

# City of Capitola Agenda

Mayor: Stephanie Harlan  
Vice Mayor: Michael Termini  
Council Members: Jacques Bertrand  
Ed Bottorff  
Kristen Petersen

Treasurer: Peter Wilk



**REVISED**

## **CAPITOLA CITY COUNCIL REGULAR MEETING**

**THURSDAY, JANUARY 12, 2017**

**7:00 PM**

**CITY COUNCIL CHAMBERS  
420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

**CLOSED SESSION - 5:45 PM  
CITY MANAGER'S OFFICE**

*An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.*

### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR [Govt. Code § 54956.8]**

Property: 2091 Wharf Road, APN 034-241-05, Capitola, CA  
City Negotiator: Jamie Goldstein, City Manager  
Negotiating Parties: Joseph K. and Debbie A. Genge  
Under Negotiation: Terms for potential purchase of property by City

### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to [Govt. Code § 54956.9(d)(4)]:**

(One potential case)

### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Govt. Code § 54956.9(d)(1)]**

1. City of Capitola v. Water Rock Construction, Inc.  
Santa Clara Superior Court Case No. 16CV295795
2. City of Capitola v. D'Angelo  
Santa Cruz County Superior Court Case No. CV 181659

## **REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7:00 PM**

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

*All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.*

### **1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Members Kristen Petersen, Michael Termini, Jacques Bertrand, Ed Bottorff, and Mayor Stephanie Harlan

### **2. PRESENTATIONS**

A. Presentation of Awards Recognizing Lifesaving Efforts

### **3. REPORT ON CLOSED SESSION**

### **4. ADDITIONAL MATERIALS**

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

A. Item 8.A. Public Communication regarding Appointments to the Planning Commission

B. Item 9.A. Correction to City Council Draft Minutes for December 8, 2016

C. Item 9.C. Revision to Budget Calendar 2017/2018 Fiscal Year

D. Item 9.D. 41st Avenue Adaptive System Plans

E. Item 10.B. Verizon Wireless Communication regarding Introduction of an Ordinance

### **5. ADDITIONS AND DELETIONS TO AGENDA**

### **6. PUBLIC COMMENTS**

*Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. 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. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the minutes. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.*

### **7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

*City Council Members/City Treasurer/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration.*

**8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**

- A. Review City Council Representation on Various County/Multi-County Boards, Commissions, and Committees; and City Council Appointments, Re-Appointments, and Nominations of Members to City Internal Advisory Bodies  
RECOMMENDED ACTION: Provide appointments.

**9. CONSENT CALENDAR**

*All items listed in the "Consent Calendar" 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 public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.*

*Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.*

- A. Consider the December 8, 2016, Regular City Council Minutes  
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of December 1, 2016  
RECOMMENDED ACTION: Receive Minutes.
- C. Approve the Budget Calendar for the 2017/18 Fiscal Year  
RECOMMENDED ACTION: Approve Budget Calendar for Fiscal Year 2017/18.
- D. 41st Avenue Adaptive Signal Control Project to Bid  
RECOMMENDED ACTION: Approve the plans, specifications, and estimate for the 41<sup>st</sup> Avenue Adaptive Signal Control project and authorize advertising the project for bidding.

**10. GENERAL GOVERNMENT / PUBLIC HEARINGS**

*All items listed in "General Government" 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. Appeal of a Planning Commission Approval of a Design Permit, Coastal Development Permit and Variance for a New Two-story, Single-family Residence at 105 Sacramento Avenue  
RECOMMENDED ACTION: Uphold the Planning Commission's decision to approve the project as conditioned.

- B. Introduction of an Ordinance Amending Chapter 17.98 of the Capitola Municipal Code Pertaining to Wireless Telecommunications  
RECOMMENDED ACTION: Adopt the Addendum to the General Plan Update Environmental Impact Report and introduce an ordinance to amend Municipal Code Chapter 17.98 Wireless Communications Facilities to update regulations, development standards, and permit procedures in compliance with state and federal law.
- C. Adopt a Resolution Setting the Interest Rate for Tenant's Security Deposits for 2017 (Continued from the December 8, 2016, City Council Meeting)  
RECOMMENDED ACTION: Adopt Resolution.
- D. Council Consideration of Standby City Council Members  
RECOMMENDED ACTION: Council discretion to determine if standby council members remain necessary given improved technology that allows remote contact during emergencies. If Council decides to continue the process, Member Petersen may nominate from one to three people to serve as her standby city council member pursuant to Municipal Code Section 2.04.165, and Council Members Bertrand, Bottorff, Termini, and Mayor Harlan will review their appointments and make any changes desired.

## 11. ADJOURNMENT

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

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

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete Agenda Packet are available for review on the City's website: [www.cityofcapitola.org](http://www.cityofcapitola.org) and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk's office at 831-475-7300.

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

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
January 12, 2017

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

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



## CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 12, 2017

FROM: City Manager Department

SUBJECT: Presentation of Awards Recognizing Lifesaving Efforts

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DISCUSSION: Capitola Police Chief Terry McManus will present Officer Kraig Evans and Officer Jackie Yeung with Capitola Police Department Life Saving Awards and pins, and honor Tristan Grell with the Citizen Distinguished Service Commendation.

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**

A handwritten signature in blue ink, appearing to be "JG", is written over a horizontal line.

