendations on policy or practice development

Chapter 2 – ADA Coordinator

1. Grievance Procedure:

The City has a procedure in place which is provided on the City website. The form is provided in the Appendix. The procedure is posted on the website in a PDF document, which may not be readable by screen reader software commonly used by the blind and visually impaired.

This procedure also appears to be directly related to Human Resources, not easily located on the website and may only apply to employees of the City.

An accessible version of the grievance procedure should be provided in HTML, Microsoft Word® or another accessible format, as PDF documents are not readable by software used by the blind and visually



impaired.

<u>Recommendation:</u> Develop and adopt a public ADA grievance procedure that is provided on the Disabled Access page on the City's website for public use.

Chapter 3 – Effective Communication

1. Effective Communication and Interpreters:

Develop policies and practices to ensure that people with hearing and cognitive impairments can take part in programs, services, and activities.

<u>Recommendations:</u> Research options in the area to obtain services that provide sign language, oral and cued speech interpreters and put policy in place to enable the provision of these services to qualified people with disabilities who request them.

- a. Where necessary, establish the necessary business arrangements with vendors to ensure that a request for accommodation can be met in a timely manner.
- b. Develop a practice to enable the provision of these services, if requested for public meetings and similar.
- c. Train staff in the implementation of this policy.
- d. Develop language included in notices for public meetings to specify that sign language, oral, and cued speech interpreters can be obtained within a short period of time, when necessary.
- e. Ensure the policy makes clear the following requirements:
 - It is generally inappropriate to request family members and companions of deaf people to serve as sign language interpreters.
 - ii. People with disabilities requesting interpreters should not be charged for the cost of the interpreter.
 - iii. Where the City decides to deny an interpreter based on undue financial and administrative burden, the decision must be made after considering all resources available for use in funding the operation of the program and must be accompanied by a written statement of the reasons for reaching the conclusion.
 - In any instance where the provision of an interpreter would result in an undue financial and administrative burden, the City will take any other action that would not result in an undue financial and administrative burden but would nevertheless ensure that the



individual with a disability receives the benefits or services provided.

- f. Develop policies and procedures to respond to requests from the general public for documents in Braille, large print in paper format, audio recording, and accessible electronic format (email, compact disc containing the document in plain text, word processing format, HTML or some other format that can be accessed with screen reader software)
 - Determine the needs for types of alternate formats in the community
 - ii. Develop templates and streamlined processes to produce alternate formats for all public documents
 - iii. Establish relationships with vendors that supply these materials when staff cannot.
- g. Develop policy to give primary consideration to the requests of the person with a disability when determining what type of auxiliary aid or service to provide.
- h. Develop policies and procedures to deal with requests from the general public for notetakers, computer-assisted real-time transcription services, and other auxiliary aids and services for providing effective communication.
- Develop policies and procedures to ensure that videos and television programs and all videos made available to the public on their internet website are available with captioning and audio description.
- j. Develop policies and practices to ensure that telephones are available to the public for making outgoing calls, and TTYs are available for people with hearing and speech disabilities.
- k. Develop policies and practices to handle calls placed using a Telecommunications Relay Service or a Video Relay Service (VRS) in the same way as other telephone calls.
- I. Develop policies and procedures to communicate with people who request alternate formats when requested to do so.

Chapter 4 - 911 and Emergency Communication

No recommendations on policy or practice development

Chapter 5 – Web Accessibility

1. Accessibility as a Key Requirement:



The City has partnered with a website provider that was selected, in part, because of their commitment to accessibility. Every page of the website has an accessibility module which allows for various adjustments to accommodate a variety of different accessibility changes.

- a. Consider making a decision to target compliance with version 2.1 (or later) of the Web Content Accessibility Guidelines (WCAG) at levels A and AA, as a minimum.
- b. Perform an assessment to determine whether a new website design project should comply with the Authoring Tool Accessibility Guidelines (ATAG).

2. Style Guide:

The City is in the process of developing a style guide that provides for all text and icons to be readable and legible for everybody, which means having an appropriate separation (or contrast) between adjacent colors and backgrounds, choosing accessible font faces and styles, allowing text size and spacing to be altered to meet a user's needs, and not relying on text embedded within graphics.

<u>Recommendation:</u> Adopt a consistent style guide that takes accessibility into account.

3. Webpage Language:

The City is in the process of developing capabilities for screen reader users that allow them to rely on the page title text to inform them of their new or current context. This process will allow users to distinguish one page from another, for example when multiple tabs from the same website are open in a user's browser and ensure that all pages have unique and descriptive titles which identify the user's current context. A pattern should be followed which places significant information upfront, with the remaining title parts positioned in decreasing significance order with the website name last of all.

For example, a rule could be "<page name> | <section name> - <website>". A speech synthesis engine of a screen reader will determine the appropriate pronunciation rules to use, based on the following information:

- a. The programmatically specified language of the overall page (if present).
- b. The programmatically specified language of a single element or container on a page (if present); or
- c. The default language is set by the user within their screen reader preferences.



<u>Recommendation:</u> Adopt practices to ensure that web pages programmatically specify their overall language. Further, ensure that language is programmatically specified for all constituent passages or phrases of content where their language differs from that of the overall page.

4. Decorative Images (icons):

Ensure that icons or similar are hidden from screen reader users when the web page already contains the equivalent information in a textual form.

5. Hyperlinks:

A practice is in place to develop hyperlinks in the middle of passages of text that accurately describe where the links go, while avoiding vague text such as "click here", "read more" and similar.

a. This is done, where possible.

6. Audio and Video:

Closed captioning is provided on videos so that all users can gain the same level of understanding and enjoyment from all multimedia content, regardless of their disabled status or presence of any other difficulties. This may also include:

- a. Audio Description (AD): an additional audio track which conveys, via speech, any visual information which otherwise is not obvious from the other sound or dialog on the video. This is particularly important for videos with no dialog whatsoever, such as those which only use background music or are completely silent (see the Netflix settlement15).
- Sign Language: displayed on-screen for those who are hard of hearing or whose preferred language is American Sign Language (ASL), to convey spoken dialog and other elements of the audio track.
- c. Textual Transcript: all spoken dialog, an indication of who is speaking, and a description of any sound effects which are important to understanding the video or audio content, in an accessible form on the web page.

<u>Recommendation:</u> Increase accessibility of audio and video for diverse audiences via the provision of access services (audio description, captions, transcripts and sign language).

<u>Recommendation:</u> Communicate information by using color and also via a non-color-based alternative (such as text).

¹⁵ https://adp.acb.org/netflix.html



Chapter 6 – Curb Ramps and Pedestrian Crossings under Title II of the ADA, California Building Code (CBC) and the Public Rights-of-Way Guidelines (PROWAG)

1. New Curb Cuts:

Curbs where sidewalks and walkways intersect with roads, streets, or highways must have curb ramps that allow people with disabilities to go from the sidewalk on one side of the vehicular way across any traffic islands with curbs to the sidewalk on the opposite side.

<u>Recommendation</u>: Set curb ramp construction as a high priority at curbs where no curb cut exists in the ADA Transition Plan remediation schedule.

2. Curb Ramp Requests:

Requests to provide curb ramps should be integrated into other projects to ensure that the work is performed with other types of alteration of streets, roads, highways, sidewalks, and pedestrian crossings.

<u>Recommendation</u>: Develop procedures to ensure that such requests are given priority when the City plans and implements the construction and alteration of streets, roads, highways, sidewalks, and pedestrian crossings.

Chapter 7 - Emergency Management

1. Written Procedures:

Written procedures help to ensure that the City regularly seeks and uses input from persons with a variety of disabilities and organizations with expertise in disability issues in all phases of emergency planning, such as those addressing preparation, notification, evacuation, transportation, sheltering, medical and social services, temporary lodging and/or housing, clean-up, and remediation.

<u>Recommendation</u>: Develop written procedures to facilitate regular input from people with a variety of disabilities and organizations with expertise in disability issues for all phases of emergency planning and training with simulations.

2. Transportation:

For planning purposes, determining the extent to which, in an emergency or disaster, people with disabilities who reside or visit your community are likely to need individualized notification, evacuation assistance, and/or transportation, including accessible transportation is an essential for planning.

<u>Recommendation</u>: Work with local groups that assist people with disabilities, and locals or visitors with disabilities to determine where assistance in an emergency must be planned for.



3. Resources for Transportation:

Emergency planning should identify the resources the City needs to meet the needs of individuals with disabilities who require individualized notification, evacuation assistance, and/or transportation, including accessible transportation. The emergency evacuation plan should address the needs of people with disabilities who will require assistance leaving their homes.

Recommendation: Identify resources needed to provide transportation for people with disabilities as part of the emergency planning process. This may include collaborating with nearby transit agencies and similar organizations. Plan for assisting people who use wheelchairs or scooters, people who use medical equipment, such as oxygen tanks, and people who use service animals (accessible transportation consists of wheelchair lift-equipped vehicles.) Ensure that the Plan addresses home evacuations.

4. Written Evacuation Plans:

Written plans should address the evacuation needs of all people with disabilities, including those who have mobility disabilities, people who are blind or have low vision, people who are deaf or hard of hearing, people with cognitive and psychiatric disabilities, people with disabilities who use service animals, and other people with disabilities who reside or visit your community who may need evacuation assistance.

<u>Recommendation</u>: Develop written plans to address evacuation needs that can be used by staff to provide stable and consistent services in the time of an emergency.

5. Evacuations with Family and Pets

Emergency plans, policies, and procedures should be provided for people with disabilities to be evacuated and transported to shelters together with their families and pets. Planning for pet evacuation should be part of the planning effort.

<u>Recommendation</u>: Develop evacuation plans that allow for families of people with disabilities to remain sheltered together, including pets where possible.

6. Confidential Registry:

The Capitola Police Department has a form that the public can use to register, voluntarily, their confidential information as a registry of persons with disabilities. The form can be found https://www.cityofcapitola.org/sites/default/files/fileattachments/police/page/2461/special_needs_evacuation_info.pdf

<u>Recommendation</u>: Establish a voluntary, confidential registry for people with disabilities to request individualized notification, evacuation assistance, and transportation. Determine if the County has established such a list and develop a collaborative approach to use of the list to benefit the members of the Capitola community. Perform outreach to



people with disabilities and organizations with expertise on disability issues to update regularly.

Note: such lists are a concern in the disability community due to the history of exploitative use of such information and harm that can come to the disabled. Establish appropriate confidentiality controls when using the information to ensure it remains in use only for the intended purpose.

7. Service Animals:

Emergency management plans, policies, and procedures should ensure that people with disabilities are not separated from their service animals during evacuation and transportation.

<u>Recommendation</u>: Develop written procedures to ensure that people with disabilities who use service animals are not separated from their service animals when transported to emergency shelters and are given full access to shelter programs, services, and activities, even if pets are normally prohibited in shelters or in certain areas of shelter. Include the following written procedures and training, where necessary:

- Procurement of necessary materials and staff training to ensure that pet food, water, and a receptacle and plastic bags for the disposal of service animal waste are available at emergency shelters.
- Establish security procedures at shelters that allow people with service animals to take their animals outside for relief without unnecessary delays for security screening upon re-entry

8. Training Responders:

Emergency response teams, including planners, first responders, shelter staff, and volunteers, need comprehensive training to handle various tasks effectively during a crisis. This includes planning logistics, managing evacuations, operating shelters and temporary housing, providing medical and social services, and overseeing recovery efforts. Recommendation: Develop written policies and procedures for training to ensure tasks are carried out over time consistently considering inevitable changes in the City or volunteer staffing.

9. Physical Assessment of Shelter Facilities

The City has two designated shelter facilities: one at the Community Center (a City facility) and another at Branciforte Middle School (part of the Soquel Union School District). The City is actively working to remove barriers at the Community Center site; however, it does not have authority over school district facilities, which are subject to the Division of the State Architect (DSA) regulations.

<u>Recommendation</u>: Work with the school district to complete assessments of the middle school location to determine needs and options for improvements so that people with disabilities can be sheltered properly. Ensure the provision of accessible parking, exterior route from the parking to the entrance, entrance, sleeping area, dining



area, toilet facilities, bathing facilities, recreational areas, emergency exit, and interior routes to all of these areas.

Note: Until all emergency shelters have the required accessible features referenced above, the most accessible shelters should be identified and widely publicized to the public and to people with disabilities and disability organizations and a list of the accessible features provided in each should be publicized.

In these shelters, policies and procedures should be adopted to ensure that shelter staff and volunteers do the following:

- Maintain accessible routes for individuals who use wheelchairs and other mobility aids. This often means rearranging furniture and stored items.
- Minimize protruding objects and overhead objects in shelters so that someone who is blind or has low vision can walk safely throughout the shelter.
- Offer way-finding assistance to people who are blind and those with low vision who may need assistance in understanding and navigating the shelter layout and locating shelter facilities (e.g., finding the route to the toilet room when furniture layouts change).

10. New Shelters:

The City should establish policies and procedures to ensure that, in the future, facilities are surveyed for accessibility and barriers to access are removed before a facility is designated as a shelter.

11. Stress-Relief Zones in Shelters:

Shelters should have low-stimulation "stress-relief zones," such as an empty classroom in a school building used as an emergency shelter. Recommendation: Make the identification of stress-relief zones part of the assessment survey process for existing and new shelter facilities.

12. Mass Care Shelters:

The County of Santa Cruz Human Service Department (HSD) in coordination with the Office of Emergency Services (OES) takes the lead for Mass Care and Sheltering on behalf of the City. The City provides the facility (Community Center), but the operation of the facility is under the County.

The City should adopt emergency shelter eligibility policies and procedures to ensure that people with disabilities are housed at "mass care" shelters unless they are medically fragile to reduce the segregation of people with disabilities.

Mass care shelter procedures should ensure that shelter staff and volunteers do not turn away people with disabilities who may need assistance with activities of daily living even though their personal care aides may not be with them.

<u>Recommendation</u>: Develop written policies and training in decision making on eligibility procedures for shelter housing.



13. Mass Care, Special Needs and Medical Shelters - Staff Training:
The City should adopt policies and procedures to ensure that "mass care," "special needs," and "medical" shelter staff and volunteers are trained and monitored so they provide safe, appropriate assistance with activities of daily living (e.g., eating, dressing, personal hygiene, transferring to and from wheelchairs) that some people with disabilities may require.

Written procedures and equipment are necessary to ensure that emergency shelters have back-up generators and a way to keep medications refrigerated (such as a refrigerator or a cooler with ice). Recommendation: Develop written policies and training shelter staff and volunteers on safe, appropriate assistance with activities for daily living for people with disabilities. Ensure the following:

- Shelter staff and volunteers receive training with site specific instructions for providing people with disabilities access to all services, activities, and programs at "mass care," "medical," and "special needs" shelters.
- Planning should include the provision of back-up generators and refrigeration for medications.
 - Written procedures on back-up generators include a plan for routinely notifying the public and disability groups of the location of shelters providing electricity and refrigeration.

14. Equally Effective Communication:

The City should have written policies and procedures to ensure that people who are deaf or hard of hearing, people with speech disabilities, and people who are blind or have low vision are provided with effective communication during their stay at a shelter. Means of effective communication include:

- A TTY (text telephone) at each emergency shelter for use by people who are deaf, are hard of hearing, or have speech disabilities.
- Printed materials as handouts in alternate formats for the visually impaired (Braille for the Blind, large print for people with low vision, etc.)
 - In a case where materials are not provided in an accessible format, shelter staff and volunteers will need to provide assistance to people who are blind or have low vision by reading and completing forms or other written materials that are not available in alternative formats.

<u>Recommendation</u>: Provide a TTY and produce these materials in alternate formats to have ready in the case of an evacuation.

15. Emergency Management Plan:

An emergency management plan should provide an effective way for people with disabilities to request and receive durable medical equipment, medication, access to programs, services and activities



provided by the City or other essential needs while in shelters. Communication policies and procedures should include primary consideration of the communication method preferred by an individual with a disability. Essential needs include:

- Accessible beds for people with disabilities include procedures to request and receive cots or beds, modifications to cots or beds, securement of cots or beds to allow safe transfer to a wheelchair, and placement of cots or beds in specific locations when needed.
- Kitchen access to provide immediate access to food and refrigerated medications for sheltering residents and volunteers whose disabilities may require it.
- Some kinds of foods and beverages are available in emergency shelters for people with dietary restrictions, such as people who have diabetes or severe food allergies.
- Access to medical and social services and other benefit programs are accessible to people with disabilities, including people who use wheelchairs, scooters, and other mobility aids, individuals who cannot leave shelters because of their disabilities, and people who use service animals.
 - Application processes for benefit programs designed so they do not exclude people with disabilities whose disabilities prevent them from using one application process (e.g., web-based application processes, telephone-based application processes, procedures requiring applicants to have a valid driver's license, or procedures requiring applicants to apply in person).
 - Medical, social service, and other benefit programs provide effective communication to people with disabilities, including people who are deaf or hard of hearing and people who are blind or have low vision.

Post-shelter procedures should be adopted to provide additional time, transportation, and search assistance for people with disabilities in emergency shelters to locate accessible temporary housing and support services in the community following an emergency.

<u>Recommendation</u>: Develop policies and practices to ensure that people with disabilities are provided with accessible programs, services and activities in a manner similar to those provided to all community members.

16. Repair and Rebuilding Government Facilities:

Establish policies and procedures to ensure that the

repair and rebuilding of government facilities comply with the accessibility requirements of Title II of the ADA.

<u>Recommendation</u>: Adopt policies and procedures through the ADA Transition Plan remediation process to ensure that government facilities



are repaired, altered, rebuilt or constructed to comply with state and federal accessibility requirements, including the 2010 ADA Standards. Note: These policies and practices should apply to programs relocated from a damaged facility on a temporary or permanent basis to ensure that they remain accessible to people with disabilities.

4) ADA Transition Plan

A. Regulations

Under US DOJ regulation 28 CFR 35 ADA Title II public entities are allowed to develop ADA Transition Plans to carry out barrier removal over time as the entity deems appropriate, which is of great benefit. On the other hand, the legal allowance to make use of a Plan over time is only available to public entities. This option is not allowed for privately owned and privately funded entities, referred to under the ADA federal regulation 28 CFR 36 as Title III public accommodations.

The main reasoning behind this difference is the fact that public funds are limited and the scheduling of barrier removal over time allows public entities to plan and budget for the remediation work, as well as making use of the legal option to apply programmatic accessibility (program access) to reduce remediation obligations. Public entities have existed for decades or generations, and their pre-ADA facilities often require significant and costly remediation to provide access which must be funded by the public. Opening a business or funding a privately owned development is a choice, and funds to ensure compliance must be acquired and applied prior to occupancy. The option to apply program access also does not exist under the ADA under federal regulation 28 CFR 36 as Title III public accommodations.

The federal regulations governing the Plan indicate that where structural changes to facilities were undertaken to comply with the obligations established under the ADA, such changes should have been made within three years of the effective date of the regulations, or by 1995, but in any event as expeditiously as possible 16. In the case that barrier removal was not completed by that date, a common occurrence nationwide, the US DOJ regulations define the steps that must be taken, as a minimum, to establish an ADA Transition Plan:

Transition plan.

(1) In the event that structural changes to facilities will be undertaken to achieve program accessibility [where physical barriers are identified and must be removed], a public entity that employs 50 or more persons shall develop a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested people, including individuals with disabilities

¹⁶ Department of Justice, Office of the Attorney General 28 CFR PART 35 Nondiscrimination on the Basis of Disability in State and Local Government Services {35.150 Existing Facilities. See http://www.ada.gov/reg2.html





- or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.
- (2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas
- (3) The plan shall, at a minimum -
 - (i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities.
 - (ii) Describe in detail the methods that will be used to make the facilities accessible.
 - (iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
 - (iv) Indicate the official responsible for implementation of the plan.
- (4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing Section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph shall apply only to those policies and practices that were not included in the previous transition plan.

This Plan illustrates areas of challenge, but this process is also essential in developing a strategic and comprehensive plan to improve accessibility.

All barriers are not equal and the way that they affect different groups of people with disabilities varies significantly. Consider a situation where a barrier for a single missing tactile sign is recorded in comparison to a barrier listing a lack of an accessible loading zone at a building where bus and shuttle services provide passenger loading and unloading at a building. The difference in the severity with which those barriers affect people with disabilities is significant. Also, the effect that these different barriers have in denying access to programs, services, and activities is vastly different.

B. Transition Plan: Methodology

(i) Access Compliance Assessment Reports (ACARs)

A physical assessment of each location where a PSA is provided has been





performed for the City. Images of each physical element were captured in HD digital photographs with GPS coordinates captured at each exterior location, while manual measurements were taken to establish as-built conditions and to facilitate the process of cost estimating.

Each barrier to access identified is provided with a recommended solution. This solution is meant to provide a suggested method of barrier remediation or mitigation to resolve the barrier identified. These methods may be as simple as relocating elements required to be accessible, or as complicated as a full remodel of a restroom to provide accessible maneuvering clearance and fixtures. The recommended remediation methods identified in the ACARs are not necessarily the only option to correct the barriers. The City will review all options recommended when performing the remediation of the elements based on the implementation schedule.

The purpose of these reports is to provide information in a clear and usable format for designated staff, other professionals, and laypeople alike.

Physical barriers to access were identified and documented in these two different ways to facilitate the review process:

- 1) Summary and Analysis: An analysis of the findings is provided in a narrative form, which describes particular barriers identified in the barrier records, to help ensure that the findings for atypical situations can be further explained. The intent of this information is to provide a discussion on the functionality of physical elements. Background reasoning and research behind the identification of barriers are provided where universal design principles can play a role in improvements. This analysis was accompanied by digital photographs or diagrams, where applicable. Understanding the function of the building and its usage was essential in interpreting the findings found in this report.
- 2) Barrier Data Records: Individual barriers to access identified during the field investigation have been entered into the TPD to provide technical information on each individual barrier within a barrier data record. These barrier data records include detailed information such as digital photographs of each barrier, code references that determine the barrier to access, as-built measurements, barrier severity ratings, budgetary cost estimates, recommended solutions for barrier removal and a priority for barrier removal assigned in the final report. For the sake of brevity and to consolidate the barrier data, some of the more typical barriers found in multiple locations are grouped with a description of the locations in which they are found. Cost estimates are calculated according to the groupings in these cases.



In California, accessibility requirements contained in building code (CBC) are enforceable standards governing jurisdictions, but the minimum standards contained in the CBC may not ensure that facilities are usable by and accessible to people with disabilities. Some elements required to be accessible located in the public rights-of-way (PROW), including sidewalks and accessible pedestrian signals at street crossings, etc. are not included in the CBC, whereas bus stops and other elements, such as curb ramps, are governed by the CBC. In other words, the CBC does not provide a comprehensive set of accessibility standards governing all physical elements.

Sidewalks were covered by the original 1990 ADA Standards, but the 2010 ADA update to those Standards retained accessibility standards only for the site and buildings, with the Standards governing elements in the PROW detailed in a separate document aptly entitled the Public Rights-of-Way Accessibility Guidelines (PROWAG). The final adopted version of the PROWAG was published in 2011, and while the Standard awaits enforcement by the US DOJ, it is adopted in part and enforced by Caltrans and US Ninth Circuit case law.

It is important to note that the barriers identified in these ACARs reflect the most stringent requirements from model building codes and standards, as state and federal regulations and statutes are known to contain conflicting requirements.

Standards (ii)

The federal and state regulations and statutes in effect when this project was designed and constructed were used in this analysis. In addition, the following standards have been applied with the goal of ensuring that alterations are compliant to the current standards, to the maximum extent feasible 17, as allowed under the ADA:

- The Federal Highway Administration's Manual on Uniform Traffic Control Devices (CA-MUTCD for California's version) that governs signalization and other elements within the public rights-of-way
- The federal Access Board's Public Rights-of-Way Guidelines (PROWAG) are the gold standard for compliance in the public rights-of-way assessment and design, also enforced by Caltrans.
- The Americans with Disabilities Act/Architectural Barriers Act (2010 ADAS) Accessibility Guidelines which contain standards that replaced the 1992 ADAAG as of March 15, 2011
- The federal Access Board's Recreation Area Guidelines and Outdoor

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¹⁷ https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards_prt.pdf





Developed Area Guidelines covering recreation areas, parks and trails and other outdoor developed areas

- ADA/ABA standards for Transportation Facilities (transit stops, train stations, bus and shuttle stops, etc.) adopted by the US Department of Transportation
- The 7 Principles of Universal Design developed by the University of North Carolina and accepted as a good practice

Each barrier identified in these reports is designated as either required for removal or recommended for removal. State and federal model code provide the basis for most of the barrier identification, although additional barriers are not based on these regulations or statutes, but on pending regulations, case law or good practices. The *Remediation* field in reports and the TPD indicates whether the barrier designation, contained in the barrier data record, is based on enforceable regulations and statutes (indicated by Required) or a recommendation as a good practice (indicated by Recommended) to make clear when the barrier identified is classified as a code violation, or a recommended change that is not dictated by building code, federal standards or the ADA Standards (case law, pending regulations, etc.).

While these principles and standards are vital to this project, actual experience with projects demonstrates that public entities can benefit from learning and applying these concepts, principles, and standards daily.

(iii) Field Assessments

Extensive field assessments were performed at each physical location where PSAs are provided.

SZS conducted an as-built assessment of facilities, including City selected locations of the pedestrian facility, to document current conditions for compliance with applicable law, code, and best practices.

The methods used by SZS field investigators have been developed during tens of thousands of hours of field surveying. Field survey teams are comprised of two person teams. Data entry takes place in the field using the TPD, which is configured with pull-down menus and auto-prompting cues that provide efficient yet consistent data collection for SZS and later use by City staff. Digital photographs containing visual cues make each barrier clear to those who review the reports.

SZS teams worked to identify, measure, photograph, and record details on each barrier to access, including a combination of digital and written observational notes.



The findings in ACARs are stored and can be accessed in the TPD, which contains all aspects of the Transition Plan including the draft and final findings contained in the ACARs, the Transition Plan Overview, reference drawings, record documents and other pertinent documentation. The TPD also contains GPS coordinates to enable GIS mapping for all exterior elements and PROW evaluated. The fundamental purpose of the TPD is to facilitate ongoing monitoring and updating of the final Transition Plan. The TPD is platform neutral; data can be exported into most types of facilities management software to enable correlation with other projects including CIP work, maintenance, alterations to existing facilities and the design of new construction projects.

The pedestrian facility was inventoried and cataloged to provide a complete list of barriers to access. Barriers to access physically surveyed that have a high barrier severity rating commonly include changes in level, also referred to as trip hazards in plain language (or as abrupt changes in level or vertical surface discontinuities as an industry standard). Protruding objects can also present a hazard to pedestrians traveling through the network of pedestrian facilities, recreation facilities or structures. Additional barriers to access were recorded including non-compliant cross slopes, walking surface clear width, surface condition and maneuvering clearance at controls, mechanisms, or entry doors/gates, among many others.

Pedestrian elements within the PROW that were constructed prior to January 26, 1992, when the ADA enforcement began, are unlikely to comply with those ADA Standards which were not in place at the time of construction. Therefore, it can be reasonably assumed that most or all elements of the existing (pre-ADA) pedestrian facilities are non-compliant. Typical elements within the pedestrian facilities include the following:

- Sidewalks (Pedestrian Access Route or PAR)
- Transit Stops and Transit Shelters
- Pedestrian Street Crossings (Intersections, Midblock or Raised)
- Pedestrian Overpasses and Underpasses
- Curb Ramps, Blended Transitions, Medians and Pedestrian Refuge Islands
- Pedestrian At-Grade Rail Crossings
- Roundabouts containing Pedestrian Facilities
- Pedestrian Signals and Pedestrian Pushbuttons
- Rectangular Rapid Flash Beacons (RRFB), or similar Pedestrian Controls
- Pedestrian Signs that provide Directions, Warnings, or other Information within the Pedestrian Access Route
- Passenger Loading Zone
- Street Furniture, including
 - Drinking Fountains
 - Public Toilet Facilities







- Tables
- Counters
- Benches
- Fare Vending Machines and ATMs
- Kiosks
- On-Street Parking Stalls (defined as marked or metered spaces)
- Parking Meters and Parking Pay Stations
- Emergency Call Stations
- Stairways and Escalators
- Guardrails at Elevation Changes
- Doors, Doorways, and Gates

While beach access routes are not typical pedestrian elements, they are essential in providing access to the water as one type of outdoor recreation access route (ORAR). These pedestrian routes are a continuous, unobstructed path that is intended for pedestrian use and that connects accessible elements, spaces, and facilities within camping and picnic facilities and at viewing areas and trailheads only. ORARs cannot be used at other types of facilities, such as educational campuses, office parks, or theme parks¹⁸.

Capitola Beach is located adjacent to Esplanade Park and the sidewalk along Esplanade Drive. It also appears that City Maintenance staff use equipment to compact the sand surface from each of the pedestrian entrances to the beach regularly. While this practice is a practical approach to improving access, it is not enough to provide a pedestrian access route from sidewalk to the water. Several options exist to provide access to the water.

A compliant beach access route allows pedestrians to cross a sand, rock, dirt or similarly surfaced beach so that they can play, swim, or participate in other beach- or water-related activities. A beach access route is a continuous, unobstructed path that crosses the surface of the beach and provides pedestrians with access to the water. Beach access routes are not required where pedestrian access to the beach is not allowed.

Beach access routes can be permanent or removable. Removable beach access routes may be an option where restrictive permits are issued in coastal and shoreline areas, where seasonal tides or high flows may remove or damage a permanent structure, or in areas where the beach erodes or builds up quickly each season and causes a permanent beach access route to become inaccessible. Removable beach access routes can be moved to a protected storage area during storms and other periods when the routes are subject to damage or loss.

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¹⁸ See the US Access Board Guide to the ABA Accessibility Standards at https://www.access-board.gov/aba/guides/chapter-10-outdoor/#beach-access-routes



Whenever possible, providing access to outdoor constructed features on a beach gives people with disabilities more independence and opportunities to participate in beach- or water-related activities. The City of Capitola can choose to install a temporary or permanent beach access route at a minimum of one of multiple pedestrian entrances along the sidewalk which appear to be relatively flat. Another pedestrian entrance is located on the west side of Wharf Road but this entry point presents a severely steep path that cannot be considered for use as a compliant beach access route. On-street parking is provided on Cliff Drive where a stairway is provided as beach access due to the steep grade change between the road and the beach. This stairway was assessed as part of the on-street parking and described in the barrier data records contained at the end of this report.

As the schedule within the Plan is carried out and alterations to remediate take place over time, the reconstruction (4R) rehabilitation (3R) or restoration (2R) process should be seen as opportunities to make general improvements and remediate barriers simultaneously.

The Plan details each segment of frontage included in this current plan, consisting of sidewalk, associated curb ramps, pedestrian controls at signalized intersections, transit stops, etc. to ensure that the alterations scheduled within the Plan includes all elements.

(iv) Schedule for Implementation

One of the final steps in this development process is the effort to compile a remediation schedule to ensure implementation of the Plan. The schedule for remediation is one of the four (4) minimum requirements that the US DOJ sets forth for a compliant Plan.

The schedule within the Plan is essential; without a schedule, no ADA Transition Plan can exist.

At this point in the ADA enforcement process, implementation phases can be planned into the future without a specific limitation by US DOJ, or case law precedent. The length of the schedule is determined by the amount that the public entity determines it can expend each year or phase, divided by the overall cost to remediate all barriers identified in the field survey process. The commitment by the City to spend a certain amount of funds each year is not set in stone.

Each Plan is a living document that can and will change each year as programs, services and activities change over time. The remediation cost contained in the plan will change as economic conditions change and the Plan evolves over

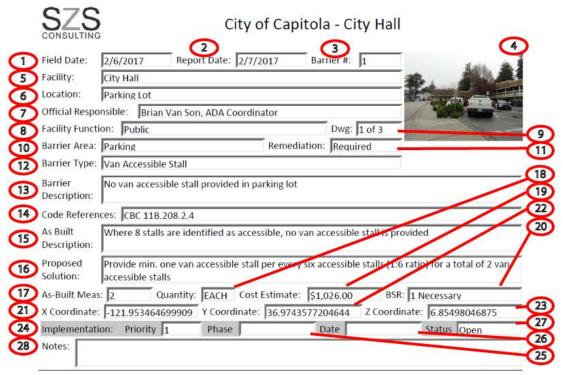


time. This fact does not mean that a schedule is not required. The schedule is a concrete commitment on the part of a public entity, although the flexibility afforded within implementation phases can actually facilitate the development of a schedule as a planning effort similar to many others as a sensible approach considering the constraints that each public entity faces in the form of limited funds and what may appear to be a seemingly outsized obligation to improve facilities to better serve the community.

In most instances, the decision-makers that put the schedule in place will not see the entire plan through to completion, due to retirement, a reordering of responsibilities at the City, etc., making the opportunity to make modifications to the Plan in the future even more important.

After the Plan is finalized, it is recommended to keep the public informed of progress under the Plan, and to be transparent about changes to the Plan. Publishing an annual report on remediation accomplished gives the City the chance to demonstrate to the public that tax dollars are being used for projects that benefit everyone. Improving access is generally a smaller part of each project carried out by the public works, planning and development departments.

(v) Report Format - Definitions



This is the Graphic User Interface (GUI) for the TPD entry form. The name of each facility is located at the top of the form and the reports produced by the TPD have a similar format with identical fields although they are, in some







instances, slightly different in size. A description for the data contained within each field is provided below:

- 1) Field Date: The date of the facility inspection.
- 2) Report Date: The date the report was compiled, revised or completed.
- 3) Barrier #: Individual number assigned to each barrier identified. The alphanumeric character assigned correlates with a room or space identified on the reference drawings provided with each report. This number allows the barrier to be pinpointed to a location within the facility.
- **4) Image:** Digital photograph provided for each barrier as a visual representation of the issue and context.
- 5) Facility: Name of building, park or parking lot where the inspection was performed
- 6) Location: Area or space within the facility where a barrier is identified
- 7) Official Responsible: Public or private entity responsible for the facility and the remediation of the barriers
- 8) Facility Function (Public/Staff): Designates barriers as located in either staff or public areas. Most barriers identified are designated for public use. Different requirements exist for public, and staff use areas.
- 9) Reference Drawing (Dwg): Floor, site plans or aerial maps of the designated facility where the assessment was performed. Each reference drawing provides correlation between the barrier number listed in the report (see item 3 above) and the actual physical location where the barrier was identified.
- **10) Barrier Area:** Provides a grouping of similar barriers identified in specific spaces (E.G.: Restrooms, Doors and Gates, Stairs, Ramps, Sidewalk, Walkways)
- 11) Remediation: Indicates whether a barrier is in direct violation of the federal and state codes and statutes and must be remediated or whether the remediation is recommended as a best practice. One of two options exist: (Required) or (Recommended).
- **12) Barrier Type:** Identifies the type of physical element or area defined by California Building Code and the ADA Standards used to identify non-compliance.
- **13) Requirement (Barrier Description):** Code language or performance standard that describes barrier identified.
- 14) Code References: Applicable state and federal codes regulating the entities compliance. Each code reference is specific to each barrier and identifies the section of code which regulates compliance to that specific element (doors, parking stalls, sidewalks, etc.). Where a best practice is recommended, the term Performance Standard identifies the barrier to access documented in the barrier data record.
- **15) As Built Description (Desc):** Also known as the *findings*, information describes the barrier.
- **16) Proposed Solution:** Provides one suggested solution for the remediation of the barrier identified. Please note that other options may exist to bring items into





- compliance. Other solutions may exist, and all solutions cannot be accounted for in this report. The suggested solution is generally the most common way of remediating this particular barrier.
- **17) As Built Measure:** Actual field measurement number for square footage (SF), linear footage (LF), or a single value (EACH or JOB) used to indicate physical dimension of barrier and calculate cost estimate.
- **18) Quantity:** Unit of measure for the remediation of each barrier (SF, LF, EACH or JOB).
- 19) Cost Estimate: Budgetary Cost Estimate to remove the barrier described.
- **20) Barrier Severity Rating (BSR):** A systematic, research-based rating that describes how severely each barrier affects usability for the particular element.
- **21) X Coordinate:** Geographic coordinate that provides the longitude (north-south) value
- 22) Y Coordinate: Geographic coordinate that provides the latitude (east-west) value
- 23) Z Coordinate: Geographic coordinate that provides the elevation value
- **24) Implementation Priority:** Scheduling of barrier removal based on many factors including the US DOJ requirements for providing access to ADA Title II facilities.
- **25) Implementation Phase:** Designated annual phase of the transition plan when remediation of the barrier is scheduled. Phases are generally annual but can be longer, if needed.
- **26) Implementation Date:** Scheduled year or date as to when the remediation of the barrier will take place. This field can be scheduled during phasing and changed to a specific date after the barrier is remediated and the record is closed.
- **27) Status (Open or Closed):** An implementation management tool that can flag barriers to indicate that they have been remediated or are remaining in the implementation phasing plan. Barrier data records have a "Closed" status when completed or have an "Open" status when they remain scheduled for remediation.
- **28) Notes:** Open field where additional explanation of the findings can be noted when encountering unusual situations in the field, or to note programmatic access solutions. The notes field can contain the image file name shown in the barrier data record, or additional information as needed such as an explanation of findings, or information on associated barriers in the same or similar locations.

(vi) Cost Estimating

ACARs contain budgetary cost estimates provided to facilitate the development of a schedule for the remediation of barriers, although they should not be construed as construction cost estimates. These budgetary cost estimates are provided for physical elements only while the cost of implementing a new policy or practice cannot be accurately assessed at this point in the process. Industry standard RS Means construction cost estimating data was used to calculate the budgetary cost estimates contained in the report. Construction cost estimates increase each year across the US, with steep increases since the



COVID pandemic, which began in 2021¹⁹. The cost increases between 2016 and 2024 are as follows:

YEAR	ANNUAL ESCALATION
2016	4.4%
2017	3.5%
2018	1.3%
2019	3.6%
2020	2.8%
2021	13.4%
2022	9.3%
2023	9.4%

In some instances, a barrier location can be identified with multiple barriers to access and the reporting will often show one or more of the barriers with a cost estimate of \$0 dollars. This is an intentional accounting revision intended to indicate that the cost to remove the group of barriers identified as part of that particular element is included in the cost for one recommendation to remediate all associated barriers at that same location.

For instance, where a door equipped with a door closer is identified with a non-compliant opening force, sweep period and a lack of required maneuvering clearance on one or both sides of the door, the recommended barrier removal solution is often to install an automatic door opening device (ADOD), which at the time of this assessment is estimated to cost approx. \$5,000. If each of the four barriers to access had been reported with a separate cost estimate, the estimate could amount to three times that much, or \$15,000 without the accounting revision. The end result is intended to produce a budgetary cost estimate that excludes amounts that could exponentially and incorrectly increase the overall cost of barrier removal implementation plans.

While the US DOJ does not require cost estimates as one of the minimum requirements for ADA Transition Plans, they serve a useful purpose. Without cost estimates, a schedule based on annual financial expenditures would be a matter of guesswork. Every organization needs to know how to plan financially for each phase of remediation, in order to commit to a schedule and establish a compliant Plan. Budgetary cost estimates are intended to allow that planning to move forward, but they do not replace the need for construction cost estimates at the time of remediation.

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¹⁹ See California Division of General Services (DGS), Real Estate Division, DGS Construction Cost Index CCCI at https://www.dgs.ca.gov/RESD/Resources/Page-Content/Real-Estate-Services-Division-Resources-List-Folder/DGS-California-Construction-Cost-Index-CCCI



(vii) Barrier Severity Ratings (BSR) and Remediation

A barrier identification system was implemented to standardize the reporting process and ensure consistency while collecting data, creating reports and scheduling remediation over time. Each barrier was assigned a rating that indicates how severely the barrier affects the ability of a person with a disability to use the element. There are five barrier severity ratings assigned:

- 1 High Severity
- 2 Moderate Severity
- 3 Low Severity
- 4 Very Low Severity
- 5 Technically Infeasible

While the effect that the barrier has on a person using the element is the primary determining factor, the date of construction also plays a role in assigning these ratings. Facilities that are defined under the ADA as new construction (constructed after the ADA enforcement began in 1992) are required to be fully compliant to new construction standards. If barriers exist in physical elements constructed since 1992, the barrier severity rating assigned is 1 - High Severity. That determination is a legal requirement irrespective of the effect the barrier may have on the user.

When barriers are rated as a 5 – Technically Infeasible, the alterations necessary cannot be performed due to structural impracticability (structural conditions that are technically infeasible to alter). Increasing the clear width of an interior stairway in an existing building or reducing the roadway slope where it corresponds with steep terrain, are examples of barriers that are technically infeasible to remediate. Under US DOJ requirements, cost cannot be used as a determining factor for determining technical infeasibility or structural impracticability.

Sidewalks constructed prior to the ADA enforcement were often constructed intentionally with a significant cross slope under the premise that proper drainage must be ensured. In such cases, that cross slope is now legally defined as a code violation. The idea of grandfathering under prior building code is what many people will think of at this point, but that concept does not apply to civil rights violations. While the ADA Standards are written for new construction, where a facility is not accessible to and usable by a person with a disability, the civil rights violation that exists requires remediation and the legal requirement is to base the alteration on new construction standards to the maximum extent feasible to meet those standards.

This is often a point of confusion; if a physical element has not been altered



since it was constructed at some point prior to 1992, but presents a barrier to access causing discrimination, it is required under civil rights law (ADA, UnRuh Act, Disabled Person Act, Civil Code, GC, Vehicle Code, etc.) to be altered to provide access and end the discriminatory conditions present. This is the fundamental reason that an ADA Transition Plan is required. Most of the environment people experience daily is defined as an existing facility; refusing to alter it to provide access would render PSAs non-accessible for an indefinite period of time. It would mean an unending denial of access.

Research shows that the effect that the cross slope of a walking surface of between 2.1% and 2.9% has is minor (very low severity) and can be navigated by a person using a mobility assist device with some extra effort to continue moving forward in a straight path, whereas a cross slope of 5.0% or more is known to cause a wheelchair to overturn, which may result in injury or worse. The higher the cross slope, the more difficult it becomes for the person in the wheelchair to remain on a path moving forward. This can be especially concerning on a sidewalk with a vertical curb where the cross slope draws the wheelchair user toward the curb and, potentially, over the curb and into the roadway and oncoming traffic.

(viii) Safe Harbor Provisions

One of the goals of this project is to ensure that the City can make use of the safe harbor provision contained in the 2010 ADA Standards. This federal rule applies only to provisions in the ADA Standards and applies on an element-by-element basis for those elements that complied with the original 1991 ADA Standards. It is important to note that safe harbor is not a provision contained within building code (CBC).

The rule includes a general "safe harbor" under which physical elements in facilities that were built or altered in compliance with the 1991 Standards, are not required to be brought into compliance with the 2010 Standards until the elements become part of alterations, which trigger the requirement to bring the elements into compliance with existing standards at the time of alteration. A similar safe harbor applies to elements associated with the path of travel to an altered area for ADA requirements.

(ix) Barrier Removal Priorities

Pedestrian Facility

Many physical elements must function together as a part of the comprehensive whole to create a usable facility. No physical element exists in a vacuum. Connections to and association with other accessible elements are essential.





Each visitor arrives at a *point of arrival* and sets out to reach a program, service, or activity, whether that be the sidewalk in front of their home, the sidewalk at a bus stop when they exit a bus or shuttle, or when they drive to a parking lot or on-street parking stall and park intending to exit their vehicle. Each of these points of arrival must be accessible to pedestrians who travel from those points of arrival to a destination.

It is essential to ensure that people with disabilities can reach their destination by using the pedestrian facility. Pedestrian travel is a fundamental need for each person who functions in society as a parent, volunteer or who is gainfully employed receiving compensation (funds or academic credit, etc.). Barrier remediation within these elements is identified as the highest priority within the PROW report. If pedestrians cannot reach a destination, accessible elements within the site at that destination cannot be of use.

Barriers identified in the pedestrian facility have been prioritized according to the following criteria for barrier removal. Each priority indicates an area which will be altered to comply with the schedule provided in <u>Section 4.E</u>:

Priority 1: Transportation Methods (Bus Stops, etc.)

Priority 2: Pedestrian Routes to Title II Facilities (State, Federal, Local,

etc.)

Priority 3: Pedestrian Routes to Public Accommodations (Health Care

facilities, Schools, Libraries, Community Centers, etc.)

Priority 4: Pedestrian Routes serving areas of Employment

Priority 5: Pedestrian Routes within Residential Areas

Parking

Accessible parking spaces must connect directly to the public way (sidewalk, curb ramps and street crossings, etc.) to allow pedestrians to reach public building entrances when accessible parking serves its intended use. This is true for all users, but especially for people with disabilities.

On-street parking is commonly provided in residential and business districts as a source of additional accessible parking for public use. By definition, on-street parking exists where the parking is designated by markings or metering, not as locations where vehicles happen to park. This is a legal definition contained in the PROWAG.

Under the PROWAG and case law (Lomita), on-street parking will be altered to





comply as sidewalks are altered as part of the ADA Transition Plan for the Public Rights-of-Way (PROW). The fundamental elements evaluated in public parking facilities include:

- Accessible Route from Parking to the Public Way
- Parking Stalls
- Ramps, Blended Transitions or Walkways connecting Parking Stalls to the Public Way
- Signs or Markings (required pavement markings, post/wall mounted and tow-away signs)
- Sanitary facilities or Drinking Fountains, where provided

Barriers to access identified in parking lots and structures have been prioritized for remediation according to the following criteria for barrier removal. Each priority indicates an area which will be altered to comply with the schedule provided in Section 4.E:

Priority 1: Accessible parking

Priority 2: Pedestrian route including access from points of arrival

(parking stalls) to the public right-of-way

Priority 3: Signs and markings

General Use Facilities, Parks and Recreation Facilities

General Use Facilities, Parks and recreation facilities were also assigned a barrier removal priority to facilitate scheduling barrier remediation within the ADA Transition Plan schedule. Accessible routes and walking surfaces are an integral part of the activities that take place with these facilities. Some of the fundamental elements evaluated in these facilities include:

- On-site Parking Lots
- Walkways
- Ramps
- Elevators of Lifts
- Stairways (95% of people with disabilities are **not** mobility-impaired)
- Benches or Other Seating Elements
- Tables, Counters or Desks
- Access to Monuments or Displayed Information
- Signage (required pavement markings, post/wall mounted and towaway signs)



Sanitary facilities and Drinking Fountains, where provided

Barriers to access identified in general use facilities, including community centers, libraries, and parks or recreation facilities have been prioritized according to the following criteria for barrier removal. Each priority indicates an area which will be altered to comply with the schedule provided in <u>Section 4.E:</u>

- **Priority 1:** Pedestrian route including access to the facility from points of arrival and from the facility site, including walkways and breezeways and potential hazards (see stairways below). Where applicable, building entrances and lobby spaces
- **Priority 2:** Primary facility functions (classrooms, meeting rooms, auditoriums, corridors, play areas, etc.)
- **Priority 3:** Restrooms, dressing rooms, drinking fountains and benches or tables in public places
- **Priority 4:** Interior and exterior stairways, signage and remaining barriers that affect people with disabilities as a low severity barrier

Finalized barrier priorities, and the implementation schedule, can be influenced by other factors including:

- Number and type of PSAs that take place in a facility
- Frequency of use by the general public
- Type of Use (public/staff/mixed use or community center v. corporation yard)
- Age of Facility (pre-1992 existing or new construction post-1992)
- Long-term Facility Planning Goals
 - Infrastructure improvement projects
 - Facility replacement as part of future Capital Improvement Plans
- History of complaints or issues at the location or PSA

C. Transition Plan: Official Responsible

As part of an ADA Transition Plan, the City must name an official responsible for the barrier removal process. Generally, the designated ADA Coordinator (ADA CO) is in charge of the barrier remediation plan. The ADA CO and/or representative is located in the City Manager's Office and can reached at capitolaDPW@ci.capitola.ca.us.



D. Transition Plan: Summary of Findings

The following fundamental definitions could play a role in efforts to improve physical access. Many various interpretations exist for legal determinations that influence the process of remediation under the ADA and other civil rights laws, and the role that access requirements under California Building Code play in this process. It is essential to understand the actual legal definitions codified by the US DOJ and federal Access Board for commonly applied determinations while pursuing remediation within the ADA Transition Plan implementation process.

- 1. <u>Technical Infeasibility</u>: This term applies to existing (pre-ADA) facilities and associated alterations projects. It has been misinterpreted or misunderstood since federal regulations first put it into the public domain. According to the US DOJ and the federal Access Board, the term means, with respect to an alteration of a building or a facility, that it has little likelihood of being accomplished due to **existing structural conditions**²⁰ would require removing or altering a loadbearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction. Note: cost is not a trigger of infeasibility in alterations.
- Structural Impracticability: This term applies to new construction. Full
 compliance is not required where an entity can demonstrate that it is
 structurally impracticable to meet the requirements. Full compliance will be
 considered structurally impracticable only in those rare circumstances when
 the unique characteristics of terrain²¹ prevent the incorporation of
 accessibility features.

If full compliance is structurally impracticable, compliance is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable. This definition is not a blanket exception for requirements to provide facilities accessible by and usable to people with disabilities.

3. <u>Maximum Extent Feasible for Alterations in Existing Facilities</u>: Facilities designed or constructed prior to the enforcement of the ADA in 1992 may involve elements that cannot be brought up to new construction standards in the present time. While that may be true, these elements or facilities must be altered as best as possible, meaning that any alteration is first required

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²⁰ ADA 2010 Standards, Section 202 Existing Buildings and Facilities

²¹ CFR 36.401 New construction. (C)(1-3)



to comply with new construction standards and where that cannot be accomplished entirely, the alterations must comply to new construction standards to the greatest extent possible.

If providing accessibility to individuals with one kind of disability (e.g., mobility impairments for those who use wheelchairs) would be technical infeasible in existing facilities or structurally impracticable in new construction, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have vision, hearing, speech, or cognitive impairments).

4. ADA Transition Plan Barrier Removal not a Trigger for Other Improvements (CBC): Provisions contained in 11B-202.4, Exception 4 Path of travel requirements in alterations, additions and structural repairs state exceptions for barrier remediation through an ADA Transition Plan that are markedly different from other alterations projects, as follows:

Alterations solely for the purpose of barrier removal undertaken pursuant to the requirements of the Americans with Disabilities Act (Public Law 101- 336, 28 C.F.R., Section 36.304) or the accessibility requirements of this code as those requirements or regulations now exist or are hereafter amended including, but not limited to, one or more of the following items shall be limited to the actual scope of work of the project and shall not be required to comply with Section 11B-202.4:

- 1. Installing ramps.
- 2. Making curb cuts in sidewalks and entrance.
- 3. Repositioning shelves.
- 4. Rearranging tables, chairs, vending machines, display racks, and other furniture.
- 5. Repositioning telephones.
- 6. Adding raised markings on elevator control buttons.
- 7. Installing flashing alarm lights.
- 8. Widening doors.
- 9. Installing offset hinges to widen doorways.
- 10. Eliminating a turnstile or providing an alternative accessible route.
- 11. Installing accessible door hardware.
- 12. Installing grab bars in toilet stalls.
- 13. Rearranging toilet partitions to increase maneuvering space.



- 14. Insulating lavatory pipes under sinks to prevent burns.
- 15. Installing a raised toilet seat.
- 16. Installing a full-length bathroom mirror.
- 17. Repositioning the paper towel dispenser in a bathroom.
- 18. Creating designated accessible parking spaces.
- 19. Removing high-pile, low-density carpeting.

These exceptions are intended to encourage barrier removal by allowing the alterations under the Plan to be carried out expeditiously and without added expense.

(i) Public Right-of-Way

Pedestrian facilities included in this report for the frontage in the PROW include developed sidewalk and associated elements. Areas where no sidewalk exists and the roadway shoulder is not marked for pedestrian use, are not considered pedestrian facilities under state and federal regulations. These same accessibility regulations do not require a public entity to obtain additional right-of-way or to narrow existing roadways to construct sidewalks as a pedestrian access route. However, if a public entity plans to narrow a roadway for traffic-calming purposes or acquire additional right-of-way as part of a downtown improvement project, the entity should plan the project in such a way as to accommodate new construction standards for sidewalk width²².

Per the Federal Highway Administration (FHWA) and case law²³, resurfacing is considered an alteration and accessible features such as curb ramps, street crossings and pedestrian controls where signalization is provided, must be provided as part of the resurfacing project, to the extent that it is feasible to do so. These provisions for accessible features are required by the ADA Title II 35.151(e) regulation, rather than under the 2010 ADA standards for construction, or California Building Code. This requirement mirrors the path-of-travel requirement for buildings and facilities under which additional work is required as part of a planned alteration. These overlay projects are an opportunity to remediate barriers to access within what are considered maintenance or rehabilitation projects to realize a combined benefit.

Under definitions from the FHWA, a walkway is any type of defined space or pathway for use by a person traveling on foot or using a wheelchair. These may be pedestrian walkways, shared-use paths, sidewalks, or roadway shoulders. FHWA defines a pedestrian walkway as a continuous way

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²² Federal Access Board, Public Rights-of-Way Access Advisory Committee, *Special Report:* Accessible Public Rights-of-Way planning and designing for alterations, p. 16-18.

²³ See Fortyune v. Lomita, No. 12-56280; D.C. No. 2:11-cv-06644-DDP-JCG, filed September 5, 2014.



designated for pedestrians and separated from motor vehicle traffic by a space or barrier. By contrast, sidewalks are walkways that are paved and separated from the street, generally by a curb and/or gutter.

The City provides developed sidewalks in some areas, and where provided, it was found to be in generally good condition. Marked shoulders and bike lanes were also identified within the City PROW. Some of these facilities that are used by pedestrians, bicyclists, etc., are considered shared use paths and are required to comply as a pedestrian access route (PAR).

Common errors and omissions constitute the largest number of barriers contained in an ADA Transition Plan. The following elements were commonly encountered during the field investigation in the PROW and the following guidance provided is intended to streamline the process of improving access.

1. Sidewalks and Pedestrian Access Routes within Shoulders: City roadway segments were used as the foundation of the process to identify the pedestrian access route as existing or new construction. Existing segments of sidewalk (pre-ADA) within the PROW are detailed in the ADA Transition Plan report as being non-compliant, due to the construction date of the facility having predated the enforcement of the ADA. Existing sidewalks were often found to have been designed and constructed with cross slopes exceeding the maximum allowable slope of 2.0%. Required clear width at locations where the placement of utility poles or other elements narrowed the sidewalk, potentially hindering or preventing wheelchair access were often constructed prior to the enforcement of the ADA. In general, municipalities own the sidewalks within their boundaries, including sidewalks adjacent to private property, although state law requires landowners to be responsible for maintaining the sidewalk fronting their property in a safe and usable manner. According to Streets and Highways Code 5610:

"The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a parking or a parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience..."

Where this code is adopted, municipalities may assess landowners for the cost incurred to maintain sidewalks if the landowner fails to perform their duty under the law. Tree growth, irrigation and other factors that property owners' control can play a significant role in the life cycle of a sidewalk



surface. Although state law provides that abutting landowners are responsible for sidewalk maintenance and may be assessed the cost of repairs, they may not be liable for injuries or damages to third persons who use the sidewalk, unless the municipality enacts an ordinance that addresses liability²⁴. In addition, under the Barden case²⁵, which constitutes case law in California and subsequent FHWA regulations, sidewalks are defined as a program provided by a municipality.

Recommended: Where sidewalk is provided, the City should consider adopting state law 5601 and establish an ordinance to convey the cost of repair and/or legal liability for sidewalk condition and upkeep on property owners. Additional state laws and case law place the responsibility of maintaining and providing accessible pedestrian access routes abutting their respective property lines on the residents and property owners. Clear lines of responsibility could be useful to both parties.

2. Asphalt Strip in Roadway Shoulder: These elements were identified in many areas. In some instances, curb ramps had been constructed indicating that these strips are sidewalk, whereas in other areas, the asphalt strip was 8-10 feet wide and was used for parking only. Many of these strips were identified with a non-compliant sloped area acting as a curb ramp at corners indicating to pedestrians that these areas are a pedestrian access route.

Recommended: A consistent policy and practice should be developed to designate these surfaces either for pedestrians or parking, as they cannot simultaneously serve both purposes, for safety reasons. Where curb ramps are provided at intersections, these strips should be altered over time to provide an accessible pedestrian access route.

3. On-Street Parking: Marked on-street parking was identified along some roadways in the City. Where on-street parking is marked or metered, a ratio of the parking stalls must be altered to provide access to people with disabilities under the Lomita ruling, and the PROWAG (through adoption by Caltrans) of the PROWAG guidelines. These locations were included in the ADA Transition Plan where no compliant on-street accessible parking was provided.

Under existing PROWAG technical requirements, the provision of accessible on-street parking involves providing ISA identification signs for parking (post/wall mounted reflectorized ISA sign, surface ISA markings per CBC 11B-502.6.4.1, markings indicating stall dimensions, and the

²⁵ UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, Barden v. City of Sacramento; No. 01-15744 D.C. No. CV 99-0497 MLS OPINION



²⁴ See Williams v. Foster (1989).



painting of the adjacent curb blue (per CA Vehicle Code requirements). To ensure usability, these stalls must be constructed at a corner with an existing curb ramp to allow pedestrians to exit their vehicle and travel to the sidewalk. Otherwise, midblock parking locations will necessitate the construction of midblock curb ramps.

Recommended: On-street accessible parking may be the only form of accessible parking for City facilities or local businesses that lack off-street parking facilities. Stall surface slope requirements do not apply to onstreet accessible parking, making these elements a reasonable way to add to the existing parking supply for use by people with disabilities. Additional accessible parking may also increase the frequency of use for City programs, services and activities by people with disabilities.

- 4. Changes in Level/Vertical Surface Discontinuities: As is the case throughout all jurisdictions within the United States, changes in level within the pedestrian facility were commonly identified barriers that act as anything from a trip hazard for the average person to an end point for travel for some people who use mobility assist devices. Where trees cause vaulting in concrete sidewalk slabs, it is likely that grinding will not be a viable long-term solution. These occurrences may require tree root surgery or other methods of remediation. Segments of paving may need to be replaced.
- 5. <u>Curb Ramp Compliance:</u> Site constraints determine the type of curb ramp design that can be constructed to comply. Until 2013, California Building Code provided requirements for only one common type of curb ramp (perpendicular), when the other types (parallel or blended transitions) were often the only type that could be constructed to comply in typical sidewalks with a standard 48" clear width and 6" high vertical curb. The construction of a compliant perpendicular curb ramp requires between 10'-12' sidewalk depth to accommodate the length of a max. 1:12 ramp run and a compliant top landing, depending on the existing vertical curb height and whether turning space is constrained at the back of the sidewalk. Sidewalks wider than 48" are not common in urban settings.

Conversely, parallel curb ramps require a minimum of 4' of sidewalk width to construct, with an additional 6" needed when a retainer curb is required. Combination curb ramps with aspects from each type can require even more space to construct to comply. Yet, perpendicular curb ramp details remain the most commonly depicted curb ramps in construction documents, leaving contractors with exceedingly difficult decisions to make. Careful scrutiny of development plans, construction documents and standard construction details is essential to ensure that the right curb ramp design is used to fit the existing site constraints. New curb ramps





are required to be fully compliant with new construction standards unless technical infeasibility exists. In new construction projects, each curb ramp must be fully compliant with building code requirements in force at the time of construction.

- 6. <u>Curb Ramp Counterslope:</u> Alterations to an existing curb ramp require demolition of the existing corner and a segment of asphalt into the roadway. Where the amount of asphalt demolished is insufficient, the transition slope between the new pan landing at a parallel ramp can be severe due to the new grade change caused when the end of a new ramp is several inches below the original grade creating a significant counterslope at the transition into the roadway. The gutter slope in the replaced concrete and asphalt into the roadway surface is often very steep (non-compliant) as a result. This severe counterslope can create a trapping condition for wheelchair casters preventing forward travel for the chair, while the wheelchair user continues through momentum to travel forward, potentially resulting in injury.
- 7. Street Crossings and Signalized Intersections: Where pedestrian street crossings are provided at signalized intersections, the pedestrian controls for the signals were not always located on an accessible route. If individuals with disabilities cannot reach controls required to actuate the crossing signals, usability and safety become an issue. In some instances, a stub pole could be installed in a location on an accessible route to provide a pedestrian control that pedestrians can safely reach with the provision of a level landing and wheelchair clear space at the pole to allow the user to stop in place and actuate the pedestrian control device to enable a safe crossing.