Jamie Goldstein, City Manager

1/6/2017

**Deiter, Michele (MDeiter@ci.capitola.ca.us)**

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**From:** The Martorella's <jmarto@pacbell.net>  
**Sent:** Tuesday, January 10, 2017 12:06 PM  
**To:** City Council; Tricia Proctor  
**Subject:** Upcoming Appointment(s) to the Planning Commission (January 12, 2017)

Dear Mayor Harlan and City Council

Happy New Year!

I noticed on this week's agenda the variety of positions being considered for filling in all of the various boards, committees, commissions etc that there were two appointments for the Planning Commission.

My question specifically is - is it discussed and/or considered as to who will obtain the position for this opening during a public forum (open comment, etc) or is this a decision that is made during the Council Meeting by the Council Members?

My concern, as you may know from past meetings is that one of the appointee's is currently suing the City of Capitola for an approved project in Monterey Park. Granted, if allowed to obtain this seat on the Commission, the appointee would have to recuse themselves from discussion of any matters relating to Monterey Park, but the concern overall is to consider appointing someone who is currently involved in litigation they have brought against the City.

Thank you!

Respectfully,

Marie Martorella

Communication: Item 8.A. Public Communication regarding Appointments to the Planning Commission (ADDITIONAL MATERIALS)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES – December 8, 2016

**RESULT:** APPOINTMENT OF COUNCIL MEMBER PETERSEN AS THE CITY REPRESENTATIVE AND COUNCIL MEMBER BOTTORFF AS THE CITY'S ALTERNATE REPRESENTATIVE ON ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG)  
**MOVER:** Ed Bottorff, Council Member  
**SECONDER:** Michael Termini, Council Member  
**AYES:** Petersen, Bottorff, Bertrand, Harlan, Termini

Council Member Termini and Mayor Harlan spoke in support of the nomination of Bob White to the Library Ad Hoc Design Committee, saying the City is fortunate to have a resident with extensive experience in library design.

**RESULT:** APPOINTMENT OF BOB WHITE AS THE AT-LARGE MEMBER ON THE LIBRARY AD HOC DESIGN COMMITTEE; [UNANIMOUS]  
**MOVER:** Michael Termini, Council Member  
**SECONDER:** Ed Bottorff, Council Member  
**AYES:** Petersen, Bottorff, Bertrand, Harlan, Termini

Mayor Harlan thanked Former City Clerk Susan Sneddon for her five years of service to the City and wished her well in her retirement.

**10.ADJOURNMENT**

The meeting was closed at 7:08 PM

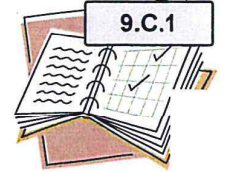
ATTEST:

\_\_\_\_\_  
Stephanie Harlan, Mayor

\_\_\_\_\_  
Linda Fridy, City Clerk

Communication: Item 9.A. Correction to City Council Draft Minutes for December 8, 2016 (ADDITIONAL MATERIALS)





## REVISED CITY OF CAPITOLA BUDGET CALENDAR - 2017/2018 FISCAL YEAR

The City Manager and/or the City Council may change this tentative schedule.

NOTE: Some meetings may be cancelled if they become unnecessary based on prior sessions.

Meeting Date 2017	Week/Day	Nature of Meeting	Description
February 23	2 <sup>nd</sup> Thursday	*Regular City Council/Successor Agency	Establish Budgeting Principles / Mid-Year presentation
March 21	3 <sup>rd</sup> Tuesday	Finance Advisory Committee	Finance Advisory Committee to discuss elements of the Budget
April 6	1 <sup>st</sup> Thursday	Planning Commission	Planning Commission Review of the Capital Improvement Program (CIP)
May 12	2 <sup>nd</sup> Friday	N/A	Proposed Budget distribution
May 16	3 <sup>rd</sup> Tuesday	Special Finance Advisory Committee	Finance Advisory Committee to discuss proposed Budget and draft presentation with recommendations to Council
<b>May 17</b>	3 <sup>rd</sup> Wednesday	* <b>Special</b> Joint City Council/Successor Agency	Presentation of City, Successor Agency & CIP Budgets
May 23	4 <sup>th</sup> Tuesday	Finance Advisory Committee	Finance Advisory Committee to discuss proposed Budget and draft presentation with recommendations to Council
May 25	4 <sup>th</sup> Thursday	*Regular City Council/Successor Agency	
<b>May 31</b>	5 <sup>th</sup> Wednesday	* <b>Special</b> Joint City Council/Successor Agency	- Finance Advisory Committee Presentation - Council Deliberations
<b>June 7</b>	1 <sup>st</sup> Wednesday	* <b>Special</b> Joint City Council/Successor Agency	- Council Deliberations
June 8	2 <sup>nd</sup> Thursday	*Regular City Council/Successor Agency	Reports from Finance: Appropriations Limit Resolution and Investment Policy
<b>June 15</b>	3 <sup>rd</sup> Thursday	* <b>Special</b> Joint City Council/Successor Agency	Final City Council and Successor Agency Budget deliberations <i>(If necessary)</i>
June 22	4 <sup>th</sup> Thursday	*Regular City Council/Successor Agency	Final Adoption of the City and Successor Agency Budgets and Pertinent Resolutions

NOTE: **Special** meetings will begin at 6 p.m., all Regular meetings begin at 7 p.m. Meetings with an asterisk (\*) are held in the City Hall Council Chambers and will be televised "Live" on Charter Communications Cable Channel 8. The Finance Advisory Committee Meetings begins at 6 p.m., and are scheduled to be held in the Community Room.

Attachment: Budget Calendar Fiscal Year 2017/18 (1711 : Budget Calendar)

Communication: Item 9.C. Revision to Budget Calendar 2017/2018 Fiscal Year (ADDITIONAL MATERIALS)

# 41ST AVENUE ADAPTIVE SYSTEM

## PREPARED FOR CITY OF CAPITOLA

**ADDITIONAL MATERIALS - ITEM 9.D.  
1/12/17 CAPITOLA CITY COUNCIL MEETING**

### PROJECT DESCRIPTION

INSTALL AN ADAPTIVE TRAFFIC SIGNAL SYSTEM ALONG 41ST AVENUE BETWEEN CLARES STREET AND BROMMER STREET/JADE STREET.

### CONTACTS

- |                   |  |
|-------------------|--|
| 1. CIVIL ENGINEER | KIMLEY-HORN AND ASSOCIATES, INC.<br>1300 CLAY STREET, SUITE 325<br>OAKLAND, CA 94612<br>TEL: (510) 625-0712<br>CONTACT: KWASI AKWABI, P.E. |
| 2. CITY ENGINEER  | CITY OF CAPITOLA PUBLIC WORKS DEPARTMENT<br>420 CAPITOLA AVENUE<br>CAPITOLA, CA 95010<br>TEL: (831) 475-7300<br>CONTACT: STEVE JESBERG     |

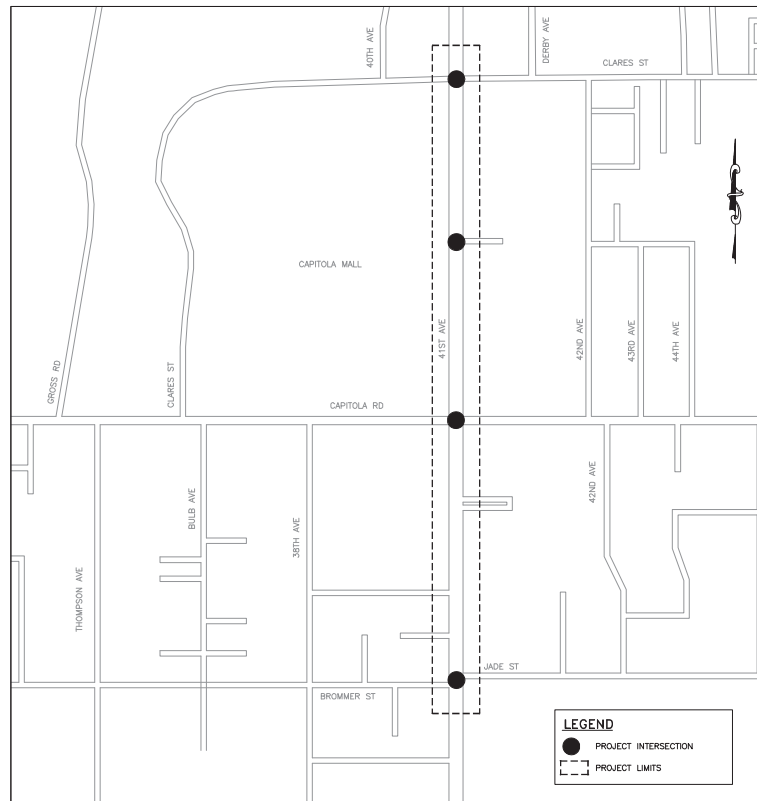
### SUBMITTED BY:

\_\_\_\_\_  
KWASI AKWABI, P.E. DATE

### ACCEPTANCE OF PLANS

THE CITY OF CAPITOLA HEREBY ACCEPTS THESE PLANS FOR CONSTRUCTION, AS BEING IN GENERAL COMPLIANCE WITH PLANS PREPARATION REQUIREMENTS OF THIS GOVERNMENT. RESPONSIBILITY FOR THE COMPLETENESS AND ACCURACY OF THE PLANS AND RELATED DESIGN RESIDES WITH THE ENGINEER AND ENGINEERING FIRM OF RECORD.

\_\_\_\_\_  
STEVE JESBERG P.E. DATE  
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER  
CITY OF CAPITOLA



VICINITY MAP  
NTS

### SHEET INDEX

1	CV01	COVER SHEET
2	GN01	GENERAL NOTES
3	KN01	KEY MAP
4	SY01	SYSTEM DIAGRAM
5	TS01	41ST AVE AND JADE ST
6	TS02	41ST AVE AND CAPITOLA RD
7	TS03	41ST AVE AND CAPITOLA MALL ENTRANCE
8	TS04	41ST AVE AND CLARES ST
9	EQ01	EQUIPMENT SUMMARY
10	DT01	DETAILS
11	DT02	DETAILS

### ABBREVIATIONS

GRS	GALVANIZED RIGID STEEL
HOPE	HIGH-DENSITY POLYETHYLENE
IP	INTERNET PROTOCOL
MIN.	MINIMUM
MMU	MALFUNCTION MANAGEMENT UNIT
NTS	NOT TO SCALE
PVC	POLYVINYL CHLORIDE