Roadway slopes within street crossings caused by crowning resulting from decades of overlay projects, or a lack of proper grading can present a significant barrier to access for pedestrians with disabilities. Asphalt deterioration (alligatoring of walking surfaces) coupled with crowning can drastically affect the usability of a street crossing. While the City may perform overlay projects to seal and repair deterioration, correcting the crown of the roadway should be considered to prepare the street surface to provide a pedestrian access route as part of an overlay project. In other instances, roadway resurfacing projects are completed when a City performs significant upgrades to underground utilities that will require excavation of the roadway surfaces.

Crowning can also affect curb ramp compliance. Where significant slopes exist within a street crossing, additional asphalt must be removed in order to transition the pedestrian access route from the new curb ramp into the street crossing to avoid abrupt changes in level or slopes exceeding 5.0%



within at least 2 feet of the curb ramp. Under CBC 11B-406.5.8, the adjacent surfaces at transitions at curb ramps to walks, gutters, and streets shall be at the same level. Subsequently, smooth transitioning into the existing roadway must be considered as a design constraint within the project, and budget to ensure that the scope of work results in full compliance.

- 8. Protruding Objects and Detectable Warnings: People who are blind or who have low vision (B/VI) undertake significant risk when traveling, whether on the sidewalk, on the site of a facility or within a building. Protruding objects are a potential hazard within any circulation route to the visually impaired. The primary source of injury to the visually impaired by protruding objects are due to objects that protrude into the path of travel or areas where the circulation path adjoins a drive lane or similar.
 - a. Protruding Objects: Hazards exist when objects protrude more than 4" into the path of travel in the space between 27" and 80" high. Objects below 27" can be identified by a navigating cane and avoided. Objects within the "danger range" between 27" and 80" high that protrude more than 4" will make body contact before a person with a vision impairment can detect them with a cane or see them with limited vision. Objects that commonly cause injury include tree limbs, signs, low overhanging roof surfaces, shade structures, counters, wall-mounted cabinets, wall-mounted video monitors, and post-mounted signs or drinking fountains that are not contained in alcoves or wing walls, among others. The CBC and ADA Standards require protection for pedestrians as a warning that can be detected by a person before making body contact.
 - b. Circulation paths that adjoin a drive lane present a particular hazard for the blind/visually impaired (B/VI) community. Outdated requirements contained in CBC used the term *hazardous vehicular* area and were often misinterpreted resulting in a proliferation of truncated domes in areas where they did not benefit people with disabilities.

In 2020, the CBC was updated through section 11B-250 to require the construction of a physical element such as a vertical curb as a detectable surface to separate a circulation route from a drive lane, parking stall or similar. The installation of truncated domes (TD) in these areas as a detectable warning in the past served no positive purpose for either the B/VI community, others with disabilities and at presented a significant expense to private and public property owners to install the materials. As of 2020, in the intervening code cycle for the 2019 CBC, the term *hazardous vehicular area* was replaced with *circulation path* to define these areas more



accurately as blended transitions.

In parking facilities, under CBC 11B-250.1, the accessible route is considered a circulation path required to be physically separated from vehicular traffic, including travel through parking facilities, into and out of parking spaces, into and out of electric vehicle charging spaces, and along roadways, driveways, and drive aisles. The physical separation required is a min. 4" above the area where vehicular traffic occurs. Exception 5 indicates that in alterations to existing parking facilities, the physical separation may be provided with detectable warnings complying with Sections 11B-247 and 11B-705.1 in lieu of raised circulation paths.

(ii) Physical Locations of PSAs, Parks, and Parking Lots

A total of nineteen facilities have been included in this Plan. When performing assessments of such varied facilities, general recommendations can be developed that are intended to apply to the entire organization and streamline the process of implementation. Findings have been summarized in this section to facilitate the process of developing policies and practices that will make the Plan more effective over time in improving access for people with disabilities.

Program access is always an important option to focus on during this process, as it can enable the City to make changes, such as relocation or providing a program, service or activity in an alternate manner, to reduce physical barrier removal. Each facility can be examined for opportunities to apply this option. The final version of this report will contain recommendations for the application of program access.

1. Lobby Identification Signs for Accessible Features: The entry lobby in each facility is a location where visitors should be able to quickly learn where accessible elements and spaces are provided in each building guiding them to PSAs, they intend to take part in, or to simply make it easy to find the sanitary facilities. The California Building Code (see Sections 11B-216.8 and 11B-703.5) contains a requirement to provide lobby informational signs that provide information on the location of accessible features (elevators, toilet rooms, drinking fountains, etc.). Building directories are separate from this requirement in providing information on the location of PSAs, and accessible features are not generally indicated in directories. Informational signs are not tactile signs, but the text should be at least 5/8" high.

<u>Recommended</u>: A floor plan similar to a fire evacuation plan can be used to develop this type of sign. Each building can be made more accessible with the simple addition of this information required by the CBC.



- 2. Wayfinding Signage: Where multiple routes exist within a site, a sign containing the International Symbol of Accessibility (ISA) is required to identify the location of the accessible route to a building or facility entrance and at junctions where pathways diverge from the general circulation path. ISA signage is meant for use by all visitors as these signs identify the direct connection to entrances where all entrances are not accessible. In facilities where all entrances are not accessible, ISA directional signs are required on all exterior doorways to identify the location of and route to the accessible entrance. An arrow can designate the direction to the location.
- 3. <u>Signs at Permanent Rooms/Spaces</u>: Individuals who are blind or those with limited vision rely on signage to navigate facilities. Often, rooms and spaces lacked the required tactile identification sign needed to guide an individual to their destination. While signs are provided to identify some locations, every permanent room or space within the circulation route is required to be identified by a tactile sign that can be read by touch.
- 4. <u>Meeting Rooms</u>: The City provides PSAs in meeting rooms (assembly areas) located in many facilities. Each meeting room that can
 - accommodate 10 or more people for public meetings is required under the CBC to be equipped with a shared assistive listening system for people with hearing impairments (see CBC 11B-219.2). Assembly areas that can accommodate 50 or more people are required to have permanent assistive listening systems. It is important to note that shared systems used in smaller meeting rooms can be shared for use in any City facility. Signs indicating



that the systems are available must be posted in a conspicuous location within each meeting room (see image at right). Permanent systems have receivers that users wear, which must be maintained with batteries for use at any time. Shared systems may operate on either battery power or electricity.

Recommended Action Plan:

- a. Include a request for ADA accommodations in meeting notices to obtain advanced notice from people with hearing impairments that can make use of the system. Preparation in case participants did not receive a meeting notice is advised.
- b. Develop a schedule to track the use of the shared system to ensure that the system can be reserved for use during meetings and moved to the required location in time for use.
- c. City staff must be aware of where the receivers for the permanent



system in City Hall can be found and tested prior to any public meeting. Ample battery supplies should be made available for use at any meeting held in such spaces.

<u>Procurement</u>: Purchasing departments acquire accessible physical elements for PSAs as a crucial part of the process of improving access. Physical elements used in PSAs are governed by state and federal accessibility requirements whether or not they are fixed (mounted to the floor, etc.). The purchase of these elements can be part of a replacement effort, maintenance needs, furniture upgrades, or as a part of a larger alteration or new construction project. Elements purchased by the City with good intent were often identified as barriers to access in the assessment process.

Examples include tables, counters and workstations or drinking fountains required to have accessible clear floor space, knee/toe clearance and work surface height or bubbler height. Individuals tasked with procuring these elements should be trained to research and verify that elements meet accessibility requirements prior to purchase.

Note: Manufacturers of various elements such as fare vending machines, dispensers, tables and many other products often advertise their products as "ADA compliant" without providing details on product specifications (dimensioning of knee clearance, operational control force, etc.) to allow the potential purchaser to verify compliance. This information should be obtained and reviewed prior to the purchase of these elements or acceptance of the elements, when cost-free.

Recommended Action Plan:

- a. Develop practices and procedures to obtain and review manufacturer's product cut sheets or specifications for elements being considered for purchase. Review and verify compliance prior to purchase or prior to acceptance for cost-free elements.
- b. Where the City maintains responsibility for elements purchased or installed, train City staff to remediate barriers through relocation/reinstallation, providing detectable warnings at protruding objects, etc.
- 5. <u>Supply Chain Management:</u> Vendors or suppliers of paper products and soap, etc. often provide free dispensers with their products. These cost-free dispensers can lack accessible controls/mechanisms or create protruding objects within the circulation path that purchasing agents may not be aware of. Free dispensers can come with a heavy price in non-compliance. Improper installation can also result in non-compliant reach ranges and create protruding object barriers.



Recommended Action Plan:

- a. Train maintenance staff on requirements for installing and maintaining compliance in elements such as dispensers, faucets, coat hooks, shelves, mirrors, toilet room grab bars, etc.
- Where the City maintains responsibility for elements purchased or installed, train City staff to remediate barriers through relocation/reinstallation, providing detectable warnings at protruding objects, etc.

Barrier remediation of this nature can have an outsized impact on the completion of the Plan allowing the City to focus resources on design and construction projects where alterations are necessary for remediation.

- 6. <u>Toilet Rooms</u>: Space constraints were identified as a significant issue in sanitary facilities where multiple barriers to access were identified. A reduction in fixture count or alterations to move walls to increase square footage may be necessary to provide access in existing buildings.
- 7. Parks and Recreation Areas: Parks were identified with barriers specific to the activities that take place in those areas. Play areas providing ground level and elevated play components (multi-level play structures) were not identified with two important requirements: an accessible route to amenities such as play equipment (firm, stable and slip-resistant) and an attenuated surface within the fall zone for children to cushion their fall from the elevated components. Wood chips or sand do not provide a firm, stable and slip-resistant walking surface, although where a layer of wood chips is thick enough and remains in place, the wood chips may provide required attenuation within a fall zone.
 - a. Drinking fountains in parks and recreation areas must be located on an accessible route, with a landing underneath the fountain that is firm, stable and slip-resistant. No abrupt changes in level can be present in the path of travel to the landing or the landing itself, which is considered a clear floor space. The fountain spout must also be installed and oriented to provide water flow that a person in a wheelchair who has pulled under the fountain can reach from within a few inches from the rim of the fountain bowl. When the bubbler and angle of the flow is not correctly installed or adjusted, people can inadvertently get sprayed in the face, causing public humiliation or not be able to reach the water flow from the clear floor space provided for wheelchair use.

Drinking fountain fixtures also cannot protrude into the circulation route without pedestrian protection. Fountains are required to be located on an accessible route within an alcove (or similar) to



- provide pedestrian protection, regardless of where the fountain is installed (inside or outside).
- b. Benches provided in parks must be located on an accessible route to ensure that people can travel to the benches as pedestrians, even when they have mobility impairments. Visitors must also have a level, clear space at the side of a bench where a person using a wheelchair can rest when sitting with companions.
- 8. Walking Surfaces: Materials chosen for walking surfaces must provide a firm, stable and slip-resistant surface. A popular surface comprised of decomposed granite (DG) can behave like sand if no stabilizer is part of the mix during installation. Paver surfaces, while environmentally friendly, can create surface roughness and vibrations that cause pain for people with incomplete spinal cord injuries.
 - a. Where walking surfaces are planned with paver surfaces, a separate firm, stable and slip-resistant accessible route should be planned without pavers to provide a barrier-free surface.
 - b. DG stabilizers can range from cement to polymers to help ensure that the walking surface is firm, stable and slip-resistant.

E. Transition Plan: Implementation Schedule

Each assessed facility is included with an estimated cost, as summarized in Table 4, to remediate physical barriers to access in the Transition Plan Schedule. Refer to the attached facility reports of the Appendix for additional information. Please note, these costs are preliminary and may not reflect actual construction costs. The actual overall cost to remediate all physical barriers to access may vary depending on when remediation is scheduled and/or sequenced; escalation of construction costs, required design, feasibility, land surveys, labor costs, etc.

Facilities have been prioritized and ranked for remediation in consideration of several factors. These priorities may change over time as work is performed or as requests from the public are received or feedback arises during implementation.

Table 4: Implementation Priority by Facility

PRIORITY	FACILITY	BUDGETARY COST
1	City Sidewalks within the Public Rights-of-Way	\$28,749,586.00
2	Upper Beach/Village Parking Lot 1	Included with City Hall
3	Lower Beach/Village Parking Lot 2	\$260,766.00
4	City Hall Complex	\$757,465.00





5	Vista Parking Lots on Cliff Dr.	\$241,279.00
6	Capitola Wharf, Restaurant & Restrooms	\$2,363,288.00
7	Esplanade Park & Restrooms	\$484,498.00
8	Library & Tot Lot	\$200,470.00
9	Community Center at Jade St. Park	\$332,619.00
10	Jade Street Park	\$1,018,067.00
11	City of Capitola Museum	\$57,097.00
12	Monterey Park	\$269,260.00
13	Cortez Park	\$118,312.00
14	Prospect Ave Park	\$416,890.00
15	Peery Park & Restrooms	\$657,419.00
16	Soquel Creek Park	\$91,955.00
17	Noble Gulch Park	\$53,460.00
18	Hihn Park	\$327,368.00
19	Corporation Yard	\$13,743.00

Table 5: Barrier Remediation Accomplished Since 2022

PRIORITY	FACILITY	NOTES
Н	City Sidewalks within the Public Rights-of-Way	ROW improvement coupled with annual pavement projects. City currently has a 5-year Pavement Management Program (PMP).
?	Upper Beach/Village Parking Lot 1	City is currently completing a study for the future use of facility along with City Hall
?	Lower Beach/Village Parking Lot 2	City is currently completing a study for the future use of facility along with City Hall
Н	City Hall Complex	City is currently completing a study for the future use of facility
М	Vista Parking Lots on Cliff Dr.	Currently developing a CIP in conjunction with Cliff Drive stabilization project
L	Capitola Wharf & Restrooms	The facility was reconstructed in 2024. Most of the barriers identified in 2017 have been corrected.
Н	Esplanade Park & Restrooms	No current plans for this facility
L Library M-H Tot Lot	Library & Tot Lot	The library was rebuilt, and all barriers associated with that facility were resolved in 2021-2022. Additional barriers still exist within the Tot Lot and will be addressed at a later time.





Н	Community Center at Jade St. Park	This facility is currently undergoing renovation to remove all barriers. Estimated completion late 2025/early 2026
Н	Jade Street Park	Project currently in design to address barriers at the playground, barriers at other part of the facility may remain
M	City of Capitola Museum	The city is currently completing a study for the future use of facility along with City Hall
M-H	Monterey Park	The recent land swap with School District to allow development on adjacent site will include the removal of some barriers. 1-2 years out.
M-H	Cortez Park	No current plans for this facility
L	Prospect Ave Park	Potential to improve this facility with the Rail Trail development, construction anticipated 2026
L	Peery Park	Restroom Facility was closed permanently. Bridge is currently being evaluated for structural fitness; future improvements would include the removal of related barriers
L	Soquel Creek Park	Potential to remove barriers in the long term in conjunction with a Stockton Bridge improvement project
M	Noble Gulch Park	The current proposal to develop a dog park at this facility that would trigger removal of ADA barriers. Potential project for FY25-26
L	Hihn Park	No current plans for this facility
M	Corporation Yard	In medium term facility will require upgrade for EV infrastructure triggering removal of some barriers

The assessment process identified a preliminary cost for the remedial efforts to remove barriers to access. This kind of investment into the community will take many years to complete, and the City is moving forward with efforts to produce barrier free facilities to enhance equity and inclusion in the community.

The City can allocate funding for physical ADA barriers as part of its annual CIP budgeting process and as a part of any alterations project that is required to improve access under CBC 11B-202.4. Prioritizing ADA deficiencies for remediation under this Plan or were reported by users or staff would be weighed against factors such as severity and cost prior to inclusion in the CIP.



Furthermore, existing projects in the CIP, where overlapping known ADA deficiencies, would be assessed against this Plan's recommendations prior to finalizing construction documents and funding. Other minor repairs which do not require City Council action (such as minor concrete repairs on sidewalks or water fountain adjustments) may be addressed through informal bidding, use of existing on-call construction contracts, or by Public Works maintenance staff.

It should also be noted that while the Pedestrian Facility is listed as the highest priority for remediation, the remediation efforts to provide a barrier free environment within the sidewalks, street crossings, and other associated elements will span the entire schedule due to the nature of sidewalk and its association with each and every PSA. As noted above, the pedestrian facility has been assigned five barrier removal priorities which have been scheduled accordingly within the Plan to ensure access to PSAs and other high priority areas.

Other procedural, or non-physical recommendations per the Plan's recommendation, would be reviewed and implemented by staff under the direction of the City's ADA Coordinator. Individuals who manage PSAs may also be consulted for input as required. Staff will, furthermore, confer with the City Council as required, where additional direction is needed.

The remediation schedule is a living document. The amount of work completed each year will vary during each implementation phase depending on approval by the City council, changes in funding available and changes to PSAs over time, among other events.

Since the schedule for taking the necessary steps to achieve compliance with ADA Title II will involve a time period for achieving compliance that is longer than one-year, interim steps taken during each year of the transition period will include:

- Implement Program Access ADA Coordinator to determine where relocation of services or other means of applying programmatic access can be applied to ensure that PSAs are accessible and public funds expended for barrier removal only when necessary.
- Annual alignment of CIP work with ADA Transition Plan remediation to ensure that the CIP funding allocation process addresses ADA deficiencies identified in the Plan as part of the overall project scopes of work, where possible. The ADA Coordinator can assist with these efforts with the help of designated staff from City departments.
- Street Maintenance and Alterations: The annual CIP alignment with the Plan will allow the City to review and survey the existing street crossings, curb ramps, and sidewalks to determine the scope of these projects. Where alterations defined by FHWA within streets and roadways occur, the City is required to provide accessible features such as curb ramps, accessible street crossings and accessible pedestrian controls where signalization is



provided. The scoping review of these projects will allow the City to utilize the necessary funds to improve access to the City's network of sidewalks.

- This requirement does not force the City to improve the network of sidewalks at the time of these alterations as remediation can be scheduled later in the Transition Plan if deemed appropriate.
- Sidewalk improvement responsibilities lies with property owners by State law (Division 7, Part 3, Chapter 22 of the Streets and Highways Code [Sections 5600 and 5610]) which requires property owners to maintain sidewalks, parking strips, curbs, retaining walls, and other such works between their property line and the street line. Property owners are required to maintain these frontage improvements such that they will not endanger people or property or interfere with the public convenience in the use of those works or areas.
- The City may elect to provide or construct new sidewalks at the request of the City Council or other agents.
- On-going correlation of maintenance efforts with barrier removal in the Plan to accomplish remediation in-house.

5) Appendix

Due to the nature and size of additional documentation collected and associated with this ADA Transition Plan and Self-evaluation, the following items are not directly provided with this document. The additional documentation noted below is available from the City upon request.

- 1) ADA/CBC Tool Kit Responses
- 2) Facility ACAR Reports
- GIS Maps of Exterior Barriers to Access
- 4) Public comments and responses collected during public outreach

Item 8 D.

ADMINISTRATIVE POLICY

Number: I-1 Issued: November 28, 2001 Revised: November 8, 2024 Jurisdiction: Staff

ADA GRIEVANCE PROCEDURE

1. PURPOSE

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Capitola. The City's Personnel Policy governs employment-related complaints of disability discrimination; complaints of discrimination from City employees related to their employment are thus excluded from this procedure.

2. PROCEDURE

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Upon request, the City shall make alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator City Manager's Office Capitola City Hall 420 Capitola Road Capitola, CA 95010 (831) 475-7300

Within 30 calendar days of receiving the complaint, the City will conduct any necessary investigation and issue a written decision on the grievance, provided in a format accessible to the complainant, where appropriate. The response will explain the City's position and offer options for substantive resolution of the complaint.

All appeals shall be made in writing and delivered to the office of the City's ADA coordinator. Such appeals shall be made within ten working days from the time of the decision that is the subject of the appeal, except that when neither the complainant nor the complainant's representative has been present at the meeting in which the decision was rendered, the appeal time shall be fourteen working days from the date the staff mails to the complainant a notice of the decision. The request for appeal shall set forth the complainant's name, the phone number for the appellant, an address to which notices may be sent to the appellant and the grounds upon which the appeal is made.

Within 30 calendar days of receiving the appeal, the City will conduct any necessary review and issue a written decision on the final resolution, provided in a format accessible to the complainant, where appropriate.

All written complaints received by ADA Coordinator or their designee, appeals to the City Manager or their designee, and responses from these two offices will be retained by the City of Capitola for at least three years.

No individual who files a complaint or participates in an investigation, proceeding or hearing pursuant to these procedures shall be subject to retaliation. The City will take reasonable steps to prevent any retaliation from occurring.

This policy is approved and authorized by:

Jamie Goldstein, City Manager





COMMUNITY OUTREACH QUESTIONNAIRE

Please return this questionnaire by June 7, 2017

This questionnaire is also available, by request, in an alternate format.

Capitola is a very walkable/bike rideable community. We are collecting information on how people use our sidewalks and paths to travel through town. This process is part of the ADA Self-evaluation and ADA Transition Plan for City facilities in compliance with the Americans with Disabilities Act (ADA).

This questionnaire is one of many ways that the city is identifying and defining accessibility needs as part of its process to provide more accessible programs, activities and services.

We want to better understand how you use the facilities we intend to improve. We welcome comments as well as answers to the questions below. Any information provided to us will help strengthen the final recommendations for policies and procedures that will result from these efforts. Please feel free to attach additional pages, where necessary.

1.	In your experience in Capitola, have you encountered physical barriers or difficulties using the sidewalks or pedestrian paths (steep paths, broken sidewalks, absence of traffic signals, trip hazards or spots where no paved path is provided)? If yes, please describe the location and situation that caused the difficulty.
2.	Do you use City sidewalks or walkways to get around as a pedestrian? $\hfill \square$ Yes $\hfill \square$ No
3.	Do you walk/travel around your neighborhood, to nearby transit stops using city sidewalks, or city buildings/parks? □ Neighborhood □ Bus Stops □ City facilities □ Local shops, restaurants, etc.
4.	Which neighborhood do you live in?
5.	Do you use City programs, services or activities (Twilight Concerts or movies at the beach on Esplanade Park, Opera on the Beach or Camp Capitola or classes at

4

the Community Center)?





	☐ Yes ☐ No
6.	Are there City facilities that you cannot reach due to issues with the sidewalk or pathways leading to them (buildings, parks or other city facilities)?
7.	Can you describe barriers or difficulties that prevent or complicate access to City programs, activities or services provided? If you have, then please describe:
8.	Have you ever used the "Submit a Service Request" link on the City website to inform us about a street or sidewalk issue? If yes, was the response useful?
9.	Can you suggest improvements to City facilities that would improve access?
10.	Do you have other suggestions for improving mobility to or around City facilities to encourage full participation in our programs, activities or services?
	Thank you for taking the time to fill out this questionnaire! We would appreciate completion of the information below. This information is optional. If completed, it will provide our team the opportunity to contact you for further comment and to notify you of future disability-related events.
	□ My responses may be published
	Name:
	Address:
	Phone Contact:
	E-mail Address:

Questionnaires must be received by June 17, 2017.

Please mail or e-mail to: City of Capitola, Attn: Brian Van Son, CBO, Accessible

Coordinator, 420 Capitola Ave., Capitola, Ca 95010

E-mail address: bvanson@ci.capitola.ca.us

ADA Self-Evaluation and Transition Plan

Capitola City Council August 28, 2025

ADA Self-Evaluation and Transition Plan Background – ADA Requirements



- Evaluate programs, services, and activities for non-discrimination.
- Identify and prioritize removal of physical barriers that limit accessibility (Transition Plan).
- Maintain a living document that tracks progress and updates as conditions change.

ADA Self-Evaluation and Transition Plan Background – ADA Planning History



- 1994
 - Original ADA Transition Plan adopted (March 24, 1994).
- 2010
 - Partial review to identify remaining items from the 1994 plan.
- 2017
 - SZS Engineering retained for comprehensive update; facility inspections, program evaluations, and public outreach initiated.
- 2020–2023
 - Project delayed due to staff turnover and COVID-19 Pandemic.
- 2024–2025
 - Plan updated; facility reports refreshed; additional outreach conducted.

ADA Self-Evaluation and Transition Plan Background – Completed Improvements



- Capitola Library renovation.
- Capitola Wharf reconstruction.
- Community Center renovation.
- Right-of-Way upgrades and building accessibility improvements.

ADA Self-Evaluation and Transition Plan Public Outreach



- Citywide survey and January 2025 community meeting at the Capitola Library.
- Outreach through social media, mailers, posters, and direct notices to organizations serving people with disabilities.
- Materials available in accessible formats upon request.

ADA Self-Evaluation and Transition Plan Plan Development and Structure



- Evaluation of City policies, procedures, and practices for accessibility.
- Inventory of City facilities: parks, buildings, and public right-of-way.
- Identification of barriers and recommended corrective actions.
- Guidance to incorporate ADA improvements into future projects and operations.

ADA Self-Evaluation and Transition Plan Prioritization



- Severity of barriers and level of impact to accessibility.
- Feasibility and cost-effectiveness of improvements.
- Community impact and geographic equity.
- Opportunities to bundle with planned capital projects.

ADA Self-Evaluation and Transition Plan Implementation Framework



- Barrier removal organized into multi-year phases aligned to the City's budgeting cycle.
- Facility reports serve as internal checklists during scoping and design.
- Track progress and update the living Plan as work is completed or new facilities are added.

ADA Self-Evaluation and Transition Plan

Plan Utilization



- Integrate ADA scopes into building renovations and roadway/corridor projects.
- Use facility checklists to scope work and verify compliance.

- Identify standalone ADA projects where bundling is not feasible.
- Apply prioritization criteria to annual CIP recommendations.
- Document barrier removal for accountability and grant readiness.

ADA Self-Evaluation and Transition Plan Fiscal Impact



- Adoption of the Plan does not obligate immediate funding.
- Implementation costs will be programmed in the City's budget as projects are scoped.
- Use a mix of funding sources: dedicated accessibility funds and broader capital projects, where appropriate.

ADA Self-Evaluation and Transition Plan Recommended Action



Adopt the City of Capitola's ADA Self-Evaluation and Transition Plan (dated January 6, 2025).

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: City Manager Department

Subject: Coastal Development Permit Decision Appeal



Recommended Action: Set October 9, 2025, at 6:00 PM as the hearing date and time for the appeal of the Planning Commission's decision to approve Application # 25-0056.

<u>Background</u>: On July 17, 2025, the Planning Commission approved Application #25-0056, a Coastal Development Permit and Fence Permit to construct approximately 1,300 linear feet of fencing and safety signs along a coastal bluff (APN: 036-201-02). The proposed project is located within the CF (Community Facility) Zoning District and within the Environmentally Sensitive Habitat Area (ESHA). The Planning Commission approved the project by a 2-1 vote, with Commissioner Howard voting against, Commissioner Christiansen absent, and one Commissioner seat vacant.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City. The staff report is included as Attachment 1.

Staff received an appeal letter on July 21, 2025, which was subsequently amended on July 28, 2025 (Attachment 2). The appeal satisfies the requirements of Section 2.52.020 of the Capitola Municipal Code.

<u>Discussion</u>: In accordance with Section 2.52.030 of the Capitola Municipal Code, staff recommends the City Council set the time and place of the hearing of this appeal for October 9, 2025, with the meeting starting at 6:00 PM.

Fiscal Impact: There is no fiscal impact associated with this report.

Attachments:

- 1. Planning Commission Staff Report
- 2. Appeal Dated

Report Prepared By: Julia Gautho, City Clerk Reviewed By: Samantha Zutler, City Attorney Approved By: Jamie Goldstein, City Manager



CITY OF CAPITOLA APPEAL INFORMATION

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



Appellants should always attend the hearing to present their case to the decision makers.

CITY OF CAPITOLA

APPEAL APPLICATION FORM

TYPE OF APPEAL (check one)

APPEAL FEE

See Fee Schedule

Coastal Appeal XXXXXXXX

\$0

APPELLANT INFORMATION

Name: Bradley Todd

Address: 1001 Sir Francis Ave, Capitola

Zip 95010

Phone: 408 442 2805

Email: Brad.g.todd@gmail.com

APPEAL INFORMATION

Project Address: Coastal Bluff Adjacent to Park Avenue.

Assessor's Parcel Number (APN) 036-201-02

Property Owner: Santa Cruz County

Application Number:

Capitola Coastal Bluff Fence Appeal

Key Grounds for Appeal

Bradley Todd's appeal regarding the proposed fencing along the coastal bluff adjacent to Park Avenue relies on several requirements from Capitola's Coastal Overlay Zone (COZ) and Local Coastal Program (LCP), as well as the California Coastal Act. The central concerns relate to:

- Preserving and enhancing public access to 1,300 feet of coastal bluff,
- Maintaining or enhancing public ocean views,
- Ensuring low-cost public recreational access,
- Providing opportunities for visitors and maintaining coastal resources, and

Adhering to LCP goals for appropriate coastal development.

Significance of Public Use—Informal Survey Findings

An informal survey conducted by the appellant, which suggests

- Approximately 15 people per daylight hour (about 200 people per day) regularly
 walk or bike the area between Park Avenue and the bluff, enjoying direct ocean
 views from the bluff rather than from the street above.
- On special occasions (e.g., local events like the Wharf-to-Wharf race), usage can be even higher.
- This empirical evidence underscores that **public use of the bluff area is regular, significant, and active**, not just hypothetical or occasional.

This survey data supports the appeal by providing **quantitative evidence of the community's ongoing use and enjoyment** of this scenic resource. The proposed fencing would eliminate a valued access point for hundreds, if not thousands, of visitors every year.

Regulatory Background and Policy Context

The COZ and LCP require that any development, including fencing:

- Be consistent with LCP/Coastal Act mandates for maximizing public access and recreational use;
- Protect, maintain, and enhance scenic and visual resources;
- Weigh public safety needs carefully against these other priorities.

Past staff analysis appears to have overlooked this user group, focusing only on car and pedestrian views from Park Avenue rather than those utilizing the bluff path directly. The survey's data highlights that these users represent a substantial portion of the population impacted by the proposed closure.

Precedents and Alternative Approaches

- Other Capitola coastal sites—such as Grand Avenue, Cliff Drive, and New Brighton State Park—use various design solutions (setback fencing, signage, railings, landscape buffers) that balance public safety and continued public access.
- The appeal recommends that the City and RTC consider less restrictive safety measures or even expand and formalize public access along the 1,300' coastal bluff segment to create a unique park opportunity for both residents and visitors.

Conclusion

Including the informal survey findings makes clear that **the project's impact would be substantial**: eliminating a well-used, unique access and view corridor for ~ 7,000 visits annually. This contravenes the goals of Capitola's LCP and the California Coastal Act to **maximize public access and recreation** along the coast. The City and RTC should

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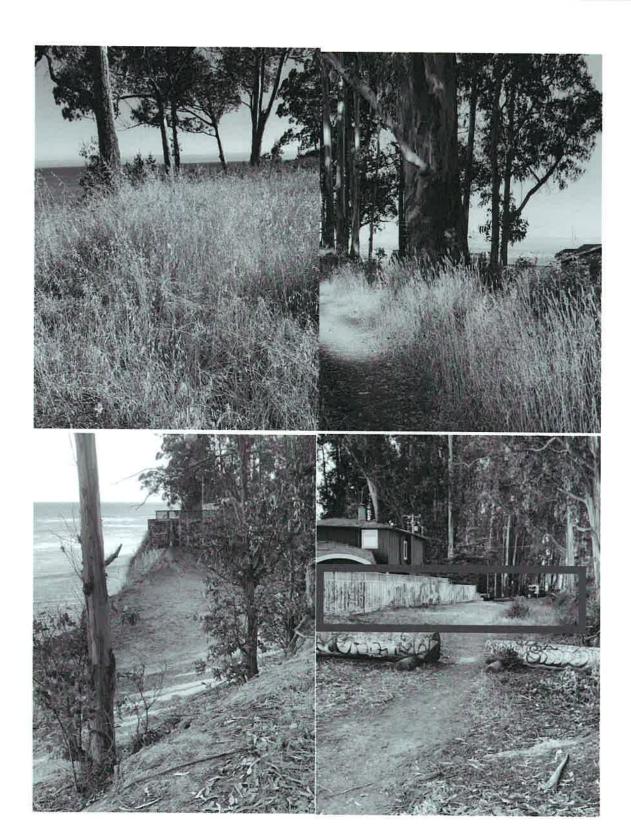
explore safety solutions that **preserve or enhance existing public use**—as documented by real-world visitor data—instead of limiting it.

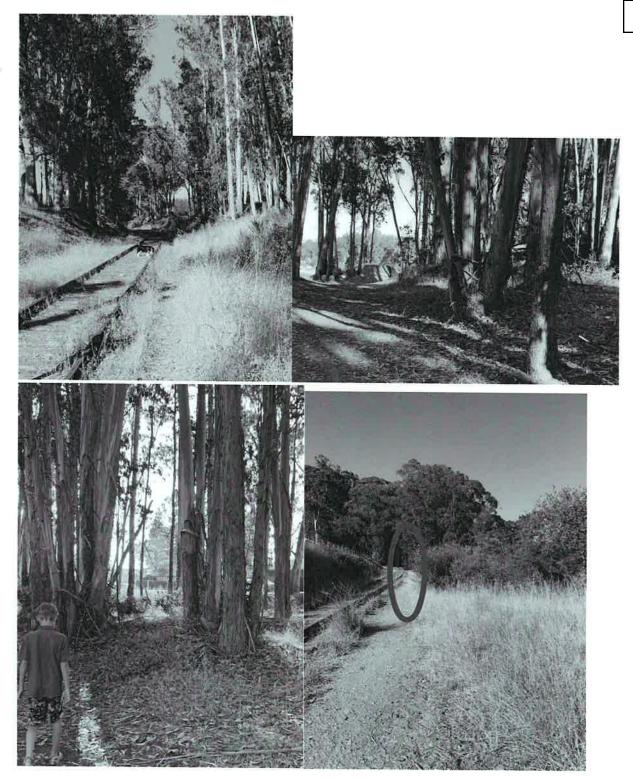
Citations for context:

- Capitola Municipal Code 17.44.010 & 17.44.130
- Capitola Local Coastal Program
- California Coastal Act
- Comparable coastal management examples (Grand Avenue, Cliff Drive, New Brighton State Park)

SIGNATURE DATE

Bradley Todd 7/26/2025







Capitola Planning Commission Agenda Report

Meeting: July 17, 2025

From: Building, Planning, and Economic Development Department

Address: Coastal Bluff Adjacent to Park Avenue

Project Description: Application #25-0056. APN: 036-201-02. Coastal Development Permit and Fence Permit to construct approximately 1,300 linear feet of fencing and safety signs along a coastal bluff. The project is located within the CF (Community Facility) zoning district and the Environmentally Sensitive Habitat Area (ESHA).

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Recommended Action: Consider application #25-0056 and **approve** the project based on the attached Conditions and Findings for Approval.

Property Owner: Santa Cruz Regional Transportation Commission (RTC)

Representative: Riley Gerbrandt, RTC, Filed: 1/28/25

Background: On May 14, 2025, staff from the City of Capitola and the Santa Cruz County Regional Transportation Commission (RTC) conducted a joint site visit to the Park Avenue section of the coastal rail corridor. The purpose of the visit was to evaluate the proposed fence location and observe recent bluff erosion and failures.

The project site includes a stretch of coastal bluff located between the Santa Cruz Branch Rail Line and the Pacific Ocean. In 2023, severe winter storms caused multiple sections of the bluff to collapse, significantly reducing the buffer between informal walking paths and the bluff edge. These events intensified long-standing concerns about public safety, particularly given the presence of unauthorized foot traffic along informal trails on the coastal side of the rail line. The proposed fencing project is intended to deter unsafe access and prevent potential accidents near the unstable bluff edge.

A Coastal Development Permit and Fence Permit are required for the project due to its location within the Coastal Zone and the nature of the proposed improvements.

Discussion: The 10.4-acre project site is part of the Santa Cruz Branch Rail Line right-of-way, owned by RTC, is considered a rail facility and not open to the public. Except for properties along Grove Lane, no formal coastal access exists through the site, although unauthorized informal "volunteer" trails have developed.

The project installation of approximately 1,300 linear feet of wooden split-rail or wood-style prefabricated concrete fencing along the coastal side of the Santa Cruz Branch Rail Line, from near Grove Lane to a point east of the 850 and 870 Park Avenue condominiums. New safety signage is also proposed. The RTC will also remove an unpermitted wooden bench, clear minor vegetation, and grade to facilitate fence installation. The fence alignment has been designed to avoid impacting adjacent trees.

The proposed fence will be approximately four feet tall, with rails spaced 9–10 inches apart and installed several inches below the top of the post. The fence will follow the natural topography, ranging approximately 4–16 feet below the elevation of Park Avenue with limited visual impact from the street.



Development Standards: The proposed fencing is subject to the following standards outlined in CMC §17.60.030 – Fences and Walls. Below is each underlined provision followed by staff analysis:

A. Fence Height. Maximum height for fences is six feet.

Staff Analysis: The proposed fencing is approximately four feet tall, well within the maximum allowed height.

B. <u>Intersection Sight Distance</u>. Fences on corner parcels and adjacent to driveways must comply with visibility requirements per §17.96.050.

Staff Analysis: Not applicable.

C. <u>Decorative Features and Materials</u>. An additional two feet is allowed for lattice or similar materials that are at least 50% transparent. Decorative arches above walkways may be up to 10 feet tall within setbacks.

Staff Analysis: Not applicable

- D. <u>Use of Parking Spaces</u>. Fences may not interfere with use of on-site or street parking spaces. Staff Analysis: The fencing is located entirely within a rail corridor and does not interfere with any parking.
- E. Fences Along Arterials and Collectors. The Community Development Director may require reduced heights or transparency to preserve views along arterial/collector streets.
 Staff Analysis: Park Avenue is a collector street, but the proposed split rail fence is visually open and well below the grade of the road, preserving the views of the Monterey Bay from the public right of way.
- F. <u>Noise Walls. Planning Commission may allow fence height increases to mitigate noise along arterials</u>. Staff Analysis: The proposed fencing is not intended as a noise wall, and no increase in height is requested.
- G. <u>17.60.030(G)</u>: Coastal Access and Public Views. Fences shall not block public access to the coast or obstruct significant public views, as identified in the LCP.

Staff Analysis: The fencing is located on private RTC property with no formal coastal access points. Views from Park Avenue will be unobstructed. The unsafe informal trail which is located directly along the bluff will be fenced off to protect public safety from further risk of bluff collapse. The new fence is located between the railroad tracks and the bluff. The fence is proposed on the ocean side of an existing volunteer trail on the RTC property which is further inland than the volunteer bluff path.

<u>Signage:</u> The application includes four new signs installed at prominent locations marked on the site plan. This includes warning signs stating, "No Trespassing" and "Unstable Bluff" at each end and at two midpoints of the fence alignment. Pursuant to §17.80.030(G), governmental agency-installed signs to carry out its responsibility to protect public health, safety, and general welfare are exempt from sign permits.

CEQA: §Section 15301(f) of the CEQA Guidelines exempts minor changes to existing facilities, including but not limited to the addition of safety or health protection devices in conjunction with existing structures or facilities. The project includes the construction of a safety fence and related signage between an existing rail corridor and an unstable coastal bluff. The project does not involve an expansion of use.

Coastal Development Permit Findings:

A. The project is consistent with the LCP land use plan, and the LCP implementation program. The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

B. The project maintains or enhances public views.

The proposed project is located on public property between Park Avenue and Monterey Bay. The project has been designed such that it will not negatively impact public landmarks and/or public views. Any existing public views will not be obstructed.

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

The proposed project includes safety fencing along an existing rail corridor. The proposed fencing pathway is located along heavily disturbed land to avoid impacts on surrounding resources and vegetation. The project maintains vegetation and will not negatively impact natural habitats or natural resources.

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

The project involves safety fencing along an ocean bluff which will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves safety fencing along an unstable bluff. Pedestrians accessing the property routinely access hazardous sections of the property which the proposed fence seeks to prevent. The fence will not prevent access along legally established pathways and sidewalks, nor obstruct coastal views from such locations. Therefore, the fence will result in improved public safety and would not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves safety fencing and signage and will not negatively impact coastal resources.

- G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP. The proposed safety fencing complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the CF (Community Facility) zone.
- H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves safety fencing on a publicly owned transportation corridor. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the CF zoning district.

Conditions of Approval:

- 1. The project approval consists of the construction of approximately a 1,300-foot-long safety fence along the coastal side of the Regional Transportation Commission rail corridor and four warning signs for "no trespassing" and "unstable bluff". An existing unauthorized bench will be removed as part of the project. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 17, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
- 2. No tree over six inches in diameter may be removed without separate permit. Fence alignment shall route around trunks where necessary.
- 3. No construction equipment may be staged within 10 feet of the bluff edge. Erosion control measures shall be followed.

4. This permit shall expire 48 months from the date of issuance. The applicant shall have construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

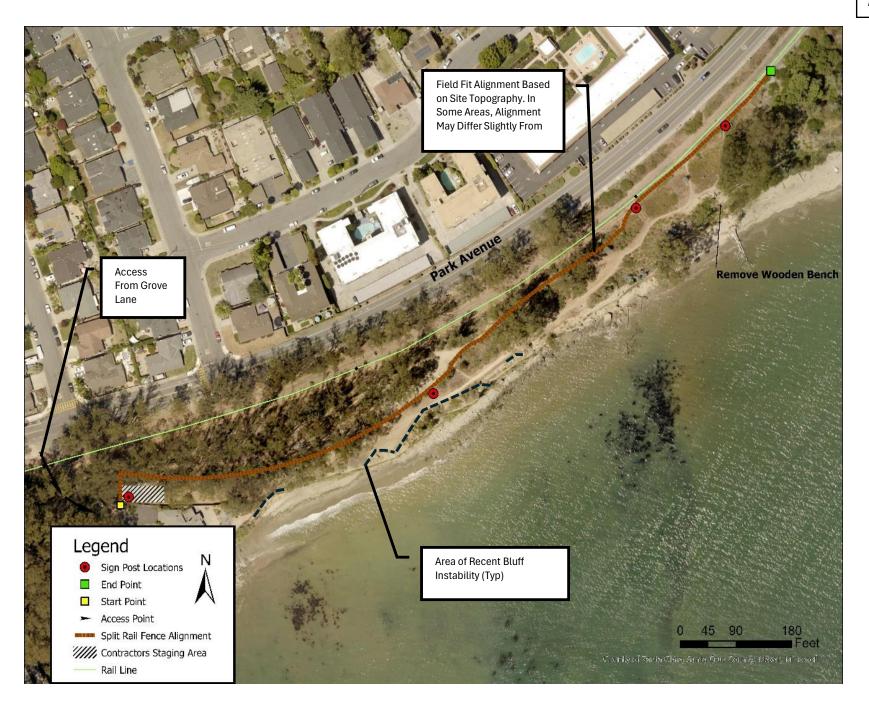
Attachments:

- 1. Site Plan
- 2. Project Description
- 3. Fence Details

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director





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Project Scope of Work Description and Details

Santa Cruz County Regional Transportation Commission, Park Avenue Bluff Fencing Project

<u>Project Description</u>: Install 1,300 linear feet of split rail fencing, from near Grove Lane in the west to approximately opposite from just eastward of the mid-point of the 850 and 870 Park Avenue condominium properties in the east, and "No Trespassing" and "Unstable Bluff" signs along the Santa Cruz Branch Rail Line right-of-way corridor. Remove unpermitted wooden bench that are located on railroad property.

<u>Property Description</u>: The property identified as APN 03620102 is located on the southern (coastal) side of Park Avenue in Capitola, California. This property is approximately 10.4 acres in size and is known as railroad right-of-way. It has been used for railroad purposes for many decades, and the tracks for the Santa Cruz Branch Rail Line are situated on this property. On its southern side, the property includes the approximately 80-foot tall natural bluffs that abut the Pacific Ocean and are referred to herein as the Park Avenue Bluffs. As railroad property, the property is neither a public space nor open to the public. No public crossings exist across the railroad tracks on the property, except for the driveway undercrossing for the entrance to New Brighton State Beach. However, trespassers enter the railroad property and cross the railroad tracks to walk along the walking trails on the coastal side of the railroad tracks, including a trail along the top of the aforementioned bluffs.

<u>Project Purpose</u>: While the railroad property is neither a public space nor open to the public, trespassers have utilized the subject property for walking despite the fact that numerous No Trespassing and Unstable Bluff signs have been installed at several prominent locations. Several informal walking paths exist on the property, including one along the top of the bluffs. A wooden bench has also been constructed on the railroad property without the permission of the railroad. Natural processes and wave action have caused erosion of the bluffs, and in 2023 large sections of the top of bluff collapsed, resulting in the top of bluff encroaching into the walking trail. Photographs of some of these locations are attached as reference. The RTC engaged professional consultants to assess the natural bluff retreat processes as this location as part of the development of the Coastal Rail Trail, and the study is included for reference. Due to safety concerns for trespassers posed by the bluffs, the Park Avenue Bluff Fencing Project will install a fence to exclude access by trespassers to this area.

<u>Project Details</u>: The Park Avenue Bluff Fencing Project proposes to install either wooden split rail or wood style prefabricated concrete system fencing on the railroad property from the southern edge of the property near Grove Lane, along the coastal side of the walking path near the center of the property eastward to a point opposite the 850 Park Avenue property, thence



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Project Scope of Work Description and Details

Santa Cruz County Regional Transportation Commission, Park Avenue Bluff Fencing Project

<u>Project Description (continued)</u>:

along the existing railroad tracks to its terminus at a point opposite the 870 Park Avenue property. "No Trespassing" and "Unstable Bluff" signs will be installed at four locations on new sign posts installed on the coastal side of the new fence, with a new sign post installed near each end of the fence, and two sign posts installed along the fence alignment.

The proposed fencing will include fence posts that are approximately 4-feet high, with fence rails approximately 8 to 10 feet in length. Fence rails will be approximately 4 to 6 inches high, depending on the fencing system to be installed, with a vertical clear space of approximately 9 to 10 inches between the edges of the rails. The top edge of the top fence rail will be placed approximately 3 to 7 inches below the top of the fence post top. Fence detail sheets and example photographs of what the fencing might look like are attached for reference (note, these example images were sourced from potential material suppliers and do not represent the proposed look of the site at the Park Avenue Bluffs and are just for reference. The RTC does not propose to install wire or cables, as shown in some of the photos.) Other than the fence posts, fence rails, and signage, no other elements will be placed on the property as part of this project.

Since the proposed fence will include fence rails that are no taller than approximately 4 feet high above the ground surface, and since the ground surface at the fence alignment is approximately 10 to 16 feet lower than the surface of Park Avenue for most of the project area, coastal views will not be obstructed.

Installation of the proposed fence is intended to not affect existing trees along the railroad property, with fence posts to be installed away from any individual tree and such that fence rails go around any tree trunks. Minor clearing and grubbing as well as minor grading may be required in certain areas to remove vegetation such as shrubs, grasses, and poison oak from areas where the fence is to be installed as well as to smooth the ground surface where the fence is to be installed. The fence alignment is largely dictated by the natural topography of the area, with the fence proposed to be installed at the top of the small rise that is located between the rail line and the Pacific Ocean. Minor adjustments in the fence alignment as shown on the enclosed Site Plan may be required to fit the fence alignment to the natural topography.

As part of the project, the unpermitted wooden bench situated along the top of bluff on the coastal side of the proposed fence alignment will also be removed.



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Project Scope of Work Description and Details

Santa Cruz County Regional Transportation Commission, Park Avenue Bluff Fencing Project

Project Description (Photos):



Photo of bluff failure, winter 2023



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Project Scope of Work Description and Details

Santa Cruz County Regional Transportation Commission, Park Avenue Bluff Fencing Project

Project Description (Photos):



Photo of bluff failure, winter 2023



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Project Scope of Work Description and Details

Santa Cruz County Regional Transportation Commission, Park Avenue Bluff Fencing Project

Project Description (Photos):

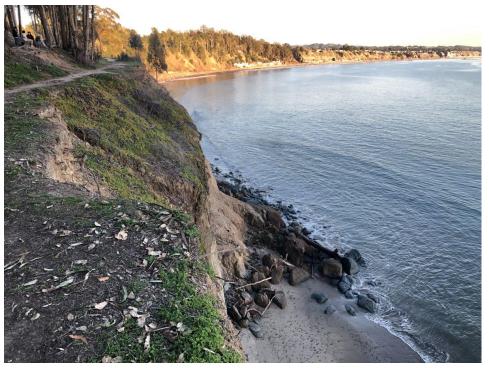


Photo of bluff failure, winter 2023



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Project Scope of Work Description and Details

Santa Cruz County Regional Transportation Commission, Park Avenue Bluff Fencing Project

<u>Project Description (Example Photos of What Fencing Could Look Like):</u>



Concrete Wood-Style Fencing



Cedar Split Rail Style Fencing (cables not proposed as part of this project)



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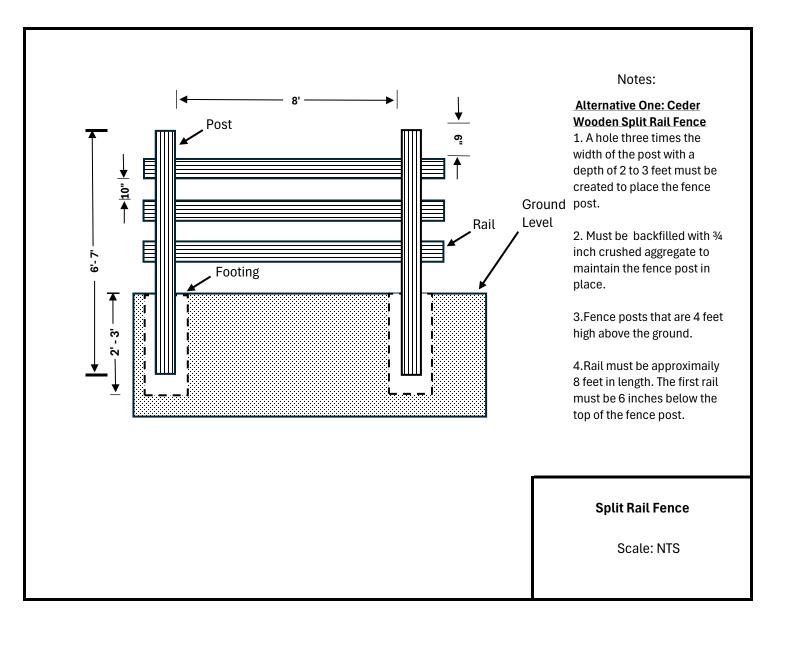
Project Scope of Work Description and Details

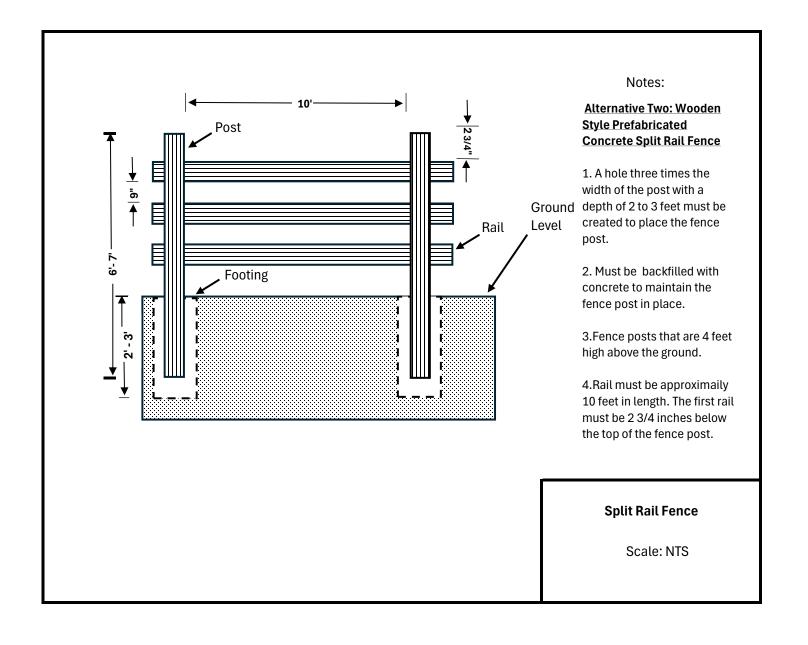
Santa Cruz County Regional Transportation Commission, Park Avenue Bluff Fencing Project

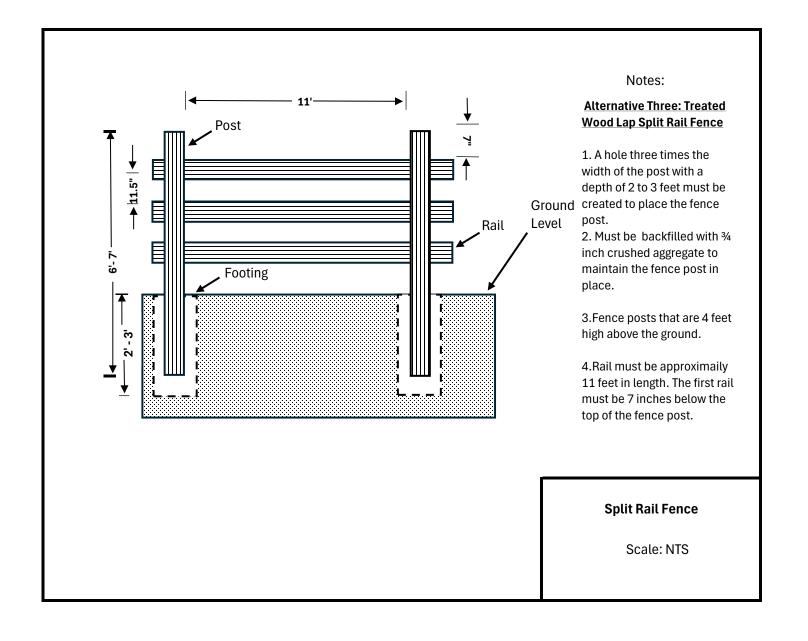
Project Description (Example Photos of What Fencing Could Look Like):



Treated Lap Rail Style Fencing (wire not proposed as part of this project)







Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Community Services and Recreation Department

Subject: Afterschool Scholarship & Equity Swim Donation



Recommended Action: Accept a donation of \$20,000 for Afterschool Rec Club scholarships and \$16,000 for the Equity Swim Program from the Soquel Union Elementary School District and authorize the City Manager, or his designee, to sign the Memorandum of Understanding.

<u>Background</u>: In Fall 2020, the City expanded its pilot Afterschool Program in response to the COVID-19 Pandemic and the need for distance learning support. As a result, the City developed the Out-of-School Time (OST) Program. The Soquel Union Elementary School District (SUESD) supported the Program by contributing \$16,000 in funding.

As schools returned to in-person learning, the City and SUESD recognized a lack of after-school programming. As a result, the OST Program was modified to provide an after-school program in each of SEUSD's elementary schools. SUESD has continued its partnership with the City by offering financial support for the 2024–25 school year to ensure continued access for families.

<u>Discussion</u>: The Afterschool Rec Club provides enrichment and homework support to elementary and middle school students at the New Brighton Middle School campus. As an affordable public program, the SUESD Board of Trustees is proud to support this collaboration with the City to jointly support Capitola residents and provide equitable access to families.

In addition, the City's Equity Swim Program was designed to provide equity and community for students that live in a community dominated by beach culture. The Equity Swim Program provides high quality swimming lessons to SUESD students who would otherwise not have access to such resources. The Program teaches students techniques and keeps them engaged with aquatics activities, allowing students to participate in beach community events. SUESD's contribution of \$16,000 will offset approximately half of the City's costs for this program in the 2025–26 school year.

SUESD will contribute \$20,000 to support a scholarship fund for the school year 25/26 for students meeting income criteria as evaluated by the Capitola Public Safety and Community Service Foundation and an additional \$16,000 (approximately half the City expense) to the Equity Swim Program.

<u>Fiscal Impact</u>: This donation of \$20,000 will provide a restricted fund for Afterschool Rec Club scholarship applicants and \$16,000 will offset budgeted contract expenses for the Equity Swim program.

Attachments:

1. MOU

Report Prepared By: Nikki Bryant, Community Services and Recreation Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

Memorandum of Understanding

Between Soquel Union Elementary School District (SUESD) and the City of Capitola (Capitola) Regarding Support for the Afterschool Rec Club and Equity Swim Programs

June 25, 2025

The City of Capitola's Afterschool Rec Club (originally called the Out of School Time program) was specifically designed to support SUESD Families during the COVID-19 health pandemic and distance/virtual learning. The city has continued the program (even as we moved back to full in-person learning) to serve as crucial childcare partners to our community's families. As such, SUESD wishes to continue to contribute financially to the program. Specifically, SUESD wishes to contribute to program scholarships so that families meeting identified income criteria may have equitable access to the program.

The SUESD Board of Trustees is proud to support this collaboration with Capitola to jointly support our community. As such, SUESD will contribute \$20,000 to support the overall cost of running the After School Rec Club. This agreement will be in place through May 28, 2026.

The City of Capitola's "Equity Swim" program was designed with equity and community in mind. Our students live in a community dominated by beach culture. Knowing how to swim is imperative to being a confident member of the community as a youth. The Equity Swim program provides free, high-quality swimming lessons to identified SUESD students in 1st - 3rd grades. The students are identified as ones who would not otherwise have access to expensive swimming lessons.

The SUESD Board of Trustees is proud to support this collaboration with Capitola to jointly support our community. As such, SUESD will contribute \$16,000 (approximately half the cost of the program) to support the overall cost of running the Equity Swim program. This agreement will be in place through May 29, 2025.

SUESD Board President Date
Kallista Edmundson

SUESD Superintendent Date

Scott Turnbull

City of Capitola Date

Recreation Division Manager

Nikki LeBlond Bryant





Capitola City Council Agenda Report

Meeting: August, 28, 2025

From: City Manager Department

Subject: Seven-Year Extension of Library Financing Authority Joint Powers

Agreement

<u>Recommended Action</u>: Approve the fifth Amendment to the Joint Exercise of Powers Agreement establishing the Santa Cruz County Library Financing Authority, and authorize the City Manager to sign the amendment.

<u>Background</u>: Financing of public library services in the County is provided through the Santa Cruz County Library Financing Authority (LFA), a Joint Powers Authority formed in 1996 by the County of Santa Cruz, the City of Capitola, and the cities of Santa Cruz, Watsonville, and Scotts Valley. The LFA was established to provide equitable financing of library services.

LFA funding currently comes from the proceeds of the 2008 voter-approved quarter-cent sales tax for libraries (Measure R) and from jurisdictional contributions (also referred to as "Maintenance of Effort" or MOE contributions) from the cities of Santa Cruz and Watsonville and the County Library Fund, which includes Capitola and Scotts Valley. Under the original LFA agreement approved in June 1996, the cities of Santa Cruz and Watsonville contributed a fixed amount from their general funds, and the County Library Fund contributed an amount based on actual property taxes collected in the unincorporated County and cities of Capitola and Scotts Valley.

When the LFA was established, the City of Santa Cruz contributed more than the County Library Fund based on population, and by holding the City of Santa Cruz's contribution flat these amounts were intended to equalize. That occurred approximately 15 years later, and the County Library Fund's contribution continued to grow from property taxes.

Since that time the jurisdictions have adopted three amendments to the LFA, each intended to move towards a more equitable distribution of costs and revenue, and provide sufficient resources for library services.