### LEGEND

PROPOSED	EXISTING	
---	---	CONDUIT
----	----	FACE OF CURB
----	----	LIP OF GUTTER
----	----	BACK OF CURB
----	----	BACK OF SIDEWALK
----	----	RIGHT-OF-WAY
X	X	FENCE
SS	SS	SANITARY SEWER LINE AND MANHOLE
SD	SD	STORM SEWER LINE AND MANHOLE
W	W	WATER LINE
N2	N2	NITROGEN GAS LINE
E	E	ELECTRICAL LINE
G	G	GAS LINE
T	T	TELEPHONE LINE
FO	FO	FIBER OPTIC LINE
CS	CS	TRAFFIC SIGNAL CONTROLLER CABINET
SC	SC	SERVICE CABINET
TH	TH	TRAFFIC SIGNAL HEAD
PB	PB	PULL BOX
TS	TS	TRAFFIC SIGNAL STANDARD
ED	ED	EDIP/TSP OPTICAL DETECTOR UNIT
UR	UR	UTILITY POLE
FH	FH	FIRE HYDRANT
TM	TM	TELEPHONE MANHOLE
WV	WV	WATER VALVE
MAS	MAS	MAST ARM MOUNTED SIGN
TL	TL	TYPE A LOOP DETECTOR
IP	IP	InSync 360° IP MONITORING CAMERA
IC	IC	InSync IP DETECTION CAMERA
VD	VD	VIDEO DETECTION CAMERA
Z	Z	VIDEO DETECTION ZONE

### REFERENCES

- 2010 CALTRANS STANDARD PLANS



Printed By: [Name], Date: [Date], Time: [Time] K:\DATA\ITD\097763118 - Capitol 41st Avenue Adaptive System - KGA\CA\05\Drawn Sheets\0 - 001.dwg  
 This document, together with the contracts and design presented herein, is an instrument of service, to be read in its entirety and construed according to its plain meaning.

Packet Pg. 11

**GENERAL NOTES**

1. THESE PLANS ARE HEREBY MADE PART OF THE CONTRACT SPECIFICATIONS FOR THIS PROJECT. THESE PLANS SHALL BE ACCOMPANIED BY SEPARATE SET OF SPECIAL PROVISIONS. THE CONTRACTOR SHALL NOT PROCEED WITH ANY WORK CALLED FOR ON THESE PLANS UNTIL THE CITY ENGINEER'S SIGNATURE OF APPROVAL IS AFFIXED HEREON AND ALL APPLICABLE PERMITS HAVE BEEN OBTAINED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS AND LICENSES REQUIRED TO COMPLETE THE PROJECT. AN APPROVED SET OF PLANS SHALL BE ON THE JOB SITE DURING ANY CONSTRUCTION.
2. ALL WORK AND MATERIAL EMBRACED IN THIS PROJECT SHALL BE DONE IN ACCORDANCE WITH APPLICABLE PROVISIONS OF THE CITY OF CAPITOLA, DEPT. OF PUBLIC WORKS, STANDARD SPECIFICATIONS AND PLANS, THE LATEST EDITIONS OF CALTRANS STANDARD PLANS AND SPECIFICATIONS, AND IN ACCORDANCE WITH THE SPECIAL PROVISIONS OF THIS PROJECT.
3. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.
4. THE CONTRACTOR SHALL MAKE AN ON-SITE INSPECTION PRIOR TO PROVIDING ANY BIDS TO DETERMINE ANY AND ALL ITEMS NECESSARY TO PERFORM A COMPLETE AND ACCEPTABLE JOB.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPORTING ALL CONFLICTS, ERRORS, OMISSIONS, ETC. TO THE ENGINEER IMMEDIATELY UPON DISCOVERY. IF SO DIRECTED BY THE ENGINEER, THE CONTRACTOR SHALL STOP WORK UNTIL REMEDIAL ACTION CAN BE TAKEN. ANY COSTS RESULTING FROM THE CONTRACTOR'S FAILURE TO REPORT OR FAILURE TO STOP WORK, AS DIRECTED, WILL BE THE RESPONSIBILITY OF THE CONTRACTOR.
6. THE CONTRACTOR SHALL CONTACT THE CITY OF CAPITOLA PUBLIC WORKS DEPARTMENT FOR A PRE-CONSTRUCTION CONFERENCE AFTER THE AWARD OF CONTRACT AND AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY PG&E AND OTHER UTILITY COMPANIES PRIOR TO START OF WORK. THE CONTRACTOR SHALL CALL USA (811) 48 HOURS PRIOR TO ANY EXCAVATION.
8. THE CONTRACTOR SHALL, BY HAND, POTHOLE EXISTING UTILITIES TO VERIFY LOCATION PRIOR TO CONSTRUCTION.
9. EXISTING UTILITIES INCLUDING MANHOLES, STORM DRAIN CATCH BASINS, VALVES, BOXES, ETC., SHALL BE PROTECTED IN PLACE AND REMAIN OPERATIONAL AT ALL TIMES UNLESS NOTED OTHERWISE.
10. THE LOCATIONS OF ALL UNDERGROUND FACILITIES SHOWN ON THIS PLAN ARE APPROXIMATE. A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL UNDERGROUND FACILITIES; HOWEVER, THE CONSULTANT ENGINEER ASSUMES NO LIABILITY FOR THE ACCURACY OR COMPLETENESS OF THE EXISTING FACILITIES SHOWN HEREON OR FOR THE EXISTENCE OF OTHER UNDERGROUND UTILITIES OR OBJECTS WHICH MAY BE DISCOVERED BUT ARE NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING FACILITIES AND IMMEDIATELY NOTIFY THE ENGINEER IF ANY SUCH FACILITIES INTERFERE WITH THE CONSTRUCTION OF IMPROVEMENTS. CALL U.S.A. AT 811. THE CONTRACTOR SHALL STOP WORK AROUND THE AREA OF CONFLICT UNTIL HE IS DIRECTED BY THE ENGINEER TO CONTINUE.
11. THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) ORDER NO. 2009-0008-TWO. THE CONTRACTOR SHALL IMPLEMENT AND MONITOR A STORM WATER POLLUTION PREVENTION PLAN IN ACCORDANCE WITH THE SWRCB REGULATIONS. THE CONTRACTOR SHALL FOLLOW THE REQUIREMENTS IN THE STORMWATER BEST MANAGEMENT PRACTICE CONSTRUCTION HANDBOOK WHICH IS PREPARED BY CASQA AND ADOPTED BY THE STATE AND THE CITY. IT IS PROHIBITED TO DISCHARGE ANYTHING EXCEPT CLEAN WATER INTO THE STORM DRAIN SYSTEM.
12. ATTENTION IS CALLED TO: SECTION 1540(A) (1) OF THE CONSTRUCTION SAFETY ORDERS (TITLE 25, B CALIFORNIA ADMINISTRATION CODE SECTION 1540), ISSUED BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD PURSUANT TO THE CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973, AS AMENDED, WHICH STATES:  
 "PRIOR TO OPENING AN EXCAVATION, EFFORT SHALL BE MADE TO DETERMINE WHETHER UNDERGROUND INSTALLATION I.E., SEWER, WATER, FUEL, ELECTRIC LINES, ETC., WILL BE ENCOUNTERED AND, IF SO, WHERE SUCH UNDERGROUND INSTALLATIONS ARE LOCATED. WHEN THE EXCAVATION APPROACHES THE APPROXIMATE LOCATION OF SUCH AN INSTALLATION, THE EXACT LOCATION SHALL BE DETERMINED BY CAREFUL PROBING OR HAND DIGGING AND WHEN IT IS UNCOVERED, ADEQUATE PROTECTION SHALL BE PROVIDED FOR THE EXISTING INSTALLATION. ALL KNOWN OWNERS OF UNDERGROUND FACILITIES IN THE AREA CONCERNED SHALL BE ADVISED OF PROPOSED WORK AT LEAST 48 HOURS PRIOR TO THE START OF ACTUAL EXCAVATION."
13. THE CONTRACTOR SHALL PROVIDE SHORING, BRACING, SLOPING OR PROVISIONS TO PROTECT WORKERS FOR ALL AREAS TO BE EXCAVATED TO A DEPTH OF FIVE FEET OR MORE. SAID PROTECTION TO BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF LOCAL, STATE, AND FEDERAL REGULATIONS (CAL-OSHA, OSHA).
14. THE CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROLS AND SHALL SUBMIT TO THE CITY TRAFFIC ENGINEERING DIVISION A TRAFFIC CONTROL PLAN FOR EACH PHASE OF WORK PRIOR TO THE START OF CONSTRUCTION.
15. PRIOR TO BEGINNING ANY WORK ON EXISTING STREETS, ADVANCE WARNING SIGNS SHALL BE INSTALLED. TRAFFIC CONTROL SHALL BE PROVIDED IN ACCORDANCE WITH CALTRANS' 2014 CALIFORNIA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (CA MUTCD), AND ANY ADDITIONAL CITY REQUIREMENTS. FAILURE TO COMPLY MAY RESULT IN IMMEDIATE STOPPAGE OF WORK UNTIL THE PROPER TRAFFIC CONTROL IS IN ORDER.
16. TRAFFIC CONTROL MAINTENANCE AND OPERATION SHALL COMPLY WITH THE FOLLOWING STATE STANDARD SPECIFICATION SECTIONS:  
 SECTION 7-1.04 "PUBLIC SAFETY"  
 SECTION 7-1.03 "PUBLIC CONVENIENCE"  
 SECTION 12 "TEMPORARY TRAFFIC CONTROL"
17. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY.
18. ALL EXISTING SIGNS AND POSTS SHALL REMAIN UNLESS OTHERWISE NOTED.
19. THE CONTRACTOR SHALL BACKFILL EACH NIGHT ANY AREAS NOT COMPLETED TO ITS FINISHED STATE. ALL EXCAVATED AREAS SHALL BE PROTECTED FROM PEDESTRIAN AND VEHICULAR TRAFFIC AT ALL TIMES.
20. ALL NEW FLATWORK SHALL BE DRILLED AND DOWELED AND/OR KEYED INTO EXISTING FLATWORK IN ACCORDANCE WITH CITY OF CAPITOLA STANDARD PLANS AND SPECIFICATIONS.
21. ALL EXISTING PUBLIC AND PRIVATE IMPROVEMENTS, INCLUDING ALL CURBS, CUTTERS, SIDEWALKS, IRRIGATION, LANDSCAPING, AND FENCES, THAT BECOME DAMAGED DURING CONSTRUCTION SHALL BE COMPLETELY RESTORED TO THE SATISFACTION OF THE ENGINEER, AT CONTRACTOR'S SOLE EXPENSE.
22. THE CONTRACTOR SHALL REPLACE ANY PAVEMENT DELINEATION OR TRAFFIC MARKINGS REMOVED OR DAMAGED IN THE COURSE OF THIS WORK. PRIOR TO ANY REMOVAL, THE CONTRACTOR SHALL DOCUMENT THE TYPE AND LOCATION OF THE PAVEMENT DELINEATION/ MARKINGS.
23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPACTION TESTING AND SHALL PROVIDE TO THE CITY ALL COMPACTION TEST RESULTS SHOWING THAT THE CITY'S MINIMUM COMPACTION STANDARDS HAVE BEEN ACHIEVED.
24. THE CONTRACTOR SHALL ADHERE TO CALTRANS STANDARD PLANS AND SPECIFICATIONS FOR ALL WORK TAKING PLACE WITHIN CALTRANS RIGHT-OF-WAY.