<u>Discussion</u>: The attached Fifth Amendment to the Joint Exercise of Powers Agreement Establishing the Santa Cruz County Library Financing Authority extends the term through June 30, 2032. The following table shows the MOE contributions of the cities and County Library Fund. The City of Capitola's contribution is included within the Library Fund.

Fiscal Year	City Of Santa Cruz	City of Watsonville	County Library Fund	Total
2025-2026	\$2,815,836	\$541,684	\$7,779,536	\$11,137,056
2026-2027	\$3,303,600	\$541,684	\$8,413,107	\$12,258,391
2027-2028	\$3,795,704	\$541,684	\$9,057,050	\$13,394,438
2028-2029	\$3,928,553	\$541,684	\$9,374,298	\$13,844,535
2029-2030	\$4,066,053	\$541,684	\$9,702,657	\$14,310,394
2030-2031	\$4,208,365	\$541,684	\$10,042,516	\$14,792,565
2031-2032	\$4,355,657	\$541,684	\$10,394,279	\$15,291,620

The following table shows the proposed distribution of the MOE funding, split between the two library systems:

Fiscal Year	Santa Cruz City/County Library System	Watsonville Library	Total
2025-2026	\$9,653,267	\$1,483,789	\$11,137,056
2026-2027	\$10,741,392	\$1,516,999	\$12,258,391
2027-2028	\$11,843,05	\$1,551,379	\$13,394,438
2028-2029	\$12,257,565	\$1,586,970	\$13,844,535
2029-2030	\$12,686,58	\$1,623,813	\$14,310,394
2030-2031	\$13,130,611	\$1,661,954	\$14,792,565
2031-2032	\$13,590,182	\$1,701,438	\$15,291,620

<u>Fiscal Impact</u>: No fiscal impact to the City of Capitola. Capitola residents pay into the County Library Fund, which is not controlled by the City.

Attachments:

1. Proposed Amendment

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

FIFTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT ESTABLISHING THE SANTA CRUZ COUNTY LIBRARY FINANCING AUTHORITY

WHEREAS, the Santa Cruz County Library Financing Authority ("the Financing Authority") was created in 1996 for the purpose of financing library services and facilities; and

WHEREAS, the Financing Authority was established pursuant to the Joint Exercise of Powers Law of the State of California, constituting Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California ("the Act"); and

WHEREAS, an original agreement entitled the "Joint Exercise of Powers Agreement Santa Cruz County Library Financing Authority" ("the Agreement") was entered into by each of the parties in May 1996; and

WHEREAS, an agreement amending the original Agreement was entered into by each of the parties in November 2013; and

WHEREAS, a Second Amendment to the Agreement was entered into by each of the parties in December 2015; and

WHEREAS, a Third Amendment to the Agreement was entered into by each of the parties in June 2021; and

WHEREAS, a Fourth Amendment to the Agreement was entered into by each of the parties in July 2022; and

WHEREAS, a Fifth Amendment to the Agreement is necessary to increase the Maintenance of Effort contributions and extend the term seven years; and

WHEREAS, said Section 9.5 of said Second Amendment authorizes amendments at any time, or from time to time, only by the unanimous consent of the parties.

NOW THEREFORE, the Board of Supervisors of the County of Santa Cruz, and the City Councils for the Cities of Santa Cruz, Watsonville, Scotts Valley and Capitola agree to further amend the Fourth Amendment as follows:

1. **Article III – Contributions** is hereby amended as follows:

Section 3.1 – Maintenance of Effort Contributions of the Cities. Commencing with the 2025-26 fiscal year, the City of Santa Cruz and the City of Watsonville shall contribute a Maintenance of Effort ("MOE") amount each year in the amounts shown below:

City of Santa Cruz Maintenance of Effort
--

Fiscal Year	Amount
2025-26	\$2,815,836
2026-27	\$3,303,600
2027-28	\$3,795,704
2028-29	\$3,928,553
2029-30	\$4,066,053
2030-31	\$4,208,365
2031-32	\$4,355,657

City of Watsonville Maintenance of Effort

Fiscal Year	Amount
2025-26	\$541,684
2026-27	\$541,684
2027-28	\$541,684
2028-29	\$541,684
2029-30	\$541,684
2030-31	\$541,684
2031-32	\$541,684

<u>Section 3.2 – Maintenance of Effort Contributions of the County</u>. Commencing with the 2025-26 fiscal year, and subject to the terms below, the County of Santa Cruz, on behalf of the Unincorporated Area and the cities of Capitola and Scotts Valley, shall contribute a MOE amount from the County Library Fund each year in the amounts shown below:

County Library Fund Maintenance of Effort

Fiscal Year	Amount
2025-26	\$7,779,536
2026-27	\$8,413,107
2027-28	\$9,057,050
2028-29	\$9,374,298
2029-30	\$9,702,657
2030-31	\$10,042,516
2031-32	\$10,394,279

If the Annual Net Amount of Allocated Taxes received by the County Library Fund is less than the annual MOE amount shown above, the County shall contribute the lesser amount as its annual MOE contribution. In no instance shall the County's annual MOE contribution exceed the Annual Net Amount of Allocated Taxes received by the County Library Fund.

If the Annual Net Amount of Allocated Taxes received by the County Library Fund exceeds the annual MOE amount shown above, the County shall allocate any excess funds in the County Library Fund for exclusive use on library improvements, major maintenance, or services at County Library Fund branches (including Capitola and Scotts Valley branches) with input by library staff and the cities of Capitola and Scotts Valley.

2. **Article IV – Annual Budget/Disbursement of Funds** is hereby amended as follows:

<u>Section 4.3 – Disbursement of Funds</u>. Commencing with the 2025-26 fiscal year, the amounts available from MOE contributions, taxes or fees, and carryover balances or surplus funds shall be disbursed as follows:

(A) The estimated amount available from MOE contributions shall be distributed to the Santa Cruz City/County Library System and the Watsonville Library each year in the amounts shown below:

ľ	Fiscal Year	Amount
	2025-26	\$9,653,267
ſ	2026-27	\$10,741,392
ľ	2027-28	\$11,843,059
	2028-29	\$12,257,565
	2029-30	\$12,686,581

Santa Cruz City/County Library System

Watsonville Library

\$13,130,611

\$13,590,182

Fiscal Year	Amount
2025-26	\$1,483,789
2026-27	\$1,516,999
2027-28	\$1,551,379
2028-29	\$1,586,970
2029-30	\$1,623,813
2030-31	\$1,661,954
2031-32	\$1,701,438

These distribution amounts shall be adjusted proportionally should the County's annual MOE contribution be reduced pursuant to Section 3.2.

3. **Article VI – Term and Withdrawal** is hereby amended as follows:

2030-31

2031-32

<u>Section 6.1 – Term.</u> The changes outlined in this Fifth Amendment shall commence on July 1, 2025 and will continue to remain in effect through June 30, 2032.

All other provisions of said Agreement shall remain the same.

IN WITNESS WHEREOF, the parties hereto have caused this Fifth Amendment to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties. This Fifth Amendment may be signed in counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

COUNTY OF SANTA CRUZ	Approved as to form:
By:	
Dated:	
CITY OF SANTA CRUZ	Approved as to form:
By:	
Dated:	
CITY OF WATSONVILLE	Approved as to form:
By:	
Dated:	
CITY OF CAPITOLA	Approved as to form:
By:	
Dated:	
CITY OF SCOTTS VALLEY	Approved as to form:
By:	
Dated:	

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Community Services and Recreation Department

Subject: Bandstand Weathervane Public Art Project



<u>Recommended Action</u>: Approve the Art & Cultural Commission's recommendation to allocate \$10,000 from the Public Art Fund for the Bandstand Weathervane Project, with \$5,000 for an engineer to develop technical specifications and \$5,000 for an artist contract.

<u>Background</u>: Chapter 2.58 of the Public Art Programs establishes a Public Art Fund to enrich the City's cultural and aesthetic environment through public art initiatives. This fund is supported by commercial construction projects exceeding \$250,000, where developers contribute either 2% of the project cost for on-site public art or 1% directly to the Public Art Fund.

During the Art and Cultural Commission's (Commission) annual goal setting meeting the Commission identified the weathervane at the bandstand at Esplanade Park as a potential public art project.

<u>Discussion</u>: Staff has confirmed that installing a weathervane on the Bandstand is feasible and that there are no specific Building Code restrictions that would prohibit the project.

Before issuing a Call to Artists, it is necessary to specify the materials, installation method, and ongoing maintenance required for the Commission's vision for the project. Staff recommends contracting with an engineer to develop technical specifications for inclusion with the Call to Artists.

The estimated cost for these engineering services is not to exceed \$5,000. Due to the height of the Bandstand and limited access, the City would likely manage both the final installation and any future maintenance. At the August 12, 2025, meeting, the Art & Cultural Commission recommended allocating Public Art Funds for the engineering services and a \$5,000 artist contract budget for the Bandstand Weathervane Project.

<u>Fiscal Impact</u>: The current balance of the Public Art Fund is \$120,200, with \$50,000 committed to existing projects. The allocation for the Bandstand Weathervane Project includes \$10,000 for engineering services and the artist contract, plus 20 percent administrative costs for implementation, resulting in a total project budget of \$12,000.

Attachments:

1. Draft Call to Artists: Bandstand Weathervane Project

Report Prepared By: Nikki Bryant, Community Services and Recreation Director

Reviewed By: Julia Gautho, City Clerk; Jim Malberg, Finance Director; Jessica Kahn, Public Works

Director

Approved By: Jamie Goldstein, City Manager

City of Capitola

Bandstand Weathervane Project

Call to Artists

On behalf of the City of Capitola, the Capitola Art and Cultural Commission is seeking an artist or artist team to design and fabricate a sculptural weathervane to be mounted atop the Bandstand in Esplanade Park.

SITE AND PROJECT DESCRIPTION

The project site is the rooftop of the Bandstand located in Capitola's Esplanade Park, a central hub for community gatherings, concerts, and events. The Bandstand sits in a high-visibility area near Capitola Beach and serves as a recognizable icon in the community.

The Commission envisions a creative, durable, and visually striking weathervane that is inspired by Capitola's coastal location, cultural heritage, natural beauty or captures the uniqueness of the setting. Artists are encouraged to consider whimsical, abstract, or representational forms that will be visible from the beach and surrounding area. The final work must be structurally sound, windand weather-resistant, and suitable for permanent outdoor installation on a rooftop.

Artists must ensure their design meets all applicable ADA and technical specifications included in the attachments. While the weathervane will be mounted out of reach, factors such as wind load, weight, and mounting method must be addressed. Artists may collaborate with structural engineers or fabricators to ensure feasibility. The final work will require City and engineering approval prior to installation.

PUBLIC ART BUDGET

The public art budget for this project is \$5,000.

This includes all expenses related to design, fabrication, artist travel, insurance, and transport of materials. The City will coordinate and pay separately for final installation via bucket truck in consultation with the artist. Any ongoing maintenance recommendations should be included.

ARTIST ELIGIBILITY

This opportunity is open to artists living or working on the west coast of the United States (California, Oregon, Washington). Applicants must have legal eligibility to work in the United States at the time of submittal.

SELECTION PROCESS AND EVALUATION CRITERIA

Phase One: Review of Submittals

A selection panel including members of the Art & Cultural Commission, City staff, and community stakeholders will review artist qualifications. Up to three (3) finalists will be selected to develop and present design proposals. Artists will be asked to submit sample concepts and rough budget estimates.

Phase One Selection Criteria:

- Artistic quality and originality
- Feasibility and durability of proposed concept
- Experience with outdoor, sculptural, or rooftop installations
- Relevance to Capitola's community and location
- Cost value

Phase Two: Final Proposal Presentations

Finalists will receive a **\$500 stipend** to create and present a scaled proposal or model. Presentations may be in person or via Zoom. The Commission will recommend one proposal to be considered for final approval by the City Council.

Phase Two Selection Criteria:

- Innovation and aesthetic impact
- Suitability to the Bandstand and surrounding environment
- Engineering feasibility
- Longevity and maintenance requirements

CONTRACT

The selected artist will enter into a contract with the City of Capitola based on a standard design-fabrication agreement. Execution of the contract is contingent on final project approval by the City Council and acceptance of terms by the artist.

ANTICIPATED TIMELINE

- August 12, 2025 Commission reviews and approves Call to Artists
- September 8, 2025 Call to Artists Released
- October 30, 2025 Submission Deadline
- November 11, 2025 Selection of Finalists
- **December 9. 2025** Finalist Presentations to Commission
- **January 8, 2025** Recommendation to City Council
- **Spring 2026** Fabrication and Installation

SUBMITTAL GUIDELINES

Submit the following by 5:00 p.m. on September 30, 2025:

- 1. Cover Sheet
 - o Project Title: Bandstand Weathervane
 - o Artist's Name, Phone Number, Email, Mailing Address, Website (if applicable)
- 2. **Resume** (2 pages max)
- 3. Portfolio
 - o Up to 10 images (PDF or JPEGs) of prior public art or relevant works
- 4. References
 - o Contact information for three professional references

Submit via email to:

Nikki Bryant
nbryant@ci.capitola.ca.us
City of Capitola
4400 Jade St
Capitola, CA 95010
831-475-5935 x401

Questions?

Contact Nikki Bryant at 831-475-5935 or nbryant@ci.capitola.ca.us.

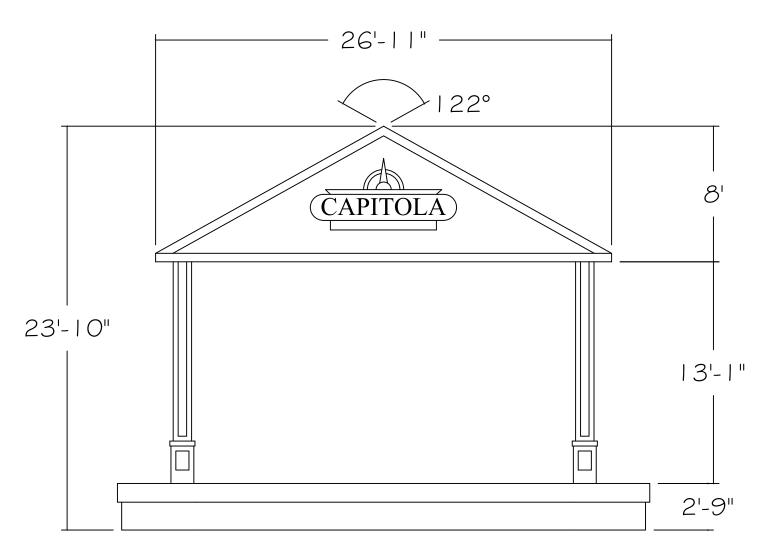
Appendices to be included:

- Appendix 1 Photos of Bandstand (site)
- Appendix 2 Location Map
- Appendix 3 Technical Specification

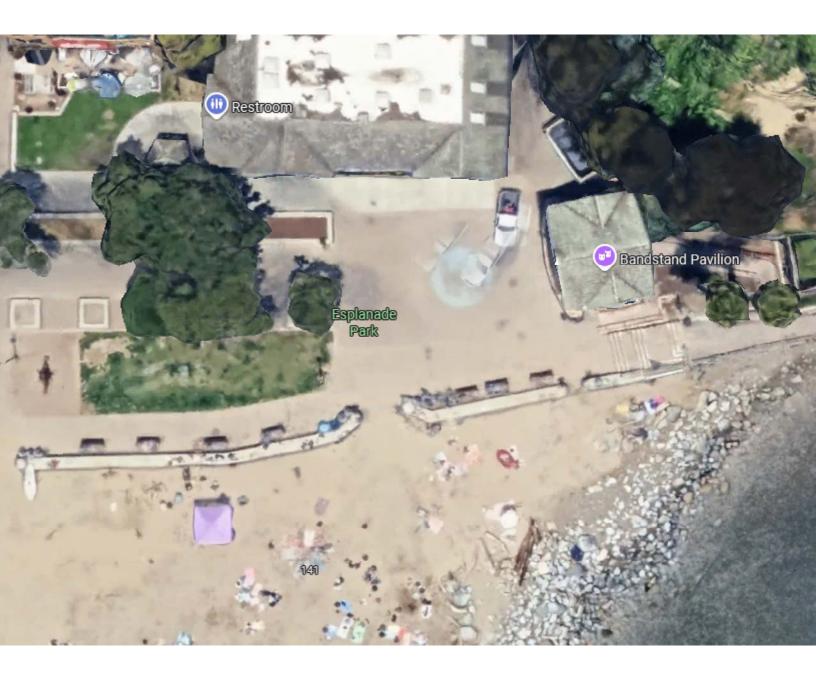








Bandstand



APPENDIX 3 – TECHNICAL SPECIFICATION SHEET

(To be completed upon engagement of engineering consultant)

This appendix will include the finalized technical requirements for the design, mounting, and structural integrity of the weathervane to be installed atop the Bandstand in Esplanade Park.

The specification sheet will address:

- Maximum weight and dimensions of the final artwork
- Wind and seismic design requirements
- Mounting method and fastener types
- Structural attachment details specific to the Bandstand roof
- Required materials and finishes for durability in coastal conditions
- Safety and code compliance requirements

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: City Manager Department

Subject: Establishment of Santa Cruz Mountains Wine Improvement District

ORPORATED Recommended Action: Adopt a resolution granting consent to the County of Santa Cruz to establish the Santa Cruz Mountains Wine Improvement District (SCMWID) and include the City of Capitola in the SCMWID.

Background: The County of Santa Cruz (County) is working with the Santa Cruz Mountains Winegrowers Association (SCMWA) to form the Santa Cruz Mountains Wine Improvement District (SCMWID) pursuant to the Property and Business Improvement District Law of 1994 ('94 Law). The County has requested the inclusion of the City of Capitola in the SCMWID by resolution (Attachment 2).

The SCMWID is a benefit assessment district proposed to create a revenue source to help fund marketing & brand awareness, and business improvement & special project efforts for wineries in the Santa Cruz Mountains. This approach has been used successfully in other wine regions throughout the country to drive increased sales revenue directly to payors. The SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the Santa Cruz Mountains American Viticulture Area (AVA), which geographically includes the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville, the towns of Los Gatos, Portola Valley, and Woodside, and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo.

Winery owners decided to pursue the formation of the SCMWID to create a revenue source devoted to marketing SCMWID as a premier wine destination and increasing demand for visitation at assessed wineries to increase winery sales revenue. If established, the SCMWID would generate approximately \$575,000 on an annual basis for the promotion of wineries in the SCMWID.

Wine Improvement Districts: Wine Improvement Districts (WIDs) utilize the efficiencies of private sector operation in the market-based promotion of business districts. These special assessment districts allow assessed business owners to unite, to increase sales and promotional efforts. Business owners within the WID fund the WID, and those funds are used to provide services that are desired by and benefit the assessed businesses within the WID. Benefits of WIDs include:

- Funds cannot be diverted for other government programs;
- They are customized to fit the needs of each destination;
- They allow a wide range of services, including destination marketing, business promotion activities, and sales lead generation;
- They are designed, created, and governed by those who will pay the assessment;
- They provide a stable funding source for business promotion.

In California, WIDs are primarily formed under the Property and Business Improvement District Law of 1994 ('94 Law). This law allows for the creation of special benefit assessment districts to raise funds within a specific geographic area. The key difference between WIDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the WID.

<u>Discussion</u>: The Santa Cruz Mountain Wine Improvement District would implement the agreed-upon Management District Plan (Attachment 3), which includes the proposed boundary of the SCMWID, a service plan and budget, and a proposed means of governance. The SCMWID will include all wineries, existing and in the future, located generally within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville, the towns of Los Gatos, Portola Valley, and Woodside, and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo. This geographic boundary reflects the Santa Cruz Mountains American Viticulture Area (AVA).

The annual assessment rate is one percent (1%) of gross direct-to-consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct-to-consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct-to-consumer sales revenue on winery sales.

Based on the benefit received, assessments will not be collected on wholesale, purchases made outside of the state of California, or purchases made pursuant to contracts executed prior to November 1, 2025. Revenue generated from the SCMWID is intended only to provide programs and services for assessed wineries, all of which are in California. Sales made outside of the state of California are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual wineries outside of the state of California. Assessment dollars may be spent outside of California to elevate the reputation of the Santa Cruz Mountains as a premier winery destination, with the desired outcome of increased in-person visitation to wineries paying the assessment.

The proposed SCMWID will have a five-year term, beginning November 1, 2025, or as soon as possible thereafter, and ending five years from its start date. The assessment will be implemented beginning November 1, 2025. Once per year, beginning on the anniversary of SCMWID formation, there is a 30-day period in which winery owners paying fifty percent (50%) or more of the assessment may protest and begin proceedings to terminate the SCMWID.

The County or a third-party collection agency shall be responsible for collecting the assessment quarterly from each assessed winery. The County or a third-party collection agency shall forward the assessments to the Santa Cruz Mountains Winegrowers Association (SCMWA), which will have the responsibility of managing SCMWID programs as provided in the Management District Plan. The County or a third-party collection agency shall be paid a fee equal to two percent (2%) of the amount of assessment collected to cover its costs of collection and administration.

<u>Establishment Process</u>: The process to form the SCMWID began when over 50% of winery owners, by assessment value, submitted petitions in support. On August 5, the Santa Cruz County Board of Supervisors approved a resolution requesting consent for consent from the affected cities, like Capitola, By August 9, 2025, all wineries will be formally notified, triggering a 45-day period for protests. A County Board of Supervisors meeting for comments is scheduled for September 9, 2025, followed by a final public hearing on September 23, 2025. If less than 50% of winery owners protest, the Santa Cruz Board of Supervisors may approve the formation of the SCMWID.

<u>Fiscal Impact</u>: Potentially none. If the SCMWID is successful in attracting more tourism and thus increases sales of Santa Cruz Mountain wine, sales tax may slightly increase within the special district, including the City of Capitola. Currently, there is one business in the City that would be affected by the formation of the SCMWID, and any future tasting rooms would also be required to become members of and pay into the WID.

Attachments:

- 1. Proposed Resolution (granting consent to create the District)
- 2. Santa Cruz County Resolution Requesting Consent from Jurisdictions
- 3. SCMWID Management Plan

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

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

Approved By: Jamie Goldstein, City Manager

Item 8 I.



RESOLUTION NO. 159-2025

RESOLUTION OF THE SANTA CRUZ COUNTY BOARD OF SUPERVISORS REQUESTING CONSENT OF THE CITIES OF SANTA CRUZ, SARATOGA, SCOTTS VALLEY, CAPITOLA, AND WATSONVILLE; THE TOWNS OF LOS GATOS, PORTOLA VALLEY AND WOODSIDE; AND THE COUNTIES OF SANTA CLARA AND SAN MATEO TO FORM THE SANTA CRUZ MOUNTAINS WINE IMPROVEMENT DISTRICT

WHEREAS, the Board of Supervisors of the County of Santa Cruz desires to begin proceedings to form the Santa Cruz Mountains Wine Improvement District (SCMWID); and

WHEREAS, winery owners have requested that the Board form the SCMWID; and

WHEREAS, a portion of the territory proposed to be included in the SCMWID lies within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville (cities); the towns of Los Gatos, Portola Valley, and Woodside (towns); and portions of the unincorporated areas of the counties of Santa Clara and San Mateo (counties), as shown on the map attached hereto as Exhibit A and incorporated herein by such attachment; and

WHEREAS, the area of the cities, towns, and counties which lies within the boundaries of the proposed SCMWID will, in the opinion of the Board, benefit from the improvements and activities, and the purpose sought to be accomplished by the work can best be accomplished by a single comprehensive scheme of work;

NOW, THEREFORE, BE IT RESOLVED BY THE SANTA CRUZ COUNTY BOARD OF SUPERVISORS THAT:

Section 1: The above recitals are true and correct.

Section 2: Consent of the cities, towns, and counties through their respective City Councils, Town Councils and Boards of Supervisors, is hereby requested to form the SCMWID, and to grant to the Santa Cruz County Board of Supervisors jurisdiction for all the purposes in connection with creation, operation, and future renewals of the proposed SCMWID.

Section 3: The Clerk of the Board is hereby directed to transmit a certified copy of this Resolution to the City Clerk of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville; to the Town Clerk of the towns of Los Gatos, Portola Valley, and Woodside; and to the County Clerk of the counties of Santa Clara and San Mateo.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 5th day of August, 2025, by the following vote:

Resolution 159-2025

AYES: Supervisors Koenig, De Serpa, Cummings, Martinez and Hernandez

NOES: None ABSENT: None ABSTAIN: None

DocuSigned by:

8/6/2025

Felipe Hernandez Chair of the Board

309EB769DA614E4

ATTEST:

—Docusigned by:

Mitte Rezzato

8/6/2025

Juliette Rezzato Clerk of the Board

APPROVED AS TO FORM:

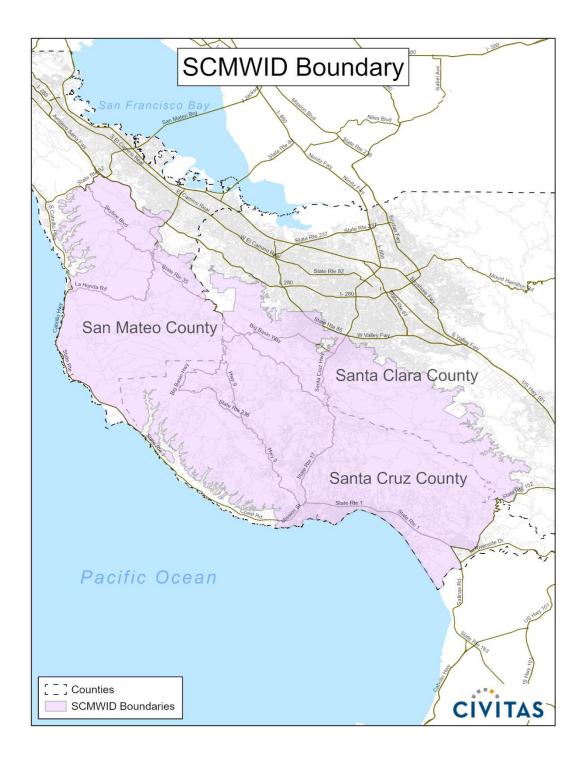
Signed by:

Jason M. Heath —2336E053FF38435...

Jason M. Heath

Office of the County Counsel

Exhibit A: SCMWID Boundary Map





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To contact us by email send messages to: nada.algharib@santacruzcounty.us

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Juliette Rezzato

Juliette.Rezzato@santacruzcountyca.gov Chief Deputy Clerk of the Board of Supervisors

County of Santa Cruz

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Peter Detlefs

Peter.Detlefs@santacruzcountyca.gov

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Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from County of Santa Cruz

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with County of Santa Cruz

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify County of Santa Cruz as described above, you consent to
 receive exclusively through electronic means all notices, disclosures, authorizations,
 acknowledgements, and other documents that are required to be provided or made
 available to you by County of Santa Cruz during the course of your relationship with
 County of Santa Cruz.

DEGUI	UTION NO.	
NESOL		

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA, STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF SANTA CRUZ TO FORM THE SANTA CRUZ MOUNTAINS WINE IMPROVEMENT DISTRICT

WHEREAS, the County of Santa Cruz (County) is beginning the process to form the Santa Cruz Mountains Wine Improvement District (SCMWID) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., for the benefit of driving increased business sales directly to assessed wineries; and

WHEREAS, the proposed SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville; the towns of Los Gatos, Portola Valley, and Woodside; and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara and San Mateo; and

WHEREAS, the County Board of Supervisors has requested consent to form the SCMWID in the City of Capitola with adoption of County Resolution No. ______, dated August 5, 2025;

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

Section 1: The above recitals are true and correct.

<u>Section 2:</u> The County is hereby granted consent to include the City of Capitola in the SCMWID, for the formation of the SCMWID and future renewals.

<u>Section 3:</u> The Clerk of the City of Capitola is hereby directed to transmit a certified copy of this Resolution to the Clerk of the County.

Section 4: This Resolution is effective upon its adoption.

I HERBY CERTIFY that the forgoeing Resolution was passed and adopted by the City Council of the City of Capitola on the 28th day of August, 2025, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:			
		Joe Clarke, Mayor	
ATTEST:	Julia Gautho, City Clerk		



SANTA CRUZ MOUNTAINS WINE IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN

Prepared pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq.

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I. OVERVIEW

Developed by wineries in the Santa Cruz Mountains and by the Santa Cruz Mountains Winegrowers Association (SCMWA), the Santa Cruz Mountains Wine Improvement District (SCMWID) is an assessment district proposed to provide specific benefits to payors, by funding marketing & brand awareness and business improvement & special projects efforts for assessed wineries. This approach has been used successfully in other wine regions throughout the country to provide the benefit of driving increased sales revenue directly to payors.

Location:

The SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville, the towns of Los Gatos, Portola Valley, and Woodside, and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo. A detailed boundary description and a boundary map are included in Section III of this Management District Plan (Plan).

Services:

The SCMWID is designed to provide specific benefits directly to payors by increasing winery sales and revenue therefrom. Marketing, brand awareness, business improvement, and special projects efforts will promote assessed wineries in the SCMWID to increase winery sales revenue.

Budget:

The total SCMWID annual assessment budget for the initial year of its five (5) year operation is anticipated to be approximately \$575,000. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as sales do, as wineries open and close, and if the assessment rate is increased or decreased pursuant to this Management District Plan (Plan).

Cost:

The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.

Based on the benefit received, assessments will not be collected on wholesale, purchases made outside of the state of California, or purchases made pursuant to contracts executed prior to November 1, 2025. Revenue generated from the SCMWID is intended only to provide programs and services for assessed wineries, all of which are located in California. Sales made outside of the state of California are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual wineries outside of the state of California. Assessment dollars may be spent outside of California to elevate the notoriety of the Santa Cruz Mountains as a premier winery destination with the desired outcome of increased in-person visitation wineries paying the assessment. to



Collection:

The County of Santa Cruz (County) or a third-party collection agency shall be responsible for collecting the assessment on a quarterly basis (including any delinquencies, overdue charges and interest) from each assessed winery located in the boundaries of the SCMWID. The County or a third-party collection agency shall take all reasonable efforts to collect the assessments from each assessed winery.

Duration:

The SCMWID will have a five (5) year life, beginning on November 1, 2025, or as soon as possible thereafter, and ending five (5) years from its start date. After five (5) years, the SCMWID may be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq. (94 Law) if winery owners support continuing the SCMWID programs.

Management:

The SCMWA shall serve as the Owners' Association to provide improvements and activities for the SCMWID. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the County.



II. BACKGROUND

Wine Improvement Districts (WIDs) are an evolution of the traditional Business Improvement District (BID). BIDs utilize the efficiencies of private sector operation in the market-based promotion of business districts. BIDs allow business owners to organize their efforts to increase sales and promotional efforts. Business owners within the district fund a BID, and those funds are used to provide services that the businesses desire and benefit the businesses within the district.

Business Improvement District services may include, but are not limited to:

- Marketing of the District
- Business Promotion Activities
- ➤ Infrastructure Improvements

In California, BIDs are formed pursuant to the 94 Law. This law allows for the creation of special benefit assessment districts to raise funds within a specific geographic area. The key difference between BIDs and other special benefit assessment districts is that <u>funds raised are managed by the private non-profit corporation</u> governing the district.

There are many benefits to Business Improvement Districts:

- Funds cannot be diverted for other government programs;
- > Services are customized to fit the needs of each district:
- They allow for a wide range of services, including those listed above;
- Business Improvement Districts are designed, created and governed by those who will pay the assessment; and
- They provide a stable funding source for business promotion.

The 94 Law is provided in Appendix 1 of this document.



III. BOUNDARY

The SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the cities Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville, the towns of Los Gatos, Portola Valley, and Woodside, and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo. Specifically, the boundaries of the SCMWID are as follows:

Starting at the intersection of State Route 84 and State Route 1, the boundaries proceed south along the State Route 1 until intersecting the AVA boundaries at 122°16'44" W, 37°6'16" N. It follows the boundaries of the AVA boundaries until intersecting the City of Santa Cruz where it goes south along the city boundary line until intersecting with the county line of Santa Cruz County.

It proceeds along the county line until intersecting with State Route 1 where it heads north until intersecting State Route 152. It follows along State Route 152 until 121°41'38" W, 36°59'29" N where it starts to follow the AVA boundary line heading north. When it intersects with the city limits of San Jose it goes south and west around the city limits, until continuing northwest along the AVA lines.

When it intersects with Cinnabar Hills Road at 121°49'7" W, 37°10'28" N. It follows Cinnabar Hills Road and joins Bertram Road where it continues north mering with Almaden Road and continuing to head north. Upon intersecting with the city limits of San Jose and proceeding northwest until intersecting with W Valley Freeway and heading northwest along the W Valley Freeway until intersecting with the boundary line for the city of Campbell and heading south-west until rejoining the boundary for San Jose and heading west. It jumps and continues west when intersecting with the City of Cupertino. At 122°4'21" W, 37°18'2" N the boundary line joins the AVA and follows the AVA northwest. It avoids all areas that are in the city of Cupertino and heads northwest.

At 122°5'17" W, 37°19'41" N it begins to follow the boundaries of the city of Cupertino again, heading north until merging with Interstate 280 and heading north west along the line. Upon intersecting the city of Palo Alto it follows the city boundary line south and around until the coordinates of 122°12'6" W, 37°21'30" N, where the boundaries follow the AVA boundaries heading north until intersecting Alpine Road, where it proceeds north east. When intersecting with Golden Oak Drive it heads west until turning into Peak Lane and heading south at the intersection of Peak Lane and Cervantes Road and heading east on Cervantes Road.

At the intersection with Westridge Drive it heads south until intersecting with Portola Road. It travels along Portola Road north west until turning southwest at the intersection of Wayside Road. Once Wayside Road intersects with the AVA boundaries it turns and following the AVA boundaries north. Once it intersects with Woodside Road and Interstate 280 the boundaries head north along Woodside Road until intersecting with Fernside Street where it heads north west along the city boundary line for Redwood City. At 122°16'46" W, 37°27'37" N, it stops following Redwood City's boundary line and proceeds southwest along the boundary line for the city of Woodside. Once it intersects with Interstate 280 it proceeds north west along the interstate until intersecting with State Route 92 where it heads west along the highway until reuniting with the AVA boundaries and proceeding southwest along the AVA boundary line to the starting point.

The term "winery" as used herein means: A business, primarily used for the retail marketing and sales of wine and related goods, open to all settings at which wine and related goods can be sold, including but not limited to: publicly available settings, by appointment only reservations, or private and exclusive tastings. The term wine tasting facility includes, but is not limited to, vineyard locations with



onsite tastings and hospitality and retail rooms on site at producing wineries, which must be agricultural facilities used for the processing (fermentation when combined with any two of the following: crushing, pressing, aging, blending or bottling) of wine grapes into wine or the refermenting of still wine into sparkling wine, as well as stand-alone tasting rooms in commercial areas. All wine tasting facilities must possess a Type 02 Department of Alcohol Beverage Control license or a Type 17 (Beer and Wine Wholesaler) and Type 20 (Off-Sale Beer and Wine) License combination.

A complete listing of assessed wineries within the SCMWID can be found in Appendix 2. A map of the SCMWID boundaries is shown below.



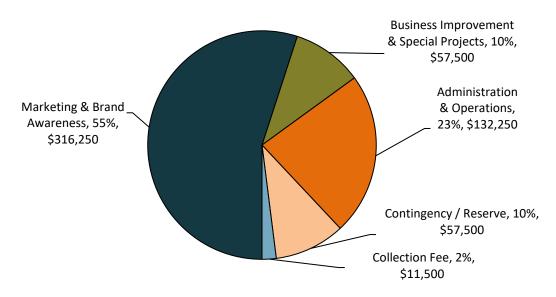
IV. ASSESSMENT BUDGET AND SERVICES

A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the County of conferring the benefits or granting the privileges. The privileges and services provided with the SCMWID funds are marketing & brand awareness and business improvement & special projects efforts available only to assessed wineries.

A service plan assessment budget has been developed to deliver services that benefit the assessed wineries. A detailed annual assessment budget will be developed and approved by the SCMWA. The chart below illustrates the initial annual assessment budget allocations. The total initial assessment budget is estimated to be \$575,000.

Initial Annual Assessment Budget - \$575,000



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the assessment budget shall remain the same. However, the County and the SCMWA Board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the SCMWID, any and all assessment funds may be used for the costs of defending the SCMWID. In the first year of operation, the costs of creating the SCMWID may be repaid by deducting repayment funds proportionally from budget categories. Repayment costs shall not exceed \$75,000.

Each budget category includes all costs related to providing that service. For example, the marketing & brand awareness budget includes the cost of staff time dedicated to overseeing and implementing the marketing & brand awareness program. Staff time dedicated purely to administrative tasks is allocated to the administration & operations portion of the budget. The costs of an individual staff



member may be allocated to multiple budget categories. The staffing levels necessary to provide the services below will be determined by the SCMWA on an as-needed basis.

Marketing & Brand Awareness

A marketing & brand awareness program will promote the SCMWID as a premium winegrowing region and as a leader in the global wine community. The marketing & brand awareness program will have a central theme of promoting the SCMWID as a desirable place to experience Santa Cruz Mountains wineries, and as a desirable area to purchase wines and other estate produced products. The program has the goal of increasing demand for visitation to the winegrowing region, retail sales, affinity for SCMWID grapes and wines, and recognition at and for assessed wineries, and may include but is not limited to the following activities:

- Advertising across any and all media channels to promote assessed wineries on a local, regional or national level, including but not limited to: digital, print, television, radio and strategic brand partnerships;
- Media Relations Promoting assessed wineries through development of media relations strategies, including but not limited to: media familiarization tours, proactive media pitching and influencer relations;
- Digital Marketing Utilizing paid, earned and owned social media to increase awareness of and engagement with assessed wineries;
- Events Developing and executing special events that attract potential customers to assessed wineries, enhancing community engagement and visibility;
- Trade & Industry Engagement Ensuring representatives are provided the opportunity to attend trade shows, meetings, industry conferences, road shows, and events to promote assessed wineries; Create programs that engage key trade and industry influencers with the Santa Cruz Mountains;
- Print Collateral Preparing and producing collateral, promotional materials such as brochures, flyers and maps for assessed wineries;
- Brand Enhancement Brand development initiatives to increase awareness and demand for assessed wineries;
- Consumer Analytics Identify and leverage consumer demographic, geographic and psychographic data to target messaging that markets Santa Cruz Mountains as a premier, unique wine destination to attract customers to assessed wineries; and
- Wine Club Signups Promote wine club membership for assessed wineries to build customer loyalty and enhance the SCMWID brand.

Business Improvement & Special Projects

The business improvement & special projects program will seek to attract and retain wineries within the SCMWID, and fund special projects designed to promote and benefit the assessed wineries. This program aims to cultivate a thriving wine community by fostering collaboration among producers and enhancing the region's appeal as a premier destination. Through targeted initiatives, the program will empower wineries to innovate and grow their businesses sustainably. The business improvement & special projects programs may include, but is not limited to:

- Customer Engagement Projects Develop and execute special projects that drive customer engagement with assessed wineries to increase sales;
- Signage Program Coordinate local signage for the Santa Cruz Mountains wine region;
- Training Programs Provide training and resources for assessed wineries focused on sales, hospitality, marketing, media relations, and operational best practices to enhance staff effectiveness;



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- Educational Programs Create educational programs for assessed wineries with the goal of increasing visitation, sales, and brand value;
- Market Research and Evaluation Conduct comprehensive market research, fund awareness
 and best practice studies, and maintain a robust district database to evaluate the SCMWID's
 visibility and operational success among target market segments;
- Guest Communication Support Assist assessed wineries with the development of guest communications and point-of-sale materials to enhance customer interactions;
- Advocacy Advocate for business-friendly policies that facilitate capital investment and growth opportunities throughout the SCMWID; and
- Liaison Support Designate personnel who will serve as a liaison between winery owners and government agencies to facilitate growth and business development on assessed wineries.

Administration & Operations

The administration & operations portion of the budget shall be utilized for administrative staffing costs, office costs, advocacy, and other general administrative costs such as insurance, legal, and accounting fees.

Contingency / Reserve

The budget includes a contingency line item to account for lower than anticipated assessments. If there are contingency funds collected, they may be held in a reserve fund or utilized for other programs, administration or renewal costs at the discretion of the Owners' Association. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Owners' Association. Contingency/reserve funds may be spent on SCMWID programs or administrative and renewal costs in such proportions as determined by the Owners' Association.

Collection Fee

The County or a third-party collection agency shall be paid a fee up to two percent (2%) of the amount of assessment collected to cover its costs of collection and administration.

B. Annual Budget

The total five (5) year assessment budget is projected at approximately \$575,000 annually, or approximately \$4,887,500 through 2030 if maximum assessment rate increases are adopted. This amount may fluctuate as winery sales do, as wineries open and close, and if the assessment rate is increased or decreased pursuant to this Plan.

The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.

The table below demonstrates the estimated maximum budget with the assumption that assessment rate will be increased at the earliest opportunity, as it is a required disclosure, it is not the anticipated course of action. Alternate courses of action may be taken in regard to implementing the assessment rate increase other than what is demonstrated in the chart below, within the parameters of this Plan.



Estimated Annual	Budget if Maximum	Assessment Rates are Adopted

	Marketing &	Business	Administration	Contingency/	Collection	Total
Year	Brand	Improvement	& Operations	Reserve	Fee	
1 ear	Awareness	& Special				
		Projects				
2025-2026	\$316,250	\$57,500	\$132,250	\$57,500	\$11,500	\$575,000
2026-2027	\$474,375	\$86,250	\$198,375	\$86,250	\$17,250	\$862,500
2027-2028	\$632,500	\$115,000	\$264,500	\$115,000	\$23,000	\$1,150,000
2028-2029	\$632,500	\$115,000	\$264,500	\$115,000	\$23,000	\$1,150,000
2029-2030	\$632,500	\$115,000	\$264,500	\$115,000	\$23,000	\$1,150,000
Total	\$2,688,125	\$488,750	\$1,124,125	\$488,750	\$97,750	\$4,887,500

C. California Constitutional Compliance

The SCMWID assessment is not a property-based assessment subject to the requirements of Proposition 218. Courts have found Proposition 218 limited the term 'assessments' to levies on real property. Rather, the SCMWID assessment is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the SCMWID, a "specific benefit" and a "specific government service." Both require that the costs of benefits or services do not exceed the reasonable costs to the County of conferring the benefits or providing the services.

1. Specific Benefit

Proposition 26 requires that assessment funds be expended on, "a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege." The services in this Plan are designed to provide targeted benefits directly to assessed wineries, and are intended only to provide benefits and services directly to those wineries paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific wineries within the SCMWID. The activities described in this Plan are specifically targeted to increase sales for assessed wineries within the boundaries of the SCMWID, and are narrowly tailored. SCMWID funds will be used exclusively to provide the specific benefit of increased winery sales revenue directly to the assessees. Assessment funds shall not be used to feature non-assessed wineries in SCMWID programs, or to directly generate sales for non-assessed wineries. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed wineries.

The assessment imposed by this SCMWID is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in winery sales revenue. The specific benefit of an increase in sales revenue for assessed wineries will be provided only to wineries paying the district assessment, with marketing, brand awareness, business improvement, and special projects efforts promoting wineries paying the SCMWID assessment. The marketing & brand awareness and business improvement & special projects efforts programs will be designed to increase sales revenue at each assessed winery. Because

May 20, 2025



¹ Howard Jarvis Taxpayers Association v. City of San Diego (1999) 72 Cal App. 4th 230

² Cal. Const. art XIII C § 1(e)(1)

they are necessary to provide the marketing & brand awareness and business improvement & special projects efforts that specifically benefit the assessed wineries, the administration and contingency services also provide the specific benefit of increased sales revenue to the wineries.

Although the SCMWID, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, "A specific benefit is not excluded from classification as a 'specific benefit' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor."

2. Specific Government Service

The assessment may also be utilized to provide, "a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product." The legislature has recognized that marketing and promotions services like those to be provided by the SCMWID are government services within the meaning of Proposition 26⁵. Further, the legislature has determined that "a specific government service is not excluded from classification as a 'specific government service' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor."

3. Reasonable Cost

SCMWID services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by the SCMWA and reports submitted on an annual basis to the County. Only assessed wineries will be featured in marketing materials, receive sales leads generated from SCMWID-funded activities, be featured in advertising campaigns, and benefit from other SCMWID-funded services. The assessed winery list (Appendix 2) was compiled from records provided by each jurisdiction and complies with the requirements of the 94 Law. Pursuant to Streets and Highways Code Section 36615, the County Board of Supervisors' (Board of Supervisors) determination of ownership is final and conclusive, with no obligation to obtain other information. Non-assessed wineries will not receive these, nor any other, SCMWID-funded services and benefits.

The SCMWID -funded programs are targeted directly to benefit assessed wineries. SCMWID funds shall only be spent to benefit the assessed wineries, and shall not be spent on that portion of any program which directly generates incidental sales for non-assessed wineries.

D. Assessment

The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.



³ Government Code § 53758(a)

⁴ Cal. Const. art XIII C § 1(e)(2)

⁵ Government Code § 53758(b)

⁶ Government Code § 53758(b)

Based on the benefit received, assessments will not be collected on wholesale, purchases made outside of the state of California or purchases made pursuant to contracts executed prior to November 1, 2025. Revenue generated from the SCMWID is intended only to provide programs and services for assessed wineries, all of which are located in California. Sales made outside of the state of California are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual wineries outside of the state of California. Assessment dollars may be spent outside of California to elevate the notoriety of the Santa Cruz Mountains as a premier winery destination with the desired outcome of increased in-person visitation to wineries paying assessment.

The assessment was calculated based on the total cost of the activities to be provided for the benefit of the wineries within the SCMWID with costs allocated based on the proportional benefit conferred to each winery. Activities funded by the SCMWID are specifically targeted to increase winery sales revenue at assessed wineries. All winery sales do not represent the same benefit to the payors. For example, a higher priced winery sale is of greater benefit than a lower priced winery sale because the assessee derives greater revenue. To account for this benefit differential and to make sure the benefits are proportional, an assessment formula based on a percentage of revenue has been selected. The proposed formula accurately reflects greater benefit to assessed wineries with higher priced winery sales.

The term "gross direct to consumer sales revenue" as used herein means: all direct-to-consumer (DTC) sales of wine, wine club shipments (whether shipped or picked up), tasting room sales, merchandise, food, revenue from orders placed via telemarketing, telephone, online, email, whether carried out at the time of purchase, shipped or picked up at a later date (pre-sales). "Gross direct to consumer sales revenue" shall not include any sales made outside of the state of California.

The assessment is levied upon and a direct obligation of the assessed winery. However, the assessed winery may, at its discretion, pass the assessment on to customers. The amount of assessment, if passed on to each customer, shall be disclosed in advance and separately stated from the amount charged and any other applicable taxes, and each customer shall receive a receipt for payment from the business. If the SCMWID assessment is identified separately it shall be disclosed as the "SCMWID Assessment." The assessment is imposed solely upon, and is the sole obligation of the assessed winery even if it is passed on to customers. The California Department of Tax and Fee Administration (CDTFA) issued a written opinion that state sales tax applies to the revenue generated from business improvement district (BID) assessments on items where state sales tax is levied. In light of CDTFA's opinion, businesses that pay both state sales tax and SCMWID assessments on sales are advised to collect sales tax on the assessment revenue.

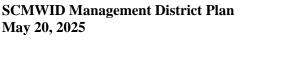
Bonds shall not be issued.

E. Overdue Charges and Interest

The SCMWID shall reimburse the County or third-party collection agency for any costs associated with collecting unpaid assessments.

- 1. Original Delinquency Any winery that fails to remit any assessment imposed by this Plan within the time required shall pay an overdue charge of ten percent (10%) of the amount of the assessment in addition to the assessment.
- 2. Continued Delinquency

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Any winery that fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency overdue charge of ten percent (10%) of the assessment in addition to the assessment and the ten percent (10%) overdue charge first imposed.

3. Fraud

If the County or third-party collection agency determines that the nonpayment of any remittance due under this article is due to fraud, an overdue charge of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the overdue charges stated in subsections one (1) and two (2) of this section.

4. Interest

In addition to the overdue charges imposed, any winery who fails to remit any assessment imposed by this section shall pay interest at the rate of one-quarter of one percent (0.25%) per month or fraction thereof on the amount of the assessment, exclusive of overdue charges, from the date on which the remittance first became delinquent until paid.

F. Time and Manner for Collecting Assessments

The SCMWID assessment will be implemented beginning November 1, 2025 or as soon as possible thereafter, and ending five (5) years from its start date. The County or a third-party collection agency will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, overdue charges and interest) from each winery located in each jurisdiction within the SCMWID. The County or a third-party collection agency shall take all reasonable efforts to collect the assessments from each winery. The County or a third-party collection agency shall forward the assessments collected to the Owners' Association.



V. GOVERNANCE

A. Owners' Association

The Board of Supervisors, through adoption of this Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the SCMWID as defined in Streets and Highways Code §36612. The Board of Supervisors has determined that SCMWA shall serve as the Owners' Association for the SCMWID.

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the SCMWA Board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

C. Annual Report

The SCMWA shall present an annual report at the end of each year of operation to the Board of Supervisors pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business
 owner to estimate the amount of the assessment to be levied against his or her business for
 that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.



APPENDIX 1 – LAW

CURRENT THROUGH ALL LEGISLATION OF THE 2024 REGULAR AND SPECIAL SESSIONS

STREETS AND HIGHWAYS CODE DIVISION 18. PARKING PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

CHAPTER 1. General Provisions

ARTICLE 1. Declarations

36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
 - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
 - (2) Job creation.
 - (3) Business attraction.
 - (4) Business retention.
 - (5) Economic growth.
 - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.
- (h) The act amending this section is intended to provide the Legislature's guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.
 - (1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property. (2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general

benefits, the incidental or collateral effects of those special benefits are inherently part of those



special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions

36606. "Activities"

"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

36606.5. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.



36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. "Clerk"

"Clerk" means the clerk of the legislative body.

36609.5. "General benefit"

"General benefit" means, for purposes of a property-based district, any benefit that is not a "special benefit" as defined in Section 36615.5.

36610. "Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (1) Rehabilitation or removal of existing structures.

36611. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

36612. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), for all records relating to activities of the district.

36614. "Property"

"Property" means real property situated within a district.



36614.5. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

36614.6. "Property-based assessment"

"Property-based assessment" means any assessment made pursuant to this part upon real property.

36614.7. "Property-based district"

"Property-based district" means any district in which a city levies a property-based assessment.

36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. "Special benefit"

- (a) "Special benefit" means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.
- (b) "Special benefit" also includes, for purposes of a property-based district, a particular and distinct benefit provided directly to each assessed parcel within the district. Merely because parcels throughout an assessment district share the same special benefits does not make the benefits general.

36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3. Prior Law

36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council



A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

- (a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
- (b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
 - (1) A map showing the boundaries of the district.
 - (2) Information specifying where the complete management district plan can be obtained.
 - (3) Information specifying that the complete management district plan shall be furnished upon request.
- (c) The resolution of intention described in subdivision (a) shall contain all of the following:
 - (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.

 (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:

- (a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
- (b) The name of the proposed district.
- (c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part. (d) The improvements, maintenance, and activities proposed for each year of operation of the district and the estimated cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities



and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

- (e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.
- (f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against their property or business. The plan also shall state whether bonds will be issued to finance improvements.
- (g) The time and manner of collecting the assessments.
- (h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.
- (i) The proposed time for implementation and completion of the management district plan.
- (j) Any proposed rules and regulations to be applicable to the district.

(k)

- (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.
- (2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.
- (3) In a property-based district, properties throughout the district may share the same special benefits. In a district with boundaries that define which parcels are to receive improvements, maintenance, or activities over and above those services provided by the city, the improvements, maintenance, or activities themselves may constitute a special benefit. The city may impose assessments that are less than the proportional special benefit conferred, but shall not impose assessments that exceed the reasonable costs of the proportional special benefit conferred. Because one or more parcels pay less than the special benefit conferred does not necessarily mean that other parcels are assessed more than the reasonable cost of their special benefit.
- (l) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.
- (m) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

- (a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.
- (b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be



mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

- (a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:
 - (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.
 - (2) The number, date of adoption, and title of the resolution of intention.
 - (3) The time and place where the public hearing was held concerning the establishment of the district.
 - (4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.
 - (5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.
 - (6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the



district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.

- (7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.
- (8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.
- (b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3. Assessments

36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.



36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

- (a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.
- (b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.
- (c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in an action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36625. An appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention

- (a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:
 - (1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
 - (2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.
- (b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

36638. Assessment as government imposed fee on Civ C § 1770 transaction [Operative July 1, 2024]



- (a) A business assessment pursuant to this part is a fee imposed by a government on the transaction for purposes of paragraph (29) of subdivision (a) of Section 1770 of the Civil Code.
- (b) This section shall become operative on July 1, 2024.

CHAPTER 3.5. Financing

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

- (a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.
- (b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.
- (c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance

36650. Report by owners' association; Approval or modification by city council

- (a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.
- (b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:
 - (1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
 - (2) The improvements, maintenance, and activities to be provided for that fiscal year.
 - (3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
 - (4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
 - (5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
 - (6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.
- (c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of



assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

- (a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.
- (b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
- (c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment

36670. Circumstances permitting disestablishment of district; Procedure

- (a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:
 - (1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
 - (2) During the operation of the district, there shall be a 30-day period each year in which assessees may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.
- (b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district



(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.



APPENDIX 2 – ASSESSED WINERIES*

Owner Name	Business Name	Address	City, State, Zip
	Doon To Earth	10 Parade St., Suite B	Aptos CA 95003
	Armitage Wines	105 C Post Office Dr	Aptos CA 95003
	Salamandre Wine Cellars L-Pship	108 Don Carlos Dr	Aptos CA 95003
	Saison Winery (Formerly Partage)	11025 Alba Rd	Ben Lomond CA 95005
	Sandar And Hem Wines	111 Corte Madera Rd	Portola Valley CA 94028
	Kissed By An Angel Wines	1210 Mount Hermon Road	Scotts Valley CA 95066
	Left Bend Winery	12536 Spring Blossom Ct.	Saratoga CA 95070
	Maison Areion	140 Sunrise Drive	Woodside CA 94062
	Roudon-Smith Winery	14572 Big Basin Way, Suite A	Saratoga CA 95070
	Regan Vineyards & Winery	1610 Green Valley Rd	Corralitos CA 95076
	La Vida Bella Vineyard	1624 Chardonnay Ridge Rd	Aptos CA 95003
	Ridge Vineyards	17100 Montebello Rd	Cupertino CA 95014
	Kings Mountain Vineyards	187 Kings Mountain Road	Woodside CA 94062
	Lexington Wine Co./Thomas Fogarty Winery & Vineyards	19501 Skyline Blvd	Woodside CA 94062
	Mccarthy Family Estate Vineyards	20108 Foster Road	Los Gatos CA 95033
	Birichino	204 Church Street	Santa Cruz CA 95060
	Gali Vineyards	21 W. Main St.	Los Gatos CA 95030
	Sante Arcangeli Family Wines	216-A Stage Road	Pescadero CA 94060
	Domaine Eden	23000 Congress Springs Rd	Saratoga CA 95070
	Silver Mountain Vineyards	269 Silver Mountain Dr	Los Gatos CA 95033
	Santa Cruz Mountain Vineyard	334 Ingalls St Suite A	Santa Cruz CA 95060



Owner Name	Business Name	Address	City, State, Zip	
	Equinox	334 Ingalls St, Unit C	Santa Cruz CA 95060	
	Aptos Vineyard	400 Belle Monti Avenue	Aptos CA 95003	
	Alfaro Family Vineyards & Winery	420 Hames Road	Corralitos CA 95076	
	Wargin Wines	5015 Soquel Dr	Soquel CA 95073	
	Clos De La Tech	535 Eastview Way	Woodside CA 94062	
	Windy Oaks Estate Vineyards & Winery	550 Hazel Dell Rd	Corralitos CA 95076	
	Neely Wine	555 Portola Road	Portola Valley CA 94028	
	Ferrari Ranch Wines	65 Magnifico Vita Lane	Corralitos CA 95076	
	Charmant Vineyards	800 Larsen Road	Aptos CA 95003	
3P Winery L.L.C.	3P Winery	3490 Soquel San Jose Rd	Soquel CA 95073	
Alamitos Winery		23505 Alamitos Rd	San Jose CA 95120	
Amy Dilly Preaseau and Jacques Noel Preaseau	Valley Vista Vineyards	110 Valley View Rd	Watsonville CA 95076	
Anatum Winery	Broaddus, Christopher James	371 Falcon View Terr	Watsonville CA 95076	
Aptos Creek Vineyard	Aptos Creek Vineyard	520 Nisene Meadows Ct	Aptos CA 95003	
Aptos Vineyard	Aptos Vineyard, LLC	105 Post Office Dr Ste C	Aptos CA 95003-3953	
Aptos Vineyard, LLC	Aptos Vineyard	369 Silver Mountain Dr	Los Gatos CA 95033	
Armitage Wines Corp.	Armitage Wines Corp	705 Canham Rd	Scotts Valley CA 95066	
Arpent, LLC	Birichino	825 Walnut Ave	Santa Cruz CA 95060	
Bargetto's Santa Cruz Winery, Inc.	Bargetto	3535 N Main St	Soquel CA 95073	
Beauregard Vineyards LLC/Partage Wine Co. LLC	Beauregard Vineyards/Partage Wine Co. LLC	10 Pine Flat Rd	Santa Cruz CA 95060	
Beauregard, Andre Jacques	West Cliff Wines	704 Soquel Ave Ste B	Santa Cruz CA 95062-2333	
Bhoomanchi Vineyards LLC	Bhoomanchi Vineyards	369 Silver Mountain Dr	Los Gatos CA 95033	



Owner Name	Business Name	Address	City, State, Zip
Big Basin Vineyards	Big Basin Vineyards LLC	525 Pacific Ave	Santa Cruz CA 95060-7175
Big Basin Vineyards LLC	Big Basin Vineyards	830 Memory Ln	Boulder Creek CA 95006
Bottle Jack Wines	Ritchey Iv, John Lloyd	328 Ingalls St D	Santa Cruz CA 95060-5882
Brooks, Thomas Edwin	Tom Brooks Winery	90 Country Estates Dr	Santa Cruz CA 95060-9776
Brosseau Wines LLC	First Growth Wine Company	22090 Mt Eden Road	Saratoga CA 95070
Bruce Cantz	Four Gates Winery	503 Happy Valley Rd	Santa Cruz CA 95065
Charmant		800 Larsen Road	Aptos CA 95003
Christopher Broaddus	Anatum	375 Falcon View Ter	Watsonville CA 95076
Clos De La Tech LLC	Clos De La Tech	1000 Fern Hollow Rd	La Honda CA 94020
Clos Tita Winery	Estrada, David S	4 Kendall Ln	Santa Cruz CA 95066
Coastal Range Vineyards	Coastal Range Vineyards, Inc.	420 Lost Pear Way A 24X36 Structure	Santa Cruz CA 95065-9725
Coastal Range Vineyards, Inc.	Inversion Wines	75 Mt Hermon Rd	Scotts Valley, CA 95066
Corralitos Ridge Vineyards Corporation/Private Vine Wines, LLC	Corralitios Ridge Winery	815 Almar Ave Unit H	Santa Cruz CA 95060
Craig, Anthony	Sonnet Wine Cellars	369 Silver Mountain Dr	Los Gatos CA 95033
David Bruce Winery, Inc.	David Bruce Winery	21439 Bear Creek Rd	Los Gatos CA 95033
David Lee Moulton	Burrell Schoolvineyards	24060 Summit Rd	Los Gatos CA 95033
Dee Vine Wines	Dee Vine Wines	34 Big Tree Wy	Woodside CA 94062-3775
Devincenzi Cellars LLC/A & A Los Gatos Winery LLC		24572 Hutchinson Rd	Los Gatos CA 95033
Donald E. Naumann	Naumann Vineyards	16505 Montebello Rd	Cupertino CA 95014
Dorsa Management Company, LLC	La Rusticana D'Orsa	15680 Kennedy Rd	Los Gatos CA 95032
Equinox	Jackson, Barry Cook	427 Swift St # C	Santa Cruz CA 95062
Everett Family Farm LLC	Everett Family Farm, LLC	2119 Old San Jose Rd	Soquel CA 95073



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Owner Name	Business Name	Address	City, State, Zip
Farm Day Family Winery, LLC	Farm Day Family Winery, LLC	18157 Wagner Rd	Los Gatos CA 95032-6619
Fernwood Cellars, Inc.	Fernwood Cellars, Inc.	7137 Redwood Retreat Rd	Gilroy CA 95020
Florez Wines	J. G. Jelks Wines L.L.C.	2487 Freedom Blvd Unit 3	Watsonville CA 95076- 1049
Full Circle Wines LLC	Full Circle Wines	7090 Mcadams Ln	Felton CA 95018-9454
Gali Vineyards, Inc.	Gali Vineyards	362 Old Smith Rd	Watsonville CA 95076
Garage Winemaker LLC	Baccarossa	19620 Redberry Dr	Los Gatos CA 95303
Garrod Trust	Cooper-Garrod Vineyards	22645 Garrod Rd	Saratoga CA 95070
Ghost Oaks Winery Inc.	El Vaquero Winery	18 Hangar Way Unit C	Watsonville CA 95076
Ghost Oaks Winery, Inc.	El Vaquero Winery	2901 Freedom Blvd	Corralitos CA 95076
Gliessman, Stephen Richard	Condors Hope Ranch	144 De La Costa Ave	Santa Cruz CA 95060
Green Earth Zayante	Green Earth Liangs Inc	420 Old Mount Rd	Felton CA 95018
Griffin Hill Vineyards, LLC		18035 Skyline Blvd	Los Gatos CA 95033
Hallcrest Vineyards, Inc.	Hallcrest Vineyards	379 Felton Empire Rd	Felton CA 95018
Hartmann, Robert Frank	Las Nietas Vineyard	335 Via Concha	Aptos CA 95003-5604
Heart O The Mountain	Heart O The Mountain LLC	705 Canham Rd	Scotts Valley CA 95066- 2729
Henry M. And Linda J. Mchenry	Mchenry Vineyard	6821 Bonny Doon Rd	Santa Cruz CA 95060
Hicks, Alan Ainsley	Ainsley Family Vineyard	2805 Pleasant Valley Rd	Aptos CA 95003-9785
Hillcrest Winery	Rexford Winery	429 Ingalls St	Santa Cruz CA 95060
Hoffacker, Bernhard Joseph	Portola Hills Vineyard	801 La Honda Rd	Woodside CA 94062-4808
Hovis, Linda Closs	Linda Vista Wines	118 Via Novella	Aptos CA 95003
Hwy 9 Winery, LLC	Hwy 9 Winery	120 Gail Dr	Felton CA 95018-9631



Owner Name	Business Name	Address	City, State, Zip
Integrity Wines, Lp, Integrity Wines, LLC, Gp/Reya Cellars, LLC	12 Hands Winery/Reya Cellars	135 Aviation Way Ste 16	Watsonville CA 95062
J. Edward Muns	Muns Vineyard	25600 Loma Prieta Ave	Los Gatos CA 95033
James & Margaret A. Alberti	Alberti Vineyard	106 Richardson Rd	Santa Cruz CA 95065
James D. Ross And Jenny N. Ross	Rosscienda Vineyard	1172 Redwood Heights Rd Bldg	Aptos CA 95003
James, Kathleen Ann	Charles Usher	24110 Congress Springs Rd	Saratoga CA 95070-9706
Jeffrey M. Barranti	J.M. Barranti Vineyards	24842 Skyland Rd	Los Gatos CA 95033
John D. Benedetti	Sante Arcangeli Family Wines	23 Blake Ave	Corralitos CA 95076
John Lloyd Ritchey Iv	Bottle Jack Cellars	1088 La Madrona Dr	Santa Cruz CA 95060
Kathryn Kennedy Winery	Kathryn Kennedy Winery	13180 Pierce Rd	Saratoga CA 95070
Kennedy Hill Associates LLC	Kennedy Hill Associates LLC	15050 Kennedy Rd	Los Gatos CA 95032
King, David James	People's Beverage Company, The	1214 Fair Ave	Santa Cruz CA 95060-5838
Kingston Family Vineyards LLC	Kingston Family Vineyards	520 La Mesa Dr	Portola Valley CA 94028
Kissed By An Angel Wines, LLC	Kissed By An Angel Wines	2535 7Th Ave Unit 4	Santa Cruz CA 95062
Kissed By An Angel Wines, LLC	Kissed By An Angel Wines, LLC	75 Mt Hermon Rd	Scotts Valley, CA 95066
La Barbera Family Winery LLC	Labarbera Family Winery	6591 Woodcliff Ct	San Jose CA 95120-4551
La Madrona Vineyard And Winery		1851 La Madrona Dr	Santa Cruz CA 95060
La Magnifico Vita, LLC	Ferrari Ranch Wines	65 Magnifico Vita Ln	Watsonville CA 95076- 0385
La Vida Bella Vineyard, LLC	La Vida Bella Vineyard	44 Oak Tree Ln	Aptos CA 95003
Lago Lomita Vineyards, LLC	Lago Lomita Vineyards, LLC	25200 Loma Prieta Ave	Los Gatos CA 95033
Lester Company, LLC	Lester Estate Wines	1950 Pleasant Valley Rd	Aptos CA 95003
Lexington Hills LLC	Lexington Hills	19802 Old Santa Cruz Hwy	Los Gatos CA 95033



Owner Name	Business Name	Address	City, State, Zip	
Little Ridge Vineyards, LLC	Little Ridge Vineyard	153 Las Colinas Rd	Corralitos CA 95076	
Lokteff Winery & Vineyards, LLC	Wrights Station Vineyard & Winery	24250 Loma Prieta Ave	Los Gatos CA 95033	
Loma Prieta Winery L.L.C.	Loma Prieta Winery	26985 Loma Prieta Way	Los Gatos CA 95033	
Los Altos Vineyards, LLC.	Byington	21850 Bear Creek Rd	Los Gatos CA 95030	
Lost Cellars, LLC	Unwritten Wines	70 Tripp Ct	Woodside CA 94062-4232	
M E V Corporation	Mount Eden Vineyards	23000 Congress Springs Rd	Saratoga CA 95070	
M.E.V. Corporation	Mount Eden Vineyards	22020 Mount Eden Rd	Saratoga CA 95070	
Madson Wines LLC	Madson Wines	328 Ingalls St Ste G	Santa Cruz CA 95060	
Margins Wine Cubby	Margins Wine LLC	402 Ingalls St Ste 18	Santa Cruz CA 95060-5800	
Margins Wine LLC	Margins Wine	2487 Freedom Blvd Unit 3	Watsonville CA 95076	
Martella LLC/Thomas Fogarty Winery, LLC	Martella Wines/Thomas Fogarty Winery	5937 Alpine Rd	Portola Valley CA 94028	
Martin Ranch Winery, Inc.	Martin Ranch	6675 Redwood Retreat Rd	Gilroy CA 95020	
Mayo, Keegan Keoni	Mayo Cellars	1008 Cayuga St	Santa Cruz CA 95062-2422	
Michael & Lynne Muccigrosso	Muccigrosso Vineyards	21450 Bear Creek Rd	Los Gatos CA 95033	
Michael V. & Lois E. Sones	Sones Cellars	334 B Ingalls St Ste B	Santa Cruz CA 95060	
Mindego Ridge Winery		9645 Alpine Rd	La Honda CA 94020	
Mja Vineyards LLC	Mja Vineyard	328 Ingalls St	Santa Cruz CA 95060	
Monte Roble Vineyards LLC/Silver Mountain Vineyards	Left Bend/Silver Mountain Vineyard	369 Silver Mountain Dr	Los Gatos CA 95033	
Nazario Ranch Vineyards LLC	Nazario Ranch Vineyards	22484 Eden Valley Saratoga C Ct 95070-9757		
Neely Wines		575 Portola Rd	Portola Valley CA 94028	



Owner Name	Business Name	Address	City, State,
Nigh along Win 1	Niela ela est Viscos 1	2000 Pl	Zip
Nicholson Vineyards Winery,	Nicholson Vineyards Winery,	2800 Pleasant Valley	Aptos CA 95003
Inc.	Inc.	Rd	75005
Nicolas Vonderheyden (Gp)	Chaine D'Or Vineyards	140 Sunrise Dr	Woodside CA 94062
Chaine D'Or Vineyards, Limited Partnership			74002
Old Oak Vineyard, Inc.	House Family Winery	13330 Old Oak Way	Saratoga CA 95070
Overshine Wine Co	Overshine Cellars, LLC	103 Stockton Ave	Capitola CA 95010
P & Amp; M Staiger	Staiger, Marjorie	1300 Hopkins Gulch Rd	Boulder Creek CA 95006
Pacific Rim Marketing	Pacific Rim Marketing Inc	1306 Via Tornasol	Aptos CA 95003-5654
Partage Wine Co. LLC	Partage Wine	346 N Santa Cruz Ave	Los Gatos CA 95030-7243
Patland Estate Vineyards LLC	Patland Estate Vineyards	110 Madera Ct	Los Gatos CA 95032-5720
Patrick James And Molly Claire Surgalski		16252 Niles Rd	Los Gatos CA 95033
Pelio Vineyard, LLC	Pelio Vineyard	14573 Big Basin Way	Saratoga CA 95070
Peter Serventi	Serventi Ranch	65 Litchfield Ln	Watsonville CA 95076
Peter Thibodeau	Thibodeau Vineyard	431 Coyote Ridge Rd	Aptos CA 95003
Phil & Peggy Crews	Pelican Ranch Winery	2364 Bean Creek Rd Dr	Scotts Valley CA 95066
Picchetti Winery Inc	Picchetti Winery Inc	13100 Montebello Rd	Cupertino CA 95014
Pleasant Valley Vineyards	Handley, Cathy Lynn	600 Pleasant Vly Rd	Aptos CA 95003
Private Vine Wines	Private Vine Wines, LLC	815 Almar Ave Unit H	Santa Cruz CA 95060-5873
Prolific Vines Vineyard LLC	Prolific Vines	165 Happy Acres Rd	Los Gatos CA 95032-5704
R And W Pursuits LLC	R & W Vineyards	15060 Montebello Rd	Cupertino CA 95014
Rachael Henrichsen		1120 17Th Ave Bldg Rear	Santa Cruz CA 95062
Radonich Bros Vineyards LLC	Radonich Bros Vineyards LLC	25205 Apple Hill Rd	Los Gatos CA 95033-9719



Owner Name	Business Name	Address	City, State, Zip
Raffaelli Vineyards, LLC	Raffaelli Vineyards	3357 Chardonnay Rd	Soquel CA 95073
Randal Lee West And Larae West	Freedom Wineworks	2321 Freedom Blvd	Watsonville CA 95076
Ratka, Michael Patrick	Split Barrel Cider	285 Allen Rd	Woodside CA 94062-4401
Redwood Ridge Estate LLC	Redwood Ridge Estate	21435 Summit Rd	Los Gatos CA 95033-8400
Regan Vineyards Winery, LLC	Regan Vineyards Winery, LLC	1772 Seascape Blvd	Aptos CA 95003-5864
Rhys Vineyards, LLC	Rhys Vineyards	11715 Skyline Blvd	Los Gatos CA 95033
Richard & Mary Kay Alfaro	Alfaro Family Farm & Vineyards	496 Hames Rd	Corralitos CA 95076
Ridge Vineyards, Inc.	Ridge Vineyards, Inc.	18100 Montebello Rd	Cupertino CA 95014
Robert J. Goldspink	Granite Ridge Vineyard	895 Granite Ridge Dr	Santa Cruz CA 95065
Robert's Ranch Vineyards, Inc.	Robert's Ranch Vineyards, Inc.	875 Roberts Rd	Ben Lomond CA 95005
Roy S. Fellom And Roy E. Fellom	Fellom Ranch Vineyards	17075 Montebello Rd	Cupertino CA 95014
Russian Ridge Winery LLC	Russian Ridge Winery	20245 Skyline Blvd	Woodside CA 94062-3729
Saison		346 N Santa Cruz Ave	Los Gatos CA 95030
Santa Cruz Cider Company	Santa Cruz Cider Company LLC	65 Hanger Wy C	Watsonville CA 95076- 2476
Santa Cruz Mountain Vineyard LLC	Santa Cruz Mountain Vineyard	334 A Ingalls St	Santa Cruz CA 95060
Santa Cruz Vineyards	Santa Cruz Vineyards L- Pship	2300 Jarvis Rd	Santa Cruz CA 95065
Sante Arcangeli Family Wines	Sante Arcangeli Family Wines LLC	154 Aptos Village Way C1	Aptos CA 95003
Sante Arcangeli Family Wines LLC	Sante Arcangeli Family Wines	79 North St	Pescadero CA 94060
Savannah-Chanelle Vineyards, Inc.		23600 Congress Springs Rd	Saratoga CA 95070
Schroeder Schroeder & Amp; Deits LLC	Los Gatos Wines	19135 Overlook Rd	Los Gatos CA 95030-4115
Scotts Valley Winery, LLC	Scotts Valley Winery	2364 Bean Creek Scotts Val Rd CA 95066	
Silver Mountain Vineyards	Silver Mountain Vineyards	328 Ingalls St D	Santa Cruz CA 95060-5882



Owner Name	Business Name	Address	City, State, Zip
Sonnet		69 Silver Mountain Dr	Los Gatos CA 95033
Soquel Vineyards		8063 Glen Haven Rd	Soquel CA 95073
Spanish Ranch Winery, LLC	Spanish Ranch Winery	24000 Spanish Ranch Rd	Los Gatos CA 95033
Steelhead Engineering, Inc.		1850 Day Valley Rd	Aptos CA 95003
Stockwell Cellars, Inc.	Stockwell Cellars	1100 Fair Ave Bldg A	Santa Cruz CA 95060
Storrs Winery & Vineyard, Ltd.		1560 Pleasant Valley Rd	Aptos CA 95003
Storrs Winery & Vineyard, Ltd.	Storrs Winery	303 Potrero St Ste 35,8	Santa Cruz CA 95060
Strategy Partners International	Windy Oaks Estate	380 Sweetwood Way	Corralitos CA 95076
Sunridge Wines LLC	Sunridge Wines LLC	433 Sunridge Dr	Scotts Valley CA 95066- 4938
Tanuki Cider	Honda, Robert Satoshi	334 Ingalls St # B	Santa Cruz CA 95060-5880
Testarossa Vineyards, LLC	Testarossa Vineyards	300 College Ave	Los Gatos CA 95030
The Mountain Winery		14831 Pierce Road	Saratoga
The Ragavan Family 2000 Living Trust	Valencia Wineries	45 Valencia Ct	Portola Valley CA 94028- 7923
The Schaadt Wine Group, LLC	Regale Winery And Vineyards	24040 Summit Rd	Los Gatos CA 95033
Tmr Cellars LLC	Tmr Cellars, LLC	416 Bahr Dr	Ben Lomond CA 95005- 9643
Tomaino, Kathryn, Vidovich, John, Michael & Mary Jane	Vidovich Vineyards	18101 Montebello Rd	Cupertino CA 95014
Us Grant		2300 Jarvis Rd	Santa Cruz CA 95065
Walsh Wine LLC	Ser	13 Mesa Way Watsonville CA 95076- 9656	
Walsh Wine LLC	Ser	427 C Swift St Santa Cruz C 95060	
Wargin Wines	Wargin Wines LLC	5015 Soquel Dr	Soquel CA 95073



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Owner Name	Business Name	Address	City, State, Zip
Wolff And Father Wines	Wolff, Leonard Frank	514 Calabasas Rd	Watsonville CA 95076- 0412
Woodside Farm Vineyard LLC	Woodside Farm Vineyard	1 Vintage Ct	Woodside CA 94062
Workman, Michael Lee	Weener'S Leap Cellars	14918 Three Oaks Ct	Saratoga CA 95070-5500

*The list was developed with the most reliable information provided; however, the list may contain discrepancies. This list shall include any future to-be opened businesses. Any business that may have been missed in this list, but is still within the boundaries of the SCMWID, shall also be subject to assessment.



Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Public Works Department

Subject: Community Center Patio Improvements Contract Award



Recommended Action: 1) Authorize the City Manager to execute the construction contract for the Community Center Patio Improvements Project with SSB Contracting, Inc. in the amount of \$1,055,000; and 2) Authorize the Public Works Department to issue notices to proceed upon final contract execution.

<u>Background:</u> In June 2025, the City Council approved construction plans for the Treasure Cove Playground, public restroom renovation, and Community Center patio improvements, and directed staff to advertise the projects for competitive bids. Funding is provided through a combination of local funds, community fundraising, and the City's recently awarded \$3.2 million Community Development Block Grant (CDBG), which fully covers the scopes of the playground, restroom, and patio improvements.

The Treasure Cove Playground will replace the outdated 1999-era facility with a universally accessible, ocean-themed play space developed through extensive community input. The Community Center Patio Improvements will replace deteriorated hardscape and create a functional, accessible outdoor gathering area featuring decorative concrete paving, lighting, landscaping, irrigation, and site furnishings.

Together, these projects build on the ongoing Community Center Renovation Project, currently under construction by SSB Contracting, Inc., and fulfill the City's commitments under the Long-Term Use Agreement with the Soquel Union Elementary School District for substantial upgrades at Jade Street Park.

<u>Discussion</u>: The City advertised the Community Center Patio Improvements Project for construction bids on July 3, 2025. A mandatory pre-bid conference and site walk were held on July 15, 2025, with nine prime contractors in attendance, all eligible to submit bids. Bids were opened on July 31, 2025, and two bids were received. After review, SSB Contracting, Inc. was identified as the lowest responsive and responsible bidder.

The Treasure Cove Playground Project was advertised for construction bids on July 21, 2025. A mandatory pre-bid conference and site walk were held on August 5, 2025, and bids were opened on August 21, 2025. The City received four bids for the playground project, which are under review. A recommended contract for the playground will be considered at the September 11, 2025, City Council meeting.

The Jade Street Park Restroom Renovation Project will be out to bid shortly, with an award recommendation expected in early October 2025.

Construction for all three projects is anticipated to begin in fall 2025. Construction will be sequenced to minimize conflicts with ongoing work and maintain public access. Substantial completion is expected by summer 2026.

<u>Fiscal Impact</u>: The four projects at the Jade Street site are funded by a combination of local General Fund allocations, Friends of Santa Cruz County Parks fundraising, and 2025 CDBG funds. Funding sources are summarized below.

Total Jade Street Site Project Budget Summary

Funding Source	Revenue	Expenditure
General Fund – Community Center	\$1,800,000	\$1,797,000
CNRA Grant – Community Center	\$1,000,000	\$1,000,000
General Fund – Playground	\$475,000	\$421,000
Friends Fundraising – Playground	\$965,000	\$965,000
CDBG 2024 (Community Center)	\$3,365,000	\$3,365,000
CDBG 2025 (Playground, Restroom, Patio)	\$3,200,000	\$3,172,000
Total	\$10,805,000	\$10,720,000

Category	Amount	Funding Source(s)
Community Commun	enter	
Pre-project Modifications	\$34,000	General Fund
BLRA Design	\$580,000	General Fund
Cummings Construction Management (Pre-CDBG)	\$300,000	General Fund
PG&E Service Upgrade	\$45,000	General Fund
SSB Construction Contract	\$4,726,000	CNRA (\$1,000,000), CDBG 2024 (\$3,365,000), General Fund (\$361,000)
Construction Contingency	\$477,000	General Fund
Playgroun	d	
Verde Design	\$194,000	General Fund
Verde Construction Support	\$99,000	General Fund
Construction (with Contingencies)	\$2,340,000	Fundraising (\$965,000), CDBG 2025 (\$1,375,000)
Restroom	1	
BLRA Design and Construction Support	\$58,000	General Fund
Construction (with Contingencies)	\$500,000	CDBG 2025
Patio		
BLRA Design and Construction Support	\$70,000	General Fund
Construction	\$1,055,000	CDBG 2025
Construction Man	agement	
Cummings Construction Management (New Phase)	\$242,000	CDBG 2025
Total	\$10,720,000	

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

Attachments:

1. Construction Contract – Community Center Patio Improvements

Report Prepared By: Jessica Kahn, Public Works Director

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

Approved By: Jamie Goldstein, City Manager

DOCUMENT 00 5200

AGREEMENT

THIS AGREEMENT, dated this 28th day of August, 2025, by and between **SSB Contracting, Inc.** whose place of business is located at **1161 Terven Avenue**, **Salinas**, **CA** (**Contractor**), and **CITY OF CAPITOLA**, a political subdivision of the State of California (Owner), acting under and by virtue of the authority vested in Owner by the laws of the State of California.

COMMUNITY CENTER PATIO PROJECT

at 4400 Jade Street, Capitola, CA 95010

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

ARTICLE 1 SCOPE OF WORK OF THE CONTRACT

1.01 Work of the Contract

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

1.02 Price for Completion of the Work

- A. Owner shall pay Contractor the following Contract Sum of One Million Fifty Five Thousand Dollars (\$1,055,000) for completion of Work in accordance with Contract Documents as set forth in Contractor's Bid, attached hereto.
- B. The Contract Sum is all inclusive and includes all Work; all federal, state, and local taxes on materials and equipment, and labor furnished by Contractor, its subcontractors, subconsultants, architects, engineers, and" vendors or otherwise arising out of Contractor's performance of the Work, including any increases in any such taxes during the term of this Agreement; and any duties, fees, and royalties imposed with respect to any materials and equipment, labor or services. The taxes covered hereby include (but are not limited to) occupational, sales, use, excise, unemployment, FICA, and income taxes, customs, duties, and any and all other taxes on any item or service that is part of the Work, whether such taxes are normally included in the price of such item or service or are normally stated separately. Notwithstanding the foregoing, each party shall bear such state or local inventory, real property, personal property or fixtures taxes as may be properly assessed against it by applicable taxing authorities.

COMMENCEMENT AND COMPLETION OF WORK

1.03 Commencement of Work

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

1.04 Completion of Work

- A. Contractor shall achieve Substantial Completion of the entire Work within **70 Working Days** from the Commencement Date.
- B. Contractor shall achieve Final Completion of the entire Work within **90 Working Days** from the Commencement Date.

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

ARTICLE 2 PROJECT REPRESENTATIVES

2.01 Owner's Project Manager

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

2.02	Contractor's	Project	Manager	and	Other	Key	Personne
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UZ	Contractor 5 i roject manager and Ot	inei ite	1 61	Some					
A.	Contractor has designated [Representative in all matters relating to			•	_	to	act	as	Contractor's
B. Contractor has designated the following other Key Personnel for the Project:									
	<u>Name</u>	<u>Positio</u>	<u>n</u>						

ARTICLE 3 LIQUIDATED DAMAGES FOR DELAY IN COMPLETION OF WORK

3.01 Liquidated Damage Amounts

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

3.02 Scope of Liquidated Damages

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

ARTICLE 4 CONTRACT DOCUMENTS

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

Document 00 5100	Notice of Award
Document 00 5200	Agreement
Document 00 5500	Notice to Proceed

Document 00 6113.13 Construction Performance Bond

Document 00 6113.16 Construction Labor and Material Payment Bond

Document 00 6290 **Escrow Agreement for Security Deposits** Document 00 6325 Substitution Request Form Document 00 6530 Release of Claims Document 00 6536 Guaranty **General Conditions** Document 00 7200 Supplemental General Conditions Document 00 7301 **Document 00 7316** Supplemental Conditions Insurance and Indemnification Document 00 7320 **COVID** Requirements In-Use Off-Road Diesel-Fueled Fleets Regulation Document 00 7324

Document 00 7380 Apprenticeship Program

Document 00 9113 Addenda 1-2

Divisions 1 through 33 Specifications Drawings, Table, Schedules listed in Document 00 0115

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

ARTICLE 5 MISCELLANEOUS

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

of law rules). The exclusive venue for all disputes or litigation hereunder shall be in the Superior Court for the County of Santa Cruz, California.

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

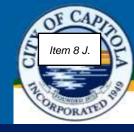
CITY OF CAPITOLA:	<u>CONTRACTOR</u> :
By:City Manager	Name:By:(Signature)
ATTEST: By: City Clerk	Its: Title (If Corporation: Chairman, President or Vice President) By: (Signature) Its: Title (If Corporation: Chairman, President or Vice President) 1099 INFORMATION: Contractor Taxpayer I.D. No.:
APPROVED AS TO FORM:	
By:	

END OF DOCUMENT

Community Center Patio Improvements Contract Award

Capitola City Council August 28, 2025

Community Center Patio Improvements Background



- June 2025: Council approved plans for Treasure Cove Playground, Restroom Renovation, and Patio Improvements
- Funding through local funds, fundraising, and \$3.2M CDBG (covers playground, restroom, patio)

Community Center Patio Improvements Scope and Bidding



- Patio: new hardscape, decorative paving, lighting, landscaping, irrigation, furnishings.
- Advertised July 3, 2025
- Pre-bid meeting July 15; 9 contractors attended.
- Bids opened July 31, 2025; two received
- SSB Contracting, Inc. lowest responsive bidder

Community Center Patio Improvements Other Jade Street Projects



- Playground project advertised July 21; 4 bids received Aug 21 (under review).
- Restroom project to bid shortly; award expected October 2025.
- Construction for all three projects begins Fall 2025; substantial completion by Summer 2026.

Community Center Patio Improvements Fiscal Impact



Funding Source	Revenue	Expenditure
General Fund – Community Center	\$1,800,000	\$1,797,000
CNRA Grant – Community Center	\$1,000,000	\$1,000,000
General Fund – Playground	\$475,000	\$421,000
Friends Fundraising – Playground	\$965,000	\$965,000
CDBG 2024 (Community Center)	\$3,365,000	\$3,365,000
CDBG 2025 (Playground, Restroom, Patio)	\$3,200,000	\$3,172,000
Total	\$10,805,000	\$10,720,000

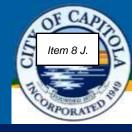
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Category	Amount
Community Center – Pre-project Modifications	\$34,000
Community Center – BLRA Design	\$580,000
Community Center – Cummings CM (Pre-CDBG)	\$300,000
Community Center – PG&E Service Upgrade	\$45,000
Community Center – SSB Construction Contract	\$4,726,000
Community Center – Construction Contingency	\$477,000
Playground – Verde Design	\$194,000
Playground – Verde Construction Support	\$99,000
Playground – Construction (with Contingencies)	\$2,340,000
Restroom – BLRA Design/Support	\$58,000
Restroom – Construction (with Contingencies)	\$500,000
Patio – BLRA Design/Support	\$70,000
Patio – Construction	\$1,055,000
Construction Management – Cummings CM (New Phase)	\$242,000
Total	\$10,720,000

Community Center Patio Improvements Next Steps



- Award patio contract
- Playground contract recommendation 9/11/25
- Quarterly Community Center Renovation Update 9/25/25
- Restroom contract recommendation Oct 2025
- Construction Fall 2025 Summer 2026

Community Center Patio Improvements Recommended Action



- Authorize the City Manager to execute the construction contract with SSB Contracting, Inc. (\$1,055,000).
- Authorize Public Works to issue notices to proceed upon contract execution.

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Administrative Service Department

Subject: Managed IT Services Contract Amendment



Recommended Action: Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Exceedio for managed information technology services in the amount of \$62,450, for a total annual contract value of \$147,000 for three years.

<u>Background:</u> The City of Capitola's computer network infrastructure is the backbone for all work done on the computers at the City of Capitola. This network infrastructure equipment consists of routers, switches, wireless access points, and servers.

On March 15, 2022, the City entered into a Professional Services Agreement (PSA) with Exceedio for Information Technology (IT) Services in an amount not to exceed \$6,000 per month. At the time, staff discussed the project with several vendors and received bids from three firms. During the evaluation process, it became clear that Exceedio was the best fit for the City of Capitola and its technology needs.

The current agreement with Exceedio is a managed services agreement that includes installation, configuration, maintenance, support, and monitoring of the equipment and the City of Capitola network. These managed services were viewed as critical to the City due to the increased complexity of computer systems and the continued increase in bad actors on the internet. It has become more and more difficult for internal staff to stay apprised of all technology threats. System and threat monitoring were included in the agreement with Exceedio. Exceedio is based in Santa Cruz County and staff has been very satisfied with their performance.

<u>Discussion:</u> The PSA with Exceedio was originally entered into to continue to deliver IT services when the City's Information Systems Specialist schedule was reduced from full-time to part-time. The managed services agreement allowed the City's Information Systems Specialist to focus on end-user and desktop support during her approved reduced work schedule. The IT Systems Specialist is also responsible for managing the City's mobile devices and telephone system.

Staff, including the Information Systems Specialist, has been evaluating options for IT services moving forward and concluded that expanding the scope of services with Exceedio best meets the needs of the City. Expanding the scope will provide 24/7 support that is not dependent on the availability of a single employee.

<u>Fiscal Impact</u>: The additional scope of services is \$6,245 per month and will be funded with the salary savings from the retired IT Systems Specialist.

Attachments:

1. Additional scope of managed services

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

Approved By: Jamie Goldstein, City Manager

5900 Butler Lane, Suite 205 Scotts Valley, CA 95066 831.439.9100 Agreement #3795

Item 8 K.

Rep MG

Customer

www.exceedio.com

City of Capitola 420 Capitola Ave. Capitola CA 95010

Service and Payment Agreement

For Managed Services

This Service and Payment Agreement dated 9/1/2025 is made between ("Customer") listed above and Exceedio Inc.

Customer agrees to purchase services listed below from Exceedio on a monthly basis for a time period of at least 3 year, commencing on date listed above.

Projected monthly fee \$6,244.32 Invoice amount may very depending on number of active assets.

Service Description - Price List	Qty	Cost	Total
1212 - EMS ITaaS Workstation/User	98	49.00	4,802.00
1243 - EMS ITaaS Microsoft 365 Management	98	17.10	1,675.80
1216 - EMS ITaaS Mobile Device	66	17.10	1,128.60
1241 - EMS ITaaS Vendor Management - TPX VOIP	1	199.00	199.00
1200 - EMS ITaaS Special Discount / waived fee till 3/1/2027		-1,561.08	-1,561.08
Please note: ITaaS SKU Pricing increase of 4% per year starts 1/1/2026			
Per Asset/Service Pricing - does not include major projects or changes			
Sales Tax		9.25%	0.00

This Service and Payment Agreement (SAPA) is incorporated by reference into the Managed Service Agreement (MSA), including all attachments thereto, by and between Vendor and Customer. The MSA may be terminated by Vendor at any time without further notice for non-payment of the Service Fee or any portion thereof; provided, however that Customer has been given an opportunity to cure such breach per the terms specified in the MSA. If the MSA is terminated by Customer prior to SAPA end date, Customer agrees to pay the lesser of: (i) all waived labor hours at the rates set forth in the MSA (or accompanying attachments) or (ii) the total due for the remaining months of the SAPA per the terms herein. *SaaS fees may be increased only to reflect documented increases in third-party licensing costs, not to exceed 5 % in any 12-month period, upon 60 days' prior written notice.

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Public Works Department

Subject: Coastal Rail Trail Segments 10 & 11



Recommended Action: No action is requested at this time.

<u>Background:</u> At the July 24, 2025, City Council meeting, staff recommended rescheduling the Coastal Rail Trail Project update to allow participation by representatives from the Santa Cruz County Regional Transportation Commission (RTC) and the County of Santa Cruz. At this time, there are no new developments to present to the City Council.

<u>Discussion</u>: The RTC is continuing its work on Segments 10 and 11 of the Coastal Rail Trail Project. Future opportunities for public discussion of the Rail Trail will occur through upcoming RTC and County meetings. Agendas and materials for these meetings are posted in advance on the RTC's website, and all meetings are open to the public. The RTC meeting schedule and links to agendas can be found here: https://www.sccrtc.org/meetings/regional-transportation-commission/agendas/

Staff will return to the City Council once new information is available or when RTC and County staff are prepared to present directly to City Council in Capitola.

Report Prepared By: Jessica Kahn, Public Works Director

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

Approved By: Jamie Goldstein, City Manager

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Public Works Department

Subject: First Reading of an Ordinance Prohibiting the Sale of Cigarettes and

Cigars with Filters

<u>Recommended Action</u>: Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit the sale of cigarettes and cigars with filters (i.e., "partially inconsumable" tobacco products).

<u>Background</u>: In October 2024, the County of Santa Cruz adopted Ordinance No. 5461, prohibiting the sale of filtered tobacco products in unincorporated areas. The ordinance will not be enforced until at least two incorporated cities in the County adopt similar legislation, or until January 1, 2027, whichever comes later.

In Capitola, the Commission on the Environment (COE) reviewed a draft policy and received a presentation from County Health Services staff in March 2025. The Commission unanimously recommended the City adopt an ordinance in alignment with the County's. On April 10, 2025, the City Council held a public meeting to review the policy recommendation and directed staff to return with an ordinance for formal consideration.

The proposed ordinance aligns with existing municipal policy goals related to public health, environmental protection, and tobacco waste prevention. Capitola has previously adopted a ban on flavored tobacco products (Chapter 5.38) and placed restrictions on smoking in public spaces (Chapter 8.38).

<u>Discussion:</u> The draft ordinance prohibits the sale of any tobacco product that includes a component that is not intended to be consumed—specifically filters embedded within cigarettes or cigars. The sale of cigarettes and cigars with filters contributes significantly to plastic and chemical pollution on beaches and in the ocean, as filters are non-biodegradable and often disposed of improperly. The proposed ordinance (Attachment 1) is modeled after the County ordinance. It is intended to reduce tobacco product waste, particularly single-use plastic filters, which are the most commonly littered item on California beaches.

Following the April 10, 2025, City Council meeting, staff conducted outreach to tobacco retailers in Capitola to share information about the proposed ordinance and gather input on its potential impacts. Staff distributed letters requesting business input to 10 active cigarette tobacco retailers within the City (Attachments 2 and 3). To date, staff has not yet received any correspondence from retailers with questions or concerns regarding the proposed ordinance.

On June 24, 2025, the City of Santa Cruz adopted an ordinance prohibiting the sale of filtered tobacco products. That ordinance includes a delayed enforcement date of 2027, consistent with the County's approach. The City of Santa Cruz's action provides further momentum for regional alignment and shared implementation timelines. If adopted by Council, the proposed ordinance would be effective 30 days from its passage and adoption. However, enforcement of the ordinance would not take place until two incorporated cities in the County adopt similar legislation, or until January 1, 2027, whichever comes later.

To support enforcement of the ordinance, the Capitola Police Department applied for a grant opportunity with the California Department of Justice's Tobacco Grant Program. As a part of the grant application, the Police Department proposed an enforcement and education program to include three Retail Inspection Operations, three Retail Re-Inspection Operations, three Minor Decoy Operations, three Shoulder Tap Operations, and two Retail Education mailers per year. All data from these operations will be tracked, compiled, and compared to ensure grant objectives are completed.

<u>Fiscal Impact</u>: Minimal fiscal impact is anticipated. Staff time will be required to conduct additional outreach and to support enforcement once the ordinance takes effect. The ordinance may result in a small reduction in sales tax revenue from tobacco sales; however, similar policies enacted for flavored tobacco products did not lead to substantial revenue changes.

Attachments:

- 1. Draft Ordinance
- 2. Business Outreach Letter
- 3. List of Active Tobacco Retailers

Report Prepared By: Erika Senyk, Environmental Projects Manager; Jessica Kahn, Public Works Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

Report modified 8/25/2025 to remove highlighted text and make a correction to an error in a reviewer's name.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 5.38.030 OF CAPITOLA MUNICIPAL CODE TO PROHIBIT THE SALE OF PARTIALLY INCONSUMABLE TOBACCO PRODUCTS

WHEREAS, cigarette and cigar filters are made of non-biodegradable materials, primarily cellulose acetate, which break down into microplastics and leach toxic chemicals into the environment;

WHEREAS, these materials are consistently among the most collected litter items on California's beaches, including those in the City of Capitola;

WHEREAS, filtered tobacco products serve no health purpose and instead increase harm by encouraging deeper inhalation and promoting environmental pollution;

WHEREAS, Santa Cruz County adopted Ordinance No. 5461 prohibiting the sale of partially inconsumable tobacco products, and enforcement is contingent upon adoption of similar ordinances by at least two incorporated cities within the county or January 1, 2027, whichever is later;

WHEREAS, the City of Santa Cruz adopted a substantially similar ordinance on June 24, 2025; and

WHEREAS, the City Council finds that adopting this ordinance is in the interest of public health, environmental protection, and regional consistency.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES ORDAIN AS FOLLOWS:

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

Section 2. Section 5.38.030 of Chapter 5.38 of the Capitola Municipal Code is hereby amended to add a new subsection D, to read as follows:

D. No tobacco retailer or any of the tobacco retailer's agents or employees shall sell or offer for sale, or possess with intent to sell or offer for sale, any partially inconsumable tobacco product.

- "Partially inconsumable tobacco product" means any tobacco product that contains, or is intended to be used with, a component not intended to be consumed, including but not limited to filters, plastic tips, or mouthpieces that are attached to or embedded in the tobacco product.
- 2. This prohibition includes, but is not limited to, cigarettes with cellulose acetate filters and cigars with plastic or non-biodegradable tips.
- This subsection shall become enforceable on January 1, 2027, or on the effective date of a substantially similar ordinance adopted by at least two incorporated cities in Santa Cruz County, whichever occurs first.
- 4. Violations of this subsection shall be subject to penalties, suspension, or revocation as provided in Sections 5.38.090 through 5.38.130.

Section 3. Environmental Review.

The City Council finds that this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 4. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

Section 5. 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 6. 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 mee 2025, and was adopted at a regular meeting by the following vote:	<u> </u>	
AYES: NOES: ABSENT:		
	Joe Clarke, Mayor	
Attest: Julia Gautho, City Clerk		
Approved as to form:		
Samantha W. Zutler, City Attorney	_	



August 1, 2025

Subject: Request for Business Input – Potential Ordinance to Prohibit Sale of Filtered Tobacco Products

Dear Capitola Business Owner,

On April 10, 2025, the Capitola City Council considered a presentation on the Santa Cruz County ordinance that prohibits the sale of filtered tobacco products in unincorporated areas of the County. Following the presentation and discussion, the Council directed City staff to return with a draft ordinance to amend Chapter 5.38 of the Capitola Municipal Code and engage with local businesses and organizations throughout the process.

You may view the April 10, 2025, City Council meeting and discussion at the following link: https://www.cityofcapitola.org/citycouncil/page/city-council-meeting-70

This letter is intended to open a dialogue with Capitola businesses—particularly tobacco retailers and convenience store operators—about the potential ordinance. We value your input and want to ensure that any policy decisions are informed by those most directly impacted.

In May 2023, the Santa Cruz County Board of Supervisors formed the Tobacco Waste Ad Hoc Subcommittee to develop a consistent regional approach to reducing tobacco waste. Over the course of 16 months, the Subcommittee engaged in robust community outreach, including beach cleanups, tabling events, and educational presentations. The effort also involved extensive meetings with local businesses, environmental stakeholders, and community leaders.

On October 29, 2024, the County Board unanimously adopted Ordinance No. 5461, amending Chapter 5.60 of the Santa Cruz County Code to prohibit the sale of "Partially Inconsumable Cigarettes or Cigars," defined as tobacco products that include embedded components not intended to be consumed—commonly known as filters. This includes most filtered cigarettes, little cigars, and cigarillos. The ordinance does not constitute a blanket ban on tobacco products; rather, it specifically targets filtered products due to their significant contribution to environmental waste and their lack of proven health benefit.

The ordinance applies to in-store and online retail sales made within the jurisdiction and includes all tobacco retailers regardless of size. Violations are treated as administrative infractions.

The County's ordinance took effect on November 29, 2024. However, enforcement is deferred until January 1, 2027, or until at least two other jurisdictions in Santa Cruz County adopt similar ordinances—whichever comes later. As of this writing, the City of Santa Cruz is the first of the two jurisdictions to adopt a similar ordinance. On August 28, 2025, the Capitola City Council will



consider becoming the second jurisdiction to adopt an ordinace at their regularly scheduled meeting at 4 pm in Council Chambers at 420 Capitola Avenue, Capitola, CA 95010.

Santa Cruz County has established a dedicated webpage with extensive resources, including public health data and support for smoking cessation:

https://www.santacruzcountyca.gov/TobaccoWasteSubcommittee.aspx

The City of Capitola is committed to supporting a clean and healthy community while also considering the operational realities of local businesses. As we are drafting a proposed ordinance, we want to hear from you. Do you have concerns about the potential economic impact? Do you have suggestions about implementation timelines or exemptions? Your feedback will help shape how the City proceeds.

Please direct your comments, questions, or concerns by email to:

Email: tobaccomitigation@ci.capitola.ca.us

We appreciate your time and participation in this important discussion. Your insights are vital as we work together to protect public health and our local environment, while also preserving Capitola's unique business community.

Sincerely,

Katie Herlihy

Community Development Director

City of Capitola

Active Cigarette Tobacco Retailers within the City of Capitola

License	Customer Legal Name	Site DBA Name	Street	City	State	Zip	Site City Code	License Start
091306811	BEVERAGES & MORE, INC	BEVERAGES & MORE #118	1820 41ST AVE STE A	CAPITOLA	CA	95010-2516	44053	9/12/2008
091235499	HOUTAN PETROLEUM, INC	CAPITOLA COAST	2178 41ST AVE	CAPITOLA	CA	95010-2009	44053	6/30/2004
091228167	VERUTTI INC.	VERUTTI LIQUORS 41ST AVE	1125 41ST AVE	CAPITOLA	CA	95010-3905	44053	6/30/2004
091382939	JCD INVESTMENT INC	GRADYS MARKET	509 BAY AVE	CAPITOLA	CA	95010-3304	44053	12/16/2016
091314209	PENINSULA PETROLEUM LLC	CAPITOLA SHELL	1649 41ST AVE	CAPITOLA	CA	95010-2916	44053	5/22/2009
226011264	GAWFCO ENTERPRISES, INC	CAPITOLA UNION 76	2195 41ST AVE	CAPITOLA	CA	95010-2041	44053	11/15/2019
091265888	AJ'S FUEL MARKET OF CAPITOLA, INC	AJ'S FUEL MARKET OF CAPITOLA	836 BAY AVE	CAPITOLA	CA	95010-2143	44053	5/16/2005
234503424	41ST LIQUOR & MARKET INC	41ST LIQUOR & MARKET	2155 41ST AVE	CAPITOLA	CA	95010-2041	44053	6/21/2019
234869440	QUALITY MARKET & LIQUOR INC.	QUALITY MARKET & LIQUOR, INC.	300 CAPITOLA AVE	CAPITOLA	CA	95010-3278	44053	9/23/2021
091260358	CHEVRON STATIONS INC	CHEVRON #1707	1650 41ST AVE	CAPITOLA	CA	95010-2917	44053	12/15/2004

From: Dan Haifley <dan.haifley@gmail.com>
Sent: Monday, August 4, 2025 3:01 PM

To: City Council Cc: Katie Thompson

Subject: I support a ban on the sale of filtered tobacco products

Attachments: Ban The Butt - Haifley.docx

Follow Up Flag: Follow up Flag Status: Flagged

Hello Mayor Clarke and Councilmembers-

Please see my letter attached.

Thank you for your service!

Dan Haifley (He/Him) (831) 234-8148 Dan Haifley 2635 Fresno Street Santa Cruz, CA 95062 (831) 234-8148

Mayor Joe Clarke and Members of the City Council City of Capitola 420 Capitola Avenue Capitola, CA 95010

Re: I support a ban on the sale of filtered tobacco products

Dear Mayor and Councilmembers -

I am writing to encourage you to encourage adoption of a ban on the sale of all filtered, rolled tobacco products including cigarettes, cigarillos, and little cigars, in the City of Capitola in order to curb the persistent environmental threat posed by cigarette butts.

Between 2013 - 2023, Save Our Shores alone collected 439,358 cigarette butts from beaches, open spaces, and public areas. As a top littered item locally, we know that number is just a snapshot of the total cigarette litter that continues to negatively impact human and ecosystem health as our organization picks them up too and/or encounters them in our public spaces.

According to a 2023 NOAA study that used community science data, 24.5% of all litter collected on the shoreline of Monterey Bay National Marine Sanctuary between 2017 and 2021 could be attributed to smoking! Cigarette butts are made of cellulose acetate, a non-biodegradable plastic, which breaks into microplastics and bioaccumulates in marine organisms. Cigarette butts are toxic waste and leach dangerous chemicals such as lead, arsenic, and nicotine into the environment where they can poison small children, pets, wildlife, and marine life. They are also a fire hazard, responsible for burning 88,898 acres in California since 1980.

Local jurisdictions and conservation nonprofits have borne the brunt of the cleanup work and associated costs to protect the sanctuary and its human and nonhuman inhabitants from toxic tobacco pollution while the tobacco industry maintains exorbitant profits. Importantly, cigarette butts on the beach come through storm drains, Soquel Creek, and are otherwise wind-blown or transported to the shoreline mostly through the Soquel Creek watershed. Therefore, they were therefore likely consumed and purchased in the local community.

We have the community support, the decades of litter data, and the regional strategy to justify a strong policy that favors our sanctuary and its people.

Respectfully,

Dan Haifley

From: Chris Bostic <bosticc@ash.org>
Sent: Tuesday, August 5, 2025 10:03 AM

To: City Council

Cc: katie@saveourshores.org

Subject: [PDF] Aug. 28 agenda item: Filtered tobacco sales ban **Attachments:** TPW support letter_Capitola_ASH_Aug-5-25.pdf

Please find attached a letter in support of a filtered tobacco sales ban which is scheduled for a first reading on August 28th.

Thank you,

Chris Bostic, Policy Director

ASH > ACTION ON SMOKING & HEALTH

Dedicated to **ZERO** Tobacco Deaths.

1250 Connecticut Ave, NW Suite 700 – PMB 5019 Washington, DC 20036 Tel: +1 202.659.4310

Mobile: +1 202.659.4310 Mobile: +1 202 413 0069

[www.ash.org]www.ash.org | Facebook | Twitter | Donate Now >

Item 9 A.



Global action for everyone's health.

Capitola City Council 420 Capitola Ave Capitola, CA 95010

August 5, 2025

Re: Support for a ban on the sale of filtered tobacco products

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman,

I am writing on behalf of Action on Smoking and Health (ASH) to support the adoption of a policy that bans the sale of filtered, pre-rolled tobacco products including cigarettes, cigarillos, and little cigars, in the City of Capitola. This policy is critical to address one of the most persistent litter items in the city and across the globe - cigarette butts.

ASH is the nation's oldest anti-tobacco organization. We take a human rights-based approach to ending the tobacco epidemic. We recognize the importance of a healthy environment in overall health. In addition to the obvious environmental benefits of a ban on filters, such as Santa Cruz County and City have already passed, a sales ban will have a substantial health impact by decreasing youth uptake and helping adults quit.

Cigarette butts are one of the most littered items on Capitola's streets and beaches. According to a 2023 NOAA study, 24.5% of all litter collected on the shoreline of the Monterey Bay National Martine Sanctuary between 2017 and 2021 could be attributed to smoking. Cigarette butts are made of cellulose acetate, a plastic that breaks down into microplastics and bioaccumulates in marine organisms. Cigarette butts are toxic waste and leach dangerous chemicals such as lead, arsenic, and nicotine into the environment, where they can poison small children, pets, wildlife, and marine life. There is no downstream solution available – collecting butts is infeasible, and they cannot be recycled or discarded into the normal waste stream.

We believe there is community and local government support, decades of litter data, and the regional strategy to justify a strong policy that holds Big Tobacco responsible for its corporate pollution. Please ban the sale of filtered cigarettes.

Thank you for your leadership.

Sincerely,

Chris Bostic

Chris Bostic Policy Director

From: Luz Areli Sotelo <luz.sotelo@pvpsa.org>
Sent: Tuesday, August 5, 2025 2:17 PM

To: City Council Cc: Katie Thompson

Subject: [PDF] We support a ban on the sale of filtered tobacco products

Attachments: Signed TEC Letter to Capitola City Council TL.pdf

Dear Capitola City Council,

I hope this email finds you well. Attached is our letter of support for the City of Capitola Policy on Tobacco Filter Waste.

Thank you!

Best,

Luz Sotelo| Youth Program Manager Pajaro Valley Prevention and Student Assistance 335 East Lake Avenue Watsonville, CA 95076 831-728-6445 | 831-540-8387



Co-Chairs: Katie Thompson and Luz Sotelo



Member Organizations

American Cancer Society American Heart Association American Lung Association Cabrillo College Capitola Police Department Central California Alliance for Health Cigarette Surfboard City of Santa Cruz City of Watsonville Community Prevention Partners Journeyworks Publishing Pajaro Valley Community Health Trust Pajaro Valley Prevention and Student Assistance, Inc. Salud Para La Gente Salud y Cariño Santa Cruz Police Department County of Santa Cruz Department of Public Works County of Santa Cruz Friday Night Live County of Santa Cruz Health Services Agency Santa Cruz County Office of Education Santa Cruz County Sheriffs Save Our Shores Scotts Valley Police Department TUPE



United Way of Santa Cruz County

UCSC Student Health (SHOP)

Watsonville Department of

Public Works
Watsonville Police Department

Community Members at Large

August 6, 2025

City Council and Mayor of Capitola

420 Capitola Ave.

Capitola, CA 95010

Support for City of Capitola Policy on Tobacco Filter Waste

Dear Mayor Clarke, Vice Mayor Morgan, and Council Members Jensen, Orbach, and Westman

I am writing on behalf of the Santa Cruz County Tobacco Education Coalition (TEC) to encourage your support for a policy in the City of Capitola that puts an end to the sale of single-use plastic "filters" in tobacco products.

The TEC is a nonprofit partnership of Santa Cruz County residents and organizations committed to advocating for a tobacco-free lifestyle and environment. Since 1985, Coalition members have worked to promote health across the county – and for good reason, since tobacco remains the largest preventable cause of death, killing half a million Americans per year. One in four cancer deaths in California are due to smoking.

For the last eight years, TEC members have been educating the public and local policymakers about issues with tobacco waste. We have conducted public opinion polls and key informant interviews, given presentations, and provided informational trainings. We have educated youth and engaged media throughout Santa Cruz County. We've held a tobacco waste photo contest, and even hosted a "Tobacco Butt Night" at the Museum of Art and History. Coalition members and community partners have picked up tens of thousands of cigarette butts throughout the area, including from Capitola parks and beaches.

The tobacco industry embeds single-use plasticized pieces in tobacco products as a deceptive tool: calling them "filters" to decrease the public's perception of how harmful tobacco products are, while not actually providing any meaningful protection. Tobacco industry marketing efforts have attempted to create the *illusion* that cigarette "filters" have some impact on the harmful chemicals in cigarette smoke. Yet, according to the World Health Organization, "There is no evidence that filters have any proven health benefits." As early as 1958, Philip

Morris scientists recognized that selective filtration of the harmful compounds in cigarette smoke was "a thermodynamic impossibility."

Nonetheless, smokers continue to litter cigarette butts on Capitola streets, parks, and beaches, degrading residents' quality of life, making public spaces less attractive to both locals and visitors, and forcing local governments and conservation nonprofits to bear the costly burden of cleanup.

Fortunately, the City of Capitola has already passed a resolution recognizing tobacco waste as a public health and environmental threat, as have the four other jurisdictions within the county.

Tobacco Education Coalition members have frequently worked to support local leaders in addressing concerns related to passing tobacco prevention policies. Our work will continue if the tobacco "filter" policy passes: tobacco retailers will need guidance in transitioning away from the sale of "filtered" products and will be provided information on items that are acceptable to sell. People who smoke "filtered" tobacco products will need quit-smoking services and support. Coalition members will continue to work towards meeting the needs of all local constituents as we advocate for a health-promoting, tobacco-free lifestyle and environment for the community.

Coalition members believe that the Capitola City Council has community support, research-based evidence on the science and history of tobacco filters, as well as extensive data on health issues and plastic pollution locally, to justify a policy on tobacco filters that is prohealth, pro-family, and pro-environment. Please consider joining the Unincorporated County of Santa Cruz and the City of Santa Cruz and help put an end to the sale of health-deceiving, environment-damaging, single-use plastic waste in tobacco products.

Sincerely

Co-Chair, Santa Cruz County Tobacco Education Coalition

From: Laura Perkins <perkinsl@hotmail.com>
Sent: Tuesday, August 5, 2025 4:32 PM

To: City Council
Cc: Katie Thompson

Subject: I support a ban on the sale of filtered tobacco products.

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman:

I am writing to say that banning the sale of filtered tobacco products would have a huge positive impact on the health of our environment and community. This policy is a critical step to address one of the most littered items on the planet: toxic cigarette butts.

I have lived in Felton for the past 17 years and I love our redwood forests, our wetlands, and our seashore. I am so grateful that our County Board of Supervisors and the City Council of Santa Cruz have already passed this policy.

My daughter is starting at Cabrillo Community College this fall, my partner teaches at UCSC, and our family spends a great deal of time enjoying all of Santa Cruz County.

The City of Capitola is too smart to accept the tobacco industry's disinformation about filters.

These filters are designed to fool people into thinking they make cigarettes safer to smoke.

Before 1950, less than 1% of commercial cigarettes were filtered. But the increasing press coverage of the potential dangers of smoking led to an explosion of filter development and marketing. By 1960, filtered cigarettes represented 51% of the market. By 2005, they represented 99% of the market. (See the NLM's How Tobacco Smoke Causes Disease.)

This National Library of Medicine report cites studies that show filters do **not** make cigarettes safer to smoke. They actually increase the risk of harm.

As unhealthy as they are for the people who use filtered tobacco products, they also pollute our environment with toxins, carcinogens, and microplastics.

Please pass a policy banning the sale of filtered tobacco products. Santa Cruz County residents, visitors, animals, and marine life deserve an environment free of toxic tobacco waste.

Sincerely,

Laura Perkins

From: Yvette Brooks <ybrooks@unitedwaysc.org>
Sent: Wednesday, August 6, 2025 12:07 PM

To: City Council

Cc: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); katie@saveourshores.org

Subject: [PDF] We support a ban on the sale of filtered tobacco products. **Attachments:** UWSCC support a ban on the sale of filtered tobacco products (1).pdf

Follow Up Flag: Follow up Flag Status: Flagged

Please see attached letter of support on banning the sale of filtered tobacco products.

Yvette Lopez Brooks

CEO, United Way Santa Cruz County 4450 Capitola Rd, Ste 106 Capitola, CA 95010 | Main: 831-479-5466 x205 | Helpline: 211 https://www.unitedwaysc.org/

□ •

Book time to meet with me





Donate Today

PO Box 1458 4450 Capitola Road Suite 106 Capitola, CA 95010 831-465-2205



www.unitedwaysc.org I https://211santacruzcounty.org/

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman

On behalf of United Way of Santa Cruz County, we are writing to express our strong support for a local ban on the sale of filtered tobacco products.

As a community-focused organization committed to improving health, education, and financial stability for all residents, we are deeply concerned about the widespread health risks and environmental damage caused by filtered tobacco products. Despite common misconceptions, cigarette filters do not reduce health risks; rather, they perpetuate smoking by making it easier to inhale toxins and by falsely suggesting reduced harm. This has a particularly dangerous impact on young people, who are more likely to start smoking under the belief that filtered cigarettes are a safer choice.

The environmental toll is also significant. Cigarette filters are among the most littered items globally and right here in Santa Cruz County. These non-biodegradable plastic filters leach harmful chemicals into our land, waterways, and marine ecosystems, directly undermining our community's environmental values and sustainability goals.

A ban on the sale of filtered tobacco products would align with public health best practices and environmental protection strategies. It would demonstrate Capitola's leadership in prioritizing the well-being of its residents and natural resources.

United Way of Santa Cruz County urges the City Council to move forward with this ban and set an example for other communities across the state and nation.

Thank you for your consideration and ongoing commitment to public health and environmental justice.

Sincerely,
Yvette Brooks
CEO
United Way Santa Cruz County

Ybrooks@unitedwaysc.org

From: Santa Cruz Policy <policy@santacruz.surfrider.org>

Sent: Thursday, August 7, 2025 11:26 AM

To: City Council

Cc: Jack Ward; Katie Thompson

Subject: I support a ban on the sale of filtered tobacco products

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman

I urge you to take action against one of the most pervasive and harmful forms of litter - cigarette butts. These toxic plastic filters are a major environmental, health, and economic burden on our community.

Cigarette butts are the most littered item in the world, and locally, they wash into Monterey Bay, contributing to ocean pollution and harming marine life. These filters do not biodegrade; instead, they break into microplastics and leach toxic chemicals like lead, arsenic, and nicotine into our environment. They are also a fire hazard, responsible for burning nearly 89,000 acres in California since 1980.

The financial burden of cigarette butt cleanup falls on local governments and volunteers rather than the tobacco companies responsible for the waste. In California alone, Caltrans spends nearly \$14 million annually on cigarette litter cleanup.

I urge you to support a ban on the sale of filtered tobacco products in the City of Capitola.

Eliminating these non-essential and harmful filters will significantly reduce pollution, protect public health, and lessen the financial strain on our local government.

Thank you for your time and leadership on this critical issue. I look forward to your support of this ordinance.

Best,

Morganna Johnson and Jack Ward on Behalf of the Policy Committee for the Santa Cruz Chapter of the Surfrider Foundation.

Item 9 A.



[PDF] We support a ban on the sale of filtered tobacco products

From Wilcox, Naia <WilcoxN@countyofmonterey.gov>

Date Mon 8/11/2025 9:36 AM

To City Council <citycouncil@ci.capitola.ca.us>

Cc katie@saveourshores.org < katie@saveourshores.org >

1 attachment (605 KB)

LOS Capitola Filter Ban.pdf;

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman,

I am writing on behalf of the Monterey County Collaborates regarding the upcoming agenda item on August 28th which will discuss a ban on the sale of filtered tobacco products. We would like to express our support for the ban ordinance in the city of Capitola and have attached our letter of support to this email.

Best,



Naia Wilcox (she/her/ella)

Pathways Fellow Health Department, Public Health Bureau 1441 Schilling Place – South 1st Floor, Salinas, CA 93901 831-755-4362

wilcoxn@countyofmonterey.gov



Mission Statement

To support, educate, and empower youth and families to create safe and healthy environments.

Members

Blue Zones Project Monterey County

Breathe California of the Bay Area, Golden Gate, and Central Coast

Monterey County Health Department

Monterey County
Office of Education

Monterey County Prescribe Safe Initiative

Sun Street Centers

Transportation
Agency for Monterey
County

Co-chairs

Kendra Howell

Jorge Rubio

August 28, 2025

Support for a ban on the sale of filtered tobacco products

Dear Mayor Clarke, Vice Mayor Morgan, and Council Members Jensen, Orbach, and Westman,

We are writing on behalf of Monterey County Collaborates to support the adoption of an ordinance that bans the sale of filtered tobacco in the city of Capitola. This policy is critical to address one of the most persistent litter items in Santa Cruz County which pollutes our local environment and damages our community's health.

We are an organization dedicated to advocating for a safe and healthy Monterey County, which includes working to reduce the toxic tobacco product waste that puts our environment and health at risk. We believe that the recent ordinance adopted by Santa Cruz County and the city of Santa Cruz serves as a progressive policy that will lead to positive change across the state in a firm rebuttal to Big Tobacco's continued attack on the health and safety of our communities.

With the recent decision by the city of Santa Cruz to adopt the filter ban ordinance, we are one step closer to the county-wide implementation and enforcement of this policy. We ask that Capitola takes the final, necessary step in ensuring this policy is implemented across all of Santa Cruz County to protect the health of the environment and residents.

We are working towards the same goal of ending tobacco product waste and hope to follow your leadership example by pursuing a filtered product ban in our County. We look towards a bright future in which the entirety of the Monterey Bay is free from this persistent and harmful waste.