No.	REVISIONS	DATE	BY

**Kimley»Horn**  
 © 2016 KIMLEY-HORN AND ASSOCIATES, INC.  
 1300 CLAY STREET, SUITE 325, OAKLAND, CA 94612  
 PHONE: 510-360-0217  
 WWW.KIMLEY-HORN.COM



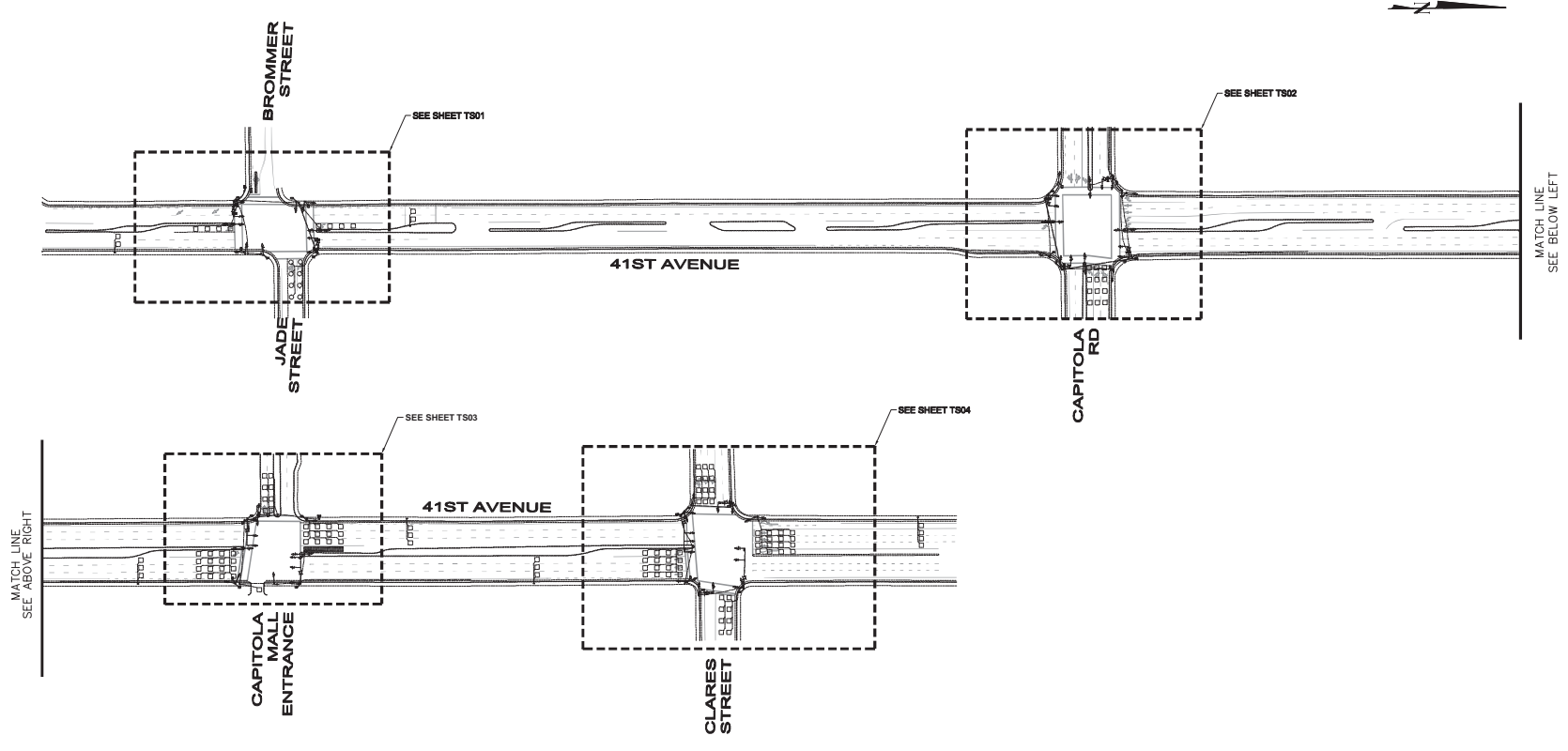
DESIGNED BY	DRAWN BY	CHECKED BY
JCS	SAR	KAA
PLANS PREPARED UNDER SUPERVISION OF:		
KWAASI AKWABI-AMEYAW REGISTERED CIVIL ENGINEER		
06/30/2017 DATE	73863 RCE NO.	