As your neighbors and the community that shares the Monterey Bay National Marine Sanctuary with you and others, we encourage you to continue protecting the health of our shared environment and neighboring communities. We affirm our support for this ordinance that will ban the sale of filtered tobacco products and assure you that we are working towards the same goal of reducing tobacco product waste.

Thank you for your time and continued leadership.

Serare Nowell

Sincerely,

Kendra Howell

Jorge Rubio

From: George Leonard <george.h.leonard@gmail.com>

Sent: Monday, August 11, 2025 1:37 PM

To: City Council Cc: Katie Thompson

Subject: SUPPORT – Ban on the sale of filtered tobacco products

Attachments: Leonard_Butt Support Letter_Capitola_Council_May_2025_Final_081125.docx

Dear Capitola City Council Members:

As a 25-year resident of Santa Cruz and a frequent visitor to the city of Capitola and its beaches, I support the adoption of the policy before the Council to ban the sale of all filtered, rolled tobacco products in the city of Capitola.

Attached, please find a support letter articulating the reasons for my support.

Thank you for your continued leadership.

Cheers,

George

--

George H. Leonard, PhD george.h.leonard@gmail.com 831-454-6477 - cell LinkedIn August 11, 2025

Capitola City Council 420 Capitola Ave Capitola, CA 95010

Delivered via email: citycouncil@ci.capitola.ca.us

cc: katie@saveourshores.org

Re: **SUPPORT** – Ban on the sale of filtered tobacco products

Dear Capitola City Council Members:

As a 25-year resident of Santa Cruz and a frequent visitor to the city of Capitola and its beaches, I support the adoption of the policy before the Council to ban the sale of all filtered, rolled tobacco products in the city of Capitola. This policy is a critical component of the companion policy already approved by the County and City of Santa Cruz.

I commend the leadership of local policy makers in addressing the ongoing problem of tobacco waste throughout the Santa Cruz region, including on its beaches, in its rivers and waterways, and throughout the Monterey Bay National Marine Sanctuary (MBNMS). I am a marine biologist who has studied, worked on, and dove in Monterey Bay since my time as a student at Moss Landing Marine Laboratories in the 1990's. The MBNMS is the crown jewel of the Central Coast, hosting 36 species of marine mammals, nearly 200 species of seabirds and shorebirds, over 500 species of fish, and countless species of invertebrates and seaweed. A clean Sanctuary, free of harmful tobacco pollution, is vital to the health of the coastal community of Santa Cruz, Capitola, and all its inhabitants, humans and otherwise. And keeping tobacco waste out of the local ocean will also help elevate Capitola's ocean stewardship as the most recent addition to the World Surfing Reserve.

Numerous NGOs have documented the problem of tobacco waste. For nearly 40 years, Ocean Conservancy has organized the International Coastal Cleanup, the largest volunteer effort on behalf of the ocean. Over 18 million of their volunteers have removed nearly 380 million pounds of trash and plastics from over 150 countries around the world, including across all 50 U.S. states. These volunteers have catalogued every piece of trash collected and year after year, cigarette butts have been the number one item collected by count. The numbers are staggering: 63 million butts collected worldwide; 35 million butts removed across the U.S, with 8.5 million collected in the state of California. From 2013-2023, Save Our Shores alone collected over 400,000 cigarette butts from the beaches, open spaces, and public areas in the Santa Cruz region, including Capitola's beaches.

The consequences of this tobacco waste to human health and the environment are well-documented and severe. In short, cigarette filters are bad for the marine environment, bad for marine wildlife, and bad for people. Filters are toxic waste, leaching lead, arsenic, nicotine, and

a host of other chemicals into the marine environment. Butts are plastic and like other plastics they don't degrade but rather break apart into thousands of microplastics; plastic fibers from cigarettes and other sources have been found throughout the marine food web, from the smallest zooplankton to the largest whales, including the fish and shellfish that are vital to a healthy and sustainable seafood supply. To make matters worse, cigarette filters do not make smoking safer; 60 years ago, the U. S. Surgeon General confirmed that filters were ineffective at protecting smokers from diseases caused by smoking and later research provided evidence that filters can actually *increase* the risk of certain types of cancer in smokers.

The tobacco industry takes zero responsibility for their toxic waste, forcing the physical and financial burden of its cleanup onto local volunteer organizations, government agencies, and residents like me and my friends and neighbors.

Given this host of concerns, I strongly urge you to adopt the proposed policy to ban the sale of all filtered, rolled tobacco products including cigarettes, cigarillos and little cigars in the City of Capitola.

As the Trump Administration continues to gut environmental protections, independent science, and NOAA and the national marine sanctuaries, Capitola, Santa Cruz and the Monterey Bay must remain leaders in science-based public policy. Now is not the time to back down. It is the time to lead. The vision shown by you, your fellow city councils and the Board of Supervisors will serve as inspiration for other jurisdictions throughout the state and across the nation.

Thank you for your continued leadership and action on behalf of the ocean and all residents of the City of Capitola.

Sincerely,

George H. Leonard, Ph.D.

129 Ladera Drive

Santa Cruz, CA 95060

George.h.leonard@gmail.com

From: fastcar67302@yahoo.com

Sent: Tuesday, August 12, 2025 8:24 AM

To: City Council

Subject: Possible Spam Vote request

Please vote to Ban the Butt. Health and safety for all. Second hand smoke kills. Dina Schillings

Clares St, Capitola

From: Katie Thompson <katie@saveourshores.org>

Sent: Monday, August 11, 2025 3:31 PM

To: City Council

Subject: [PDF] We support a ban on the sale of filtered tobacco products **Attachments:** Capitola City Council_Filtered tobacco ban_AUGUST 2025.pdf

Follow Up Flag: Follow up Flag Status: Flagged

Dear Capitola City Council Members,

Please find attached our letter in support of the ban on the sale of all filtered tobacco products in the city of Capitola.

Thank you for your continued leadership on making the environment safer and cleaner for Capitola residents and visitors.

Sincerely,

Katie



Katie Thompson, M.M.A. (she/her)

Executive Director, Save Our Shores

Office: 1.831.462.5660 x8

Website: www.saveourshores.org

Address: 345 Lake Ave, Suite A. Santa Cruz, CA 95062

We are located on the unceded territory of the Awaswas-speaking Uypi Tribe, represented by the <u>Amah</u> Mutsun Tribal Band





Capitola City Council 420 Capitola Ave. Capitola, CA 95010 citycouncil@ci.capitola.ca.us

Re: We support a ban on the sale of filtered tobacco products

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman,

We, as local representatives of environmental organizations and community members, support the adoption of a policy that bans the sale of all filtered, rolled tobacco products including cigarettes, cigarillos, and little cigars, in the City of Capitola. This policy is critical to address one of the most persistent litter items in Capitola and across the globe: cigarette butts.

Cigarette butts are one of the most littered items on Capitola's beaches and have been for decades. Between 2013 and 2024, Save Our Shores collected **15,238 cigarette butts from beaches, open spaces, and public areas in Capitola**—making them the second most common item found during cleanups, after plastic pieces. However, cigarette butts remain **the most recognizable type of litter**. As a top littered item locally, we know that number is just a snapshot of the total cigarette litter that continues to negatively impact human and ecosystem. According to a 2023 NOAA study that used community science data, an astounding 24.5% of all litter collected on the shoreline of the Monterey Bay National Marine Sanctuary between 2017 and 2021 could be attributed to smoking.

Cigarette butts are made of cellulose acetate, a non-biodegradable plastic, which breaks into microplastics and bioaccumulates in marine organisms. Cigarette butts are toxic waste and leach dangerous chemicals such as lead, arsenic, and nicotine into the environment where they can poison small children, pets, and wildlife. They are also a fire hazard, responsible for burning 88,898 acres in California since 1980.

Local jurisdictions and conservation nonprofits have borne the brunt of the cleanup work and associated costs to protect the sanctuary and its human and nonhuman inhabitants from toxic tobacco pollution while the tobacco industry maintains exorbitant profits. It is time for an upstream solution that holds Big Tobacco responsible for its own corporate pollution.

We believe that we have the community and local government support, the decades of litter data, and the regional strategy to justify a strong policy that favors our sanctuary and its people over the profit motives of an exploitative industry. Please ban filtered cigarette products. Thank you for your leadership.

Respectfully,

Katie Thompson, Executive Director, Save Our Shores Laurie Egan, Executive Director, Coastal Watershed Council Tracey Weiss, Executive Director, O'Neill Sea Odyssey

Sent: Tuesday, August 12, 2025 12:41 PM

To: City Council
Cc: Katie Thompson

Subject: Filtered tobacco product ban

Attachments: Scorse_Butt Support Letter_Capitola_City Council.docx

To The Capitola City Council,

Please see the attached letter in support of the ban of filtered tobacco products.

Thank you,

Jason

--

"Animals are the main victims of history, and the treatment of domesticated animals in industrial farms is perhaps the worst crime in history." Yuval Noah Harari

"The best lack all conviction, while the worst are full of passionate intensity." W.B. Yeats

"Those who can make you believe absurdities can make you commit atrocities." Voltaire

"Humanity can and must do better." All sane and decent people

Jason Scorse, Ph.D.
Associate Professor
Chair, Environmental Policy and Management Program
Director, Center for the Blue Economy
Middlebury Institute of International Studies at Monterey

Office Hour Appointments

Zoom Meeting Room: Passcode7sQnmz

Faculty Webpage



August 12, 2025

Capitola City Council 420 Capitola Ave Capitola, CA 95010

Re: **SUPPORT** – Ban on the sale of filtered tobacco products

Dear Capitola City Council Members:

As a more than 30-year resident of Santa Cruz, I support the adoption of the policy before the Council to ban the sale of all filtered, rolled tobacco products in the city of Capitola.

I am the Director of the Center for the Blue Economy and have served on numerous boards dealing with the Monterey Bay National Marine Sanctuary. The MBNMS is the crown jewel of the Central Coast, hosting 36 species of marine mammals, nearly 200 species of seabirds and shorebirds, over 500 species of fish, and countless species of invertebrates and seaweed. A clean Sanctuary, free of harmful tobacco pollution, is vital to the health of the coastal community of Santa Cruz, Capitola, and all its inhabitants, humans and otherwise.

The tobacco industry takes no responsibility for their toxic waste, so I strongly urge you to adopt the proposed policy to ban the sale of all filtered, rolled tobacco products including cigarettes, cigarillos and little cigars in the City of Capitola.

Thank you,

Sincerely,

Dr. Jason Scorse
Director, Center for the Blue Economy
Profscorse@gmail.com

From: Gage Dayton <gagedayton@gmail.com>
Sent: Thursday, August 14, 2025 5:07 PM

To: City Council **Subject:** [PDF] Butt letter

Attachments: Dayton_Butt Support Letter_Capitola_Council.pdf

Follow Up Flag: Follow up Flag Status: Flagged

Dead Capitola City Council,

Please find the attached letter in support of the butt ban in Capitola.

Thank you,

Gage

August 14, 2025

Capitola City Council 420 Capitola Ave Capitola, CA 95010

Delivered via email: citycouncil@ci.capitola.ca.us

cc: katie@saveourshores.org

Re: SUPPORT – Ban on the sale of filtered tobacco products

Dear Capitola City Council Members:

As a 15-year resident of Santa Cruz County and a frequent user of Capitola and Live Oak beaches, I support the adoption of the policy before the Council to ban the sale of all filtered, rolled tobacco products in the city of Capitola. This policy is a critical component of the companion policy already approved by the County and City of Santa Cruz.

Numerous NGOs have documented the problem of tobacco waste. For nearly 40 years, Ocean Conservancy has organized the International Coastal Cleanup, the largest volunteer effort on behalf of the ocean. Over 18 million of their volunteers have removed nearly 380 million pounds of trash and plastics from over 150 countries around the world, including across all 50 U.S. states. These volunteers have catalogued every piece of trash collected and year after year, cigarette butts have been the number one item collected by count. The numbers are staggering: 63 million butts collected worldwide; 35 million butts removed across the U.S, with 8.5 million collected in the state of California. From 2013-2023, Save Our Shores alone collected over 400,000 cigarette butts from the beaches, open spaces, and public areas in the Santa Cruz region, including Capitola's beaches.

Cigarette filters are bad for the marine environment, bad for marine wildlife, and bad for people. Butts are plastic and like other plastics they don't degrade but rather break apart into thousands of microplastics; plastic fibers from cigarettes and other sources have been found throughout the marine food web, from the smallest zooplankton to the largest whales, including the fish and shellfish that are vital to a healthy and sustainable seafood supply. To make matters worse, cigarette filters do not make smoking safer; 60 years ago, the U. S. Surgeon General confirmed that filters were ineffective at protecting smokers from diseases caused by smoking and later research provided evidence that filters can actually *increase* the risk of certain types of cancer in smokers.

The tobacco industry takes zero responsibility for their toxic waste, forcing the physical and financial burden of its cleanup onto local volunteer organizations, government agencies, and residents like me and my friends and neighbors.

Given this host of concerns, I urge you to adopt the proposed policy to ban the sale of all filtered, rolled tobacco products including cigarettes, cigarillos and little cigars in the City of Capitola.

Thank you for your continued leadership and action on behalf of the ocean and all residents of the City of Capitola.

Daye H. Dayton 1881 16th Ave.

Santa Cruz, CA 95062 gagedayton@gmail.com

From: Thomas Novotny <tnovotny@sdsu.edu>
Sent: Friday, August 15, 2025 11:42 AM

To: City Council

Cc: katie@saveourshores.org

Subject: I support a ban on the sale of filtered tobacco products

Follow Up Flag: Follow up Flag Status: Flagged

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman:

I write to support the proposed ban on the sale of cigarette filters in Santa Cruz County, passed by the board of supervisors last October. This bold, singular accomplishment demonstrates how local communities can address a global problem and provide an example for others to follow. I have been involved for more than 20 years in the research that demonstrates the importance of cigarette filters as environmental pollutants and fraudulent marketing gimmicks. They are designed to fool people who smoke into thinking they are protected against the harms of smoking. Instead, they just make it easier to start smoking, to sell cigarettes, and to pollute our beaches with toxic plastic waste. California leads global efforts to overcome the enormous harms of cigarette smoking, and public health advocates have led the way in this fight. Now we join with environmental advocates to take on the tobacco industry in order to protect our citizens' health and our treasured coastal environments. Santa Cruz can lead the way with this important intervention if Capitola joins in. Businesses will adapt; other communities will follow; beaches will be cleaner; and no one will die or leave the county because filtered cigarettes are not available there. In fact, Beverly Hills and Manhattan Beach banned all tobacco product sales, and they seem to be doing just great. I would be happy to provide additional information about filters, tobacco use, environmental harms, or economic concerns regarding a ban on the sale of filtered cigarettes or single-use nicotine products.

Respectfully,

--

Thomas E. Novotny MD MPH Professor Emeritus San Diego State University School of Public Health

From: Julia Alber <julia.m.alber@gmail.com>
Sent: Friday, August 15, 2025 2:03 PM

To: City Council

Cc: katie@saveourshores.org; tobaccofreeslo@gmail.com

Subject: [PDF] Letter of Support for Ban on the Sale of Filtered Tobacco Products

Attachments: TCC Letter of Support for Capitola filter ban.pdf.pdf

Dear Mayor Clarke, Vice-Mayor Morgan and Council Members Jensen, Orbach and Westman,

On behalf of the San Luis Obispo County Tobacco Control Coalition, I am attaching a letter of support for the adoption of the ordinance banning the sale of filtered tobacco products in the city of Capitola, scheduled to be heard at your August 28, 2025 meeting.

Thank you,

Julia Alber

Chair, San Luis Obispo County Tobacco Control Coalition



August 15, 2025

Support for the ban on the sale of filtered tobacco products in Capitola

Dear Mayor Clarke, Vice-Mayor Morgan and Council Members Jensen, Orbach and Westman,

On behalf of the San Luis Obispo County Tobacco Control Coalition (TCC), I am writing to support the adoption of the ordinance banning the sale of filtered tobacco products in the city of Capitola, scheduled to be heard at your August 28, 2025 meeting.

Our coalition's vision is that all people in the County of San Luis Obispo enjoy smoke-free air and a tobacco-free environment. We applaud your proposed ordinance to ban the sale of filtered cigarettes as we believe that it would both help people reduce their use of filtered cigarettes and will benefit the environment.

We recognize cigarettes filters as a marketing ploy by the tobacco industry to persuade cigarette users that filtered cigarettes would be made safer than non-filtered cigarettes. In fact, filters have been called the 'deadliest fraud in the history of human civilization'. Research has revealed that modern cellulose acetate cigarette filters in fact do not stop – and rather may increase. The carcinogenic tar and toxins that make cigarettes so deadly. Thus, there is no health value to maintaining filters on cigarettes.

Additionally, banning filtered cigarettes is critical to addressing one of the most persistently littered items on California's coast and, indeed, the world. This particular piece of litter pollutes our environment with microplastics and leaches toxins into our soils and waterways. A fact that always astounds is that one cigarette filter leaches enough nicotine and toxins to kill fish in a liter of water³.

In short, there is no healthful reason for filters nor is there a place for filters in our environment. We encourage your Council to protect the health of our communities and the environment by approving the ordinance to ban the sale of filtered cigarettes. Our Coalition is eager to follow your leadership and seek similar protections for our County.

Thank you for your time and leadership on this issue,

Sincerely,

Julia Alber

Julia alber

Chair, SLO County Tobacco Control Coalition

¹Kennedy P. Who made that cigarette filter? 2012. New York Times Magazine

²Song M-A, Benowitz NL, Berman M, et al. Cigarette filter ventilation and its relationship to increasing rates of lung adenocarcinoma. J Natl Cancer Inst 2017;109. 10.1093/jnci/djx075. [Epub ahead of print: 01 Dec 2017].

³Cigarette Butts Toxic to Marine Life | News | SDSU

From: Ben Judkins <benjudkins1@gmail.com>
Sent: Monday, August 18, 2025 7:45 AM

To: City Council

Subject: [PDF] Letter of Support from The Cigarette Surfboard Filmmaker **Attachments:** Letter of Support from The Cigarette Surfboard Filmmaker (2).pdf

To the Capitola City Council,

My name is Ben Judkins and I am the co-founder of The Cigarette Surfboard Project, and Director/Co-Producer of the 90min documentary, *The Cigarette Surfboard*. I've spent the past 8 years documenting the issue of single-use cigarette filters, both in Santa Cruz County and around the world. I've learned all about their environmental, economic, and human health impacts. After screening the documentary around the world this past year, with over 80 screenings at film festivals, high schools, and universities, I've witnessed firsthand how deeply this issue resonates with communities and the thousands of folks who have seen the film. More than 600 people came out to our two screenings in Santa Cruz, and attendees were truly moved by this issue and the political work within Santa Cruz County to push forward such policies.

I strongly support the Capitola City Council passing an ordinance banning the sale of single-use filters. Thank you for taking action and leading the way for other jurisdictions to follow.

All the best,

Ben Judkins (he/him)
Filmmaker, *The Cigarette Surfboard*thecigarettesurfboard.com
thecigarettesurfboard

To the Capitola City Council,

My name is Ben Judkins and I am the co-founder of The Cigarette Surfboard Project, and Director/Co-Producer of the 90min documentary, *The Cigarette Surfboard*. I've spent the past 8 years documenting the issue of single-use cigarette filters, both in Santa Cruz County and around the world. I've learned all about their environmental, economic, and human health impacts. After screening the documentary around the world this past year, with over 80 screenings at film festivals, high schools, and universities, I've witnessed firsthand how deeply this issue resonates with communities and the thousands of folks who have seen the film. More than 600 people came out to our two screenings in Santa Cruz, and attendees were truly moved by this issue and the political work within Santa Cruz County to push forward such policies.

I strongly support the Capitola City Council passing an ordinance banning the sale of single-use filters. Thank you for taking action and leading the way for other jurisdictions to follow.

All the best,

Ben Judkins (he/him)
Filmmaker, *The Cigarette Surfboard*thecigarettesurfboard.com
@thecigarettesurfboard

From: Deane Plaister <dmp3mail@gmail.com>
Sent: Monday, August 18, 2025 10:04 AM

To: City Council

Subject: Ban on single-use cigarette filters

Dear Councilmembers,

I am not a resident of your lovely town, but I do live down the coast in Santa Barbara, and I'm active with our chapter of Surfrider Foundation. In the beach cleanups we put on, we used to find cigarette butts as the most common item. Santa Barbara passed a ban on smoking at the beach, and the volume dropped dramatically. As I understand it, your council is considering a ban on single-use cigarette filters. This is a great idea, even better than a beach-smoking ban.

Cigarette butts are not only unsightly, they carry toxic chemicals, and absorb other bad substances from the environment. They are then consumed by marine animals that mistake them for bits of food. This is disastrous for the marine environment, and getting butts out of the ocean (or anywhere) is good policy. I urge you to continue the momentum started by the City and County of Santa Cruz, and vote to ban single-use cigarette filters in your city.

Many thanks, Deane Plaister 30 W. Valerio #7 Santa Barbara, CA 93101

From: John <jxmulry@gmail.com>

Sent: Monday, August 18, 2025 4:55 PM

To: City Council

Subject: Pass the cigarette butt ban

It's both the right thing to do and good for business.

Warmly JM

From: Tanya Payyappilly <tanya@lungsrus.org>
Sent: Monday, August 18, 2025 3:40 PM

To: City Council

Cc: katie@saveourshores.org

Subject: [PDF] Breathe California Supports Ban on the Sale of Filtered Tobacco Products

Attachments: BreatheCA_Letsupport CapitolaCity Filter Ban.pdf

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman,

I am very excited to hear that the City of Capitola is considering a ban on filtered tobacco products that was adopted by the county last year. Attached here is Breathe California's letter of support for the same. Hope this provides all the information you need to decide about this issue.

Please do not hesitate to reach out to me in case you have any questions.

Warmly, Tanya Payyappilly, MD, MPH CEO



of the Bay Area, Golden Gate, and Central Coast

1469 Park Avenue, San Jose, CA 95126

Phone: (408) 998-5865 | Web: www.lungsrus.org

Breathe California is dedicated to fighting lung disease, advocating for clean air and promoting public health in our local communities.

Breathe California of the Bay Area, Golden Gate, and Central Coast

1469 Park Avenue San Jose, CA 95126 Phone: (408) 998-5865 Toll-Free: 1-877-3-BREATHE Fax: (408) 998-0578 www.lungsrus.org info@lungsrus.org

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> A member of the **Breathe America** ™ Alliance



August 18, 2025

Capitola City Council 420 Capitola Ave, Capitola, CA 95010

Re: Support Ban on the sale of filtered tobacco products

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman,

Breathe California of the Bay Area, Golden Gate and Central Coast urgently requests your support for the adoption of a city-wide policy prohibiting the sale of all filtered, rolled tobacco products, including cigarettes, cigarillos, and little cigars, within Santa Cruz. This decisive action is vital to directly address the pervasive issue of cigarette butt litter, a persistent pollutant not only on our land in Santa Cruz County and globally, but also with devastating consequences for the delicate ecosystems of Santa Cruz County's precious coastal and ocean environments.

For over a century, Breathe California has steadfastly championed healthy lungs across California, striving to make our state a leader in respiratory health. Since our founding in 1911, we have been a strong voice for lung health in all its dimensions, including environmental health. We have witnessed and actively countered decades of manipulative strategies employed by the tobacco industry, which has profited from the addiction of young people. While public understanding of the health dangers of Big Tobacco's products has increased, the significant yet often overlooked problem of toxic environmental pollution, especially its insidious impact on our marine life, remains a critical concern.

The term "filters" on cigarettes deceptively suggests a safer smoking experience. However, the World Health Organization clearly states that filters offer "no benefit in preventing the adverse health effects of smoking." Instead, they serve as another marketing tactic employed by an industry with a long history of public deception, resulting in devastating consequences for human health and our shared environment.

Beyond their harm to individuals, these filtered products become a significant source of pollution, leaching toxins, carcinogens, and microplastics into our soils and, critically, into our waterways and the ocean. These discarded filters are frequently mistaken for food by marine animals, leading to ingestion, starvation, and even death. The chemicals they release further contaminate the marine food chain, posing a threat to biodiversity and potentially impacting human health through seafood consumption.

Local governments and environmental nonprofits have disproportionately shouldered the burden and expense of cleaning up this toxic tobacco waste from our beaches and coastal areas, while the tobacco industry continues to generate excessive profit 332

Item 9 A.

It is time for a proactive, upstream solution that holds Big Tobacco accountable for its corporate polar and protects our invaluable marine resources.

Our community possesses decades of litter data and a well-established regional strategy. Working together, with your crucial support, we can enact a robust policy that prioritizes the well-being of our residents over the exploitative profits of the cigarette industry. A ban on filtered cigarettes is essential to protect our vulnerable environment. We strongly urge you to join the Santa Cruz County Board of Supervisors and the City of Santa Cruz in passing this vital policy to safeguard our community.

Sincerely,

Tanya Payyappilly,

CEO

From: Tico Andrea <tico.andrea@gmail.com>
Sent: Tuesday, August 19, 2025 11:03 AM

To: City Council

Subject: Ban on the sale of filtered tobacco products

Dear Mayor Clarke, Vice Mayor Morgan, and Council Members Jensen, Orbach and Westman

I am writing to you in support of the adoption of a policy that bans the sale of filtered, prerolled tobacco products including cigarettes, cigarillos, and little cigars, in the City of Capitola. This policy is critical to address one of the most persistent litter items in Capitola, the county of Santa Cruz and across the globe: cigarette butts.

Cigarette butts are the most common form of litter worldwide, and they represent one of the worst pollutants for our local coastline. They may look small, but cigarette filters are made of plastic fibers that do not biodegrade and can leach toxic chemicals such as arsenic, lead, and nicotine into the sand and ocean. These toxins harm marine life, contaminate water quality, and threaten the health of beachgoers. Birds, fish, and sea turtles often mistake the butts for food, leading to ingestion, choking, and poisoning.

We believe there is community and local government support, decades of litter data, and the regional strategy to justify a strong policy that holds Big Tobacco responsible for its corporate pollution. Please ban filtered cigarettes.

Thank you for your continued environmental leadership.

Tico Andrea

--

Tico Andrea

Program & Product Management Leader Corralitos, CA | 831 421 1891 | Tico.andrea@gmail.com linkedin.com/in/ticoandrea

Expertise: International Expansion | Product & Program Leadership | Localization (L10n/i18n)
Tools & Skills: Tableau · GA · Amplitude · SQL · Figma · Jira · Asana · Smartling · DeepL
Languages: Dutch (native), English, French, German

From: Tico Andrea <tico.andrea@gmail.com>
Sent: Tuesday, August 19, 2025 11:03 AM

To: City Council

Subject: Ban on the sale of filtered tobacco products

Dear Mayor Clarke, Vice Mayor Morgan, and Council Members Jensen, Orbach and Westman

I am writing to you in support of the adoption of a policy that bans the sale of filtered, prerolled tobacco products including cigarettes, cigarillos, and little cigars, in the City of Capitola. This policy is critical to address one of the most persistent litter items in Capitola, the county of Santa Cruz and across the globe: cigarette butts.

Cigarette butts are the most common form of litter worldwide, and they represent one of the worst pollutants for our local coastline. They may look small, but cigarette filters are made of plastic fibers that do not biodegrade and can leach toxic chemicals such as arsenic, lead, and nicotine into the sand and ocean. These toxins harm marine life, contaminate water quality, and threaten the health of beachgoers. Birds, fish, and sea turtles often mistake the butts for food, leading to ingestion, choking, and poisoning.

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Thank you for your continued environmental leadership.

Tico Andrea

--

Tico Andrea

Program & Product Management Leader Corralitos, CA | 831 421 1891 | Tico.andrea@gmail.com linkedin.com/in/ticoandrea

Expertise: International Expansion | Product & Program Leadership | Localization (L10n/i18n)
Tools & Skills: Tableau · GA · Amplitude · SQL · Figma · Jira · Asana · Smartling · DeepL
Languages: Dutch (native), English, French, German



August 19, 2025

Capitola City Council 420 Capitola Ave, Capitola, CA 95010

RE: California Marine Sanctuary Foundation supports a Ban on the Sale of Filtered Tobacco Products

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman,

I am writing on behalf of the California Marine Sanctuary Foundation to express our strong support for the proposed ban on the sale of filtered, pre-rolled tobacco products in the City of Capitola. This policy represents a critical step toward addressing the persistent and pervasive issue of tobacco waste, particularly cigarette butts, which are a significant environmental hazard in our community.

As an organization dedicated to the protection and preservation of marine and coastal environments, we are acutely aware of the detrimental impact cigarette butts have on our local ecosystems. Tobacco filters are the most littered item on California streets, parks, and beaches. They contain toxic chemicals such as lead, arsenic, and nicotine, which leach into our soil and water, posing a poisoning risk to small children, pets, wildlife, and marine life.

A 2023 study by the National Oceanic and Atmospheric Administration (NOAA) highlights the severity of this issue, attributing 25% of the debris found on the shores of the Monterey Bay National Marine Sanctuary to smoking. It is alarming to note that, on a global scale, an estimated 4.5 trillion cigarette butts are littered on the planet at any given time. Moreover, the 2024 Interagency Marine Debris Coordinating Committee Report indicates that discarded cigarette filters may release nearly a half million tons of microfibers into the aquatic environment annually.

For too long, the environmental community has overlooked the issue of cigarette butt litter, while the tobacco industry has taken no responsibility for this toxic waste. Instead, the burden of cleaning up this hazardous material has fallen on local volunteers, non-profit organizations, and government agencies. An economic model developed by San Diego State University's Center on Tobacco and the Environment estimates that the City of Santa Cruz spends over \$2 million annually on tobacco waste mitigation—a cost that could be better allocated to other pressing community needs.

Furthermore, research indicates that cigarette filters provide no health benefits to smokers. According to the World Health Organization, there is no evidence that filters reduce the harmful effects of cigarette smoke. In essence, these filters serve no purpose other than to contribute to the global problem of plastic pollution.

From: Katelyn Sprofera <katelyn@californiamsf.org>

Sent: Tuesday, August 19, 2025 3:57 PM

To: City Council

Cc: Katie Thompson; Robert Mazurek

Subject: [PDF] California Marine Sanctuary Foundation supports a ban on the sale of filtered

tobacco products

Attachments: Capitola City Council Ban the Butt.pdf

Hello,

Please accept our letter of support for the ban on the sale of filtered tobacco products.

Kind Regards,

Katelyn Sprofera

--

Katelyn Sprofera Program Manager and Evaluation Specialist California Marine Sanctuary Foundation CaliforniaMSF.org

CaliforniaMSF.org
CaliforniaMPAs.org



The policy under consideration by the Capitola City Council is a straightforward solution to this widespread problem. By banning the sale of filtered tobacco products, including cigarettes, cigarillos, and little cigars, the City of Capitola can take a decisive step in protecting both public health and the environment. This ban would reduce the toxic waste entering our ecosystem, protect wildlife and marine life, and alleviate the economic burden on local communities.

The California Marine Sanctuary Foundation stands in full support of this groundbreaking local policy. The health of our ocean, marine life, and coastal communities depends on proactive measures like this one. We urge you to adopt this policy and help the City of Capitola lead the way in addressing the environmental and health impacts of tobacco waste.

Thank you for your leadership and commitment to environmental stewardship. Please feel free to reach out if you have any questions or require further information.

Thank you for your time and consideration in this matter.

Sincerely,

Katelyn Sprofera

Program Manager & Evaluation Specialist

California Marine Sanctuary Foundation

From: Aster Peng <asterpeng@gmail.com>
Sent: Tuesday, August 19, 2025 8:15 PM

To: City Council **Subject:** Ban Cigarettes!

Dear City Council,

I urge you to take action against one of the most pervasive and harmful forms of litter - cigarette butts. These toxic plastic filters are a major environmental, health, and economic burden on our community.

Cigarette butts are the most littered item in the world, and locally, they wash into Monterey Bay, contributing to ocean pollution and harming marine life. These filters do not biodegrade; instead, they break into microplastics and leach toxic chemicals like lead, arsenic, and nicotine into our environment. They are also a fire hazard, responsible for burning nearly 89,000 acres in California since 1980.

The financial burden of cigarette butt cleanup falls on local governments and volunteers rather than the tobacco companies responsible for the waste. In California alone, Caltrans spends nearly \$14 million annually on cigarette litter cleanup.

I urge you to introduce and support a ban on the sale of filtered tobacco products in our city.

Eliminating these non-essential and harmful filters will significantly reduce pollution, protect public health, and lessen the financial strain on our local government.

Thank you for your time and leadership on this critical issue. I look forward to your response.

From: daniel aims <dcaims@yahoo.com>
Sent: Wednesday, August 20, 2025 11:54 AM

To: City Council

Subject: Re: Ban on the sale of filtered tobacco products

August 20, 2025

Dear Honorable Mayor Clarke, Vice Mayor Morgan, and Council Members Jensen, Orbach and Westman,

I am writing to you in support of the adoption of a policy that bans the sale of filtered, pre-rolled tobacco products including cigarettes, cigarillos, and little cigars, in the City of Capitola. This policy is critical to address one of the most persistent litter items in Capitola, the county of Santa Cruz, and across the globe: cigarette butts.

Cigarette butts are one of the most commonly littered items that consistently appear on beautiful beaches, disrupting natural ecosystems and polluting even protected lands.

Let's not forget what cigarette butts are: single use plastics.

There is community and neighboring local government support, decades of litter data, and the regional strategy to justify a policy that helps protect Capitola's beautiful shores, marine life, and people. Please ban the sale of filtered cigarettes.

Thank you for your continued environmental leadership.

Daniel Aims

From: Sandy Brown <Sandy.Brown@santacruzcountyca.gov>

Sent: Thursday, August 21, 2025 12:14 PM

To: Clarke, Joe; Margaux Morgan; Gerry Jensen; Melinda Orbach; Westman, Susan

Cc: Gautho, Julia; Justin Cummings; Manu Koenig

Subject: [PDF] Support for proposed ordinance banning the sale of filtered tobacco products

Attachments: 25_Capitola Filtered Tobacco Ban Support Letter.pdf

Dear Mayor Clarke, Vice Mayor Morgan and Members of the Capitola City Council,

Please find attached a letter of support from Supervisors Koenig and Cummings for Capitola's proposed ordinance banning the sale of filtered tobacco products. Let us know if you have any questions in advance of the hearing.

Kind regards,



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069 (831) 454-2200 FAX: (831) 454-3262 TDD/TTY - Call 711

MANU KOENIG FIRST DISTRICT KIMBERLY DE SERPA SECOND DISTRICT JUSTIN CUMMINGS THIRD DISTRICT FELIPE HERNANDEZ
FOURTH DISTRICT

MONICA MARTINEZ
FIFTH DISTRICT

August 21, 2025

The Honorable Joe Clarke and Capitola City Councilmembers 420 Capitola Avenue Capitola, CA 95010

Dear Mayor Clarke and City Councilmembers,

We strongly support the proposed ordinance banning the sale of filtered tobacco products in Capitola.

In 2023, Capitola recognized tobacco waste as a public health and environmental threat. On April 10, 2025, you unanimously voted to draft this ordinance—your leadership is critical to making it law. Cigarette butts remain the most common toxic litter on our beaches and in our waterways. By banning filtered tobacco sales, Capitola can significantly reduce this waste, protect public health, and ease the burden of cleanup on residents and agencies.

This action would align Capitola with County and City of Santa Cruz ordinances and activate enforcement of the County's ban. It also reflects the City's long-standing leadership on environmental issues, including your vital role in shaping the County's tobacco waste policy. While a short transition period may be needed, similar tobacco policies have shown no long-term harm to local businesses. With an 18-month implementation window, this ordinance strikes a thoughtful balance between public good and economic consideration.

Please continue your leadership and join us in advancing this meaningful policy for a cleaner, healthier Capitola and region.

Sincerely,

JUSTIN CUMMINGS Third District Supervisor County of Santa Cruz MANU KOENIG First District Supervisor County of Santa Cruz

From: Faris Sabbah <fsabbah@santacruzcoe.org>

Sent: Friday, August 22, 2025 8:00 AM

To: City Council

Subject: Support for Capitola's Proposed Ban on the Sale of Filtered Tobacco Products

Attachments: Support for Filtered Tobacco Ban - Santa Cruz COE - 8-21-25.pdf

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman,

Please find attached a letter of support urging the Capitola City Council to adopt the proposed ordinance banning the retail sale of filtered tobacco products.

As Santa Cruz County Superintendent of Schools, I have joined with students, families, and community partners in advocating for this critical policy. Following adoption by the Santa Cruz County Board of Supervisors and the Santa Cruz City Council, Capitola now has the opportunity to become the third jurisdiction to enact this ordinance — ensuring that it will take effect countywide by January 1, 2027.

I respectfully encourage your leadership on this issue to protect our public health, environment, and community well-being.

Thank you for your consideration.

Sincerely, Dr. Faris Sabbah Santa Cruz County Superintendent of Schools

Santa Cruz County Office of Education





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400 Encinal Street, Santa Cruz, CA 95060 • Tel (831) 466-5600 • Fax (831) 466-5607 • www.santacruzcoe.org

August 21, 2025

Capitola City Council 420 Capitola Ave Capitola, CA 95010

Re: Support for Banning Filtered Tobacco Products

Dear Mayor Clarke, Vice-Mayor Morgan, and Council Members Jensen, Orbach, and Westman,

As Santa Cruz County Superintendent of Schools, I write today to urge your Council to adopt the proposed ordinance banning the retail sale of filtered, rolled tobacco products such as cigarettes and cigarillos within the City of Capitola. This critical policy will help address one of the most pervasive and harmful forms of litter within Santa Cruz County and beyond: toxic cigarette butts.

As you know, in October, the Santa Cruz County Board of Supervisors unanimously passed a groundbreaking ban on the sale of filtered tobacco products in the unincorporated area of the County. Earlier this year, the City of Santa Cruz became the first incorporated city to follow suit, adopting its own version of this important policy. However, the County ordinance includes an amendment delaying enforcement until at least three local jurisdictions have enacted similar policies. By taking action now, Capitola has the opportunity to become the third jurisdiction to ensure this landmark policy goes into effect countywide by January 1, 2027.

The Santa Cruz County Office of Education (Santa Cruz COE) has long been committed to tobacco use prevention and education. Through our Tobacco Use Prevention and Education (TUPE) program, we provide support, training, and technical assistance to school districts to help them implement tobacco-free policies and practices. We also offer direct education to students and families on the dangers of tobacco addiction, strategies to resist peer pressure, and resources to support quitting tobacco use.

Our students recognize that tobacco waste is not just a litter problem; it is a matter of environmental justice and health equity. Filtered cigarette butts are disproportionately found in lower-income neighborhoods and communities of color. Composed of cellulose acetate, a non-biodegradable plastic, these filters break down into microplastics that bioaccumulate in marine life and leach hazardous chemicals like lead, arsenic, and nicotine into our soil and waterways. They pose a serious threat to children, pets, wildlife, and marine ecosystems. In fact, the World Health Organization has found that cigarette filters offer no proven health benefit over unfiltered cigarettes.

The City of Santa Cruz has already taken a vital step by adopting a resolution in 2021 declaring tobacco waste a public health and environmental threat and following through with a ban on filtered tobacco products. That leadership, paired with the County ordinance, sets the stage for Capitola to complete the

necessary third step. By doing so, your Council will help protect our beaches, waterways, and public spaces, while advancing public health and environmental stewardship for the entire region.

On behalf of our school community, and in solidarity with students who have worked to clean up tobacco waste and educate others, I urge you to join the County and the City of Santa Cruz in banning the sale of filtered, rolled tobacco products within Capitola. Together, we can make Santa Cruz County a statewide and national leader in ending the environmental and health harms caused by filtered tobacco products.

Thank you for your leadership and commitment to our community.

Sincerely,

Dr. Faris Sabbah

Santa Cruz County Superintendent of Schools





First Reading of an Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters

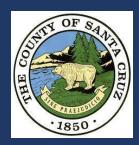
City Council August 28, 2025

Regional Policy Advancements



October 29, 2024

Santa Cruz County Board of Supervisors adopts an ordinance prohibiting sale of filtered tobacco products in unincorporated areas of County



June 24, 2025

City of Santa Cruz adopts a similar ordinance



Enforcement begins on January 1, 2027, or on a date at least two additional jurisdictions in the County approve similar ordinance, whichever occurs later

Capitola Similar Ordinance



Commission on the Environment (March 19, 2025)

COE unanimously recommends City Council adopt a similar ordinance in alignment with County

City Council (April 10, 2025)

City Council held public meeting and received presentation from Public Health Division of Santa Cruz Health Services Agency

Council directed staff to return with an ordinance for formal consideration

Proposed Ordinance



Municipal Code Chapter 5.38

Prohibits sale of flavored tobacco products by tobacco retailers

Proposed ordinance would amend Section 5.38.030 of Municipal Code to prohibit sale of partially inconsumable tobacco products in cigarettes and cigars



Ordinance Language Update



Attempted to simplify but unintentionally broadened scope

Amended for consistency and enforceability

- Uses "partially inconsumable cigarette or cigar" (not "tobacco product")
- Limited to embedded filters only
- Applies to all potential filter materials

With Capitola's adoption, enforcement begins January 1, 2027.

Intended Outcomes



Proposed ordinance intends to

- Reduce tobacco product waste
- Improve public health
- Promote environmental and wildlife protection
- Conserve resources used to pick up litter
- Support regional litter prevention efforts
- Align with existing municipal policy goals (Chapters 5.38, 8.38)

Community Outreach



Staff conducted outreach to all ten active tobacco retailers in Capitola

Intent was to share information on proposed ordinance and gather input on potential impacts

To date, staff has not received correspondence from retailers

 Correspondance received from advocacy groups



Enforcement in Capitola



If adopted, proposed ordinance would take effect 30 days from its passage and adoption.

Enforcement of ordinance would not take place until January 1, 2027

Similar ordinances have been adopted by

- 1. County of Santa Cruz
- 2. City of Santa Cruz



Recommended Action:

Introduce for first reading, by title only, waiving further reading of text, an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit sale of partially inconsumable cigarettes and cigars as amended by staff

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Finance Department

Subject: Capitola Village and Wharf Business Improvement Area

Assessments for FY 2025-26

Recommended Action: 1) Conduct the duly noticed public hearing; 2) Adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget; and 3) Authorize the City Manager to execute a contract with the CVWBIA nonprofit in an amount not to exceed \$90,000.

<u>Background</u>: On June 23, 2005, the City Council adopted Ordinance No. 889 adding Chapter 5.10 to the Capitola Municipal Code and establishing the Capitola Village and Wharf Business Improvement Area (CVWBIA). The CVWBIA assessments are renewed annually and fund various programs that benefit businesses within the CVWBIA district boundaries.

<u>Discussion</u>: On June 12, 2025, the City Council adopted Resolution No. 4433, Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2025-26, which set a public hearing for June 26, 2025, in accordance with state law and Chapter 5.10 of the Capitola Municipal Code. Notice of this public hearing was published in the Santa Cruz Sentinel newspaper on Thursday, May 23, 2025.

The CVWBIA is a business-based, self-imposed assessment district in which the assessments are paid by business owners within the district boundary for improvements and activities that support and revitalize businesses as well as attract visitors. The assessment amount for each business is based on the business type and may be a flat fee or an increasing fee based on the number of full-time equivalent employees. Consistent with the FY 2024-25 adopted assessments, the proposed FY 2025-26 assessments are proposed at the same reduced rates.

The billing for City services identified in the CVWBIA plan was based on past agreements. The annual billing rates are \$3,000 for Public Works and \$4,200 for accounting services. The annual report and budget are included as Exhibit A.

During the public comment portion of this hearing, written and oral protests may be made pertaining to the proposed levy of assessments, the amount of the proposed assessments, and the proposed improvements and activities in accordance with California Streets & Highways Code §36524 and §36525.

In November 2018, voters approved Measure J, which increased the transient occupancy tax (TOT) from 10 percent to 12 percent. It restricted 20 percent of the TOT increase to be used for local business groups' marketing and community improvements. In February 2019, Council directed that restricted TOT funding be split evenly between the Capitola-Soquel Chamber of Commerce and the CVWBIA. Council also requested that a minimum of 25 percent of restricted TOT revenues be allocated toward community improvements, which may include special events. The proposed CVWBIA budget includes \$35,000 of TOT revenues for FY 2025-26. \$14,000 (40%) of the proposed TOT budget is for village enhancement.

On August 11, 2025, the CVWBIA Advisory Committee held a public meeting to review the BIA Annual Report and Budget (Attachment 2). The Committee voted to recommend the report, budget, and method and basis of levying the assessment for acceptance by the City Council.

Staff recommends that Council adopt the proposed resolution confirming the Fiscal Year 2025-26 CVWBIA Assessments and adopting the Annual Plan and Fiscal Year 2025-26 budget, unless it receives oral and written protests from the owners of businesses that will pay 50 percent or more of the assessments as mandated by state law.

Staff also recommends that City Council authorize the City Manager to sign an updated contract with the Capitola Village and Wharf Business Improvement Area non-profit group for services identified in the Annual Plan and Fiscal Year 2025-26 budget, specifically the items identified in the budget as the scope of work. The proposed contract is Attachment 3.

<u>Fiscal Impact</u>: There is no fiscal impact for the City. All administrative costs for billing and collections incurred by the City are reimbursed by the CVWBIA.

Attachments:

- 1. Resolution
- CVWBIA Advisory Committee recommended BIA Report and Budget
- 3. Proposed Contract with Capitola Village and Wharf Business Improvement Area non-profit

Report Prepared By: Leda Laidlaw-Hunter, Accountant II

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

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA CONFIRMING THE FISCAL YEAR 2025-26 CAPITOLA VILLAGE AND WHARF BUSINESS IMPROVEMENT AREA ASSESSMENTS AND ADOPTING THE ANNUAL PLAN AND FISCAL YEAR 2025-26 CVWBIA BUDGET

WHEREAS, the Capitola Village and Wharf Business Improvement Area (CVWBIA) has prepared a report to the City of Capitola for Fiscal Year 2025-26 pertaining to the Business Improvement Area assessments for the CVWBIA under California Streets and Highways Code §36533; and

WHEREAS, that report was filed with the City Clerk on May 22, 2025; and

WHEREAS, Capitola Municipal Code §5.10.050 requires annual assessments to be imposed within the CVWBIA pursuant to a formula set forth in City Council Resolution No. 3453 referenced in Capitola Municipal Code §5.10.030, and later amended by Resolution No. 3546 and Resolution No. 4186; and

WHEREAS, on June 12, 2025, the City Council adopted Resolution No. 4433 stating its intention to levy business improvement assessments for Fiscal Year 2025-26, receiving the Annual Report and Fiscal Year 2025-26 Budget, and approving the CVWBIA Assessment Basis/Business Addresses and Assessment Method; and

WHEREAS, pursuant to Resolution No. 4433 the City Council, in accordance with California Streets and Highways Code Section §36535, held a public hearing on June 26, 2025, as provided for in Streets and Highways Code Sections §36524 and §36525, at which time it considered the annual report, the levy of business improvement assessments for Fiscal Year 2025-26, and received oral and written protests and endorsements to the regularity or sufficiency of the proposed business improvement assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

- 1. The Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area Annual Report, including the Fiscal Year 2025-26 budget, as filed with the City Clerk on May 22, 2025, and received by the City Council on June 12, 2025, as part of Resolution No. 4433, is hereby confirmed and adopted.
- 2. The adoption of this Resolution shall constitute the Fiscal Year 2025-26 levy of assessments provided for in Chapter 5.10 of the Capitola Municipal Code pertaining to the Capitola Village and Wharf Business Improvement Area zone and rate of assessments adopted by the City Council on August 28, 2025.

2025, by the following vote:	
AYES: NOES: ABSENT: ABSTAIN:	
	Joe Clarke, Mayor
ATTEST:	
Julia Gautho, City Clerk	

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted

by the City Council of the City of Capitola at its regular meeting held on the 28th day of August,

EXHIBIT A

Resolution No.

Annual Report & Proposed Fiscal Year 2025-26 Budget CVWBIA Assessment Basis CVWBIA Business Listing and Assessment Method

Mission Statement

The objective of the CVWBIA is to provide a unified organization to promote, stimulate and improve the business conditions in the designated area, primarily during the shoulder season, September – May. The belief is that if the lodging properties and short-term rentals are full, the rest of the businesses in the area will benefit.

This can be achieved by the CVWBIA continuing to fund activities and projects that will:

- Improve access to information regarding the businesses and services provided by the Village and Wharf BIA to likely visitors to the area via newsletters, the internet, print and television advertising.
- Provide fun, family-oriented events throughout the year emphasizing the attributes of the Village and Wharf.
- Improve and enhance the appearance of the Village and Wharf in partnership with the City of Capitola.
- Enhance the ability of the CVWBIA to serve as a liaison between the business community and local governments.

In FY 2019-20 CVWBIA began to receive a portion of the Transient Occupancy Tax (TOT) collected by the City and made commitments based on projected TOT revenues. In January 2023 storm related flooding caused major damage to the wharf and some village businesses. Recovery has moved swiftly but business has not returned to pre-storm levels. FY 2025-26 assessments will remain at FY 2024-25 levels.

As the CVWBIA begins its twentieth year we will continue to expand successful programs from prior years, which include the following:

- 1. Website In 2021-22 the CVWBIA marketing team created a new, up to date, mobile compatible, website (www.capitolavillage.com) for ease of use and connectivity to BIA member's businesses, lodging and short-term rentals. Each member has a unique page with links to their individual websites. There is a schedule of events and other helpful features. Visitors can sign up on the site to receive newsletters. This process will continue in 2025-26 as technology changes quickly. We will also take advantage of opportunities to direct visitors to our website through QR Codes for special events, parking, and other visitor information. Visitors can now access members' website or business phone directly from the BIA website. Monthly summaries of traffic to the site have shown the businesses the value of the website. The website is managed by Craig Nunes, Board Member and Volunteer Web Admin.
- 2. <u>Social Media</u> Our Communication Team is Opposite of East, Santa Cruz. They create a monthly newsletter, manage all our social media channels and plan new avenues to promote the village. Their blogs and itineraries are shared on social media channels and are available on the website. Our email newsletters are sent to over 24,000 subscribers each month. Our Facebook page has over 22,000 followers with our top 5 cities being: San Jose, Santa Cruz, Modesto, Sacramento, and Capitola. Our Instagram is growing the fastest with over 25,000

Item 9 B.

active followers. The purpose of the Communication Team is to collectively promote the Capitola Village businesses and to be a resource for ongoing growth. Our Village Ambassador continues to develop relationships with our members to facilitate sharing their promotions and announcements. She also creates spotlight features of business owners for the website.

- 3. Advertising While placing an emphasis on our social media development, there is still a need for carefully placed advertising in quality visitor publications. We are constantly monitoring these publications for the ones with the most effective online presence. In addition, in 2024-25 the BIA continued the television promotion on Hulu. With Hulu we can target very specific audiences by income levels and zip codes. The analytics are quite extensive as well. We are focusing on Sacramento, San Francisco and the Central Valley. This campaign will continue in 2025-26. We are adding radio promotions and exploring additional TV.
- 4. <u>Village Brochures</u> We print 25,000 brochures and distribute them throughout Santa Cruz County. A new addition to the brochure is a QR Code taking the visitor directly to our website. Many visitors depend on their phones to access information while traveling.
 - We contract with Certified Display Service. This company has exclusive rights to lobby racks in hotels, resorts, and visitor centers in the county. These brochures are also available in various places of business throughout the Village and Wharf. We feel it is important to make visitors to other areas in the county aware of Capitola Village and Wharf through these brochures. Additionally, there are distribution locations at the Gilroy Visitors Center on Hwy 101, San Jose Airport, and the Monterey Airport.
- 5. <u>Branding and Logo Development</u> We continue to update logos, colors, and other marketing material to reflect current trends.
- 6. <u>Sip and Stroll & Cookie Walk</u> These events benefit all the businesses in the village. We hope to be able to hold up to three Sip and Stroll events in November, February and May. The Cookie Walk is family-oriented and takes place the weekend after Thanksgiving.
- 7. <u>Winter Festivities</u> Window decorating contest, lighted wreaths and palm trees are components of the winter festivities with other events in the planning stages.
- 8. Public Works and Village Enhancement The CVWBIA contributes annually to the City of Capitola Public Works Department. Our contribution is used to help maintain the Village and Wharf. This year we are concentrating on landscaping and cleanliness of the village both in public spaces and private planting areas. The BIA has been instrumental in providing and maintaining signage for Long Term Parking in Lots 1 & 2. The CVWBIA is developing a directory to be placed in the village featuring mosaic art by the artists who created the mosaics for the wharf.

Capitola Village & Wharf Business Improvement Area Assessment Basis

The method of assessment classifies businesses within the CVWBIA boundaries into nine categories:

- 1. Retail / Service businesses
- 2. Restaurant Full Bar
- 3. Restaurant Beer and Wine
- 4. Restaurant No Alcohol
- 5. Wine/Beer Service
- 6. Seasonal Food Service
- 7. Office and Professional businesses / Specialty
- 8. Short-term Rental businesses
- 9. Hotel / Motel / Inn businesses

Assessment fees are assigned to these nine business categories by the number of full-time equivalent employees, a flat rate, and a per unit amount. Registered non-profits are exempt from assessment fees.

The following table shows the assessment fees for the proposed CVWBIA for FY 2025-26 at same level as last fiscal year.

	Number o	f Full-Time l Employees*	_	
Business Category	0-5 employees	6 – 10 employees	More than 10 employees	
Retail / Service	\$315	\$630	N/A	
Restaurant Full Bar	N/A	\$720	\$1,080	
Restaurant Beer and Wine	\$367.50	\$682.50	\$1,042.50	
Restaurant No Alcohol	\$315	\$630	N/A	
		Flat Fee		
Wine/Beer Service		\$315		
Office / Professional / Specialty		\$90		
Short-term Rental**		\$135		
Seasonal Food Service	\$210			
	Per Unit Fee			
Hotel / Motel / Inn	\$180 per unit			

Footnote* "<u>Full-time employee</u>" is an employee who works 2,000 hours per year or more. Multiple part-time employees are combined into a single full-time employee for the basis of this assessment calculation. (i.e. "fulltime equivalents")

Footnote** "Short-term rental" businesses are defined as those dwellings which, at least once per fiscal year, are rented to a tenant for a tenancy of less than thirty days.

Associate Membership. CVWBIA is authorized to accept "associate membership" financial contributions from businesses outside the CVWBIA with approval of the board. The category and assessment will be the same as if the business is within the CVWBIA area.

<u>New Business Assessment</u>. Assessments will be prorated by the quarter in which a business opens.

Business Closing. A business notifying the CVWBIA before the end of the first quarter of the fiscal year (September 30th) that it will close before December 31st will be exempt from paying the assessment for that fiscal year. If the business does not close before December 31st, it must pay the year's assessment in full.

<u>Late Charge.</u> No late charge will be assessed with the FY 20256-26 dues.

<u>Delinquencies</u>. CVWBIA has a clear policy relative to delinquent assessments. Businesses that have not paid their assessment by October 31, 2025, will be removed from the CVWBIA website and brochure. They will be ineligible to participate in any CVWBIA activity. Assessments that have not been paid by January 31, 2026, may be sent to collections.

Capitola Village & Wharf Business Improvement Area Estimated Actual for FY 2023-24, Adopted FY 2024-25 and Proposed Budget for FY 2025-26

]	FY 23/24		FY 24/25		FY 25/26		FY 25/26		FY 25/26	
		Actual		Adopted Budget	Assessment Budget		то	T Budget	To	tal Budget	
Beginning Fund Balance Revenues	\$	44,242	\$	32,486	\$	18,000			\$	18,000	
Member Assessment		53,854		53,370		55,000			•	55,000	
Associate Assessment		33,634		0.570		33,000			•	0,000	
Assessment Revenues - Trade		0		0					•	0	
Late Fees		0		0					•	0	
TOT Revenue		36,761		37,000		0		35,000	•	35,000	
Sip N' Stroll		41,704		54,000		54,000		33,000	•	54,000	
Cookie Walk		41,704		2,500		5,000			•	5.000	
Interest Revenue		1,936		100		100			•	100	
Total Revenues	\$	134,254	\$	146,970	\$		\$	35,000	\$	149,100	
Total Source of Funds	\$	178,496	\$	179,456	\$	132,100	\$	35,000	\$	167,100	
Expenditures											
Charitable Donations				6,000		6,000			•	6,000	
CDS Direct Distribution		3,028		4,000		4,000				4,000	
Doubtful Accounts		8,376		5,000		3,000				3,000	
Insurance		0		2,000		2,000				2,000	
Office Supplies		418		1,000		500			•	500	
Storage Unit		1,836		1,700		2,000				2,000	
Renewal		636		800		800				800	
Total Administration	\$	14,293	\$	20,500	S	18,300	\$	-	\$	18,300	
City Accounting Services	\$	4,200	\$	4,200	\$	4,200			\$	4,200	
City Public Works		3,000		3,000		3,000				3,000	
Total City Services	\$	7,200	\$	7,200	\$	7,200	\$	-	\$	7,200	
Ambassador		\$6,600		\$7,200		\$6,000				\$6,000	
Communications Manager		25,500		18,000		36,000				36,000	
Directories Printing		74		2,000		4,500				4,500	
VSC TV Partnership		9,407		0		25,000				25,000	
VSC Map		700		400		0				0	
Insurance		1,435		2,000						0	
Miscellaneous Print		2,990		0						0	
Miscellaneous Advertising				15,000		0				0	
Miscellaneous Marketing						0				0	
Monterey Travel Magazine				600						0	
Print Explore				1,000						0	
Social Media Boost		2,250		3,000		1,500				1,500	
Website Management		7,199		6,000		10,000				10,000	
Video Photo Production				6,000		3,000				3,000	
Village Enhancement		13,340		16,000		0		14,000	_	14,000	
Total Marketing	\$	69,496	\$	77,200	\$	86,000	\$	14,000	\$	100,000	
Holiday & Events		\$474		\$15,000		\$0		\$4,000		\$4,000	
Palm Tree Lights				0		0				0	
Sip N' Strol1 - Cookie Walk		54,547		36,000		36,000				36,000	
Total Special Events	\$	55,021	\$	51,000	\$	36,000	\$	4,000	\$	40,000	
Total Expenditures	\$	146,011	\$	155,900	\$	147,500	\$	18,000	\$	165,500	
Ending Fund Balance	\$	32,486	\$	23,556					\$	1,600	

Capitola Village & Wharf Business Improvement Area Budget Discussion

The CVWBIA will begin the Fiscal Year 2025-26 with an estimated fund balance of \$23,556. **Revenues:** The proposed revenue is derived from the CVWBIA business roster and corresponding assessment rates.

Expenditures:

<u>Summary.</u> The proposed expenditures are divided into these categories: Administration \$18,300 City Services \$7,200, Marketing & Village Enhancement \$100,000, and Special Events \$40,000.

The following is a roster of open businesses in the assessment area as of June 2, 2024.

Capitola Village & Wharf Business Improvement Area Business Listing and Assessment Method

Business Type	Assessment Method	Estimate Assessment			
AM = Associate Member	Associate Member	AM	\$405		
F1 = Restaurant Full Bar	Per employee category: 6-10 EEs, >10 EEs	F1	\$7,920		
F2 = Restaurant Beer & Wine	Per employee category: 0-5 EEs, 6-10 EEs, >10 EEs	F2	\$3,255		
F3 = Restaurant No Alcohol	Per employee category: 0-5 EEs, 6-10 EEs	F3	\$4,095		
F4 = Wine & Beer Service	Flat fee	F4	\$1,575		
F5 = Seasonal Food	Flat fee	F5	\$210		
H = Hotel/Motel/Inn	Flat fee per unit or room	Н	\$9,180		
O = Office/Professional	Flat fee	0	\$1,530		
R = Retail/Service	Per employee category: 0-5 EEs, 6-10 EEs	R	\$13,939		
SR = Short Term Rental	Flat fee per unit	SR	\$11,475		
		Total	\$53,584		

Business Name	Туре	FY 25-26 Est. Size	FY 25-26 Amount
Paradise Beach Grille	F1	11+	\$1,080
Shadowbrook Restaurant	F1	11+	\$1,080
Zelda's	F1	11+	\$1,080
Britannia Arms Pub & Rest.	F1	0 - 10	\$720
Bay Bar & Grill	F1	0 - 10	\$720
The Sand Bar	F1	0 - 10	\$720
Margaritaville	F1	11+	\$1,080
Pete's Fish House	F1	11+	\$1,080
El Toro Bravo	F2	0 - 5	\$368
Thai Basil	F2	0 - 5	\$368
Geisha Japanese Restaurant & Tea House	F2	0 - 5	\$368
My Thai Beach / Sea Side Siam	F2	0 - 5	\$368
Caruso's Tuscan Cuisine	F2	0 - 5	\$368
Avenue Café	F2	0 - 5	\$368
Tacos Moreno 3	F2	0 - 5	\$368
Trestles Restaurant	F2	6 - 10	\$683
Mr. Toots Coffee & Tea	F3	0 - 5	\$315
Pizza My Heart	F3	6 - 10	\$630
Castagnola Deli & Café	F3	0 - 5	\$315
Polar Bear Ice Cream	F3	6 - 10	\$630

Business Name	Туре	FY 25-26 Est. Size	FY 25-26 Amount
Mijos Taqueria	F3	0 - 5	\$315
Sandcastle Café	F3	0 - 5	\$315
Schneider Consulting LLC dba Boba Bay	F3	0 - 5	\$315
La Marea Café	F3	0-5	\$315
Lost Gatos Meats Capitola	F3	0-5	\$315
Armida Winery	F4	n/a	\$315
Capitola Wine Bar & Merchants	F4	n/a	\$315
•	F4	n/a	\$315
Capitola Tap House Brewtopia831	F4	n/a	\$315
Left Coast Sausage Worx	F5	n/a	\$210
Venetian Hotel	H	11/a 19	•
Capitola Beach Suites aka Harbor Lights	Н	10	\$3,420 \$1,800
	Н		
Inn at Depot Hill	Н	13 10	\$2,340
Capitola Hotel			\$1,800
David Lyng & Associates	0	n/a	\$90
Katz & Lapides	0	n/a	\$90
Michael Lavigne Real Estate	0	n/a	\$90
Newman & Marcus,LLP	0	n/a	\$90
Suess Insurance Agency	0	n/a	\$90
Latta	0	0 - 5	\$90
Ted Mendoza and Lisa Salinero Real Estate	0	n/a	\$90
Law Offices of Sam Storey	0	n/a	\$90
John H. McSpadden	0	n/a	\$90
Miles J. Dolinger, Attorney at Law	0	n/a	\$90
Art of Energy (Visions by Sheena)	0	n/a	\$90
Capitola Village Massage	0	n/a	\$90
Yellow Bus	0	n/a	\$90
Revest Homes, Inc.	0	n/a	\$90
Monet Salon	0	n/a	\$90
Community CPA	0	n/a	\$90
Bare Skin & Body	0	n/a	\$90
Law Offices of Peter Rausch, Jr.	0	n/a	\$90
Keenly Financial Inc.	0	n/a	\$90
Wiseman Construction	0		\$90
Andren Homes Property Management	0	n/a	\$90
MRA Sales, dba Capitola Beach Co.	R	0 - 5	\$315
Big Kahuna Hawaiian Shirts	R	0 - 5	\$315
Craft Gallery	R	0 - 5	\$315
Craft Gallery Annex	R	0 - 5	\$315
Euphoria Rio Mix	R	0 - 5	\$315
Hot Feet	R	0 - 5	\$315
Kickback	R	0 - 5	\$315
Nubia Swimwear	R	0 - 5	\$315
Oceania	R	0 - 5	\$315
Phoebe's	R	0 - 5	\$315
Rainbow City Limit	R	0 - 5	\$315
Slap Happy	R	0 - 5	\$315
Super Silver	R	0 - 5	\$315
Sweet Asylum	R	0 - 5	\$315

Business Name	Туре	FY 25-26	FY 25-26
	Type	Est. Size	Amount
Yvonne	R	0 - 5	\$315
Parking at the Mercantile	R	0 - 5	\$315
Parking at the Theater	R	0 - 5	\$315
Lumen Gallery	R	0 - 5	\$315
Capitola Reef	R	0 - 5	\$315
Art Inspired	R	0 - 5	\$315
Sea Level T's	R	0 - 5	\$315
Vanity by the Sea	R	0 - 5	\$315
Xandra Swimwear	R	0 - 5	\$315
Quality Market	R	0 - 5	\$315
Capitola Seashells	R	0 - 5	\$315
Pueblo Viejo Imports	R	0 - 5	\$315
Ethos Santa Cruz	R	0 - 5	\$315
Tony Pagliaro Photography	R	0 - 5	\$315
Mercantile Arcade	R	0 - 5	\$315
Carousel Taffy & Treats	R	0 - 5	\$315
Capitola Candy Café	R	0 - 5	\$315
Santa Cruz Apparel	R	0 - 5	\$315
Capitola Paws	R	0 - 5	\$315
Nectar California LLC	R	0 - 5	\$315
Katalinas Boutique LLC	R	0 - 5	\$315
Clementine & Co.	R	0 - 5	\$315
Coastal Life	R	0 - 5	\$315
Out West Design Company	R	0 - 5	\$315
Studio About Her	R	0 - 5	\$315
Play Date	R	0-5	\$315
Capitola Family Home	SR	1	\$135
Capitola Pelican House	SR	1	\$135
Capitola Venetian #5	SR	1	\$135
Capitola Venetian #14	SR	1	\$135
Capitola Venetian #8	SR	1	\$135
Capitola Beach Bungalow	SR	1	\$135
Capitola Beach Cottage	SR	1	\$135
Capitola Cliffs Unit 3	SR	1	\$135
Good Time	SR	1	\$135
Relaxing Family Condo by the River	SR	1	\$135
Bridgepoint Bungalow	SR	1	\$135
Capitola Cliffs Unit 4 / Begonia Beach Cottage	SR	2	\$270
Capitola Venetian Unit 3	SR	1	\$135
Capitola Venetian #1	SR	1	\$135
Oceanfront Capitola Tuscan Villa	SR	1	\$135
Capitola Cliffs #4960-2	SR	1	\$135
Capitola Venetian #11	SR	1	\$135
Beach Charmer	SR	1	\$135
Capitola Venetian #2	SR	1	\$135
Castillo Properties	SR	2	\$270
Capitola Cliffs Unit #1	SR	1	\$135
Deborah Cohen	SR	1	\$135
Bayside Capitola Beach Condo	SR	1	\$135
Dayside Capitola Deach Condo	JK	l I	φιου

Capitola Vista #1	Business Name	Type	FY 25-26	FY 25-26
Capitola Vista #2 SR 1 \$135 Capitola Vista #3 SR 1 \$135 Capitola Vista #4 SR 1 \$135 Capitola Sea Spray SR 1 \$135 Creekside Cottage SR 1 \$135 Capitola Cherry Ave SR 1 \$135 Luxurious Historic Windmill Silo House SR 2 \$270 Capitola Bluegum A & B SR 2 \$270 Capitola Bluegum A & B SR 2 \$270 Grandma's Nest Capitola Venetian #9 SR 1 \$135 Cy Retreat with Garage SR 1 \$135 Capitola Seashell Sanctuary Units A and B SR 2 \$270 Vista Cortile Condo SR 1 \$135 Capitola Seashell Sanctuary Units A and B SR 2 \$270 Vista Cortile Condo SR 1 \$135 Capitola Elawrium #45 SR 1 \$135 Capitola Evenetian #16 SR 1	Dusiliess Name	Туре	Est. Size	Amount
Capitola Vista #3 SR 1 \$135 Capitola Vista #4 SR 1 \$135 Capitola Sea Spray SR 1 \$135 Creekside Cottage SR 1 \$135 Capitola Cherry Ave SR 1 \$135 Luxurious Historic Windmill Silo House SR 2 \$270 Capitola Seashell Sanctuary Units As B SR 2 \$270 Grandma's Nest Capitola Venetian #9 SR 1 \$135 CV Retreat with Garage SR 1 \$135 CV Retreat with Garage SR 1 \$135 Capitola Seashell Sanctuary Units A and B SR 2 \$270 Vista Cortile Condo SR 1 \$135 Capitola Willage Deco Beach House SR 1 \$135 Capitola Willage Deco Beach House SR 1 \$135 Capitola Village Pecco Condo & Seaview Condo SR 1 \$135 Capitola Riverview #421 SR 1 \$135 Capitola Riverview	Capitola Vista #1	SR	1	\$135
Capitola Vista #4 SR 1 \$135 Capitola Sea Spray SR 1 \$135 Creekside Cottage SR 1 \$135 Creekside Cottage SR 1 \$135 Capitola Cherry Ave SR 1 \$135 Luxurious Historic Windmill Silo House SR 2 \$270 Capitola Bluegum A & B SR 2 \$270 Capitola Bluegum A & B SR 2 \$270 Capitola Seashell Sanctuary Units A and B SR 1 \$135 Capitola Seashell Sanctuary Units A and B SR 2 \$270 Vista Cortile Condo SR 1 \$135 Capitola Seashell Sanctuary Units A and B SR 1 \$135 Capitola Cortile Condo SR 1 \$135 Capitola Village Deco Beach House SR 1 \$135 Capitola Village Deco Beach House SR 1 \$135 Capitola Village Alexe Wall SR 1 \$135 Capitola Venetian #16	Capitola Vista #2	SR	1	\$135
Capitola Sea Spray SR 1 \$135 Creekside Cottage SR 1 \$135 Capitola Cherry Ave SR 1 \$135 Luxurious Historic Windmill Silo House SR 2 \$270 Capitola Bluegum A & B SR 2 \$270 Grandma's Nest Capitola Venetian #9 SR 1 \$135 CV Retreat with Garage SR 1 \$135 Capitola Seashell Sanctuary Units A and B SR 2 \$270 Vista Cortile Condo SR 1 \$135 Capitola Village Deco Beach House SR 1 \$135 Capitola Village Deco Beach House SR 1 \$135 Capitola Lawn Way #5-4 SR 1 \$135 Capitola Lawn Way #5-4 SR 1 \$135 Capitola Riverview #421 SR 1 \$135 Capitola Riverview #421 SR 1 \$135 Capitola Riverview #323 SR 1 \$135 Capitola Cilif House SR	Capitola Vista #3	SR	1	\$135
Creekside Cottage	Capitola Vista #4	SR	1	\$135
Capitola Cherry Ave	Capitola Sea Spray	SR	1	\$135
Luxurious Historic Windmill Silo House	Creekside Cottage	SR	1	\$135
Capitola Bluegum A & B SR 2 \$270 Grandma's Nest Capitola Venetian #9 SR 1 \$135 CV Retreat with Garage SR 1 \$135 Capitola Seashell Sanctuary Units A and B SR 2 \$270 Vista Cortile Condo SR 1 \$135 Capitola Village Deco Beach House SR 1 \$135 Capitola Village Deco Beach House SR 1 \$135 Capitola Village Deco Beach House SR 1 \$135 Capitola Riverview #364 SR 1 \$135 Capitola Breeze Condo & Seaview Condo SR 2 \$270 Luxury Home in CV with Hot Tub SR 1 \$135 Capitola Riverview #323 SR 1 \$135 Capitola Riverview #323 SR 1 \$135 An Iconic Oceanfront Pink Venetian SR 1 \$135 114 - 116 Lawn Way LLC SR 2 \$270 Capitola Village Retreat Units A & B SR 2 \$270	Capitola Cherry Ave	SR	1	\$135
Grandma's Nest Capitola Venetian #9	Luxurious Historic Windmill Silo House	SR	2	\$270
CV Retreat with Garage	Capitola Bluegum A & B	SR	2	\$270
Capitola Seashell Sanctuary Units A and B SR 2 \$270 Vista Cortile Condo SR 1 \$135 Capitola Village Deco Beach House SR 1 \$135 Capitola Venetian #16 SR 1 \$135 Capitola Lawn Way #5-4 SR 1 \$135 Capitola Breeze Condo & Seaview Condo SR 2 \$270 Luxury Home in CV with Hot Tub SR 1 \$135 Capitola Riverview #421 SR 1 \$135 Capitola Riverview #323 SR 1 \$135 An I conic Oceanfront Pink Venetian SR 1 \$135 An I conic Oceanfront Pink Venetian SR 1 \$135 An I conic Oceanfront Pink Venetian SR 1 \$135 An I conic Oceanfront Pink Venetian SR 1 \$135 An I conic Oceanfront Pink Venetian SR 1 \$135 An I conic Oceanfront Pink Venetian SR 1 \$135 An I conic Oceanfront Pink Venetian SR 1 \$1	Grandma's Nest Capitola Venetian #9	SR	1	\$135
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Capitola Village Deco Beach House SR 1 \$135 Capitola Venetian #16 SR 1 \$135 Capitola Lawn Way #5-4 SR 1 \$135 Capitola Breeze Condo & Seaview Condo SR 2 \$270 Luxury Home in CV with Hot Tub SR 1 \$135 Capitola Riverview #421 SR 1 \$135 Capitola Riverview #323 SR 1 \$135 An Iconic Oceanfront Pink Venetian SR 2 \$270 Capitola Village Retreat Units A & B SR 2 \$270 Capitola Village Retreat Units A & B SR 1 <	Capitola Seashell Sanctuary Units A and B	SR	2	\$270
Capitola Venetian #16 SR 1 \$135 Capitola Lawn Way #5-4 SR 1 \$135 Capitola Breeeze Condo & Seaview Condo SR 2 \$270 Luxury Home in CV with Hot Tub SR 1 \$135 Capitola Riverview #421 SR 1 \$135 Capitola Riverview #323 SR 1 \$135 An Iconic Oceanfront Pink Venetian SR 2 \$270 Capitola Ciff House SR 2 \$270 Capitola Cliff House SR 1 \$135 James Lin SR 1 \$135 James Lin <td>Vista Cortile Condo</td> <td>SR</td> <td>1</td> <td>\$135</td>	Vista Cortile Condo	SR	1	\$135
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Capitola Riverview #312 SR 1 \$135 Oceanside Dream Beach House SR 1 \$135 Capitola Trestles #5 SR 1 \$135 Paradise Properties Capitola Village #321-B SR 1 \$135 Bombora LLC Capitola Village #419 SR 2 \$270 Colorful Capitola Village Cottage Unit A & UnitB SR 2 \$270 Five Bedroom Beach Front Home in CV SR 1 \$135 Capitola Monterey 109-3 & 109-10 SR 1 \$135 Capitola Riverfront Home with Parking SR 1 \$135 Surf Loft SR 1 \$135 425 Capitola Ave SR 1 \$135 Beach Getaway in the Heart of CV / Brand New Luxury CV Home SR 2 \$270 CV Condo, Dog Friendly, Free Parking SR 1 \$135 CV Home with Parking Spot SR 1 \$135 Riverview Retreat (A) / Oceanview Oasis (B) SR 2 \$270 Capitola Hideaway SR 1		SR	1	\$135
Oceanside Dream Beach House Capitola Trestles #5 Paradise Properties Capitola Village #321-B Bombora LLC Capitola Village #419 Colorful Capitola Village Cottage Unit A & UnitB Five Bedroom Beach Front Home in CV Five Bedroom Beach Front Home in CV SR Capitola Monterey 109-3 & 109-10 Capitola Riverfront Home with Parking SR 1 \$135 Surf Loft \$135 Surf Loft \$135 Beach Getaway in the Heart of CV / Brand New Luxury CV Home CV Condo, Dog Friendly, Free Parking CV Home with Parking Spot Riverview Retreat (A) / Oceanview Oasis (B) Capitola Hideaway SR 1 \$135 \$135 \$135 \$270 \$370		SR	1	\$135
Capitola Trestles #5 Paradise Properties Capitola Village #321-B Bombora LLC Capitola Village #419 Colorful Capitola Village Cottage Unit A & UnitB Five Bedroom Beach Front Home in CV Five Bedroom Beach Front Home in CV SR Capitola Monterey 109-3 & 109-10 Capitola Riverfront Home with Parking Surf Loft Surf Loft SR Surf Loft SR		SR	1	\$135
Paradise Properties Capitola Village #321-B Bombora LLC Capitola Village #419 Colorful Capitola Village Cottage Unit A & UnitB Five Bedroom Beach Front Home in CV Five Bedroom Beach Front Home in CV SR 1 \$135 Capitola Monterey 109-3 & 109-10 SR 1 \$135 Capitola Riverfront Home with Parking SR 1 \$135 Surf Loft SR 1 \$135 CV Home CV Condo, Dog Friendly, Free Parking CV Home with Parking Spot SR 1 \$135 Riverview Retreat (A) / Oceanview Oasis (B) SR 1 \$135		SR	1	\$135
Bombora LLC Capitola Village #419 Colorful Capitola Village Cottage Unit A & UnitB Five Bedroom Beach Front Home in CV SR Capitola Monterey 109-3 & 109-10 Capitola Riverfront Home with Parking Surf Loft 425 Capitola Ave Beach Getaway in the Heart of CV / Brand New Luxury CV Home CV Condo, Dog Friendly, Free Parking CV Home with Parking Spot Riverview Retreat (A) / Oceanview Oasis (B) Capitola Hideaway SR 2 \$270		1	1	
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CV Home with Parking Spot SR 1 \$135 Riverview Retreat (A) / Oceanview Oasis (B) SR 2 \$270 Capitola Hideaway SR 1 \$135		SR	1	\$135
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Capitola Hideaway SR 1 \$135		1	2	
			1	·
Delia Capitula 3r. \$133	Bella Capitola	SR	1	\$135

Business Name	Туре	FY 25-26 Est. Size	FY 25-26 Amount
Kohala Properties 831	SR	1	\$135
109 Monterey Avenue#9	SR	1	\$135
Capitola Village Bungalow	SR	1	\$135
Capitola Village Hideaway	SR	1	\$135
321 Riverview Ave.	SR	1	\$135
Capitola Seaglass Cottage	SR	1	\$135
222 San Jose Ave.	SR	1	\$135
201 Monterey Avenue Suite 2	SR	1	\$135
109 Monterey Avenue#2 & #7	SR	2	\$270
Lawn Way	SR	1	\$135
206 1/2 California Ave.	SR	1	\$135
108 Park Place Unit B	SR	1	\$135
1532 Wharf Rd	SR	1	\$135
210 Stockton Ave. Unit B	SR	1	\$135
318 Capitola Ave. #3	SR	1	\$135
321 Capitola Ave.	SR	1	\$135
327 Riverview Ave. Unit B	SR	1	\$135
329 Cherry Ave.	SR	1	\$135
4960 Cliff Dr. #1	SR	1	\$135
502 Beulah Dr.	SR	1	\$135
206 Stockton Ave	SR	1	\$135
306 Riverview Ave.	SR	1	\$135
304 Riverview Ave.	SR	1	\$135
Fuse Architects	0	n/a	\$90
Surf City Properties	0	n/a	\$90
O'Neal Properties	0	n/a	\$90
Beach Nest Vacation Rentals	0	n/a	\$90
Kendall and Potter Property Management	0	n/a	\$90

PROFESSIONAL SERVICES AGREEMENT STANDARD FORM

THIS AGREEMENT is entered into on August 28, 2025, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Capitola Village and Wharf Business Improvement Area, a California non-profit corporation, hereinafter called "Consultant."

WHEREAS, City desires certain services described in Attachment 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 set forth in Attachment 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 Attachment One unless such additional work is approved in advance and in writing by City.

Consultant shall meet with, City Manager or other City personnel, or third parties as necessary designated by the City Manager, on all matters connected with carrying out of Consultant's services described in Attachment One. Such meetings shall be held at the request of either party hereto.

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 City Manager 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. The Consultant must perform and the City will inform the Consultant if the work is not satisfactory. 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.

The City shall, upon reasonable notice, be provided access to and the right to examine such books, documents, papers or records as may be reasonably required for the purpose of auditing Consultant's assessment revenues and expenditure of funds appropriated under the terms of this agreement. Such review is recommended annually or more frequently at the request of the City Manager

SECTION 4

Fees and Payment

In consideration for the City's agreement to authorize Consultant to perform the services set forth in Attachment 1 in lieu of the City itself providing those services. The City will reimburse the Consultant for work completed consistent with the scope of work within thirty (30) days of receiving invoices.

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 Attachment One shall be made without the City's written approval. Any change requiring the City to pay monetary compensation to Consultant shall be approved in advance in writing by the City.

SECTION 6

Time of beginning and Schedule for Completion

Consultant shall begin work upon the approval of this contract.

SECTION 7

Termination

City will provide Consultant with written notice of termination that identifies deficiencies 90 days prior to contract termination. Consultant shall have 60 days to cure City's identified deficiencies after notice is given in writing. Consultant may terminate this Agreement upon 90 days written notice to City should the City fail to fulfill its duties as set forth in this Agreement.

If notice of termination is not given as described above, this contract shall terminate at the end of one (1) year following execution of the contract.

SECTION 8

Insurance

Consultant shall procure and maintain for the duration of the contract 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 Liability coverage (occurrence Form CG 0001).
- 2. Workers' Compensation insurance as required by the State of California

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- 1. General Liability: (including operations, products and completed operations)
 - a. \$1,000,000 per occurrence and \$2,000,000 in aggregate for bodily injury, personal and property damage.
- 2. Director and Officer insurance
 - a. \$1,000,000 per occurrence and \$1,000,000 in aggregate

Other Insurance Provisions

The commercial general 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 insureds 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 by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, 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.

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

Consultant agrees to indemnify, defend (with counsel acceptable to the City) and hold City, its officers, agents and employees (collectively the "City"), from and against any and all claims, demands, actions, damages, or judgements, including reasonable associated costs of defense from Consultant's performance of this Agreement. In addition, should Consultant subcontract with any person or firm in connection with the services to be provided to City pursuant to Attachment One, Consultant shall require said person or firm to similarly indemnify the City.

SECTION 10

Civil Rights Compliance/Equal Opportunity Assurance

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

SECTION 11

Legal Action/Attorneys' Fees

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which he or she may be entitled. Either the Santa Cruz County Superior or

Municipal Court shall have jurisdiction over any such action and that Court shall be authorized to determine which party is the prevailing party and what amount constitutes reasonable attorneys' fees to be awarded to the prevailing party.

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 that particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and an authorized representative of the 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.

SECTION 14

Miscellaneous Provisions

- 1. *Project Manager*. City Manager 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 and Corporate Status*. Consultant warrants that it has complied with any and all applicable governmental licensing requirements, and that it is duly incorporated and authorized to do business as a not-for profit corporation under the laws of the State of California.
- 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 records or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City. The Consultant shall be permitted to retain copies for information and reference. The 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.

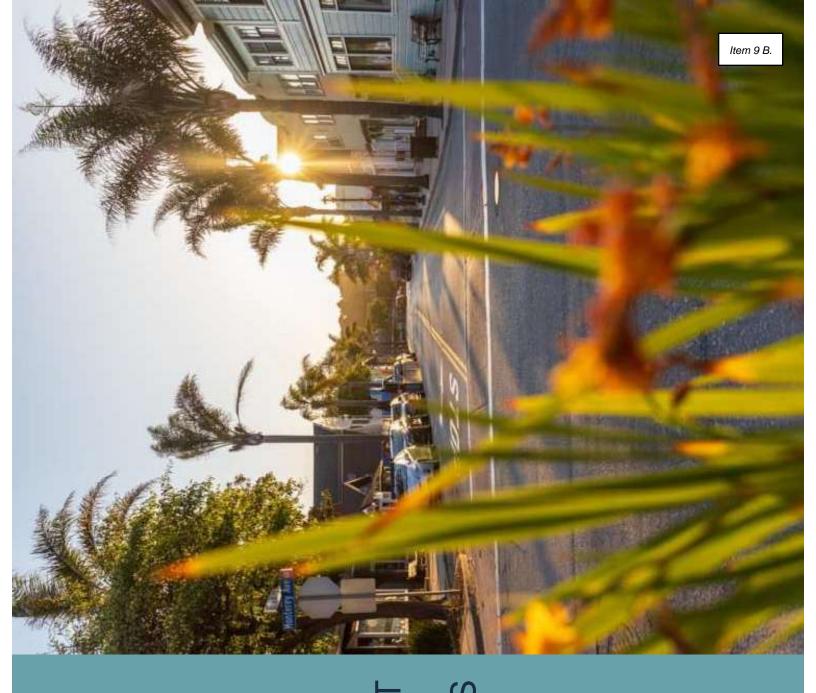
- 6. Consultant's Records. Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of 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. Consultant shall defend, indemnify, and hold the City and its agents, servants, employees harmless from any and all claims and liabilities alleging that City employment benefits are due to any employee, agent, or subcontractor of the Consultant.
- 8. *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
Capitola Village and Wharf Business
Improvement Area

By: Jamie Goldstein, City Manager	By:
Dated:	Dated:
Approved as to Form:	
Samantha W. Zutler, City Attorney	

Attachment One: Scope of Work

	F	Y 23/24	I	FY 24/25]	FY 25/26	F	FY 25/26	F	Y 25/26	
		Actual		Adopted Budget	A	ssessment Budget	TC	OT Budget	Tot	al Budget	Notes
Beginning Fund Balance	\$	44,242	\$	32,486	\$	18,000			\$	18,000	
Revenues											
Member Assessment		53,854		53,370		55,000				55,000	
Associate Assessment				0						0	
Assessment Revenues - Trade		0		0						0	
Late Fees		0		0						0	
TOT Revenue		36,761		37,000		0		35,000		35,000	
Sip N' Stroll		41,704		54,000		54,000				54,000	
Cookie Walk				2,500		5,000				5,000	
Interest Revenue		1,936		100		100				100	
Total Revenues	\$	134,254	\$	146,970	\$	114,100	\$	35,000	\$	149,100	
Total Source of Funds	\$	178,496	\$	179,456	\$	132,100	\$	35,000	\$	167,100	
Expenditures											
Charitable Donations				6,000		6,000				6,000	
CDS Direct Distribution		3,028		4,000		4,000				4,000	
Doubtful Accounts		8,376		5,000		3,000				3,000	Scope of Work
Insurance		0		2,000		2,000				2,000	
Office Supplies		418		1,000		500				500	
Storage Unit		1,836		1,700		2,000				2,000	Scope of Work
Renewal		636		800		800				800	Scope of Work
Total Administration	\$	14,293	\$	20,500	\$	18,300	\$	-	\$	18,300	
City Accounting Services	\$	4,200	\$		\$	4,200			\$	4,200	Scope of Work
City Public Works		3,000		3,000		3,000				3,000	Scope of Work
Total City Services	\$	7,200	\$	7,200	\$	7,200	\$	-	\$	7,200	
Ambassador		\$6,600		\$7,200		\$6,000				\$6,000	Scope of Work
Communications Manager		25,500		18,000		36,000				36,000	Scope of Work
Directories Printing		74		2,000		4,500				4,500	
VSC TV Partnership		9,407		0		25,000				25,000	
VSC Map		700		400		0				0	
Insurance		1,435		2,000						0	
Miscellaneous Print		2,990		0						0	
Miscellaneous Advertising				15,000		0				0	
Miscellaneous Marketing						0				0	
Monterey Travel Magazine				600						0	
Print Explore				1,000						0	
Social Media Boost		2,250		3,000		1,500				1,500	
Website Management		7,199		6,000		10,000				10,000	
Video Photo Production				6,000		3,000				3,000	
Village Enhancement		13,340		16,000		0		14,000		14,000	
Total Marketing	\$	69,496	\$	77,200	\$,	\$	14,000	\$	100,000	
Holiday & Events		\$474		\$15,000		\$0		\$4,000		\$4,000	
Palm Tree Lights				0		0				0	
Sip N' Strol1 - Cookie Walk		54,547		36,000		36,000				36,000	
Total Special Events	\$	55,021	\$	51,000	\$	36,000	\$	4,000	\$	40,000	
Total Expenditures	\$	146,011	\$	155,900	\$	147,500	\$	18,000	\$	165,500	
Ending Fund Balance	\$	32,486	\$	23,556					\$	1,600	



CAPITOLA VILLAGE AND WHARF BUSINESS IMPROVEMENT AREA ASSESSMENTS FY 2025-26

August 28, 2025

Background

- June 23, 2005 City Council adopted Ordinance No. 889 establishing Capitola Village & Wharf Business Improvement Area (BIA)
- assessment district with assessments paid by businesses within district for improvements & activities that support, revitalize and attract BIA is a business-based, self-imposed tourists to those businesses
- business classification and number of full-time Assessment amounts are determined by equivalent employees
- Assessed at 75% maximum allowable
- Reduced by 50% for Hotels & Lodging
- Consistent with prior years

Two Different CVWBIA Groups

Advisory Committee

- Established May 2005
- Council adopted bylaws & appointed members on July 24, 2025
- Role: Recommend (to Council) on the expenditure of revenues derived from the levy of the business assessments and other matters related to the assessments

Non-Profit

- 501c(3) Nonprofit Organization
- City last signed contract with nonprofit BIA in 2019
- Role: Dedicated to marketing & improving Capitola Village
- Staff recommends new contract with nonprofit
 BIA to carry out services aligned with the Advisory Committee recommended budget

June 12, 2025 - City Council set a public hearing for June 26, 2025, which was continued until tonight

Sentinel and mailed to affected business owners Notice of Public Hearing published in Santa Cruz

hearing annually prior to approving assessments California State Law & the Capitola Municipal Code require that Council conduct a public

 BIA Advisory Body recommends an annual plan and budget for Council approval

Assessment

Annual

Process

No fiscal impact to the City – all services provided by City are reimbursed by BIA

- Public Works Dept. \$3,000
- Finance Dept. \$4,200

Annual Assessment Process (cont.)

- Recommended nonprofit BIA budget/scope of work includes Assessment revenue as well as Restricted Transient Occupancy Tax (TOT) revenue
- Measure J approved by voters in 2018 dedicated a portion of TOT revenues for local business
- would be split evenly between nonprofit BIA and February 28, 2019, Council directed that TOT revenues restricted for local business groups Capitola Soquel Chamber of Commerce
- Requiring a minimum of 25% of restricted TOT revenue be allocated for Village improvements and/or enhancements
- Restricted TOT revenue and its uses need to be presented separately with annual budget

Annual Assessment Process (cont.)

- FY 2025-26 Scope of Work (Budget)
- Assessment & TOT Revenue \$90,000
- Communication Manager \$36,000
- Village Enhancements \$14,000
- Website management \$10,000
- Ambassador \$6,000
- Directories printing \$4,500
- Holidays & Events \$4,000
- Doubtful accounts \$3,000
- Video photo production \$3,000
- Storage Unit \$2,000
- City Accounting \$4,200
- City Public Works \$3,000

Proposed Assessments

	Number	Number of Full-Time Equivalent Employees*	quivalent	
Business Category	0 – 5 employees	6 – 10 employees	More than 10 employees	د ه
Retail / Service	\$315	\$630	N/A	
Restaurant Full Bar	N/A	\$720	\$1,080	
Restaurant Beer and Wine	\$367.50	\$682.50	\$1,042.50	
Restaurant No Alcohol	\$315	\$630	N/A	
		Flat Fee		
Wine/Beer Service		\$315		
Office / Professional / Specialty		06\$		
Short-term Rental		\$135		
Seasonal Food Service		\$210		
		Per Unit Fee		
Hotel / Motel / Inn		\$180 per unit		Item 9 B.

Recommended Action

- Adopt Resolution levying FY 2025-26 Capitola Village and Wharf Business Improvement Area Assessments and accepting BIA Annual Plan and Budget
- Authorize contract with nonprofit BIA in amount NTE \$90,000

CORPORATED

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Community and Economic Development Department

Subject: Capitola Mall Update and Amendment to Agreement with Ben Noble

Planning

Recommended Actions: 1) Receive update on the Capitola Mall and Housing Element implementation Programs 1.6 and 1.7 related to the City's zoning amendments; 2) Provide direction on the preferred approach to updating the City's zoning; 3) Adopt a resolution amending the FY 2025-26 Budget to allocate funding for Housing Element Implementation; and 4) Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Ben Noble Planning to assist in Housing Element implementation.

<u>Background</u>: As part of the City's adopted 6th Cycle Housing Element, Program 1.6 (Development Regulations) and Program 1.7 (Shopping/Commercial Center Redevelopment) identify the Capitola Mall site as a key opportunity for redevelopment to help meet regional housing needs while supporting economic development and community character.

Program 1.6 directs the City to review and revise Chapter 17.88, Incentives for Community Benefits, to modify the required findings for future redevelopment of the Capitola Mall Site to require compliance with objective standards, expand the Community Benefits zoning boundary; and increase the incentivized redevelopment potential on the Capitola Mall Site to allow a maximum Floor Area Ratio (FAR) of 2.0, excluding parking garages, and a maximum building height of 75 feet.

Program 1.7 addresses the changing retail environment and directs the City to study and enable mixeduse redevelopment of the Capitola Mall site. The program calls for amending Chapter 17.88 by the end of 2025 to:

- 1. Develop land use policies to facilitate shopping center redevelopment with a strong sense of urban design cohesion.
- 2. Establishes the Capitola Mall as all the properties between Clares Street, 41st Avenue and Capitola Road.
- 3. Allow for building height up to 75 feet for Mall Redevelopment.
- 4. Define "Mall Redevelopment" to mean a mix of uses that includes residential and retail/commercial components.
- 5. Exclude parking garages from the project FAR calculations.
- 6. Adopt objective development standards to facilitate mall redevelopment.

Housing Element Program 1.7 also direct the City to annually work with property owners and developers to pursue redevelopment opportunities of the Capitola Mall site. In accordance with this program, and to gather feedback in preparation for the zoning code updates for the Mall site, staff met with a representative of Merlone Geier Partners (MGP), the majority owner of the Capitola Mall. At the initial meeting in May, staff learned that MGP was interested in the City pursuing a form-based code to create greater certainty in the review process. At a follow-up meeting in June, staff had the opportunity to ask more questions about the request for form-based code and received insight on similar zoning updates in Alameda, CA. Since the initial two meetings, staff have been working with Ben Noble Planning to identify the steps and costs associated with implementing a form-based code. At the third meeting with MGP on July 23, 2025, staff reported the estimated cost (\$150,000–\$200,000) and timing (1 year) of adopting a form-based code for the mall site. Following the meeting, on August 1, 2025, staff received an email from MGP requesting a change in direction and expressing MGP's preference to fast-track less comprehensive updates that could be adopted before the end of 2025.

4916-4468-0033 v1 385

On May 23, 2024, the City Council authorized a Professional Service Agreement with Ben Noble Planning in the amount of \$124,375 to implement Housing Element programs. The funding for this agreement was a mix of REAP 2.0 grant funds (\$64,375) and General Plan funds (\$60,000). The City adopted the majority of the Housing Element implementation in 2024, but incurred added costs associated with the multifamily amendments. The Professional Services Agreement for \$124,375 has a remaining balance of \$46,611. Staff recommends amending the PSA with Ben Noble to include additional funds for Housing Element implementation of Programs 1.6 and 1.7. The additional funds, ranging from \$45,781 to \$150,000, is due to the additional costs associated with multifamily amendments and the higher costs associated with Program 1.6 and 1.7, as discussed below.

<u>Discussion</u>: To implement Programs 1.6 and 1.7 and facilitate redevelopment of the Capitola Mall, the City must update its Zoning Code and General Plan. Staff, in coordination with Ben Noble Planning, has identified three potential approaches for consideration, each with varying timelines, levels of public engagement, and costs.

Option 1 – Objective Standards: This option would amend multiple sections of the Zoning Code and General Plan to replace discretionary review with objective standards, increase height and FAR allowances, and update objective standards with anticipated building types. It would include three stakeholder meetings, one community workshop, and interim presentations to the Planning Commission and City Council to review preliminary standards prior to publishing the public draft. This approach completes the project in April 2026 to allow for input and refinement. Estimated cost: \$75,972. (See Attachment 2) If the City were to take this approach, property owners within the mall block could submit a redevelopment plan in May 2026, to be reviewed against the new objective standards and subject the increased height and FAR.

Option 2 – Expedited Objective Standards: This option includes the same Zoning and General Plan amendments as Option 1 but incorporates a more limited public engagement process. Public engagement would be limited to initial stakeholder input and public participation through public hearings at Planning Commission and City Council meetings. This approach allows completion by December 31, 2025, with most work occurring early in the process. Estimated cost: \$45,781 (See Attachment 1). If the City were to take this approach, property owners within the mall block could submit a planning application for redevelopment in January 2026, to be reviewed against the new streamlined objective standards and subject the increased height and FAR. MGP has requested this option.

Option 3 – Form-Based Code: This approach would replace conventional zoning for the site with a form-based code, which focuses on the physical form and relationship of buildings to streets, sidewalks, and public spaces. It would establish cohesive design standards for height, massing, setbacks, architecture, landscaping, and public amenities, and could require commercial uses along main streets or gathering areas. A form-based code also includes a regulating plan, which is a map that designates where different building form standards apply. This plan guides the character and intensity of the development within the mapped area. This process provides the highest level of design control and predictability, but requires significant time, funding, and coordination with the property owners. A unique feature of this option is a multi-day workshop design-charette to receive early input from the property owners and the public. Estimated cost: \$150,000. After receiving the comments from MGP related to timing, the consultant was able to cut back the timeline from one year to approximately 8 months. (See Attachment 3) If the City were to take this approach, property owners within the mall block could submit a redevelopment plan in May 2026, to be reviewed against the highly prescriptive form-based code and regulating map, and subject the increased height and FAR.

4916-4468-0033 v1 386

	Option 1 – Objective Standards	Option 2 – Expedited Objective Standards	Option 3 – Form- Based Code
Description	Amends Zoning Code and General Plan to replace discretionary review with objective standards; increases height/FAR; tailored to likely building types and includes multiple public outreach opportunities	Same as Option 1, but eliminates three stakeholder meetings, one community workshop, and interim Commission and Council review.	Zoning framework based on building form, public space, and streetscape design; establishes cohesive, mixed-use vision for the site.
Timeline for Completion	April 2026	Jan. 2026	May 2026
Estimated Cost	\$75,972	\$45,781	\$150,000
Public Engagement	Stakeholder meetings, workshop, interim reviews	Initial stakeholder input + public hearings	Early engagement with multi-day workshop design-charette and coordination with property owner and residents
Key Advantages	Balances timely completion with public engagement; substantially complies with State housing law; predictable design outcomes and placemaking.	Quickest and least expensive option; meets Housing Element requirements; aligns with property owner preference; predictable design outcomes and placemaking	High-quality, predictable design outcomes; supports walkability and public space; allows comprehensive site planning.
Key Considerations	Less prescriptive than form-based code; more community engagement; more PC/CC involvement; slightly longer and increased City costs as compared to Option 2.	Staff/consultant led; limited community engagement; less PC/CC involvement; less time to carefully consider and develop standards.	Highest cost; longest timeline; likely requires property owner participation for success.

For all options, an economic consultant will assist in the review of the updates with the goal of ensuring redevelopment has a fiscal positive outcome for both the developer and the City.

<u>Fiscal Impact</u>: The Professional Services Agreement for \$124,375 has a remaining balance of \$46,611. The original contract allocated \$64,375 for Housing Element implementation and \$20,000 per year for annual code updates over three years (\$60,000 total). The contract spans three fiscal years, beginning in FY 2024-25.

Given the ongoing changes to state housing laws, staff recommends reserving the remaining \$46,611 for code updates over the next two years and amending the contract to cover the full cost of the option selected by the City Council.

4916-4468-0033 v1 387

The resolution, budget amendment, and contract amendment each have sections to be updated (description and cost) depending on the option selected by City Council, as follows:

Option 1	Objective Standards	\$75,972
Option 2	Expedited Objective Standards	\$45,781
Option 3	Form Based Code	\$150,000

Mall-related updates are part of the Housing Element implementation and will be funded through the General Plan Special Revenue Fund.

Attachments:

- 1. Option 1: Objective Standards
- 2. Option 2: Expedited Objective Standards
- 3. Option 3: Form Based Code
- 4. Resolution
- 5. Budget Amendment
- 6. Contract Amendment

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

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

Approved By: Jamie Goldstein, City Manager

BEN NOBLE

City and Regional Planning 510.559.6901 | bnoble@bnplanning.com

August 15, 2025

Katy Herlily, AICP Community & Economic Development Director City of Capitola 420 Capitola Avenue, Capitola, CA 95010

Re: Capitola Mall Proposal

Dear Katie.

Below is my proposed scope, schedule, and budget to prepare Zoning Code and General Plan amendments to implement Housing Element Program 1.7 (Capitola Mall Redevelopment). I will complete this work in partnership with Ryan Call, an architect with the urban design consulting firm Urban Field Studio. Ryan's resume is attached to this proposal.

SCOPE

Task 1: Project Initiation

a. Background Material Review

I will compile and review background materials related to the project, including the General Plan, Zoning Code, economic analysis, prior Capitola Mall redevelopment applications, and other relevant information.

b. Stakeholder Meetings (Round 1)

I will prepare materials for and attend two Zoom stakeholder meetings with the Capitola Mall representatives, other mall property owners, and other stakeholders as needed.

c. Planning Commission Meeting 1

I will prepare materials for and attend a Planning Commission meeting to introduce the Capitola Mall project and receive initial feedback on key project issues.

Task 2: Preliminary Objective Standards

a. Preliminary Standards Outline

I will prepare a brief memorandum outlining recommended standards and other needed Zoning Code Amendments to implement Housing Element Program 1.7.

b. Stakeholder Meetings (Round 2)

I will prepare materials for and attend two stakeholders to receive feedback on the preliminary standards outline.

c. Community Workshop

I will prepare materials for and attend a community workshop to receive public feedback on initial concepts for Capitola Mall standards.

d. Planning Commission Meeting 2

I will prepare materials for and attend a Planning Commission meeting to receive public feedback on the initial concepts for Capitola Mall standards.

e. City Council City Council Meeting

I will prepare materials for and attend a City Council meeting to receive public feedback on the initial concepts for Capitola Mall standards.

Task 3: Draft Amendments

a. Staff Review Draft

I will prepare amendments to the Zoning Code and General Plan to implement Housing Element program 1.7 (concerning the Capitola Mall). Expected amendments include the following:

- Revisions to Zoning Code Chapter 17.88 and other chapters as needed to implement Housing Element Programs 1.7.
- Objective standards for Mall redevelopment, with revisions to Zoning Code Chapter 17.82 as needed.
- General Plan Land Use Element amendments to bring Capitola Mall policies and standards into conformance with the Zoning Code amendments

b. Stakeholder Meetings (Round 3)

I will meet with Capitola Mall representatives and other stakeholders via Zoom to discuss the draft amendments.

c. Public Review Draft

I will incorporate staff input and stakeholder feedback to prepare public review draft amendments.

Task 4: Public Review and Adoption

a. Planning Commission Hearings (2)

I will prepare materials for and attend two Planning Commission hearings on the amendments.

b. City Council Hearing

I will prepare materials for and attend a City Council hearing on the amendments.

Task 5: Project Management and Engagement

a. Subconsultant Coordination

I will coordinate work products, review draft products, and provide direction to Urban Field Studio and the economics subconsultants.

b. City Coordination Meetings

I will participate in weekly coordination meetings with City staff.

c. Public Announcements and Updates

I will assist City staff to provide public announcements and updates on the Capitola Mall project.

SCHEDULE

Table 1 shows an estimated schedule to complete the scope of work described above.

Table 1: Project Schedule

Task	Completion Date		
Task 1: Project Initiation			
Background Material Review	September, 2025		
Stakeholder Meetings (Round 1)	September, 2025		
Planning Commission Meeting 1	October, 2025		
Task 2: Preliminary Objective Standards			
Preliminary Standards Outline	October, 2025		
Stakeholder Meetings (Round 2)	November, 2025		
Community Workshop	November, 2025		
Planning Commission Meeting 2	December, 2025		
City Council City Council Meeting	December, 2025		
Task 3: Draft Amendments			
Staff Review Draft	January, 2026		
Stakeholder Meetings (Round 3)	January, 2026		
Public Review Draft	February, 2026		
Task 4: Public Review and Adoption			
Planning Commission Hearings (2)	March, 2026		
City Council Hearing	April, 2026		

BUDGET

As shown in Table 2, the estimated cost for me to complete the task described above is \$75,972, which includes \$20,000 for Urban Field Studio, \$7,500 for an economist subconsultant, and a \$4,352 contingency.

Table 2: Budget

Tasks	Hours	Cost
Task 1: Project Initiation		
a. Background Material Review	4	\$680
b. Stakeholder Meetings (Round 1)	8	\$1,360
c. Planning Commission Meeting 1	20	\$3,400
Task 2: Project Approach		
a. Project Approach Outline	8	\$1,360
b. Stakeholder Meetings (Round 2)	8	\$1,360
c. Community Workshop	25	\$4,250
d. Planning Commission Meeting 2	20	\$3,400
e. City Council City Council Meeting	20	\$3,400
Task 3: Draft Amendments		
a. Staff Review Draft	20	\$3,400
b. Stakeholder Meetings (Round 3)	8	\$1,360
c. Public Review Draft	15	\$2,550
Task 4: Public Review and Adoption		
a. Planning Commission Hearings (2)	35	\$5,950
b. City Council Hearing	20	\$3,400
Task 5: Project Management		
a. Subconsultant Coordination	15	\$2,550
b. City Coordination Meetings	15	\$2,550
c. Public Announcements and Updates	15	\$2,550
Total Hours		256
Billing Rate		\$170
Total Labor		\$43,520
Urban Field Studio Subconsultant		\$20,000
Economist Subconsultant		\$7,500
Travel Expenses		\$600
Contingency (10%)		\$4,352
TOTAL COST		\$75,972

Please do not hesitate to contact me with any additional questions. I look forward to continuing to work with you on this project.

Sincerely,

Ben Noble

City and Regional Planning

Bu Noll



Ryan Call

Urban Field Studio

Partner, AIA

ryan@urbanfieldstudio.com

EDUCATIONWashington State University, Bachelor of Architecture

ASSOCIATIONS

American Institute of Architects ICSC





developed a particular expertise in master planning mixed-use urban communities with a focus on vibrant retail districts and public spaces. His primary interest lies in the strategic aspects of the design and development process where he has worked on a variety of projects from neighborhood shopping centers to regional shopping centers, to mixed-use multi-block districts. His presentation expertise has proven key to the success of many projects, especially during the critical public process and approvals phases.

With over 24 years of experience in planning and architectural design, Ryan has

MIXED-USE MASTER PLANS

Bayfair Mall Redevelopment Implementation Plan, San Leandro, CA Palo Alto Mixed-Use Typologies Site Testing
University of Chicago 53rd Street District Mixed-Use Master Plan
University of Chicago Washington Park Innovation Center Master Plan
Mueller Aldrich Street District, Austin, TX
Scotts Valley Town Center, Scotts Valley, CA
NewPark Mall Mixed-Use Specific Plan, Newark, CA
Dublin SCS Properties, City of Dublin, CA
Downtown Dublin Vision, City of Dublin, CA

REGIONAL RETAIL CENTERS

Hillsdale Shopping Center North Block, San Mateo, CA Stonestown Galleria Anchor Redevelopment, San Francisco, CA HSC Mervyns Department Store Reconfiguration, San Mateo, CA Tucson Mall Anchor Redevelopment, Tucson, CA Eastridge Shopping Center, San Jose, CA

PUBLIC OUTREACH AND EDUCATION

Alisal District Identity Master Plan, Salinas, CA
Downtown Dublin Vision, Dublin, CA
SCS Property Public Outreach, Dublin, CA
Latimer Square Public Workshop and Charette, Bloomington, IN
Telegraph Avenue Public Workshop and Charette, Berkeley, CA
Harold Way Workshop and Charette, Berkeley, CA

DESIGN GUIDELINES

Green Tree Mixed-Use Retail and Residential Guidelines, Vacaville, CA Latimer Square PUD Design Guidelines, Bloomington Indiana

PROFESSIONAL AWARDS

AIA California Urban Design Award for Downtown Dublin ICSC Gold Award for Hillsdale Shopping Center - San Mateo ULI Apgar Award for 2015

COMMUNITY ACTIVITIES

Berkeley Design Advocates Downtown Berkeley Association Volunteer - Former Board Member Richmond Yacht Club Junior Program Volunteer

CAPITOLA MALL ZONING CODE AMENDMENTS

EXPEDITED OPTION

	2025			2026	
	Sept	Oct	Nov	Dec	Jan
Planning Commission Meeting	X				
Amendments Outline	Х				
Stakeholder Meeting		X			
Staff Review Draft Amendments		Х			
Public Review Draft Amendments			Х		
Planning Commission Hearing				Х	
City Council Hearing					Х

Tasks	Hours	Cost
Task 1: Draft Amendments		
a. Planning Commission Meeting	25	\$4,250
b. Stakeholder Meetings	8	\$1,360
c. Amendments Outline	10	\$1,700
d. Staff Review Draft Amendments	25	\$4,250
e. Public Review Draft Amendments	20	\$3,400
f. Planning Commission Hearing	25	\$4,250
g. City Council Hearing	20	\$3,400
Task 2: Project Management		
a. Subconsultant Coordination	10	\$1,700
b. City Coordination Meetings	10	\$1,700
c. Public Announcements and Updates	10	\$1,700
Total Hours		163

TOTAL COST	\$45,781
Contingency (10%)	\$2,771
Travel Expenses	\$300
Economist Subconsultant	\$5,000
Urban Field Studio Subconsultant	\$10,000
Total Labor	\$27,710
Billing Rate	\$170

CAPITOLA MALL ZONING CODE AMENDMENTS

FBC OPTION

		20	25				2026		
	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Task 1: Project Initiation									
Start-up Tasks	X								
Workshop Approach		X							
Task 2: Multi-Day Workshop									
Workshop Planning and Preparation			X						
Multi-Day Workshop				X					
Final Workshop Deliverables				X					
Task 3: Form-Based Code Elements									
Draft Form-Based Code Elements					X				
Final Form-Based Code Elements					X				
Task 4: Draft Amendments									
Staff Review Draft						X			
Public Review Draft							X		
Task 5: Public Review and Adoption									
Planning Commission Hearings (2)							Х	Х	
City Council Hearing									Х

Tasks	Ben Noble	Opticos	Total
Task 1: Project Initiation			
a. Start-up Tasks	\$680	\$5,000	\$5,680
b. Workshop Approach	\$1,360	\$5,000	\$6,360
Task 2: Multi-Day Workshop			
a. Workshop Planning and Preparation	\$1,360	\$15,000	\$16,360
b. Multi-Day Workshop	\$0	\$35,000	\$35,000
c. Final Workshop Deliverables	\$680	\$10,000	\$10,680
Task 3: Form-Based Code Elements			
a. Draft Form-Based Code Elements	\$1,700	\$15,000	\$16,700
b. Final Form-Based Code Elements	\$1,360	\$5,000	\$6,360
Task 4: Draft Amendments			
a. Staff Review Draft	\$10,200	\$2,500	\$12,700
b. Public Review Draft	\$5,100	\$2,500	\$7,600
Task 5: Public Review and Adoption			
a. Planning Commission Hearings (2)	\$5,950	\$2,500	\$8,450
b. City Council Hearing	\$3,400	\$2,500	\$5,900
Task 6: Project Management			
a. Subconsultant Coordination	\$2,550	\$0	\$2,550
b. City Coordination Meetings	\$2,550	\$0	\$2,550
c. Public Announcements and Updates	\$2,550	\$0	\$2,550
Total Labor	\$39,440	\$100,000	\$139,440
Economist Subconsultant			\$7,500
Travel Expenses			\$600
Contingency (10%)			\$13,944
TOTAL COST			\$161,484

1st AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT

between

CITY OF CAPITOLA and BEN NOBLE CITY AND REGIONAL PLANNING

WHEREAS, on May 29, 2024, the City of Capitola (City) and the Ben Noble City and Regional Planning (the "Parties") entered into a Professional Services Agreement ("Agreement"); and

WHEREAS, the Parties wish to amend the Contract to increase the contract value.

THEREFORE BE IT RESOLVED:

Samantha W. Zutler, City Attorney

- 1. Appendix one is amended to include Housing Element Implementation for Mall Zoning; and
- 2. Appendix two is amended to Increase the not to exceed amount from \$124,375 to \$(Amount pending City Council direction at 8/28/2025 meeting). Increase amounts will be used for Housing Element Implementation related to the Capitola Mall and Community Benefits within the zoning code from preparation to adoption services by Ben Noble City and Regional Planning.

All other terms and conditions of the Agreement remain in full force and effect.

CONSULTANT: Ben Noble City and Regional Planning		
By:	Date:	
CITY OF CAPITOLA		
By: Benjamin Goldstein, City Manager	Date:	
APPROVED AS TO FORM:		
	Date:	

RESOLUT	TON NO.	
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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING THE 2025-26 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT PROGRAM BUDGET

WHEREAS, it is necessary to adopt the 2025-26 Fiscal Year Budget for all City funds and Capital Improvement Program; and

WHEREAS, the City Council conducted budget study sessions, heard and considered public comments, had modified and proposed a budget accordingly, and on June 26, 2025, adopted such budget for the Fiscal Year July 1, 2025 through June 30, 2026; and

WHEREAS, on May 23, 2024, the City Council authorized a Professional Services Agreement with Ben Noble Planning in the amount of \$124,375 to implement Housing Element programs, funded through a combination of REAP 2.0 grant funds and General Plan funds; and

WHEREAS, the City adopted the majority of Housing Element implementation measures in 2024 but incurred added costs associated with multifamily housing amendments, leaving a remaining balance of \$46,611 under the Ben Noble Planning agreement; and

WHEREAS, the agreement with Ben Noble Planning must be amended to include additional funding for Housing Element implementation of Programs 1.6 and 1.7, including zoning code updates for the Capitola Mall site; and

WHEREAS, in response, staff, in coordination with Ben Noble Planning, developed three potential approaches to update the Zoning Code and General Plan: (1) Expedited Objective Standards, (2) Objective Standards with enhanced public engagement, and (3) Form-Based Code, with costs ranging from \$45,781 to \$150,000 depending on scope, timeline, and level of public input; and

WHEREAS, it is necessary to amend the Fiscal Year 2025-26 Adopted Budget to increase appropriations in the General Plan Update and Maintenance Fund account number 1313-00-000-4305.900 in the amount of \$______; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2025-26 Fiscal Year Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution; and

BE IT FURTHER RESOLVED that the Administrative Services Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

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 August 2025, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

Item	

ATTEST:	Joe Clark, Mayor
Julia Gautho, City Clerk	

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tem	ч		



Budget Adjustment	Request			
Date				
08/20/2025				
Requesting Department *				
Community Development				•
Type of Adjustment				
○ Administrative				
Council				
Item #				
Council Date				
August 28, 2025				
Council Approval				
Revenues				
Revendes			Search	QV
Account Number	Account Description	Increa	se/Decrease	
		\$		
<u>+ Add</u>				
Total Revenues				
\$ 0.00				
Expenditures				
			Search	QT
Account Number	Account Description	Increa	se/Decrease	
1313-00-00-4305.900	CS-Contracts General	\$		
+ Add				
Total Expenditures				
\$ 0.00				
Net Impact				
\$ 0.00				
Purpose				

Save as Draft

Submit



CAPITOLA MALL UPDATE & Item 9 C. BEN NOBLE PLANNING CONTRACT AMENDMENT





CAPITOLA MALL UPDATE & BEN NOBLE PLANNING CONTRACT AMENDMENT

Item 9 C.

Recommended Actions

- Receive update on Capitola Mall / Housing Element Programs
 1.6 & 1.7
- 2. Provide direction on zoning update approach
- 3. Adopt resolution amending FY 2025–26 Budget for Housing Element implementation
- 4. Authorize City Manager to execute Amendment 1 with Ben Noble Planning





Background - Long Range Planning

- 2011 41st Avenue / Capitola Mall Re-Visioning Plan
- 2013 General Plan Update
- 2024 Housing Element Update







Background – Implementation Planning

Zoning Code Updates

- 1. Reduced parking requirements and allowed mixed use (2010)
- 2. Community Benefits (2018)
 - 50 feet height & 2.0 FAR for Mall Redevelopment
- 2. Updated Regional Commercial Zoning (2018)
 - Vertical and horizontal mixed use allowed throughout
 - Decreased parking
- 3. Objective Standards for Multifamily and Mixed Use (2022)
- 4. Removed barriers to housing (2024)





Background – Prior Mall Redevelopment Concepts

2019 Pre Application from Merlone Geier Partners (MGP)

629 Residential Units

330,000 sf Commercial



Housing Element

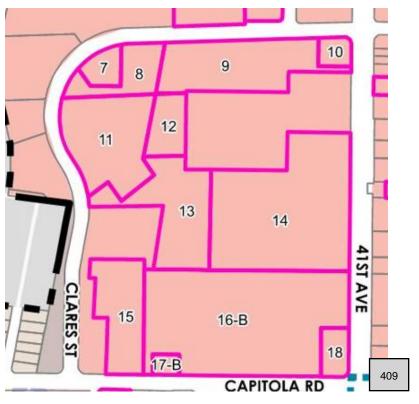
Capitola Mall: Key redevelopment site

- Program I.6: Development Regulations
- Program 1.7: Shopping Center Redevelopment

Sites Inventory Housing Units

Entire Block 1,777

MGP Properties 1,125







Housing Element Program Deliverables

- I. Develop land use policies to facilitate shopping center redevelopment with a strong sense of urban design cohesion
- Establishes Capitola Mall as all properties between Clares St, 41st Ave, and Capitola Rd.
- 3. Building height up to 75 feet for Mall Redevelopment
- 4. Define "Mall Redevelopment" to mean a mix of uses including residential and retail/commercial components
- 5. Exclude parking garages from project FAR calculations
- Adopt objective development standards to facilitate mall redevelopment





Implementing deliverable requires zoning code updates

Outreach to MGP regarding zoning updates

May 2025: MGP requested form-based code (FBC)

June 2025: Discussion & questions

July 2025: Staff shared FBC cost/timing → \$150k-200k, ~1 year

Aug 2025: MGP requested objective standards and completion

by December 2025





Options for zoning update to implement deliverables

Option I – Objective Standards

Option 2 – Expedited Objective Standards (MGP Request)

Option 3 – Form-Based Code





Option I – Objective Standards

- Amend Zoning Code and General Plan with objective standards
- Increase building height (75 ft) and FAR (2.0)
- Includes 3 rounds of stakeholder meetings + I community workshop, PC/CC study sessions
- Completion: April 2026
- Estimated cost: \$75,972





Amend Chapter 17.82: Objective Standards for Multifamily and Mixed-Use Residential Development

- Circulation and streetscape
- Parking and Vehicle Access
- Building placement, orientation, and entries
- Building Massing
- Façade and Roof Design
- Other site features





Amend Chapter 17.88

Incentives for Community Benefits

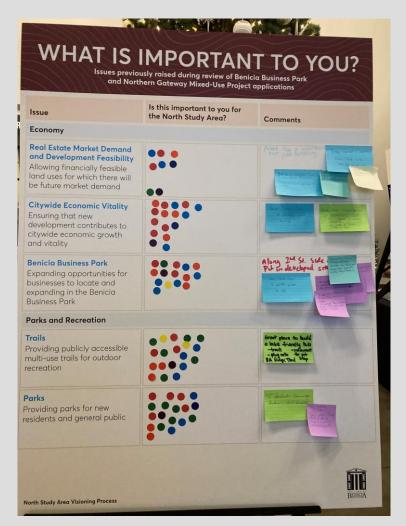
- Update qualifications for Mall Redevelopment with objective standards
- Increase height to 75 feet
- Exclude parking structures from 2.0 max FAR



Item 9 C.

3 STAKEHOLDER MEETINGS & ICOMMUNITY WORKSHOP







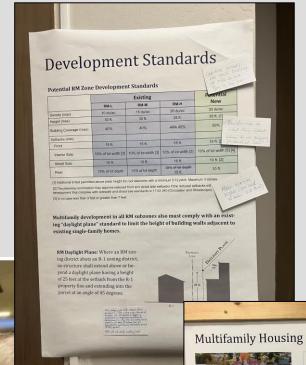
Item 9 C.