41ST AVENUE  
 ADAPTIVE SYSTEM  
 PREPARED FOR  
 CITY OF CAPITOLA

GENERAL NOTES

DRAWING NO GN01
SHEET 2 of 11
JOB No. 097763118

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DESIGNED BY JCS	DRAWN BY SAR	CHECKED BY KAA
PLANS PREPARED UNDER SUPERVISION OF: KWASI AKWABI-AMEYAW REGISTERED CIVIL ENGINEER		
DATE 06/30/2017	RCE NO. 73863	

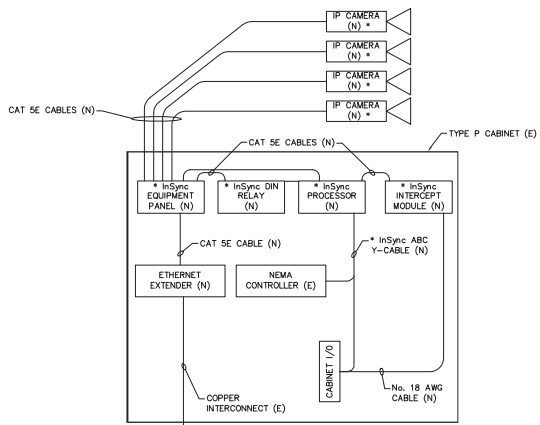
41ST AVENUE  
 ADAPTIVE SYSTEM  
 PREPARED FOR  
 CITY OF CAPITOLA

KEY MAP

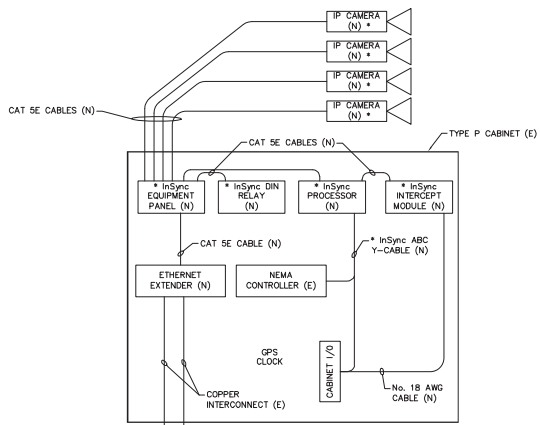
DRAWING NO KM01
SHEET 3 of 11
JOB No. 097763118

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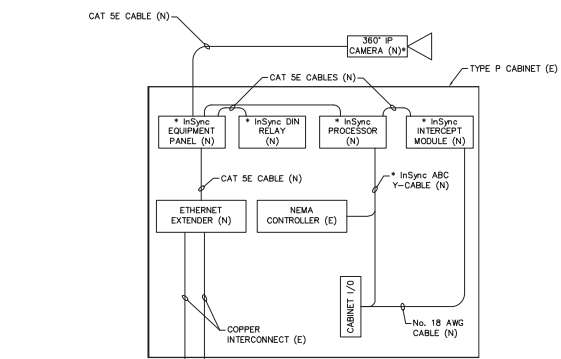


41ST AVENUE AND JADE STREET



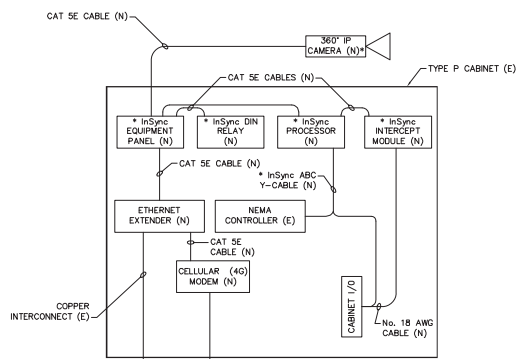
41ST AVENUE AND CAPITOLA ROAD

TO 41ST AVENUE AND CAPITOLA MALL ENTRANCE SIGNAL CABINET



41ST AVENUE AND CAPITOLA MALL ENTRANCE

TO 41ST AVENUE AND CAPITOLA ROAD SIGNAL CABINET



41ST AVENUE AND CLARES STREET

CELLULAR COMMUNICATION NETWORK  
 RHYTHM ENGINEERING  
 CITY HALL

NOTES:

- CONTRACTOR SHALL PURCHASE THE FOLLOWING EQUIPMENT FROM CITY OF CAPITOLA PRE-APPROVED ADAPTIVE SIGNAL SYSTEM VENDOR (RHYTHM ENGINEERING):
    - IP CAMERA
    - InSync EQUIPMENT PANEL
    - InSync DIN RELAY
    - InSync PROCESSOR
    - InSync INTERCEPT MODULE
    - InSync ABC Y-CABLE
  - CONTRACTOR AND ADAPTIVE SYSTEM VENDOR TO WORK WITH CITY STAFF TO ESTABLISH VPN CONNECTION FOR REMOTE ACCESS TO ADAPTIVE CORRIDOR.
  - CONTRACTOR SHALL WORK WITH CITY TO SETUP A 4G CELLULAR COMMUNICATIONS LINK TO THE CONTROLLER CABINET AT 41ST AVE./CLARES ST.
- (N) - PROPOSED EQUIPMENT  
 (E) - EXISTING EQUIPMENT



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PLANS PREPARED UNDER SUPERVISION OF: KWASI AKWABI-AMEYAW REGISTERED CIVIL ENGINEER		
DATE 06/30/2017	RCE NO. 73863	