3 STAKEHOLDER MEETINGS & ICOMMUNITY WORKSHOP





Community Workshop February 26, 2025







Item 9 C.

EXAMPLE OBJECTIVE STANDARDS

Public Plazas



Block Patterns

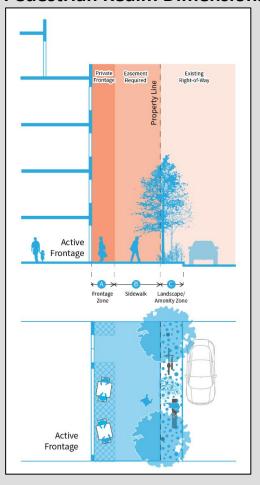




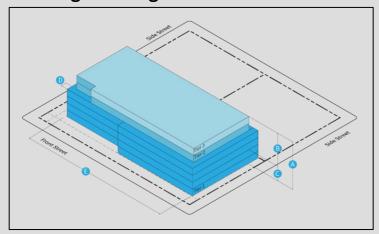
Item 9 C.

EXAMPLE OBJECTIVE STANDARDS

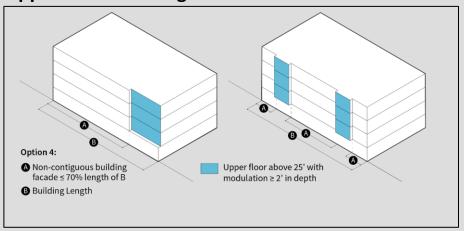
Pedestrian Realm Dimensions



Building Massing



Upper Floor Building Modulation







Option 2 – Expedited Objective Standards

- Amend Zoning Code and General Plan with objective standards
- Increase building height (75 ft) and FAR (2.0)
- Includes I stakeholder meetings
- Completion: Jan. 2026
- Estimated cost: \$45,781





Option 3 – Form Based Code

- Replace existing zoning with form-based code for Mall block
- Focus on building form + frontages and their relationship to streets, sidewalks and public spaces
- Includes design charette + cohesive design standards + regulating map
- Completion: ~8 months (mid-2026)
- Estimated cost: \$161,484



Item 9 C.

FBC: WORKSHOP WITH COMMUNITY & STAKEHOLDERS





Item 9 C.

CREAT CODE FRAMEWORK & REGULATING PLAN

A. Intent

Downtown Core

Intent Diagram



Intent

A vibrant, walkable, urban main street serving the Rohnert Park community and the region with commercial, retail, entertainment, and civic uses, public transportation, and medium-to-large footprint, moderate-to-high intensity housing choices.

Downtown Main Street

Intent Diagram



Intent

A walkable, vibrant urban main street serving multiple neighborhoods with commercial, retail, entertainment, and civic uses, public transportation, small-to medium footprint buildings with some moderate-to-high-intensity housing choices.

Downtown Neighborhood

Intent Diagram



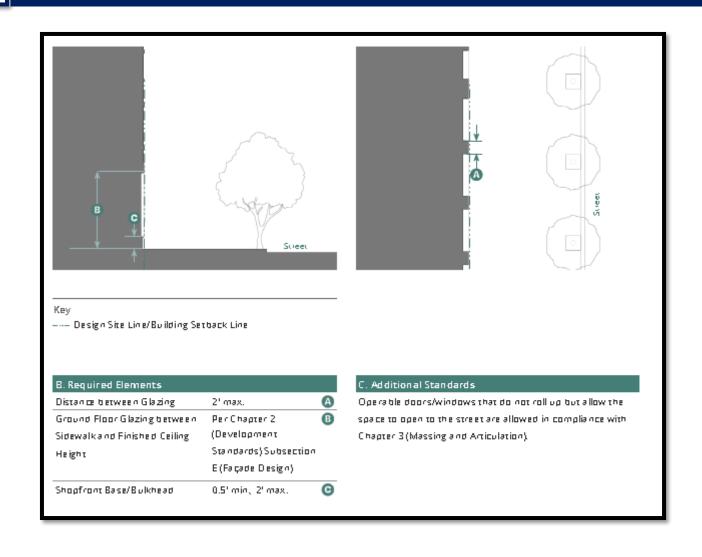
Intent

A walkable, urban neighborhood environment with small-to-medium footprint, lower-intensity housing choices, supporting and within short walking distance of neighborhood-serving retail and services.



Item 9 C.

CREAT CODE FRAMEWORK & REGULATING PLAN





CAPITOLA MALL UPDATE Item 9 C.

CREAT CODE FRAMEWORK & REGULATING PLAN





CAPITOLA MALL UPDATE

Comparison of Options

Option	Engagement	Timeline	Cost
I. Objective Standards	PC/CC, Stakeholders + Workshop	Apr 2026	\$75,972
2. Expedited Standards	Hearings only	Jan 2026	\$45,781
3. Form-Based Code	Charette/ Community Workshops	~8 months (mid-2026)	\$161,484



Redevelopment



CAPITOLA MALL UPDATE

Comparison of Options

Option	Regulations	approval process
I. Objective Standards	Less Prescriptive More Flexible	PC Review
2. Expedited Standards	Less Prescriptive More Flexible	PC Review
3. Form-Based Code	More Prescriptive Less Flexible	Increased Administrative 427 Review





Fiscal Impact

- Current contract balance: \$46,611
- Funds needed: \$45,781 \$161,484 (depending on option)
- Funds available in General Plan Maintenance Fund
- Recommendation: Reserve contract balance for ongoing code updates; Amend contract to cover full cost of chosen option





Council Direction

- Select preferred zoning update approach
- Amend FY 2025–26 Budget to allocate funding
- Authorize contract amendment with Ben Noble Planning
- Continue coordination with MGP and stakeholders





DRAFT MOTION

Authorize contract amendment with Ben Noble Planning to implement option ____,

and

Amend FY 2025–26 Budget to allocate

<u>1:\$76,000</u> <u>2:\$46,000</u> <u>3:\$162,000</u>

from General Plan Maintenance Fund, and

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Public Works Department

Subject: Sustainable Transportation Planning Grant for the Capitola Active

Transportation Plan

Recommended Action: 1) Adopt a resolution authorizing the City Manager to enter into a grant agreement with the California Department of Transportation (Caltrans) for the Capitola Active Transportation Plan; 2) Authorize the City Manager to execute a professional services agreement with Ecology Action, the City's co-applicant for the project, in the amount of \$305,000; and, 3) Adopt a resolution amending the FY 2025-26 budget to accept the grant revenue and appropriate funds for the project.

<u>Background</u>: In January 2025, the City applied for the Caltrans Sustainable Transportation Planning Grant Program, which is funded through Senate Bill 1 (SB 1 – The Road Repair and Accountability Act of 2017) and state and federal sources. The application requested \$450,000 in grant funds, with a City in-kind match of \$60,000 in staff time, to prepare a Citywide Active Transportation Plan (ATP).

The City has since received a conditional notice of award from Caltrans. One of the requirements before receiving the final award is adoption of a resolution by the City Council that identifies the project title, authorizes acceptance of the grant, and designates the City Manager to sign the grant agreement on the City's behalf.

Since the time of application, City staff has received updated direction regarding Municipal Code Section 8.72. The project scope and grant contract has been updated to comply with Code Section 8.72 and the project title has been changed to the Capitola Active Transportation Plan.

<u>Discussion</u> The Capitola Active Transportation Plan will be the City's first comprehensive plan for improving pedestrian, bicycle, and multimodal travel throughout the City. The plan will evaluate existing conditions, identify barriers to walking and biking, and recommend infrastructure and programmatic solutions to improve access and safety for all users, including seniors, youth, and people with disabilities. It will also incorporate climate resilience, Vision Zero safety strategies, and equity-focused approaches, while ensuring consistency with the City's General Plan, the County's Regional Transportation Plan, and state policies such as the Climate Action Plan for Transportation Infrastructure (CAPTI).

Ecology Action, a Santa Cruz-based non-profit with extensive experience in sustainable transportation planning, is a co-applicant on the grant. Ecology Action's role in the grant has also been adjusted; they will lead community outreach and engagement, equity-focused programming, and coordination with local partners, while supporting the City in meeting Caltrans requirements.

In addition to Ecology Action's role, the City will issue a Request for Proposals (RFP) to retain a qualified transportation planning consultant. The consultant will perform the technical scope of the plan, including data collection, analysis of existing conditions, network planning, safety studies, conceptual designs, and cost estimates for priority projects. There is \$145,000 budgeted in grant funds for this work. The consultant contract will be awarded separately and brought back to the City Council for approval at a future meeting.

<u>Fiscal Impact</u>: The total project budget is \$510,000. The Caltrans grant provides \$450,000 in funding, and the City will contribute \$60,000 in in-kind staff time as the required local match. No additional General Fund allocation is required.

Attachments:

- 1. Resolution
- 2. Amended Scope of Work
- 3. Professional Services Agreement with Ecology Action
- 4. Resolution and Budget Amendment

Report Prepared By: Jessica Kahn, Public Works Director

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

Approved By: Jamie Goldstein, City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A PLANNING GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE CAPITOLA ACTIVE TRANSPORTATION PLAN

WHEREAS, the City of Capitola is eligible to receive State funding for transportation planning through the California Department of Transportation (Caltrans); and

WHEREAS, the City of Capitola applied for and was conditionally awarded \$450,000 through Caltrans' Sustainable Transportation Planning Grant Program, funded by Senate Bill 1 (SB 1 – The Road Repair and Accountability Act of 2017), for the Capitola Active Transportation Plan; and

WHEREAS, a Restricted Grant Agreement must be executed with Caltrans before such funds can be reimbursed to the City through the grant program; and

WHEREAS, the City Council desires to delegate authority to execute the grant agreement and any amendments thereto to the City Manager or their designee to ensure timely acceptance and administration of the grant.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Capitola, State of California, as follows:

- The City Council hereby authorizes the City Manager, or designee, to execute all Restricted
 Grant Agreements and any amendments thereto with the California Department of
 Transportation for the Capitola Active Transportation Plan, and to make any non substantive
 revisions as approved by the City Attorney and take all necessary action to effectuate receipt of
 the grant funds.
- 2. The City Council authorizes the City Manager, or designee, to make necessary budget amendments to execute the Capitola Active Transportation Plan.

I HEREBY CERTIFY that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 28th day of August, 2025, by the following vote:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
ABSTAIN:	
	Joe Clarke, Mayor
ATTEST:	
Julia Gautho, City Clerk	

Scope of Work Checklist

The Scope of Work (SOW) is the official description of the work that is to be completed during the contract. Tasks 1-6 outlined in the SOW are for illustrative purposes only.

Applications with missing components will be at a competitive disadvantage. Please use this checklist to make sure your Scope of Work is complete.

Scop	Scope of Work Checklist								
(√)	Ensure these items are completed prior to submitting to Caltrans								
✓	Use the Fiscal Year 2025-26 template provided								
✓	Include the activities discussed in the grant application								
✓	List all tasks using the same title as stated in the Project Cost and Schedule								
✓	Include task numbers in accurate and proper sequencing, consistent with the Cost and Schedule								
✓	Exclude sub-task numbers; only include sub-headings								
✓	Exclude tasks for project management and/or staff/consultant coordination; these activities should be spread among relevant tasks								
✓	Include a thorough Introduction to describe relevant background, related planning efforts, the project and project area demographics, including a description of the under-resourced community involved with the project, if applicable								
✓	Include a thorough and accurate narrative description of each task								
✓	Task 01 is a required task. It must be titled "Project Administration", it cannot exceed 5% of the grant award amount, and only the grantee and sub-recipient(s) can charge against this Task. This Task must only include the following activities and deliverables: • Caltrans and grantee Project kick-off meeting at the start of the grant • Invoicing and quarterly reporting to Caltrans • DBE Reporting (federal grants only)								
✓	Include Task 02 for the procurement of a consultant (if needed). This task is for the grantee and sub-applicant(s) only.								
✓	Include detailed public participation and services to diverse communities in the Public Outreach Task (excluding technical projects)								
✓	Identify public outreach strategies in a manner that provides flexibility and allows for a diverse range of outreach methods (both in-person and virtual), excluding technical projects								
✓	Include a Task(s) for a Draft and Final product. The draft plan must include an opportunity for the public to provide feedback (excluding technical projects).								
✓	Include a summary of next steps your agency will take towards implementing the project in the Final Product								
✓	List achievable project deliverables for each Task								
✓	EXCLUDE environmental, complex design, engineering work, and other ineligible activities outlined in the Grant Application Guide								

SCOPE OF WORK

Project Information								
Grant Category	Sustainable Communities Competitive							
Grant Fiscal Year	FY 2025-26							
Project Title	Capitola Active Transportation Plan							
Organization (Legal name)	City of Capitola							

Disclaimer

Agency commits to the Scope of Work below. Any changes will need to be approved by Caltrans prior to initiating any Scope of Work change or amendment.

Introduction

The City of Capitola is a quaint seaside village community (1.6 square miles) located along Monterey Bay in Santa Cruz County. Capitola was originally founded in 1869 as California's first beach resort. Incorporated as a city in 1949, the Village area and its beach remain popular with visitors, drawing approximately 350,000 visits annually. Only 35 miles from San Jose and two hours by car from San Francisco, this modest City hosts the Begonia Festival, the Art and Wine Festival, and other celebrations bringing tourists from all over California.

The population in Capitola swells during the summer season and at other key times as visitors come in great numbers. The population year-round is predominantly renters (52%), and 31% of residents are seniors. According to the 2020 census, Capitola has a population of 9,938. The renter occupied rate of housing is higher than the state average. According to the 2015-2019 Comprehensive Housing Affordability Strategy (CHAS) data, generated for the city from the U.S. Department of Housing and Urban Development (HUD), approximately 2,405 low to extremely low-income households reside in Capitola. This means that 54% of households earn up to 80% of the Area Median Income (AMI) for Santa Cruz County, with many earning significantly less.

The number of vulnerable road users is increasing in the city. While most age groups declined between 2010 and 2020, the number of city residents aged 5 to 9 doubled and residents aged 65 to 74 increased by almost 200%. As reported in the 2016-2020 ACS 5-Year Estimates, 1,448 City residents, or 31% of the total population, were 65 years or older. According to the California Office of Traffic Safety, the City of Capitola ranked 5th, 1st, and 2nd worst in the past three years for cities of similar size for injuries and death for pedestrians aged 65 and over.

The City aims to proactively improve safety for all road users by planning for increased multimodal activity and ensuring public infrastructure supports safe walking and biking in every neighborhood.

As a consequence the City's pedestrian crash history and mobility needs, Capitola is seeking to create its first ever Active Transportation Plan. The Plan will address connections across all of Capitola, including key corridors that link neighborhoods to major community destinations such as senior housing, schools, parks, shopping centers, community center, library, and senior center. The Village presents unique circulation constraints due to its geography and high levels of pedestrian activity. It also accommodates small freight deliveries, critical emergency services such as police and fire and seasonal visitor activity. Soquel Creek bisects the city, with residential and commercial areas on both sides and limited bridge crossings, creating challenges for connectivity throughout Capitola. Additionally, as a coastal community, Capitola faces increasing climate-related challenges, such as sea-level rise, flooding, and extreme weather events. These impacts exacerbate mobility issues and underscore the need for climate-resilient infrastructure citywide.

Historically, vehicle infrastructure has taken precedence over bicycle and pedestrian facilities, conflicting with current city, regional, and state goals and priorities. Undertaking an Active Transportation Plan will empower the city to move forward with cutting-edge designs and best practices, creating dedicated, safe, and attractive pedestrian and bicycle facilities across Capitola.

In the most recent Housing Element update assignments, Capitola was directed to construct an additional 1,336 units, including a total of 430 low income units. This housing development will occur citywide. The anticipated 25 percent increase in residential units and their location in relation to bike/pedestrian facilities and resources will necessitate improved connections to be in place. This increase highlights the urgency of developing an Active Transportation Plan as soon as possible.

The current Bicycle Plan is outdated, and there is no city Pedestrian Plan. Efforts are already being made across the city to study and redesign key corridors with a Vision Zero and Complete Streets lens including Cliff Drive, Bay Avenue, Stockton Street, and 41st Avenue. Two major corridor studies in particular will be incorporated into the proposed Plan: Bay Avenue (to be completed in 2025) and the 41st Avenue Corridor Plan (to begin in early 2025).

The Active Transportation Plan will connect the bike/ped network to key community destinations and align with regional improvements that serve Capitola residents. The Capitola Avenue Highway 1 overcrossing with new bike lanes and sidewalks will, when completed in late 2026, improve access and support increased active transportation use throughout the city. The Active Transportation Plan will cohesively link the Village and all Capitola neighborhoods, establishing clear goals and standards for safety, mobility, and prioritization of bicycle and pedestrian facilities. As other corridor studies and projects progress, the city can align their outcomes with the Active Transportation Plan, adapting and expanding its scope as needed to maintain and improve facilities.

Strengthening these connections in a safe and accessible way will help to create mode shift to more sustainable and healthy options, improving mobility and quality of life. To develop recommendations, the Plan will analyze safety data, inventory bicycle and pedestrian infrastructure, identify gaps, and consider best practice solutions for the different types of streets in the Plan area. Community engagement is a key component involving schools, lower-income neighborhoods, and residents with limited English proficiency to both understand the community's needs and to vet recommendations catered to each street and corridor.

Delaying the Plan will widen the gap between city transportation goals and the needs of residents and visitors and would not adequately address our high senior pedestrian crash rates. It would also limit preparation for connections to important new regional facilities currently in development within the city and beyond. Beginning the Plan now is critical to establishing a strong foundation for Capitola's transportation planning and ensuring long-term cohesion, safety, and accessibility.

Project Stakeholders

The City of Capitola will oversee the project at every stage to ensure alignment with City planning documents and policies. The City will ensure Councilacceptance of the Plan and wide distribution through City channels. Ecology Action will lead the grant administration, research, public outreach, and plan development.

A Technical Advisory Committee representing a diverse pool of entities will be engaged including Capitola Public Works and Community Development Departments, Santa Cruz Metro (Transit District), Santa Cruz County Public Health Department, Caltrans District 5, Soquel Union Elementary and Santa Cruz City High School Districts, local bicycle and pedestrian advocacy organizations such as Bike Santa Cruz County and Mission: Pedestrian, and the Santa Cruz County Regional Transportation Commission (SCCRTC)

A focus group will be formed to represent under-resourced and disadvantaged communities, including residents of Pacific Cove Mobile Home Park, Bay Avenue Senior Apartments, and

apartment complexes along Capitola Road and 41st Avenue. The group will also include Spanish-speaking residents and people with limited English proficiency, low-income households as defined by AB 1550, and households without access to a personal vehicle. Ecology Action will partner with organizations such as Community Bridges, Santa Cruz Community Health, and local school family resource centers to identify and engage participants.

Additional stakeholders include biking and walking advocates, business representatives, seniors, people who are unhoused, people with disabilities, the Bicycle Advisory Committee and the Elderly & Disabled Transportation Advisory Committee.

Overall Project Objectives

- Create visionary projects with broad public support to transform citywide, encompassing residential, commercial, and coastal areas. Align strategies with Capitola's General Plan, Local Coastal Program, Regional Transportation Plan, Caltrans District 5 Active Transportation Plan, and California Climate Action Plan for Transportation Infrastructure (CAPTII).
- Inventory current bike and walking facilities in the City and assess the implementation of the recommendations of the 2011 Bicycle Plan
- Identify a network of pedestrian and bicycle routes that provide access to key destinations.
- Develop visionary concept plans for key routes building on data collected from previous public outreach efforts.
- Describe existing education and encouragement programs related to active transportation, schools' access, and transportation demand management.
- Coordinate with all relevant partners to optimize transit connections for new and existing developments.
- Identify bicycle and pedestrian safety and connectivity improvements by assessing barriers, gaps, unsafe conditions, and conditions uncomfortable for all ages and skill levels.
- Utilize community-centered engagement strategies with a social justice lens to ensure inclusiveness and appropriate solutions.
- Incorporate climate resilience design strategies to reduce vehicle miles traveled and greenhouse gas emissions, and address major weather events, sea level rise, and flooding.
- Use a Vision Zero, Safe Systems, and Complete Streets approach in making project recommendations that significantly improve the local active transportation network
- Make prioritized project, policy, program, and maintenance recommendations including an approach to achieving funding and implementation.

Summary of Project Tasks

Task 0-1: Project Administration

This is an Administrative Task that shall only be charged against by the Grantee for the Administration of this grant project. Budget for this task cannot exceed 5% of the grant award amount.

Grantee will manage and administer the grant project according to the Grant Application Guidelines, Regional Planning Handbook, and the executed grant contract between Caltrans and the grantee.

Fiscal Administration

- Submit complete invoice packages to Caltrans District staff based on milestone completion—at least quarterly, but no more frequently than monthly.
- Responsible Party: City of Capitola and Ecology Action

Quarterly Reports

Monitor project progress and prepare and submit quarterly reports to Caltrans District

- staff providing a summary of project progress and grant/local match expenditures.
- Responsible Party: City of Capitola and Ecology Action

Kickoff Meeting

 Caltrans, City and Ecology Action kickoff meeting at the beginning of the project to coordinate and review scope, schedule, and budget

Responsible Party: City of Capitola and Ecology Action

Task Deliverables

Kick-off meeting with Caltrans - Meeting Notes, quarterly invoices and progress reports.

Task 0-2: Consultant Procurement

Grantee will procure a consultant, consistent with state and federal requirements, Local Assistance Procedures Manual for procuring non-Architectural and Engineering consultants, the Grant Application Guide, Regional Planning Handbook, and the executed grant contract between Caltrans and the grantee. Project will utilize a competitive RFP process to secure a consultant familiar with active transportation.

- Carry out a competitive RFP process.
- Use an evaluation team to review proposals and conduct interviews
- Execute contract with the highest-ranking consultant

Responsible Party: City of Capitola and Ecology Action

Task Deliverables

Copy of the Request for Proposal/Qualifications, copy of the contract between consultant and grantee.

Task 1: Existing Conditions

Literature review

- Review the City's existing Bicycle Plan, General Plan, Climate Action Plan, Local Coastal Program, and other relevant local plans
- Review the County of Santa Cruz Active Transportation Plan, whose jurisdiction surrounds and connects to Capitola streets
- Review regional and state plans including the Caltrans District 5 Active Transportation
 Plan, the Santa Cruz County Regional Transportation Commission (SCC RTC) Regional
 Transportation Plan, State Bike and Pedestrian Plan, and California State Transportation
 Agency (CalSTA) Climate Action Plan for Transportation Infrastructure (CAPTI)

Inventory facilities

- Assess progress of the 2011 Bicycle Plan, Local Coastal Program, and Climate Action Plan
- Inventory all project area bike and pedestrian facilities and nearby regional bike and transit facilities
- Identify quality, maintenance condition, and accessibility of facilities. Where applicable, assess seasonal variations in usage and maintenance needs, particularly during peak summer months.

Data collection

- Describe existing education, encouragement, and transportation demand management programs related to active transportation
- Compile detailed bicycle and pedestrian collision data, including factors, street type, and location
- Compile mode share data and determine whether there is need for further surveying or counts, with specific attention to capturing variations during the summer season, when the City experiences significant population increases

Responsible Party: City and Consultant

Task Deliverables

- List of documents reviewed
- Map of existing active transportation facilities, facilities in development
- Map of safety data
- Summary of current physical and collision conditions
- List of data needs

Task 2: Analysis of Data

- Map important community destinations and necessary travel patterns, especially for underserved and/or vulnerable community travelers
- Determine physical barriers, gaps, and needs for various travelers of all ages, skill levels, and abilities bicyclists, mobility device users, and pedestrians.
- Analyze collision data for patterns related to factors, street type, and street condition.
- Conduct a Level of Traffic Stress (LTS) analysis to assess perceived and actual comfort for users of varying confidence levels, with specific attention to seniors and school-age youth.
- Relate mode share to physical conditions and non-infrastructure factors, where applicable

Responsible Party: Consultant

Task Deliverables

- Summary of patterns and mode share
- Summary of safety conditions
- Summary or map of barriers/gaps
- Summary of mobility and access conditions
- Project and Program Recommendations with scoring and planning level cost estimates

Task 3: Public Outreach

Convene focus groups to engage community representatives

Facilitate focus groups that representing diverse interests such as pedestrians, bicyclists, elderly and disabled individuals, environmental advocates, youth, health organizations, business, and neighborhood groups. Meetings will be organized in partnership with community organizations and align with existing meetings or gathering places where possible. These sessions will focus on identifying current barriers to active transportation and gathering recommendations for meaningful education and encouragement

- programs to enable walking and biking comfortably for all ages and abilities, increasing trips.
- Hold 1-2 meetings for each focus group at key milestones of project including identifying active transportation needs and draft project recommendations.
- Review and analyze comments from the focus groups to help determine the active transportation needs, the project list, priority order, and provide input on the draft Plan.
- Responsible Party: City and Ecology Action

Convene public workshops and other in-person outreach

- Convene a minimum of two public meetings bringing residents of the community
 together to provide input at key milestones of the project. Host meetings at convenient
 locations for residents throughout the City, ensuring accessibility via multimodal
 transportation and online platforms to maximize participation. Meetings will be held on
 days and times that will provide the greatest level of participation.
- Table at community destinations or during community events, where possible
- Translate materials into Spanish and provide a translator for non-English-speaking participants.
- Key milestones of project include development of project list by identifying active transportation needs and draft Plan.
- Responsible Parties: City and Ecology Action

Create Plan Outreach website

- Create a web interface to inform the public about the Plan development process, objectives, and opportunities for providing input.
- Responsible Party: Ecology Action

Provide Regular Project Updates

- Share regular project updates and meeting notices through social media posts, website
 updates, press releases, email notifications to distribution lists, and school
 communications.
- The project webpage will be updated regularly to show progress on the Plan, next steps, and ways to provide input
- Responsible Party: City and Ecology Action

Review, analyze, and incorporate public comments

- Review, categorize, and analyze public comments from community event tabling, public meetings, emails, and online submissions to summarize public input and priorities.
- Responsible Party: City and Consultant

Task Deliverables

- List of Stakeholders/Focus Group Parties
- Focus Group Agendas and Presentation Materials
- Website, E-news, and News Release Content
- Link to Project Website
- List of Public Comments
- Public Workshop Presentation Materials
- Survey
- Public Outreach Summary

Task 4: Advisory Committee Meetings

- Establish a Technical Advisory Committee including Public Works, Community
 Development, the Transit District, public health, Caltrans District 5, the two school districts,
 local non-profits, the Association of Monterey Bay Area Governments, and the Regional
 Transportation Commission.
- Hold at least three meetings of the Technical Advisory Committee during the Plan development
- Present to and receive comments from these countywide public committees:
 - Bicycle Advisory Committee
 - o Elderly & Disabled Transportation Advisory Committee

Responsible Party: City and Ecology Action

Task Deliverables

- Technical Advisory Committee agendas and summaries of input
- Public Advisory Committee meeting agendas and summaries of input
- Technical Advisory Group Roster

Task 5: Infrastructure Recommendations

- Develop a project list of infrastructure recommendations to facilitate the safety and flow of multi-modal users based on analysis and public feedback.
- Incorporate the project list into the final Plan.

Develop a Rating System

- Develop a project rating and prioritization system that will evaluate and rank both
 infrastructure (IN) and non-infrastructure (NI) projects using traffic, crash, and population
 data, public input, and criteria related to safety, equity, and feasibility. The system will
 also prioritize projects that improve access to affordable housing, planned residential
 growth areas, and high-density neighborhoods to ensure alignment with Capitola's
 housing and land use goals.
- As part of the Technical Advisory Committee (TAC) process outlined in Task 4, the draft rating and prioritization system will be presented to the TAC for review and feedback prior to finalization.

Responsible Party: Consultant

Task Deliverables

- Project List
- Project rating and prioritization system

Task 6: Draft Plan

Non-Infrastructure (NI) Recommendations

- Develop list of NI recommendations to be included in Plan based on analysis and public input.
- Apply the project rating and prioritization system from Task 5 to evaluate NI and IN projects. Incorporate into the final Plan.

- Produce a Draft Active Transportation Plan detailing current biking and walking conditions, barriers, and solutions. The Plan will describe obstacles and challenges, recommend IN solutions that connect residents to major activity centers, and provide NIN policy and programmatic recommendations. IN needs will be reviewed by Public Works staff and the consultant.
- Integrate all collected data, public input, and research into the Plan.
- Use the project rating and prioritization system to develop a combined prioritized project list for IN and NI recommendations, reflecting housing and land use priorities.
- The Draft Plan will be reviewed by the Consultant, stakeholders, City staff, and Caltrans to ensure best practices are applied and that the Plan reflects the planning process and is implementation-ready.
- The Draft Plan will be presented to the Capitola City Council for review and comment. It
 will also be posted on the project website, accompanied by a press release and public
 comment announcement distributed to partner agencies, stakeholders, and the
 community.

Responsible Party: City and Ecology Action

Task Deliverables

- Rating Matrix
- Draft Plan
- City Council agenda and presentation materials
- Comments from City staff, stakeholders, consultant, and Caltrans

Task 7: Final Plan and Board Review/Approval

The Final Plan will serve as a resource for securing funding and guiding project implementation. Recommendations, public input, and research documented in the Plan will be applicable for Active Transportation Program (ATP) grant applications and other funding opportunities. Public support, demonstrated through the community engagement process, will strengthen funding applications and ensure alignment with local priorities

7.1 Finalize the Plan

- Comments from the Consultant, City staff, stakeholders, and the public will be consolidated and incorporated into the Final Plan.
- Prepare a distribution-ready version of the Final Plan (digital and print) and provide the City with the finalized Plan, supporting documentation, and materials needed for Council presentation and public release.
- Responsible Party: Ecology Action

7.2 Review and Acceptance

- Review the finalized Plan to confirm all comments have been addressed.
- Prepare the City Council agenda item and presentation materials.
- Present the Final Plan to the Capitola City Council for acceptance.
- Responsible Party: City

7.3 Distribution and Outreach

- Distribute the Final Plan to local governing bodies, the Capitola Public Library, local partner agencies, and the Capitola Public Works Department.
- Post the Final Plan on the City of Capitola website and share links through partner websites and social media platforms, including Facebook and other relevant channels. Issue a press release announcing the Final Plan's completion and availability.
- Responsible Party: City

Task Deliverables

- Final Plan based on comments and review
- City Council agenda and presentation materials
- Meeting minutes documenting City Council acceptance/approval
- Press release announcing Plan finalization
- Distribution list for Plan dissemination
- Summary of potential funding mechanisms to support Plan recommendations

CITY OF CAPITOLA PROFESSIONAL SERVICES AGREEMENT

Active Transportation Plan Development Ecology Action

THIS AGREEMENT is entered into on August 28, 2025, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Ecology Action, 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 economic 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 August 26, 2019.

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.
- Professional (Errors and Omissions) Liability insurance appropriate to the consultant's 4. 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.
- For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- 3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

Acceptability of Insurers

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

Waiver of Subrogation

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

Verification of Coverage

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

SECTION 9 Indemnification

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

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees from and against any and all claims, demands, actions, liabilities, damages, or expenses (including attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents in any way related to the obligations or in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of the City. The costs to defend charged to the Consultant relating to design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8.and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Consultant, Consultant's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10 Civil Rights Compliance/Equal Opportunity Assurance

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

SECTION 11 Legal Action/Attorneys' Fees

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

SECTION 12 **Assignment**

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

SECTION 13 Amendments

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

authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

SECTION 14 Miscellaneous Provisions

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

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

CONSULTANT ECOLOGY ACTION 877 Cedar Street, Ste. 240 Santa Cruz, CA 95060 831-426-5925

By:	By:
Benjamin Goldstein, City Manager	
Dated:	Dated:
Approved as to Form:	
Samantha Zutler, City Attorney	

Item 9 D.

Professional Services Agreement August 28, 2025 Active Transportation Plan Development Ecology Action Page 8

APPENDIX ONE Scope of Services

SCOPE OF WORK

Project Information								
Grant Category	Sustainable Communities Competitive							
Grant Fiscal Year	FY 2025-26							
Project Title	Capitola Active Transportation Plan							
Organization (Legal name)	City of Capitola							

Disclaimer

Agency commits to the Scope of Work below. Any changes will need to be approved by Caltrans prior to initiating any Scope of Work change or amendment.

Introduction

The City of Capitola is a quaint seaside village community (1.6 square miles) located along Monterey Bay in Santa Cruz County. Capitola was originally founded in 1869 as California's first beach resort. Incorporated as a city in 1949, the Village area and its beach remain popular with visitors, drawing approximately 350,000 visits annually. Only 35 miles from San Jose and two hours by car from San Francisco, this modest City hosts the Begonia Festival, the Art and Wine Festival, and other celebrations bringing tourists from all over California.

The population in Capitola swells during the summer season and at other key times as visitors come in great numbers. The population year-round is predominantly renters (52%), and 31% of residents are seniors. According to the 2020 census, Capitola has a population of 9,938. The renter occupied rate of housing is higher than the state average. According to the 2015-2019 Comprehensive Housing Affordability Strategy (CHAS) data, generated for the city from the U.S. Department of Housing and Urban Development (HUD), approximately 2,405 low to extremely low-income households reside in Capitola. This means that 54% of households earn up to 80% of the Area Median Income (AMI) for Santa Cruz County, with many earning significantly less.

The number of vulnerable road users is increasing in the city. While most age groups declined between 2010 and 2020, the number of city residents aged 5 to 9 doubled and residents aged 65 to 74 increased by almost 200%. As reported in the 2016-2020 ACS 5-Year Estimates, 1,448 City residents, or 31% of the total population, were 65 years or older. According to the California Office of Traffic Safety, the City of Capitola ranked 5th, 1st, and 2nd worst in the past three years for cities of similar size for injuries and death for pedestrians aged 65 and over.

The City aims to proactively improve safety for all road users by planning for increased multimodal activity and ensuring public infrastructure supports safe walking and biking in every neighborhood.

As a consequence of the City's pedestrian crash history and mobility needs, Capitola is seeking to create its first ever Active Transportation Plan. The Plan will address connections across all of Capitola, including key corridors that link neighborhoods to major community destinations such as senior housing, schools, parks, shopping centers, community center, library, and senior center. The Village presents unique circulation constraints due to its geography and high levels of pedestrian activity. It also accommodates small freight deliveries, critical emergency services such as police and fire and seasonal visitor activity. Soquel Creek bisects the city, with residential and commercial areas on both sides and limited bridge crossings, creating challenges for connectivity throughout Capitola. Additionally, as a coastal community, Capitola faces increasing climate-related challenges, such as sea-level rise, flooding, and extreme weather events. These impacts exacerbate mobility issues and underscore the need for climate-resilient infrastructure citywide.

Historically, vehicle infrastructure has taken precedence over bicycle and pedestrian facilities, conflicting with current city, regional, and state goals and priorities. Undertaking an Active Transportation Plan will empower the city to move forward with cutting-edge designs and best practices, creating dedicated, safe, and attractive pedestrian and bicycle facilities across Capitola.

In the most recent Housing Element update assignments, Capitola was directed to construct an additional 1,336 units, including a total of 430 low income units. This housing development will occur citywide. The anticipated 25 percent increase in residential units and their location in relation to bike/pedestrian facilities and resources will necessitate improved connections to be in place. This increase highlights the urgency of developing an Active Transportation Plan as soon as possible.

The current Bicycle Plan is outdated, and there is no city Pedestrian Plan. Efforts are already being made across the city to study and redesign key corridors with a Vision Zero and Complete Streets lens including Cliff Drive, Bay Avenue, Stockton Street, and 41st Avenue. Two major corridor studies in particular will be incorporated into the proposed Plan: Bay Avenue (to be completed in 2025) and the 41st Avenue Corridor Plan (to begin in early 2025).

The Active Transportation Plan will connect the bike/ped network to key community destinations and align with regional improvements that serve Capitola residents. The Capitola Avenue Highway 1 overcrossing with new bike lanes and sidewalks will, when completed in late 2026, improve access and support increased active transportation use throughout the city. The Active Transportation Plan will cohesively link the Village and all Capitola neighborhoods, establishing clear goals and standards for safety, mobility, and prioritization of bicycle and pedestrian facilities. As other corridor studies and projects progress, the city can align their outcomes with the Active Transportation Plan, adapting and expanding its scope as needed to maintain and improve facilities.

Strengthening these connections in a safe and accessible way will help to create mode shift to more sustainable and healthy options, improving mobility and quality of life. To develop recommendations, the Plan will analyze safety data, inventory bicycle and pedestrian infrastructure, identify gaps, and consider best practice solutions for the different types of streets in the Plan area. Community engagement is a key component involving schools, lower-income neighborhoods, and residents with limited English proficiency to both understand the community's needs and to vet recommendations catered to each street and corridor.

Delaying the Plan will widen the gap between city transportation goals and the needs of residents and visitors and would not adequately address our high senior pedestrian crash rates. It would also limit preparation for connections to important new regional facilities currently in development within the city and beyond. Beginning the Plan now is critical to establishing a strong foundation for Capitola's transportation planning and ensuring long-term cohesion, safety, and accessibility.

Project Stakeholders

The City of Capitola will oversee the project at every stage to ensure alignment with City planning documents and policies. The City will ensure Council acceptance of the Plan and wide distribution through City channels. Ecology Action will lead the grant administration, research, public outreach, and plan development.

A Technical Advisory Committee representing a diverse pool of entities will be engaged including Capitola Public Works and Community Development Departments, Santa Cruz Metro (Transit District), Santa Cruz County Public Health Department, Caltrans District 5, Soquel Union Elementary and Santa Cruz City High School Districts, local bicycle and pedestrian advocacy organizations such as Bike Santa Cruz County and Mission: Pedestrian, and the Santa Cruz County Regional Transportation Commission (SCCRTC)

A focus group will be formed to represent under-resourced and disadvantaged communities, including residents of Pacific Cove Mobile Home Park, Bay Avenue Senior Apartments, and

apartment complexes along Capitola Road and 41st Avenue. The group will also include Spanish-speaking residents and people with limited English proficiency, low-income households as defined by AB 1550, and households without access to a personal vehicle. Ecology Action will partner with organizations such as Community Bridges, Santa Cruz Community Health, and local school family resource centers to identify and engage participants.

Additional stakeholders include biking and walking advocates, business representatives, seniors, people who are unhoused, people with disabilities, the Bicycle Advisory Committee and the Elderly & Disabled Transportation Advisory Committee.

Overall Project Objectives

- Create visionary projects with broad public support to transform citywide, encompassing residential, commercial, and coastal areas. Align strategies with Capitola's General Plan, Local Coastal Program, Regional Transportation Plan, Caltrans District 5 Active Transportation Plan, and California Climate Action Plan for Transportation Infrastructure (CAPTII).
- Inventory current bike and walking facilities in the City and assess the implementation of the recommendations of the 2011 Bicycle Plan
- Identify a network of pedestrian and bicycle routes that provide access to key destinations.
- Develop visionary concept plans for key routes building on data collected from previous public outreach efforts.
- Describe existing education and encouragement programs related to active transportation, schools' access, and transportation demand management.
- Coordinate with all relevant partners to optimize transit connections for new and existing developments.
- Identify bicycle and pedestrian safety and connectivity improvements by assessing barriers, gaps, unsafe conditions, and conditions uncomfortable for all ages and skill levels.
- Utilize community-centered engagement strategies with a social justice lens to ensure inclusiveness and appropriate solutions.
- Incorporate climate resilience design strategies to reduce vehicle miles traveled and greenhouse gas emissions, and address major weather events, sea level rise, and flooding.
- Use a Vision Zero, Safe Systems, and Complete Streets approach in making project recommendations that significantly improve the local active transportation network
- Make prioritized project, policy, program, and maintenance recommendations including an approach to achieving funding and implementation.

Summary of Project Tasks

Task 0-1: Project Administration

This is an Administrative Task that shall only be charged against by the Grantee for the Administration of this grant project. Budget for this task cannot exceed 5% of the grant award amount.

Grantee will manage and administer the grant project according to the Grant Application Guidelines, Regional Planning Handbook, and the executed grant contract between Caltrans and the grantee.

Fiscal Administration

- Submit complete invoice packages to Caltrans District staff based on milestone completion—at least quarterly, but no more frequently than monthly.
- Responsible Party: City of Capitola and Ecology Action

Quarterly Reports

Monitor project progress and prepare and submit quarterly reports to Caltrans District

- staff providing a summary of project progress and grant/local match expenditures.
- Responsible Party: City of Capitola and Ecology Action

Kickoff Meeting

• Caltrans, City and Ecology Action kickoff meeting at the beginning of the project to coordinate and review scope, schedule, and budget

Responsible Party: City of Capitola and Ecology Action

Task Deliverables

Kick-off meeting with Caltrans - Meeting Notes, quarterly invoices and progress reports.

Task 0-2: Consultant Procurement

Grantee will procure a consultant, consistent with state and federal requirements, Local Assistance Procedures Manual for procuring non-Architectural and Engineering consultants, the Grant Application Guide, Regional Planning Handbook, and the executed grant contract between Caltrans and the grantee. Project will utilize a competitive RFP process to secure a consultant familiar with active transportation.

- Carry out a competitive RFP process.
- Use an evaluation team to review proposals and conduct interviews
- Execute contract with the highest-ranking consultant

Responsible Party: City of Capitola and Ecology Action

Task Deliverables

Copy of the Request for Proposal/Qualifications, copy of the contract between consultant and grantee.

Task 1: Existing Conditions

Literature review

- Review the City's existing Bicycle Plan, General Plan, Climate Action Plan, Local Coastal Program, and other relevant local plans
- Review the County of Santa Cruz Active Transportation Plan, whose jurisdiction surrounds and connects to Capitola streets
- Review regional and state plans including the Caltrans District 5 Active Transportation
 Plan, the Santa Cruz County Regional Transportation Commission (SCC RTC) Regional
 Transportation Plan, State Bike and Pedestrian Plan, and California State Transportation
 Agency (CalSTA) Climate Action Plan for Transportation Infrastructure (CAPTI)

Inventory facilities

- Assess progress of the 2011 Bicycle Plan, Local Coastal Program, and Climate Action Plan
- Inventory all project area bike and pedestrian facilities and nearby regional bike and transit facilities
- Identify quality, maintenance condition, and accessibility of facilities. Where applicable, assess seasonal variations in usage and maintenance needs, particularly during peak summer months.

Data collection

- Describe existing education, encouragement, and transportation demand management programs related to active transportation
- Compile detailed bicycle and pedestrian collision data, including factors, street type, and location
- Compile mode share data and determine whether there is need for further surveying or counts, with specific attention to capturing variations during the summer season, when the City experiences significant population increases

Responsible Party: City and Consultant

Task Deliverables

- List of documents reviewed
- Map of existing active transportation facilities, facilities in development
- Map of safety data
- Summary of current physical and collision conditions
- List of data needs

Task 2: Analysis of Data

- Map important community destinations and necessary travel patterns, especially for underserved and/or vulnerable community travelers
- Determine physical barriers, gaps, and needs for various travelers of all ages, skill levels, and abilities bicyclists, mobility device users, and pedestrians.
- Analyze collision data for patterns related to factors, street type, and street condition.
- Conduct a Level of Traffic Stress (LTS) analysis to assess perceived and actual comfort for users of varying confidence levels, with specific attention to seniors and school-age youth.
- Relate mode share to physical conditions and non-infrastructure factors, where applicable

Responsible Party: Consultant

Task Deliverables

- Summary of patterns and mode share
- Summary of safety conditions
- Summary or map of barriers/gaps
- Summary of mobility and access conditions
- Project and Program Recommendations with scoring and planning level cost estimates

Task 3: Public Outreach

Convene focus groups to engage community representatives

Facilitate focus groups that representing diverse interests such as pedestrians, bicyclists, elderly and disabled individuals, environmental advocates, youth, health organizations, business, and neighborhood groups. Meetings will be organized in partnership with community organizations and align with existing meetings or gathering places where possible. These sessions will focus on identifying current barriers to active transportation and gathering recommendations for meaningful education and encouragement

- programs to enable walking and biking comfortably for all ages and abilities, increasing trips.
- Hold 1-2 meetings for each focus group at key milestones of project including identifying active transportation needs and draft project recommendations.
- Review and analyze comments from the focus groups to help determine the active transportation needs, the project list, priority order, and provide input on the draft Plan.
- Responsible Party: City and Ecology Action

Convene public workshops and other in-person outreach

- Convene a minimum of two public meetings bringing residents of the community
 together to provide input at key milestones of the project. Host meetings at convenient
 locations for residents throughout the City, ensuring accessibility via multimodal
 transportation and online platforms to maximize participation. Meetings will be held on
 days and times that will provide the greatest level of participation.
- Table at community destinations or during community events, where possible
- Translate materials into Spanish and provide a translator for non-English-speaking participants.
- Key milestones of project include development of project list by identifying active transportation needs and draft Plan.
- Responsible Parties: City and Ecology Action

Create Plan Outreach website

- Create a web interface to inform the public about the Plan development process, objectives, and opportunities for providing input.
- Responsible Party: Ecology Action

Provide Regular Project Updates

- Share regular project updates and meeting notices through social media posts, website updates, press releases, email notifications to distribution lists, and school communications
- The project webpage will be updated regularly to show progress on the Plan, next steps, and ways to provide input
- Responsible Party: City and Ecology Action

Review, analyze, and incorporate public comments

- Review, categorize, and analyze public comments from community event tabling, public meetings, emails, and online submissions to summarize public input and priorities.
- Responsible Party: City and Consultant

Task Deliverables

- List of Stakeholders/Focus Group Parties
- Focus Group Agendas and Presentation Materials
- Website, E-news, and News Release Content

Link to Project Website

- List of Public Comments
- Public Workshop Presentation Materials
- Survey
- Public Outreach Summary

Task 4: Advisory Committee Meetings

- Establish a Technical Advisory Committee including Public Works, Community
 Development, the Transit District, public health, Caltrans District 5, the two school districts,
 local non-profits, the Association of Monterey Bay Area Governments, and the Regional
 Transportation Commission.
- Hold at least three meetings of the Technical Advisory Committee during the Plan development
- Present to and receive comments from these countywide public committees:
 - o Bicycle Advisory Committee
 - Elderly & Disabled Transportation Advisory Committee

Responsible Party: City and Ecology Action

Task Deliverables

- Technical Advisory Committee agendas and summaries of input
- Public Advisory Committee meeting agendas and summaries of input
- Technical Advisory Group Roster

Task 5: Infrastructure Recommendations

- Develop a project list of infrastructure recommendations to facilitate the safety and flow of multi-modal users based on analysis and public feedback.
- Incorporate the project list into the final Plan.

Develop a Rating System

- Develop a project rating and prioritization system that will evaluate and rank both
 infrastructure (IN) and non-infrastructure (NI) projects using traffic, crash, and population
 data, public input, and criteria related to safety, equity, and feasibility. The system will
 also prioritize projects that improve access to affordable housing, planned residential
 growth areas, and high-density neighborhoods to ensure alignment with Capitola's
 housing and land use goals.
- As part of the Technical Advisory Committee (TAC) process outlined in Task 4, the draft rating and prioritization system will be presented to the TAC for review and feedback prior to finalization.

Responsible Party: Consultant

Task Deliverables

- Project List
- Project rating and prioritization system

Task 6: Draft Plan

Non-Infrastructure (NI) Recommendations

- Develop list of NI recommendations to be included in Plan based on analysis and public input.
- Apply the project rating and prioritization system from Task 5 to evaluate NI and IN projects. Incorporate into the final Plan.

- Produce a Draft Active Transportation Plan detailing current biking and walking conditions, barriers, and solutions. The Plan will describe obstacles and challenges, recommend IN solutions that connect residents to major activity centers, and provide NIN policy and programmatic recommendations. IN needs will be reviewed by Public Works staff and the consultant.
- Integrate all collected data, public input, and research into the Plan.
- Use the project rating and prioritization system to develop a combined prioritized project list for IN and NI recommendations, reflecting housing and land use priorities.
- The Draft Plan will be reviewed by the Consultant, stakeholders, City staff, and Caltrans to ensure best practices are applied and that the Plan reflects the planning process and is implementation-ready.
- The Draft Plan will be presented to the Capitola City Council for review and comment. It
 will also be posted on the project website, accompanied by a press release and public
 comment announcement distributed to partner agencies, stakeholders, and the
 community.

Responsible Party: City and Ecology Action

Task Deliverables

- Rating Matrix
- Draft Plan
- City Council agenda and presentation materials
- Comments from City staff, stakeholders, consultant, and Caltrans

Task 7: Final Plan and Board Review/Approval

The Final Plan will serve as a resource for securing funding and guiding project implementation. Recommendations, public input, and research documented in the Plan will be applicable for Active Transportation Program (ATP) grant applications and other funding opportunities. Public support, demonstrated through the community engagement process, will strengthen funding applications and ensure alignment with local priorities

7.1 Finalize the Plan

- Comments from the Consultant, City staff, stakeholders, and the public will be consolidated and incorporated into the Final Plan.
- Prepare a distribution-ready version of the Final Plan (digital and print) and provide the City with the finalized Plan, supporting documentation, and materials needed for Council presentation and public release.
- Responsible Party: Ecology Action

7.2 Review and Acceptance

- Review the finalized Plan to confirm all comments have been addressed.
- Prepare the City Council agenda item and presentation materials.
- Present the Final Plan to the Capitola City Council for acceptance.
- Responsible Party: City

7.3 Distribution and Outreach

- Distribute the Final Plan to local governing bodies, the Capitola Public Library, local partner agencies, and the Capitola Public Works Department.
- Post the Final Plan on the City of Capitola website and share links through partner websites and social media platforms, including Facebook and other relevant channels. Issue a press release announcing the Final Plan's completion and availability.
- Responsible Party: City

Task Deliverables

- Final Plan based on comments and review
- City Council agenda and presentation materials
- Meeting minutes documenting City Council acceptance/approval
- Press release announcing Plan finalization
- Distribution list for Plan dissemination
- Summary of potential funding mechanisms to support Plan recommendations

California Department of Transportation

Grant Category	Sustainable Communities Competitive		
Grant Fiscal Year	FY 2025-26		
Project Title	Capitola Active Transportation Plan		
Organization	City of Capitola		
	Agency commits to the Cost and Schedule below. Any changes will need to be approved by Caltrans prior to	initiating any Cost and Schedule change or amendment.	
Disclaimers	Use only whole dollars in the financial information fields. No rounding up or down and no cents.		
	Use the Local Match Calculator to ensure that grant and local match amounts are correct:	Local Match Calculator (poster	d on-line)
Reimbursements/	Does your agency plan to request reimbursement for indirect costs?	If yes, what is the estimated indirect cost rate?	Ecology Action- CY 25 & 26: Indirect: 107.53% Fringe: 36.30%
Invoicing	Does your agency plan to use the Tapered Match approach for invoicing purposes?		

Task					Estimated Local Cash	Estimated Total Project Cost*		ish Estimated Total Project Cost*		FY 2025/26					FY 2026/27					FY 2027/28											
#	Task Title	Ecology Action	Technical Consultant	Grant Amount*	Match*					Cost*		Cost*		Cost*		A S	6 0	N D	J F	MA	M	1 1	A	s o	N D	J	F M	A M	1 1	A S	
01	Project Administration (no more than 5% of total grant funds)	\$10,000	\$0	\$10,000	\$2,200	\$12,200																									
02	Consultant Procurement	\$5,000	\$0	\$5,000	\$5,000	\$10,000	П					П	П	1	П	Т		П	П	П		П		П	П	Т	П				
1	Existing Conditions	\$0	\$40,000	\$40,000	\$4,800	\$44,800	П		Т									П	\Box	П		П				П	П				
2	Analysis of Data	\$0	\$65,000	\$65,000	\$7,800	\$72,800			П			П								П		П				П	П				
3	Public Outreach	\$130,000	\$0	\$130,000	\$15,600	\$145,600	П	П	П				П						П			П				Т	П				
4	Advisory Committee Meetings	\$35,000	\$0	\$35,000	\$4,200	\$39,200							П							П		П				Т	П				
5	Infrastructure Recommendations	\$0	\$40,000	\$40,000	\$4,800	\$44,800	П	Т	П	П		П	П						П			П	П			Т	П				
6	Draft Plan	\$105,000	\$0	\$105,000	\$13,200	\$118,200	П												П							П	П				
7	Final Plan and Board Review/Approval	\$20,000	\$0	\$20,000	\$2,400	\$22,400																				$oxed{T}$	\Box				
	Totals	\$305,000	\$145,000	\$450,000	\$60,000	\$510,000																									

APPENDIX TWO Fees and Payments

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

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

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

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

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$305,000, 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 Ecology Action, that the charge of \$_____as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated August 28, 2025, and has not been previously paid."

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING THE 2025-26 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT PROGRAM BUDGET

WHEREAS, it is necessary to adopt the 2025-26 Fiscal Year Budget for all City funds and Capital Improvement Program; and

WHEREAS, the City Council conducted budget study sessions, heard and considered public comments, had modified and proposed a budget accordingly, and on June 26, 2025, adopted such budget for the Fiscal Year July 1, 2025 through June 30, 2026; and

WHEREAS, since the adoption of the budget the City has been awarded a grant in the amount of \$450,000 from the California Department of Transportation for the Capitola Active Transportation Plan; and

WHEREAS, it is necessary to amend the Fiscal Year 2025-26 Adopted Budget to accept the grant revenue and appropriate the funds for the project; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2025-26 Fiscal Year Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution: and

BE IT FURTHER RESOLVED that the Administrative Services Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

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 August 2025, by the following vote:

AYES: NOES:	
ABSENT: ABSTAIN:	
ADOTAIN.	
	Joe Clark, Mayor
ATTEST:	



Budget Adjustment Request

08/18/2025

Requesting Department *

Public Works

Type of Adjustment

- Administrative
- Council

Item #

Council Date

August 28, 2025

Council Approval

Revenues

Account Number	Account Description	Increase/Decrease
1200-00-00-3320.200	State Grants - Operating	\$450,000.00

Total Revenues

\$450,000.00

Expenditures

Account Number	Account Description	Increase/Decrease
1200-00-00-000-4305.900	CS-Contracts General	\$450,000.00

Total Expenditures

\$450,000.00

Net Impact

\$0.00

Purpose

To establish grant revenue & expenditure budget for the California Department of Transportation Capitola Active Transportation Plan.

Department Head Approval

Jessica Kahr

Item 9 D.

Finance Director Approval

Tim Malberg

City Manager Approval

Jamie Goldstein

Action History (all history times shown in Pacific Standard Time)

by Jim Malberg 8/18/2025 8:43:49 am (Budget Amendment Request Submitted) Submit

by Jessica Kahn 8/18/2025 9:37:51 am (Routed to PW) Approve • The task was assigned to Jessica Kahn

8/18/2025 8:43:49 am

for approval)

Approve (send to CM by Jim Malberg 8/18/2025 10:01:13 am (Routed to Finance Director)

• The task was assigned to Jim Malberg

8/18/2025 9:37:51 am

Approve (return to Finance for processing)

by Jamie Goldstein 8/19/2025 1:47:28 pm (Routed to CM for final approval)

• The task was assigned to Jamie Goldstein

8/18/2025 10:01:13 am

Capitola Active Transportation Plan Sustainable Transportation Planning Grant

City Council

August 28, 2025

Capitola Active Transportation Plan Background



Sustainable Transportation Planning Grant

- Applied January 2025
- City lead applicant
- Ecology Action co-applicant
- \$450,000 grant + \$60,000 City in-kind match





Conditional Award

- Resolution required for final award
- Project scope revised in coordination with Caltrans to comply with Municipal Code Section 8.72.

Capitola Active Transportation Plan Project Scope Adjustments



- Title updated from Connecting Capitola Village ATP → Capitola Active Transportation Plan
- Expanded focus: citywide plan, not village-centric
- Removed references to the Coastal Rail Trail
- Clearer roles:
 - Ecology Action outreach, partnerships
 - City lead agency, final plan review & acceptance
- Caltrans-requested additions:
 - Address seasonal variability in population and travel patterns



Capitola Active Transportation Plan Project Purpose



- Improve safety for pedestrians and bikes
- First comprehensive citywide plan for walking, biking, and multimodal travel
- Assess existing conditions and identify barriers
- Recommend infrastructure and programmatic solutions
- Focus areas
 - Safety
 - Equity & accessibility (seniors, youth, people with disabilities)
 - Climate resilience
 - Consistency with local, regional, and state policies





Capitola Active Transportation Plan Project Purpose



Local Vehicle Crash Data

Period	Pedestrian	Bicycle
Jan 2017 – Aug 2020	15	24
Jan 2022 – Aug 2025	18	44 (6 e-bike)

- Pedestrian Crashes Up 20%
- Bicycle Crashes Up 58%
- Countywide (CA OTS): Santa Cruz County among the worst in CA for bicyclist injuries/deaths
- Capitola (CA OTS): Among the worst peer cities for senior (65+) pedestrian injuries/deaths

Capitola Active Transportation Plan Project Purpose



Plan Benefits

- Roadmap for safer biking & walking
- Opens doors to grant funding (ATP, SB1, SS4A, BIL)
- Aligns with state (Vision Zero, CAPTI, equity) & federal (SS4A, climate resilience) priorities
- Proactively addresses safety & mobility needs



Capitola Active Transportation Plan Project Partners





City of Capitola – Lead agency, responsible for Caltrans compliance



Ecology Action – Co-applicant, lead on outreach, partner coordination

Consultant (future RFP) – Technical analysis, data collection, network planning, conceptual designs, cost estimates

Capitola Active Transportation Plan Fiscal Impact



- Total Project Budget: \$510,000
 - \$450,000 Caltrans grant
 - \$60,000 City staff time (inkind)
- Consultant contract (\$145,000) will return to Council for approval





Capitola Active Transportation Plan Fiscal Impact



Staff Time Commitment (\$60,000 in-kind)

- \$200/hour billing average → 300 hours over 2 years
- ≈ 3 hrs/week across City staff (≈ 1 hr/week each for two primary staff)
- Higher for City Council review hearings (~4 hearings)

Breakdown of Staff Effort

- Grant management & consultant procurement
- Plan review
- Community outreach & draft plan development

Departments Involved

- Public Works (lead)
- Clerk's Office, Economic & Community Development, City Management

Capitola Active Transportation Plan Next Steps



August 2025

Approve resolutions and Ecology Action agreement

November 2025

Finalize grant agreement with Caltrans

January 2026

Issue RFP for transportation planning consultant

Spring 2026

Begin community outreach and plan development

Capitola Active Transportation Plan

Recommended Action



- Adopt a resolution authorizing City Manager to enter into a grant agreement with the California Department of Transportation (Caltrans) for the Capitola Active Transportation Plan;
- 2) Authorize City Manager to execute a professional services agreement with Ecology Action, the City's co-applicant for project, in the amount of \$305,000; and,
- 3) Adopt a resolution amending the FY 2025-26 budget to accept grant revenue and appropriate funds for project.

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Public Works Department

Subject: Cliff Drive Resiliency Project and Local Coastal Program Update



Recommended Action: Receive an update on the Cliff Drive Resiliency Project and the associated Local Coastal Program (LCP) amendments and provide direction to staff as needed.

<u>Background:</u> The Cliff Drive Resiliency Project is a comprehensive effort to address bluff erosion, sealevel rise, and stormwater drainage impacts along the Cliff Drive corridor while enhancing pedestrian, bicycle, and coastal access. The project extends from the western City limit to Capitola Village and includes connections to Hoopers Beach and the Capitola Wharf overlook.

In August 2024, the City Council reviewed the feasibility study and directed staff to move forward with Alternative 3 – Full Bluff Protection, which envisioned continuous bluff stabilization along the project length, a Class I facility, cantilevered sections where needed, overlooks, and reconfigured parking.

Since that meeting, staff and the consultant team have determined the full buildout of Alternative 3 in one phase is not feasible given the current \$10.5 million committed through the Federal Highway Administration Emergency Relief (FHWA ER) Program and \$500,000 California Coastal Commission (CCC) LCP grant. Detailed engineering review, tidal access limitations, and seasonal weather constraints also limit how much work can be completed in a single season. Additionally, FHWA ER funds are restricted to eligible repair scope and require a local match (approximately 11.47%).

To advance the project within these realities, while maintaining compatibility with full buildout, staff developed Alternative 4 – Partial Bluff Protection (Phased). This approach prioritizes the most at-risk bluff segments and implements the work in phases as funding is secured.

<u>Discussion</u>: Since the last Council update, detailed engineering and constructability reviews have shown the full project cannot be completed with the funding currently available. The work area is subject to seasonal weather restrictions and tidal limitations, and certain bluff segments present a more immediate risk to roadway stability. For these reasons, the project will need to be implemented in phases.

Phase 1 will focus on the section of bluff that is most vulnerable to ongoing erosion. The design incorporates a shotcrete tieback wall, supported by reinforced rock slope protection to an elevation that protects against a 100-year storm event. Based on geologist recommendations, Phase 1 will embed the wall into the Purisima formation to provide stability, with existing Rock Slope Protection (RSP) reused and new RSP added to reduce wave energy. If new RSP is not permitted, the design can be modified to increase embedment depth instead. Temporary pedestrian and bicycle safety measures will be installed along the coastal side of Cliff Drive until later phases are built.

Future phases will extend stabilization east and west, complete the Class I path improvements, reconfigure parking, and add native landscaping and overlooks. These phases remain compatible with the original Alternative 3 vision and can be implemented as funding becomes available.

The CCC grant supports design, outreach, and LCP updates, and required Local Coastal Program (LCP) updates. The LCP is composed of two parts: the Land Use Plan (LUP), which sets policies for coastal land use, access, and resource protection, and the Implementation Plan (IP), which provides zoning regulations and procedures to carry out the LUP. The current amendments primarily update outdated references, clarify definitions, and align hazard policies and related provisions to facilitate the Cliff Drive project. This is considered a policy "cleanup" phase; more significant changes will occur after

development of the City's mandatory Climate Adaptation Plan, for which the City has applied for an Ocean Protection Council grant and is awaiting an award decision. The FHWA Emergency Relief Program funding covers eligible repairs and requires a local match, with its own obligation/use deadlines. Staff has requested—and Caltrans has indicated support for—an extension to this funding deadline. This will allow environmental review to be completed after the LCP amendments are adopted, provide additional time to coordinate with design and permitting, and extend the window for pursuing additional construction funding for later phases.

Coordination between City staff and CCC has resulted in Draft amendments for both the Land Use Plan and Implementation Plan. Public access policies have been updated to reflect Cliff Drive enhancements, remove outdated Southern Pacific Railroad and RTC references, and incorporate multimodal improvements. The natural hazards section now includes sea-level rise policies and specific objectives for Cliff Drive and Capitola Village. Implementation Plan updates clarify zoning allowances for project improvements, refine hazard definitions and evaluation requirements, and update parking and right-of-way references.

A community meeting was held on August 12, 2025, to present the refined concept, phasing approach, and LCP updates. Key questions discussed included the purpose of the cantilevered walkway for continuous access, the project's seismic performance, design measures to prevent erosion at wall endpoints, and the role of rock slope protection (RSP) in reducing wave energy. The Planning Commission is scheduled to receive an informational item on the LCP on August 21. Following that, staff will release the draft LCP policy amendments for public review and schedule Planning Commission and City Council hearings for adoption. Adopted policy amendments will then be submitted to the California Coastal Commission for certification.

<u>Fiscal Impact</u>: Phase 1 is partially funded through the \$10.5 million FHWA Emergency Relief Program grant and the \$500,000 Coastal Commission LCP grant. FHWA ER funds require a local match of approximately 11.47%. Additional construction funding will be required for subsequent phases. The requested funding extension will allow more time to secure these funds before later phases proceed.

Attachments:

- 1. Q&A from Community Meeting
- 2. Preliminary Design Drawings

Report Prepared By: Jessica Kahn, Public Works Director; Katie Herlihy, Community Development Director

Reviewed By: Julia Gautho, City Clerk; Jim Malberg, Finance Director; Samantha Zutler, City Attorney Approved By: Jamie Goldstein, City Manager

Cliff Drive Resiliency Project & Local Coastal Program Update

City Council August 28, 2025

Cliff Drive Resiliency Project Project Overview



Purpose: Mitigate bluff erosion, sea-level rise, and stormwater impacts while enhancing pedestrian, bicycle, and coastal access along Cliff Drive

Funding made available due to 2023 storm event



Cliff Drive Resiliency Project Tonight's Objectives



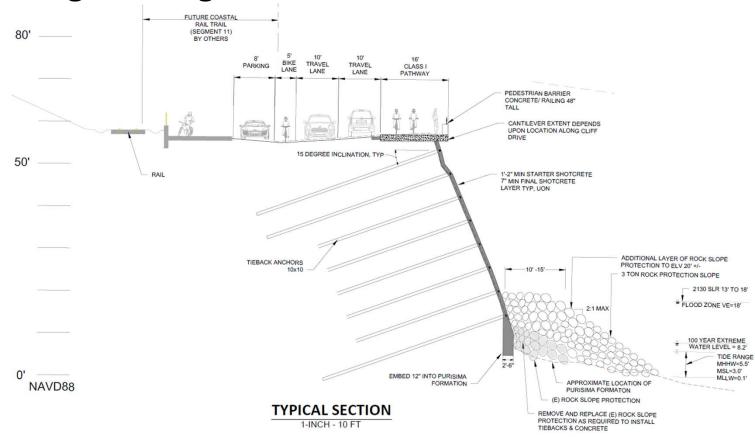
- Provide a project status update
- Receive Council and community input
- Informational item only no final decisions tonight
- Outline next steps:
 - Future hearing to consider policy language for LCP amendments
 - Subsequent hearings to review and approve project-specific details

Cliff Drive Resiliency Project Project History & Initial Strategy



August 2024: Alternative 3 – Full Bluff Protection

- Continuous bluff stabilization
- Class I path, cantilevered segments, overlooks, and parking reconfiguration





Cliff Drive Resiliency Project Challenges & Constraints



Technical Factors

- Tidal and seasonal constraints
- Engineering feasibility

Funding

- \$10.5 M from FHWA Emergency Relief
- \$500K from Coastal Commission LCP grant
- Other grants pending
- Full buildout not currently fiscally feasible

Cliff Drive Resiliency Project

Phased Approach



Alternative 4 - Partial Bluff Protection (Phased):

Target highest-risk areas first, ensuring compatibility with full Alternative 3 design







Cliff Drive Resiliency Project Phase 1 Limits

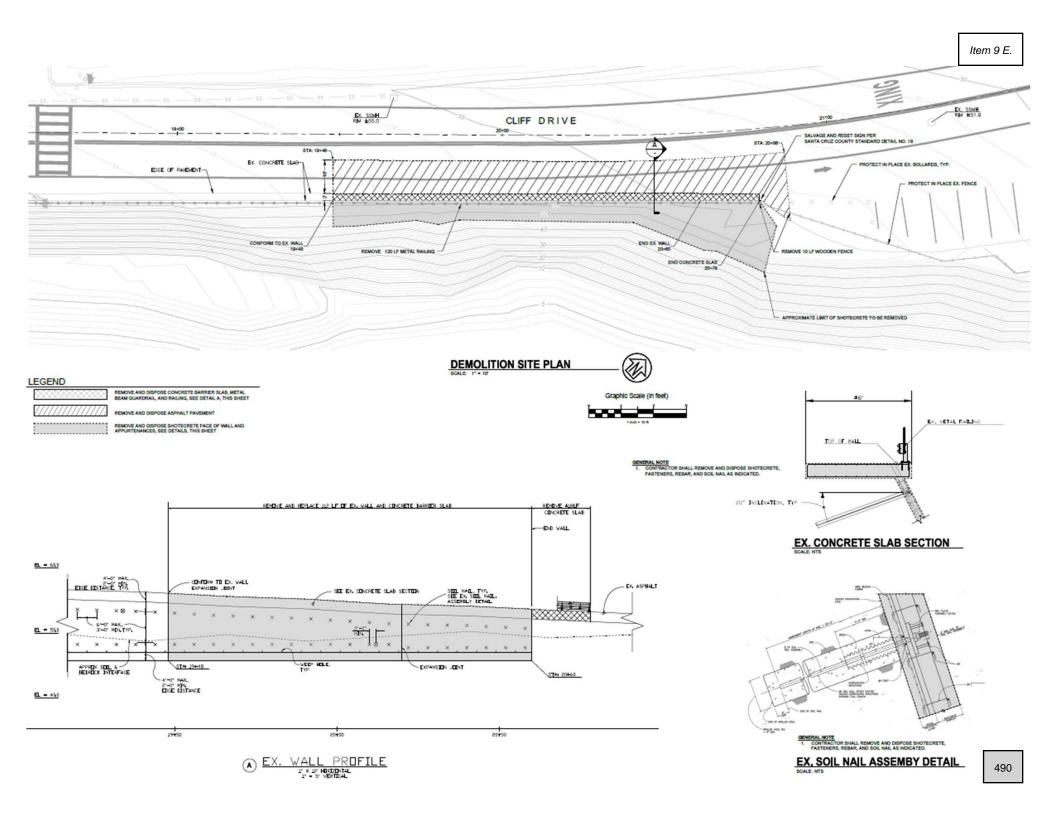




Cliff Drive Resiliency Project Phase 1 Limits







Cliff Drive Resiliency Project Phase 1 Details



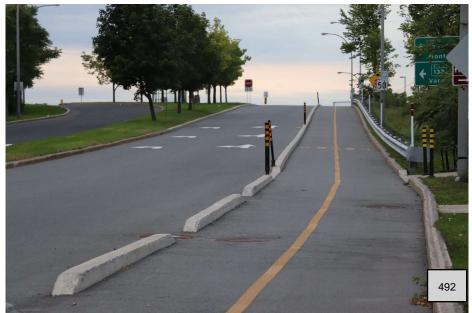
- Scope: Most vulnerable bluff segment
- Design Features
 - Shotcrete tieback wall embedded in the Purisima formation
 - Reinforced Rock Slope Protection (RSP) to counter storm impacts
 - Reuse existing RSP; deeper embedment if new RSP is not allowed
 - Temporary pedestrian/bike safety measures

Cliff Drive Resiliency Project Phase 1 Details









Cliff Drive Resiliency Project Future Phases



Planned Extensions

- Extended stabilization
- Class I path enhancements
- Parking reconfiguration
- Native landscaping & overlooks

Continuity

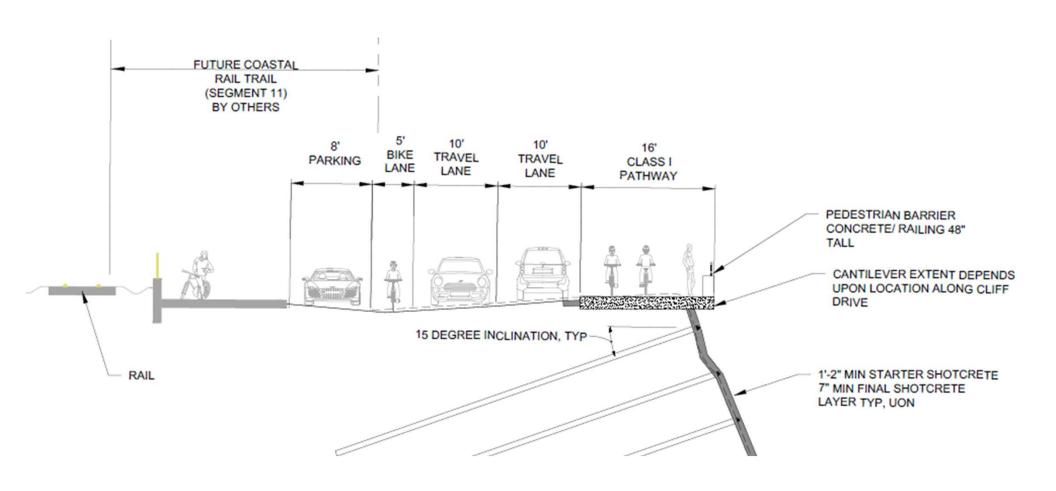
 Future phases remain consistent with original fullbuild vision

Flexibility

Roadway layout can still be amended in future phases

Cliff Drive Resiliency Project Draft Proposed Plan





Cliff Drive Resiliency Project Conceptual Layout for Future Phases





Cliff Drive Resiliency Project Local Coastal Program (LCP) Amendments



- Policy and reference cleanup (e.g., outdated railroad references)
- Improved definitions and hazard policy alignment for Cliff Drive
- Updates to land use, public access, hazard planning, zoning allowances, parking, and right-of-way language

Cliff Drive Resiliency Project



Stakeholder Engagement & LCP Next Steps

- Community Meeting (August 12, 2025):
 Presented refined concept, phasing strategy, and LCP changes
- Planning Commission (September 4): Public review of draft LCP amendments and
- City Council (October): Review draft LCP amendments and authorize submittal to CCC
- Certification: Adopted amendments to CCC for certification

Cliff Drive Resiliency Project Grant & Funding Next Steps



Phase 1 Funding:

- FHWA ER: \$10.5 M (local 11.47% match)
- CCC LCP grant: \$500K (design, outreach, and LCP policy updates)

Next Steps:

- Requested extension of FHWA funding
- Completion of environmental review, LCP adoption, final design, permit coordination, securing additional funds

Future Phases:

Requires additional funding, design, permitting



Summary

 Transitioning to phased implementation (Alternative 4) due to funding and technical constraints

Phase 1 to stabilize the most critical bluff areas

 LCP amendments align policy for project purposes

 Community and regulatory engagement ongoing





Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Public Works Department

Subject: Park at Rispin Mansion Project Update



<u>Recommended Action</u>: Provide direction to staff regarding the materials and design for the additional hardscaping approved in May 2025 and the approach to landscaping in areas of the Park at Rispin Mansion outside the current construction scope.

<u>Background:</u> The Park at Rispin Mansion project is a multi-year effort to create a new public park and event space on the historic Rispin Mansion property, providing community gathering areas, open space, and access to the Soquel Creek corridor. The project includes an amphitheater, walking loop, fountain plaza, sundial installation, and multiple landscaped areas, with design elements intended to reflect the site's historic character. This design was scaled back from earlier plans due to cost constraints.

Construction began in spring 2024 following the Council's award of a \$949,000 contract to Betz Works. Work to date has included major grading, utility installation, and the construction of site features such as the amphitheater and connecting pathways. Progress was delayed by seasonal weather conditions and PG&E utility connection issues, which required a \$50,000 change order for additional underground work and ADA accessibility hardscape.

On May 8, 2025, the City Council approved a second change order increasing project funding using Measure Q resources to add hardscaping around the fountain, between the fountain and amphitheater, and in the sundial plaza area. At that time, these improvements were proposed in stamped concrete to provide a durable, low-maintenance surface that matches the original design intent.

When the park opens, the contractor's work will include essential infrastructure and amenities such as fencing and gates, benches, picnic tables, trash and recycling receptacles, a drinking fountain, dog waste stations, and site lighting. Historic features, including the grand staircase, concrete columns, masonry walls, and the fountain structure, will be repaired or restored. The amphitheater will be completed with a broom-finished concrete oval pathway, and the lower patio ADA improvements will be in stamped concrete. Irrigation service will be stubbed out for future planting, and limited landscaping with wood chip groundcover will be provided in the walking loop center and the potential future bocce ball area. Civil improvements will include grading, drainage, erosion control, curbs, concrete flatwork, decomposed granite pathways, and guardrails.

Several features originally identified as excluded project elements will now be delivered for park opening using the Public Works Parks budget: including the fountain emitters, bike post bollards, ceramic planters and urns, a game table with benches, and the sundial and pad. The arbor and bocce ball court remain excluded due to high costs, primarily related to the required concrete footings. Public art components—such as murals, mosaics, and a sculpture or installation for the fountain—are not currently included, however a grant request for public art for the fountain has been submitted. The fountain was identified by the Building Official as a fall hazard and required fencing or temporary fill. The fountain has been temporarily filled until the public art project is ready to commence; staff intends to landscape this area, in coordination with the museum, in the interim until a permanent art installation is implemented.

Discussion: Staff is requesting direction on the following elements of this Project.

Hardscape Options

Since Council's May 2025 action, the project has continued to progress; however, the contractor has indicated that stamped concrete is not feasible for all of the upper hardscape areas identified in the change order due to constructability constraints, site conditions, and cost impacts.

The oval pathway to the amphitheater will be completed in broom-finished concrete, as planned. The ADA accessibility improvements for the lower patio are being installed in stamped concrete, also as originally planned. For the remaining areas — the fountain plaza, the landing between the fountain and amphitheater, and the sundial plaza — three options are available:

- 1. Stamped Asphalt Fits within the current budget. Patterned and colored to resemble pavers, installed over asphalt. Decorative but visually and texturally different from concrete.
- 2. Stamped Concrete Matches the original design intent and the amphitheater area's aesthetic but requires an additional budget allocation.
- 3. Decomposed Granite with Historic Pavers in Landing Use stored historic pavers for landing with decomposed granite elsewhere, allowing for future paver installation. Not enough historic pavers exist for all areas. New pavers could be added later through a "adopt-a-brick" fundraising campaign to install pavers around the fountain and sundial, similar to the Capitola Library.

Landscaping Approach and Options

The current contract includes only limited landscaping along the park wall on Wharf Road and areas adjacent to the fountain and amphitheater. Plans for un-landscaped areas currently consist of wood chip groundcover with stubbed-out water service for future planting and irrigation in the walking loop center and the planned bocce ball court location.

The original 2015 landscape plan is extensive and would exceed current staff maintenance capacity. Volunteer maintenance has been discussed but is not yet formalized. If directed by Council, staff could develop a scaled-back landscape plan/themes for near-term implementation and issue a request for proposals from interested community groups to determine their capacity and interest in helping develop and/or maintain planted areas in the park. The ultimate scope of this plan would be tailored to the skills, resources, and long-term commitment of the selected community group. Unplanted areas could be prepared with topsoil prior to opening, designated as "future planting areas," and covered with mulch over the winter to prevent erosion.

<u>Fiscal Impact</u>: The fiscal impact will depend on Council's selection of the hardscape option and any additional direction regarding landscaping. Available park funding sources could cover the lower-cost alternatives without additional General Fund contributions.

Report Prepared By: Jessica Kahn, Public Works Director

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

Approved By: Jamie Goldstein, City Manager

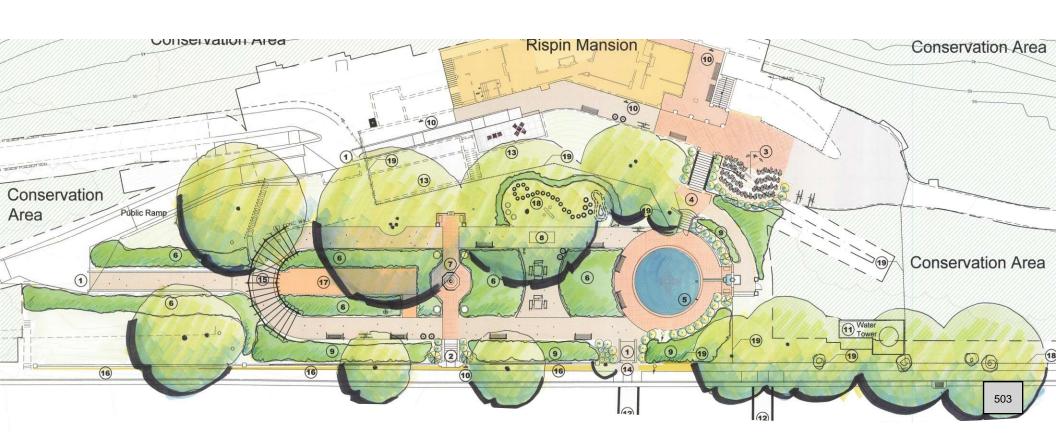
Park at Rispin Mansion Project Update

City Council August 28, 2025

Park at Rispin Mansion Update



- Project Summary: Multi-year effort to repurpose historic Rispin Mansion property into a public park
- Purpose: Provide guidance on hardscaping materials/design and landscaping strategy



Park at Rispin Mansion Update Intended Scope



2023 Reduced Project Scope

- Grading, fencing, landscaping
- Historical reconstruction of park features
- Repair of grand staircase & historic elements
- Drinking fountain & lighting
- Civil site improvements
- Scope reduced due to cost constraints

Construction Progress & Challenges

- Began spring 2024 (\$949,000 contract with Betz Works)
- \$50,000 change order for underground/ADA work
- Delays from weather and PG&E utility connections

Park at Rispin Mansion Update Completed/In Progress Scope



Completed

- Historic restorations: grand staircase, balustrades, fountain structure
- Amphitheater & exterior wall modifications
- Pathways (broom-finished concrete, ADA upgrades)
- Lighting

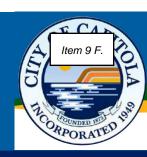
Upcoming Deliverables

- Fencing, site furnishings (benches, trash/recycling, fountain, dog waste receptacles)
- Stamped concrete for lower patio ADA upgrades
- Irrigation + limited wood-chip landscaping (walking loop & future bocce area)

Added via PW Parks Budget

• Fountain emitters, bollards, planters, game table, sundial

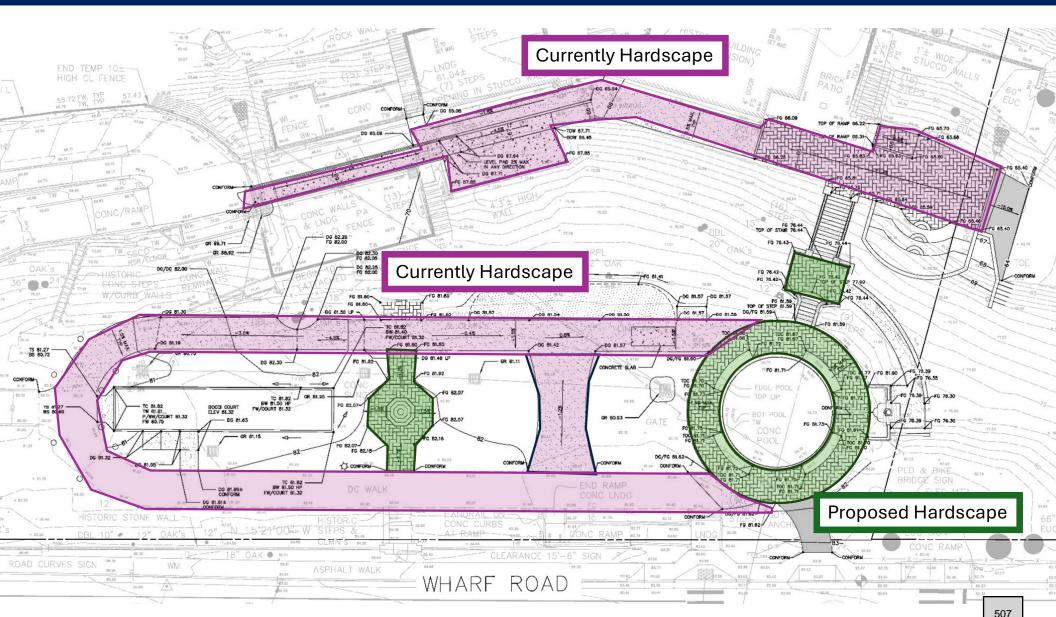
Park at Rispin Mansion Update Incomplete/Future Scope



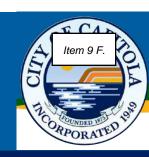
- Excluded due to cost: arbor, bocce ball court
- Public art unfunded (grant submitted)
- Fountain temporarily filled for safety
- May 8, 2025: Approved additional hardscaping (fountain, loop pathway, sundial plaza, stair landing – stamped concrete)
 - Recently, contractor advised stamped concrete is not feasible for all upper hardscape areas due to constructability, site conditions, and cost

Park at Rispin Mansion Update Hardscape





Park at Rispin Mansion Update Hardscape – In Progress





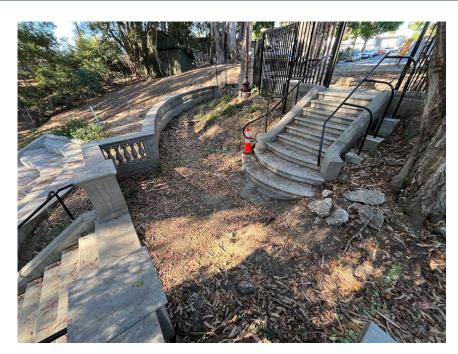


Loop Pathway

Lower Patio

Park at Rispin Mansion Update Hardscape – Not Completed









Park at Rispin Mansion Update Hardscape – Options



Option	Description	Pros	Cons
Stamped Asphalt	Colored asphalt stamped to look like pavers	Low costQuick installMimics look at budget	Less authentic lookFades/wears fasterMaintenance
Stamped Concrete	Colored concrete with imprinted patterns	Matches design wellDurable, consistentLow maintenance	Higher costCan crack,harder to repair
DG + Historic Pavers + Future Pavers	DG with historic paver landing; fundraising for future pavers	 Honors 2015 concept Phased and flexible Community involvement 	 Limited pavers DG needs more upkeep Fundraising required

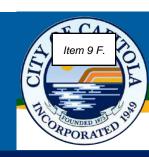
Park at Rispin Mansion Update Hardscape – Stamped Asphalt







Park at Rispin Mansion Update Hardscape – Stamped Concrete







Park at Rispin Mansion Update Hardscape - Pavers



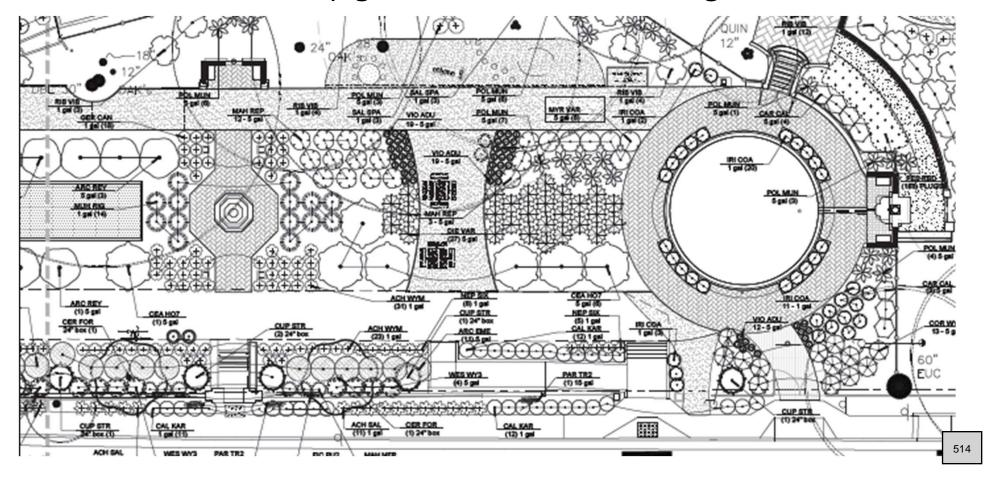




Park at Rispin Mansion Update Landscaping



- Full 2015 plan exceeds current budget and maintenance capacity
- Current: minimal installation along Wharf Road and near main features; wood-chip groundcover; stubbed irrigation lines

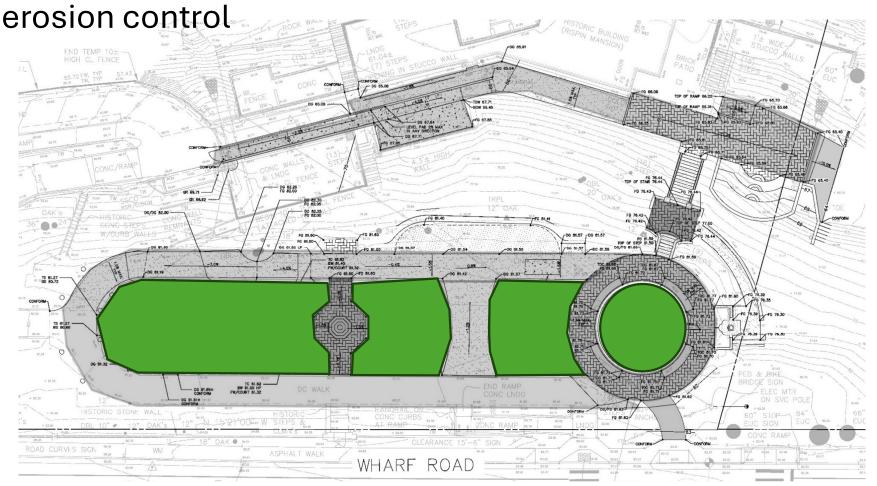


Park at Rispin Mansion Update Landscaping Proposal

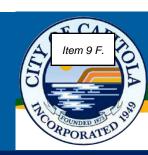


Develop scaled-down plan and potential partnership(s) for installation/maintenance

Designate "future planting areas," apply mulch as needed for



Park at Rispin Mansion Update Fiscal Impact



Budget impact depends on hardscape choice and landscaping scope

- Lower-cost options (e.g., stamped asphalt, DG mix) can be delivered within existing project funding
- Higher-cost options (e.g., stamped concrete, expanded pavers) require additional funds
- Volunteer Landscaping Effort
 - Planting materials may be donated or volunteerinstalled
 - City costs for coordination, setup, and oversight

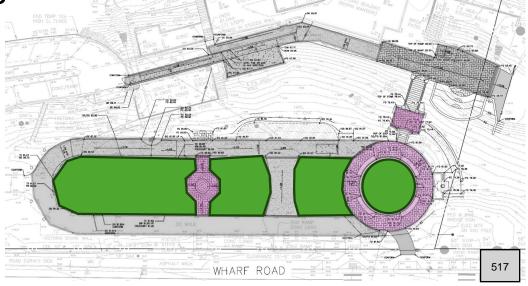
Cliff Drive Resiliency Project

Suggested Approach



- Decomposed Granite + Future Pavers
 - Redirect funding to landscape preparation for garden areas and utilize historic pavers on landing
- Research feasibility of paver donation programs, and return to Council with options

Issue RFP to help find potential community partner for garden areas



ORPORATE

Capitola City Council Agenda Report

Meeting: August 28, 2025

From: Administrative Services Department

Subject: Amend Fiscal Year 2025-26 City Fee Schedule

Recommended Action: Adopt a resolution amending the fee schedule for Fiscal Year (FY) 2025-

<u>Background</u>: On June 26, 2025, the City Council adopted Resolution 4439 adopting the FY 2025-26 Citywide Fee Schedule.

<u>Discussion</u>: Staff completed the cost allocation plan and Citywide fee study in 2024. That process included reviewing each of the City's fees to determine the cost of providing the individual services and amount of cost recovery. While most fees recover 100% of the cost to provide the services, others may recover less than 100% to encourage participation, economic development, or provide community benefit.

As a result of the fee study the City's FY 2025-26 Fee Schedule increased costs relating to sidewalk signage. After reviewing the impacts to Capitola Village businesses, staff recommends decreasing the costs for sidewalk signage and the encroachment permits required for such signage, in line with the City's goal of economic development. Sidewalk signs cost approximately \$500. In addition, the cost for a sidewalk sign encroachment permit was increased to \$238, and the sign permit fee increased to \$84, for a total of \$322 in fees. Staff recommends, based on prior City Council direction, amending the Fee Schedule to lower the fee for sign permits to \$50, and the fee for encroachment permits to \$50, for a total cost of \$100.

Additionally, staff recommends clarifying fees associated with the Junior Guards Regionals Competition. Capitola currently charges \$115 for Junior Guard Regionals per participant, which is meant to recover the City's cost associated with traveling and participating in the regional competition. In order for individual Junior Guards to participate in the competition, they must have a "gold level" membership with the United States Lifeguard Association (USLA), which is an additional fee charged by USLA and is not included in the City's Regionals Fee. Staff recommends adding a note to the Fee Schedule indicating the Regionals fee does not include membership with USLA. This change does not alter the amount of the Regionals fee.

<u>Fiscal Impact</u>: If approved, the City's fee schedule will be amended as included in Attachment 2. The amendment of these fees is intended to offset the cost of the program.

Attachments:

- 1. Resolution
- 2. FY 2025-26 Amended Fee Schedule Comparison

Report Prepared By: Jim Malberg, Administrative Services Director

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

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING THE CITY'S FEE SCHEDULE FOR FISCAL YEAR 2025-26

WHEREAS, the City Council adopted Resolution No. 4439 on June 26, 2025, adopting the City's Fee Schedule for Fiscal Year 2025-26; and

WHEREAS, staff is proposing to amend the FY 2025-26 Fee Schedule as follows:

- Reduce
 - Village Sidewalk Sign Encroachment Permit: \$50 reduced from \$238
 - Village Sidewalk Sign Permit: \$50 reduced from \$84
- Clarify
 - Junior Guard Regionals fees. This clarification does not alter the amount of the fee.

WHEREAS, the adjusted fees do not exceed the cost of providing the related services,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Capitola does hereby adopt the amended City of Capitola Fee Schedule pursuant to the changes in Exhibit A (Fee Schedule 2025-26) attached hereto.

BE IT FURTHER RESOLVED that the above fees become effective immediately upon adoption of this resolution.

I HEREBY CERTIFY that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 28th of August 2025, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:	
	Joe Clarke, Mayor
ATTEST:	
Julia Gautho, City Clerk	_

MISCELLANEOUS FEES

Description	2025-26 Approved Fee Schedule	2025-26 Proposed Fee Schedule
Appeal Fee Appeals to City Council (CMC 2.52)	\$609	\$609
Capitola Municipal Code	\$0.15 / page	\$0.15 / page
Capitola Municipal Code Supplement Service (Per year)	\$0	\$0
Copies:		·
1-5 copies	\$0	\$0
6 or more copies (per copy)	\$0.25 / page	\$0.25 / page
Gov't Code § 81008 (Political Reform Act) statements/reports (Per copy)	\$0.10 / page	\$0.10 / page
Simple film permit	\$70	\$70
Major film permit	\$775	\$775
Returned Check Fee	\$35	\$35
Business License Overpayment Refund Fee (resolution 3532, ord 871)	\$0	\$0
Business License Late Payment Penalty Admin. Fee	\$25	\$25
Business License Application Fee (Reso. 3532)	\$25	\$25
Business License - Disability Access and Education Fee (State)	\$4	\$4
Temporary, Publicly Attended Activities, Application Fee (Municipal Code § 9.36.040)	\$34	\$34
Public Art (Total Building Valuation \$250,000 or more) (Municipal Code Chapter 2.58)	2% of TBV or 1% in lieu to City	2% of TBV or 1% in lieu to City
Notice of Intent to Circulate Initiative Petition (Elections Code § 9103(b))	\$200	\$200
Outdoor Dining Rental Fees		
Parking Spaces (annually for each space or partial space)	\$3,622	\$3,622
Sidewalks and non-parking spaces (annually per square foot)	\$19	\$19
Outdoor Dining Maintenance Deposit		
Sidwalks and non-parking spaces	\$500.00	\$500
1-2 parking spaces	\$1,000.00	\$1,000
3-5 parking spaces	\$1,500.00	\$1,500
Notary Service Fees (State Code)		
Acknowledgment or proof of a deed, or other instrument, to include the seal and writing of the certificate	\$15.00 / per signature	\$15.00 / per signature
Administering an oath or affirmation to one person and executing the jurat, including the seal	\$15.00 / per signature	\$15.00 / per signature
Credit Card Transaction Fee	\$0	\$0
Passport Acceptance Fee	\$35	\$35
Marriage License	\$36	\$36
Marriage Ceremony	\$120	\$120
Marriage Ceremony - Witness Fee	\$30	\$30

PUBLIC WORKS DEPARTMENT FEES

Description	2025-26 Approved Fee Schedule	2025-26 Proposed Fee Schedule
Encroachment Permits	2020 20 Approved 1 ce deficade	2020 20 1 Toposca i de Ocificada
Application Fee	\$146	\$146
Traffic Control Plan Review - Local Street	\$72	\$72
Traffic Control Plan Review - Collector Street	\$349	\$349
Traffic Control Plan Review - Arterial Street	\$524	\$524
Inspection - Local Street	\$72	\$72
Inspection - Collector Street	\$194	\$194
Inspection - Arterial Street	\$292	\$292
Revocable Encroachment Permit Application- Outdoor Dining	\$1.405	\$1,405
Temporary (includes materials storage within right-of-way road and sidewalk closures	\$24	\$24
Village Sidewalk Sign Encroachment Permit	\$238	\$50
Construction Parking Permit - Village	\$28	\$28
Construction Parking Permit - City Lot	\$14	\$14
Construction Parking Permit - Neighborhood	\$29	\$29
Blanket Permits (repair and maintenance of existing facilitiesm encompassing up to 20 utility instances per year)	\$3,305	\$3,305
Revocable Encroachment for Private Improvements	\$3,303	\$3,303
Applications for Minor Revocable Encroachment	\$493	\$493
Applications for Major Revocable Encroachment	\$1.584	\$1,584
SPECIAL TRANSPORTATION PERMIT – OVERSIZE LOAD - Single	\$16	\$16
SPECIAL TRANSPORTATION PERMIT – OVERSIZE LOAD - Single	\$92	\$92
New Memorial Bench	\$2,711	\$2,711
Replacement Memorial Bench	\$2,646	\$2,646
Memorial Plaque	\$660	\$660
Replacement Plaque	\$463	\$463
Overhead Banner (ourtisde of special event)	\$166	\$166
Stormwater Development Review Fee	\$100	φ100
Application Fee	\$143	\$143
Large Project Plan Review Deposit	ψ1 1 3	φιτο
Tier 1	\$357	\$357
Tier 2	\$713	\$713
Tier 3 & 4	\$713	\$713
Research Fee - 1/2 hour minimum charge	Cost	Cost
Information Technology Fee (Resolution No. 3786 adopted 11/12/09)	5% of Permit Fee	5% of Permit Fee
Final Parcel Map	\$4.458	\$4,458
Final Tract Map	\$6,354	\$6,354
Certificate of Compliance & Lot Merger	\$2.605	\$2,605
Boundary Line Adjustment	\$2,605	\$2,605
Separate Instrument Dedication Fee	\$3,021	\$3,021
Abandon Excess Public Right-of-Way & Public Easement	\$3,021	\$3,021
Improvement Plan Review	φ0,02 i	\$3,021
Design Permits - Residential Single Family	\$232	\$232
Design Permits - Residential Multi-Family/Commercial	\$1,005	\$1.005
Building Permits - Residential Single Family	\$394	\$1,005 \$394
Building Permits - Residential Single Parmiy Building Permits - Residential Multi-Family/Commercial	\$1.024	\$1,024
pulluing remits - Ivesidendal Multi-ramily/Confinerdal	φ1,024	\$1,024

POLICE DEPARTMENT FEES

Description	2025-26 Approved Fee Schedule	2025-26 Proposed Fee Schedule
Special Event Permit	\$420	\$420
Recurring Special Event Permit - Major	\$705	\$705
New Major Special Event Permit	\$2.089	\$2.089
Neighborhood Special Event/Block Party	\$208	\$208
Special Event Pacific Cove Parking Lot Space Use Rates	Ψ200	Ψ200
(upper lot max 232 parking spaces, lower lot max 226 parking spaces)		
Parking space rate per day	\$12 / space	\$12 / space
Parking space rate per day Parking space rate per day (nonprofit)	\$7.20 / space	\$7.20 / space
Special Event Village Closure Rates (max of 191 parking spaces at \$24 per space per day)	ψ1.20 / Space	ψ1.20 / 3ρασο
Closure of Village for Special Event -full day	\$4,584	\$4,584
Closure of Village for Special Event -half day	\$2,292	\$2,292
Closure of Village for Special Event -full day (nonprofit)	\$2,750	\$2,750
Closure of Village for Special Event -half day (nonprofit) Closure of Village for Special Event -half day (nonprofit)	\$1,375	
		\$1,375
Amplified Sound Permit (Municipal Code 9.12.040)	\$87	\$87
Bandstand Rental Fee	\$253 / 4 hrs or \$506 / all day	\$253 / 4 hrs or \$506 / all day
	deposit \$1,500	deposit \$1,500
Single Entertainment Permit	\$208	\$208
Minor Entertainment Permit	\$208	\$208
Regular Entertainment Permit	\$743	\$743
Bingo Permit	\$87	\$87
DUI Cost Recovery Fee (Res. 3533)	Not to exceed \$12,000	Not to exceed \$12,000
Copies of reports: Crime Reports, Special Reports, etc. (Regardless of number of pages)	\$0.25 / page	\$0.25 / page
Copies of: Citations, Code sections, Ordinances, etc.	\$0.25 / page	\$0.25 / page
Postage (for copies of reports, citations, code sections, etc. if over 15 pages)	Current Postal Rate	Current Postal Rate
Photographs	\$27	\$27
Video Tapes, Flash Drive, CD/DVD Production	\$68	\$68
Firearm Dealer License - City Application	\$86	\$86
Local Firearm dealers (set by state)	400	\$60
New application	set by state	set by state
Renewal	set by state	set by state
Second Dealers License (set by state)	Set by state	Set by State
Application	set by state	set by state
Renewal	set by state	set by state
Taxi Fee per application	set by state	set by state
Tobacco retail license	\$348	\$348
Cannabis Annual License Fee	\$2,846	\$2,846
Retail Cannabis Application Fee	\$1,971	\$1,971
Civil Subpoena (per case) (set by state)	set by state	set by state
Parking Permits (separate action by the Council)		
Neighborhoods per year	\$25	\$25
Village Preferential Permit	\$50	\$50
Village Preferential Permit - Hotels/Motels	\$365	\$365
Village Employer/Employee Permit	\$50	\$50
Morning Village Parking Permit	\$55	\$55
Electric Vehicle Charging Fee	\$2	\$2
Carrying a Concealed Weapon (CCW) Permit - City Application	\$157	\$157
Concealed Weapon Permits (set by state)	4	¥107
Application		
Standard	\$0	\$0
Judicial	\$0	\$0
		\$0
Employment	\$0	\$0
		A.
Renewal		\$0
Standard	\$0	
Standard Judicial	\$0	\$0
Standard Judicial Employment		\$0 \$0
Standard Judicial Employment Firearm Surrender Fees (set by state law)	\$0 \$0	\$0
Standard Judicial Employment Firearm Surrender Fees (set by state law) 1-5 quns	\$0 \$0 \$0	\$0
Standard Judicial Employment Firearm Surrender Fees (set by state law) 1-5 quns 6+quns	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0
Standard Judicial Employment Firearm Surrender Fees (set by state law) 1-5 quns	\$0 \$0 \$0	\$0
Standard Judicial Employment Firearm Surrender Fees (set by state law) 1-5 quns 6+quns	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0
Standard Judicial Employment Firearm Surrender Fees (set by state law) 1-5 guns 6-guns Administrative fee to release Impounded / Stored Vehicle	\$0 \$0 \$0 \$0 \$0 \$146	\$0 \$0 \$0 \$146
Standard Judicial Employment Firearm Surrender Fees (set by state law) 1-5 guns 6+guns Administrative fee to release Impounded / Stored Vehicle Surf School Permit Fee	\$0 \$0 \$0 \$0 \$0 \$146 \$610	\$0 \$0 \$0 \$146 \$610

PLANNING FEES

Description	2025-26 Approved Fee Schedule	2025-26 Proposed Fee Schedule
Administration/Documents	·	
Continuance Request - Applicant (2+)	\$167	\$167
Staff Billing Rate	Cost	Cost
Appeals-by Applicant	Cost	Cost
Appeals- by City Officials	\$0	\$0
Appeals- by Other	\$1,157	\$1,157
Coastal Development Permit Appeal	\$0	\$0
Appeals -Building/Zoning Code Violations	\$1,157	\$1,157
Records Search/Research/Special Report	Cost	Cost
Administrative Permits		
Tree Remova I- Staff Review	\$167	\$167
Tree Removal 3 or more trees on a property	\$334	\$334
Tree Installation Deposit (Refundable)	\$514	\$514
Tree replacement in-lieu fee (if available)	\$617	\$617
Tree removal w/ PC approval	\$1,320	\$1,320
Commercial Sidewalk/Parking Lot Sale Permit	\$174	\$174
Tenant Use Permit (MCUP)Staff approval	\$174	\$174
Transient Rental Occupancy Use Permit	\$348	\$348
Home Occupation Use Permit	\$174	\$174
Fence Permit- Staff approval	\$87	\$174
	\$1,465	\$1,465
Fence Permit- PC approval	\$1,465	\$1,465
Sidewalk vendor permit		\$174
Temporary Use Administrative Permit	\$174	\$174
Sign Permits The second secon	0.11	244
Temporary Signs and Banner Permits	\$44	\$44
Signs permit - Staff Review	\$174	\$174
Signs permit - PC Review	\$713	\$713
Master Sign Program	Cost; \$3,000 min deposit	Cost; \$3,000 min deposit
Village Sidewalk Sign Permit	\$84	\$50
<u>Design Permits</u>		
Residential Single Family/Minor Design Permit - Staff Review	\$994	\$994
Residential Single Family - PC Review	\$3,303	\$3,303
Residential Multi-Family - PC Review	\$5,138	\$5,138
Commercial - PC Review	\$4,110	\$4,110
Accessory Dwelling Unit- Staff Review	\$482	\$482
Accessory Dwelling Unit- PC Review	\$1,621	\$1,621
Residential Multi-Family/Minor Design Permit - Staff Review	\$2,055	\$2,055
Commercial Minor Design Permit	\$2,055	\$2,055
Historic In-Kind Replacement Design Permit	\$346	\$346
Sidewalk & Street Dining Design Permit	\$1,164	\$1,164
Use Permits		
Master Conditional Use Permit	Cost; \$3,500 min. deposit	Cost; \$3,500 min. deposit
Conditional Use Permit/Minor Use Permit - Staff Review (No fee for childcare facilities)	\$994	\$994
Conditional Use Permit - PC approval	Cost; \$3,500 min. deposit	Cost; \$3,500 min. deposit
Temporary Use Permit	\$119	\$119
Subdivisions		
Tentative Parcel Map (Minor Subdivision)	Cost; \$3,500 min. deposit	Cost; \$3,500 min. deposit
Tentative Map (Major Subdivision)	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Revised Map	\$2,055	\$2,055
Time Extension	\$2,055	\$2,055
Subdivision Modification	\$2,055	\$2.055
Plan Amendments	42,000	Ψ2,000
General Plan Amendment	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Local Coastal Plan Amendment	Cost: \$5,000 min. deposit	Cost; \$5,000 min. deposit
Rezone	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Planned Development Rezone	Cost: \$3,500 min. deposit	Cost: \$3,500 min. deposit
L tarmed pevelobilient resolle	Cost, φο,σου min. deposit	τουδί, φο _ι ουυ min. deposit

PLANNING FEES

Description	2025-26 Approved Fee Schedule	2025-26 Proposed Fee Schedule
Other Discretionary Permits		
Variance	\$1,400	\$1,400
PC review of minor modifications	\$975	\$975
Coastal Development Permit	\$737	\$737
Coastal Permit Exclusion	\$737	\$737
Mobile home Park Change of Use or Closure	\$5,138	\$5,138
Development Agreement	\$10,276	\$10,276
Developer agreement annual review	\$2,569	\$2,569
Specific Plan	\$5,138	\$5,138
Permit Time Extension -Staff Review	\$425	\$425
Permit Time Extension - PC Review	\$1,213	\$1,213
Permit Amendment (any permit)	50% of original cost	50% of original cost
	Costs+ overhead / \$5,000 min.	Costs+ overhead / \$5,000 min.
Annexation	deposit	deposit
Environmental Review		
Negative Declaration (and Mitigated ND)	Cost; \$5,000 min deposit	Cost; \$5,000 min deposit
EIR Processing	Cost; + 21% of consultant;	Cost; + 21% of consultant;
· ·	\$10,000 min deposit	\$10,000 min deposit
Mitigation/Condition Monitoring Program	Cost + 21%	Cost + 21%
NEPA Compliance	Cost + 21%	Cost + 21%
Other Permits/Fees		
Conceptual Review Fee- PC	\$3,014	\$3,014
Conceptual Review Fee- PC and CC	\$4,126	\$4,126
Technical Study Preparation and Review	Cost + 21%	Cost + 21%
NOTE: Third party review costs to be required as necessary	Cost + 21%	Cost + 21%
Code Compliance	Double Application Fees	Double Application Fees
Code Compliance confiscated property recovery fee	\$238	\$238
Research Fee - 1/2 hour minimum charge	Cost	Cost
Pre-Application Review	\$174	\$174
Building Plan Check & Final Inspection	20% of Building Permit Fee	20% of Building Permit Fee
Major Development Project Fee	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Historical significance determination	Cost + 21%	Cost + 21%
Inclusionary Housing	333	
Inclusionary Housing - Unit Sale	\$765	\$765
Inclusionary Housing - Unit Refinance	\$765	\$765
Other Fees and Assessments	Ψ. 00	\$1.00
General Plan Maintenance Fee	0.75%	0.75%
Information Technology Fee (Resolution No. 3786 adopted 11/12/09)	5.0%	5.0%
Information reciniology ree (Resolution No. 3700 adopted 11/12/03)	Fee equals .0025 times the	Fee equals .0025 times the
Green Building Educational Resource Fund Fee (Municipal Code 17.10.080)	overall building permit valuation	overall building permit valuation
Green Building Educational Resource Fund Fee (Municipal Code 17.10.000)	of the project.	of the project.
Affordable Housing In-Lieu Fees	of the project.	or the project.
For Sale Housing Developments of two to six units (Municipal Code Chapter 18.02) :		
All Units	\$25 per sq. ft.	\$25 per sq. ft.
For Sale Housing Developments of Seven or more units	\$25 per sq. it.	\$25 per sq. it.
	\$0.00	\$0.00
#Units: 7 #Units Built 1	Total # units minus 7 @ \$25 per	Total # units minus 7 @ \$25 per
#Units: 8-13 #Units Built 1	avg. sq. ft. per unit	avg. sq. ft. per unit
#Units: 14 #Units Built 2	\$0.00	\$0.00
#Office 14 #Office Built 2	Total # units minus 14 @ \$25	Total # units minus 14 @ \$25
#Units: 15-20 #Units Built 2	per avg. sq. ft. per unit	per avg. sq. ft. per unit
#Units: 21 #Units Built 3	\$0.00	\$0.00
	Total # units minus 21 @ \$25	Total # units minus 21 @ \$25
#Units: 22-27 #Units Built 3	per avg. sq. ft. per unit	per avg. sq. ft. per unit
#Units: 28 #Units Built 4	\$0.00	\$0.00
Rental Multi-Family	\$6 per sq. ft.	\$6 per sq. ft.
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PLANNING FEES

Description	2025-26 Approved Fee Schedule	2025-26 Proposed Fee Schedule
Affordable Housing Impact Fees		
For Sale Housing Developments of Six or Less Units: New housing units that are constructed to replace housing		
units that were demolished less than two years before the project developer applied for a permit to construct the		
housing development project are exempt	\$25 per square foot	\$25 per square foot
Rental Multi-Family	\$6 per square foot	\$6 per square foot
Additional to Housing Units of 50% or more (charged to additional square footage only)	\$2.50 per square foot	\$2.50 per square foot

NOTES:

- 1. All Fees are non-refundable.
 2. Deposit accounts are billed on a time and material basis. Additional deposits may be necessary depending on the complexity of the project. Any unused monies in a deposit account will be refunded following case closure.
 3. The Community Development Director may reduce the total fee/deposit requirements for applications which are unlikely to require the full deposit amounts established herein.
 4. Applications which include a fee and a deposit payment will be processed with a single deposit account.
 5. Outside agency fees, including but not limited to County recordation fees, State Fish and Wildlife fees, etc. are charged at cost.
 6. The Community Development Director may establish a reasonable fee or deposit amount for permit types required by the Capitola Municipal Code

- The Community Development Director may establish a reasonable fee or deposit amount for permit types required by
 the Capitola Municipal Code
 or State law which are not included in the fee schedule.
 Flat fee applications are entitled up to two public hearings. Additional public hearings shall be charged to the
 applicant at cost
 The Community Development Director may designate a project as a Major Development Project if it has a valuation of
 \$2M+ or is considered technically

BUILDING FEES

Description 2025-26 Approved Fee Schedule 2025-26 Proposed Fee Schedule 2025-26 Proposed Fee Schedule	nal \$100.00 or onal \$100.00 or
Construction work regulated solely by a single model code. The model codes are the building code, the plumbing code, the mechanical code and the electrical code. Total Valuation	al \$100.00 or al \$100.00 or onal \$100.00 or
Construction work regulated solely by a single model code. The model codes are the building code, the plumbing code, the mechanical code and the electrical code. Total Valuation	al \$100.00 or al \$100.00 or and \$100.00 or
Total Valuation St. 0.0 to \$50,0.00 S30.37	al \$100.00 or al \$100.00 or onal \$100.00 or
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Stop Work Order Fee 2x the singular building permit fee 30.00 30.00	
Stop Work Order Fee	
Greywater System Permit \$0.00 \$0.00 \$0.00	instated
Home battery permit (usually with solar) \$0.00 \$0.00	
a. Level I (120 volts) \$0.00 \$	
b. Level II (208-240 volts) \$0.00 c. Level III (480 volts) \$0.00 Solar P.V. System \$439 Solar P.V. System (Commercial Sale/Distribution) \$439 Solar Hot Water Heater \$0.00 Research Fee - 1/2 hour minimum charge Cost Information Technology Fee (Resolution No. 3786 adopted 11/12/09) 5.0%	
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51 to 100 cubic yard \$0.00	\$0.00
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PARKS AND RECREATION FEES

Description	2025-26 Approved Fee Schedule	2025-26 Proposed Fee Schedule
All fees are evaluated annually to determine if they are competitive with other recreation programs in	2020 20 / (5) 0/04 / 00 00/1044/0	2020 2011000000100 001100000
Santa Cruz County		
Classes		
Activity Fee (Instructor receives 65% of this fee, Department retains 35%)		† †
Registration Fee - Resident - Department retains this fee	\$20	\$20
Drop-in and Workshop Registration Fee - Department retains this fee	\$10	\$10
Online Class Registration fee-Department retains this fee	5.5% of Activity Fee	5.5% of Activity Fee
Non-Resident Fee: in addition to Registration Fee - Department retains this fee	\$20	\$20
Drop-in Activity Fee	Prorated cost of Session Activity Fee	Prorated cost of Session Activity Fee
Senior Discount	10% of Activity Fee	10% of Activity Fee
Change is registration/reservation	\$25	\$25
Negotiated Instructor of Private Tennis Lessons Activity Fee (Instructor receives 75% of this fee,	Ψ20	ΨΣ3
Department retains 25%)		
Sports		
League Fees	\$645/team	\$645/team
League rees League fees will change depending upon number and type of leagues offered, number of games per	\$645/team	\$645/team
league, number of officials, amount of equipment needed, field/site prep and maintenance, and		
whether or not playoffs & awards are offered. Fees are calculated based on direct costs + 30% admin		
fee. After School		
Resident/non resident	\$5.75 / \$6.50	\$5.75 / \$6.50
Registration/Change Fee - Resident - Department retains this fee	\$30	\$30
Late Pick-Up Fee	\$1	\$1
Parent's Night Out	\$25 / \$31	\$25 / \$31
Junior Guards		
Resident/non resident	\$311 / \$389	\$311 / \$389
U-19 resident/non resident	\$195	\$195
Registration/Change Fee - Resident - Department retains this fee	\$30	\$30
Late Pick-Up Fee	\$1	\$1
Regionals (does not include USLA Gold Membership)	\$115	\$115
Camp Capitola		
*Daily rate used only to calculate program fee	\$34 / \$42	\$34 / \$42
All day 2 week session, resident/non resident	\$336 / \$420	\$336 / \$420
1/2 day 2-week session, resident/non resident	\$170 / \$210	\$170 / \$210
All day 1 week session, resident/non resident	\$170 / \$210	\$170 / \$210
All day 1 week teen session, resident/non resident	\$303 / \$378	\$303 / \$378
Junior Leader program	\$72	\$72
Registration/Change Fee - Resident - Department retains this fee	\$30	\$30
Late Pick-Up Fee	\$1	\$1
Extended Caredaily add on, resident/non resident	\$12	\$12
AM Extended Careper 2 week session resident/non resident or AM & PM for 1 week long session	\$58	\$58
PM Extended Careper 2 week session resident/non resident	\$58	\$58
Transportation/Lunch Break fee	\$63	\$63
Family Camp		
3 night family camp Adult (13+) / Child (3-12)	\$358 / \$244	\$358 / \$244
Rapid Weddings		
Event Fee per registration	\$400	\$400
plus civil ceremony fees found in Admin Fee section	Cost	Cost

PARKS AND RECREATION FEES

Description	2025-26 Approved Fee Schedule	2025-26 Proposed Fee Schedule
Facility Rentals	i i	
Field and Courts hourly rental; non profit youth groups/other non profit & Cap residents/all others	\$15/ \$29 / \$38	\$15/ \$29 / \$38
Jade Street Community Center		
Rooms A&B hourly rent	\$48	\$48
Room C hourly rent	\$66	\$66
Patio hourly rent	\$10	\$10
Kitchen hourly rent	\$24	\$24
Entire Center hourly rent	\$173	\$173
Non profit discount of Jade Street Facility rents	25%	25%
Community Center Deposit		
1 to 50 people	\$110	\$110
51 to 150 people	\$276	\$276
151 to 250 people	\$554	\$554
Lost key fee	\$27	\$27
	Event Fees	Event Fees
Event vendor fee	\$111	\$111
Merchandise Fee	Cost + 50% administration fee	Cost + 50% administration fee
Plein Air Art Exhibition service fee	30% retained by City, 70% paid to Artist	30% retained by City, 70% paid to Artist
Plein Air Artist Application Fee	\$50	\$50
Staffing required to prepare for or supervise recreation activities	Cost	Cost
Park Rental Fees		
Park Space Reservation (hourly)	\$10	\$10
Barbeque permit	\$10	\$10
Bounce House / Powered Equipment permit	\$60	\$60
Temporary Structures (more than 100 sq ft) permit	\$60	\$60
Notes: Resident include Soquel Union Elementary School District		
Costs mean staff costs adjusted for benefits, department overhead, and City overhead as calculated		
by the City Manager. Costs can also mean direct cost of a consultant. When consultant costs are		
included 21% of such costs will be charged to cover staff time for contract management. Staff costs de		
not accrue during an appeal unless appeal is made by applicant.		
Deposits are stated as minimums. Actual deposits depend on the evaluation by staff of an individual		
project or application. The City Manager may lower minimum deposits if the application or project		
justifies a lower deposit. When an application involves multiple minimum fees the highest minimum		
fee applies.		

HISTORICAL MUSEUM FEES

Description	2025-26 Approved Fee Schedule	2025-26 Proposed Fee Schedule
Research Fee - 1/2 hour minimum charge	Cost	Cost
Print of an electronically available Photograph in Collection	\$8	\$8
Digital Copies of Collection Items	\$23	\$23
Scan High Resolution Tiff File of any collection item for a customer	\$27	\$27

Fiscal Year 2025-26 Amended Fee Schedule



August 28, 2025

Background

- FY 2025-26 Fee Schedule
 - Adopted June 26, 2025
- Citywide Fee Study
 - Completed in Oct. 2024
 - Established cost recovery levels
 - Fees for village sidewalk signs inadvertently increased to \$322



Proposed Fee Amendments

- Village Sidewalk Signs:
 - Encroachment Permit \$50
 - Reduce from \$238
 - Sign Permit \$50
 - Reduce from \$84
- Junior Guard Regionals Competition
 - Add clarifying language the \$115 fee does <u>NOT</u> include United States Lifeguard Association (USLA) gold level membership
 - Separate fee charged by USLA required to participate in competition

Recommended Action Adopt proposed resolution amending fee schedule for Fiscal Year 2025-26