41ST AVENUE  
 ADAPTIVE SYSTEM  
 PREPARED FOR  
 CITY OF CAPITOLA

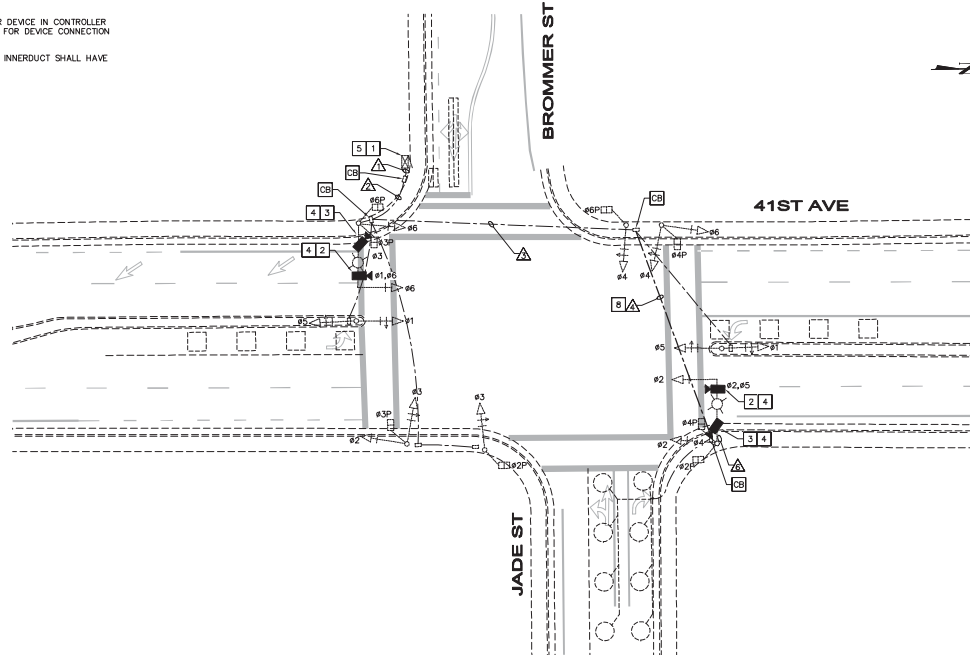
CONTROLLER CABINET  
 SYSTEM DIAGRAM

DRAWING NO SY01
SHEET 4 of 11
JOB No. 097763118

41D

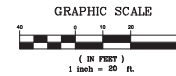
**CONSTRUCTION NOTES:**

- 1] FURNISH AND INSTALL THE FOLLOWING ADAPTIVE SIGNAL SYSTEM ITEMS PURCHASED FROM THE CITY OF CAPITOLA'S PRE-APPROVED ADAPTIVE SYSTEM VENDOR (RHYTHM ENGINEERING), IN EXISTING TRAFFIC SIGNAL CONTROLLER CABINET: ADAPTIVE SYSTEM PROCESSOR, INTERCEPT MODULE, EQUIPMENT PANEL, AND Y CABLE. MAKE ALL CONNECTIONS NECESSARY PER ADAPTIVE SYSTEM VENDOR SPECIFICATIONS, TECHNICAL SPECIFICATIONS, AND SYSTEM DIAGRAM ON SHEET SY01 OF THESE PLANS.
- 2] FURNISH AND INSTALL CITY OF CAPITOLA'S PRE-APPROVED ADAPTIVE SYSTEM VENDOR'S (RHYTHM ENGINEERING) IP CAMERA AND CAMERA ENCLOSURE ON TRAFFIC SIGNAL MAST ARM.
- 3] FURNISH AND INSTALL CITY OF CAPITOLA'S PRE-APPROVED ADAPTIVE SYSTEM VENDOR'S (RHYTHM ENGINEERING) IP CAMERA AND CAMERA ENCLOSURE ON LUMINAIRE ARM.
- 4] FURNISH AND INSTALL IP CAMERA MOUNTING HARDWARE. SEE SHEET DT01 FOR MOUNTING DETAIL.
- 5] FURNISH AND INSTALL NEW LONG-RANGE ETHERNET-OVER-COPPER DEVICE IN CONTROLLER CABINET. SEE SYSTEM DIAGRAM ON SHEET SY01 OF THESE PLANS, FOR DEVICE CONNECTION DIAGRAM.
- 6] FURNISH AND INSTALL 3" C WITH 3-CELL FABRIC INNERDUCT. EACH INNERDUCT SHALL HAVE MULE TAPE.



CONDUCTOR SCHEDULE				
CONDUCTOR DESIGNATION	NUMBER OF CONDUCTORS			
	1	2	3	4
INSYNC CAMERA CABLES**				
INSYNC #2,#5	1 <sub>N</sub>	1 <sub>N</sub>	1 <sub>N</sub>	1 <sub>N</sub>
INSYNC #3	1 <sub>N</sub>	1 <sub>N</sub>		
INSYNC #4	1 <sub>N</sub>	1 <sub>N</sub>	1 <sub>N</sub>	1 <sub>N</sub>
INSYNC #5,#1	1 <sub>N</sub>	1 <sub>N</sub>		
CONDUIT SIZE (INCHES)	2-3	3	3	3 <sub>N</sub>

EXISTING CONDUCTORS NOT SHOWN.  
 N = DENOTES NEW CONDUIT OR CONDUCTOR  
 \*\* 3#14 (IP CAMERA POWER), 1-CAT5E (IP CAMERA COMM)



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PLANS PREPARED UNDER SUPERVISION OF: KWASI AKWABI-AMEYAW REGISTERED CIVIL ENGINEER		
DATE 06/30/2017	RCE NO. 73863	

41ST AVENUE  
 ADAPTIVE SYSTEM  
 PREPARED FOR  
 CITY OF CAPITOLA

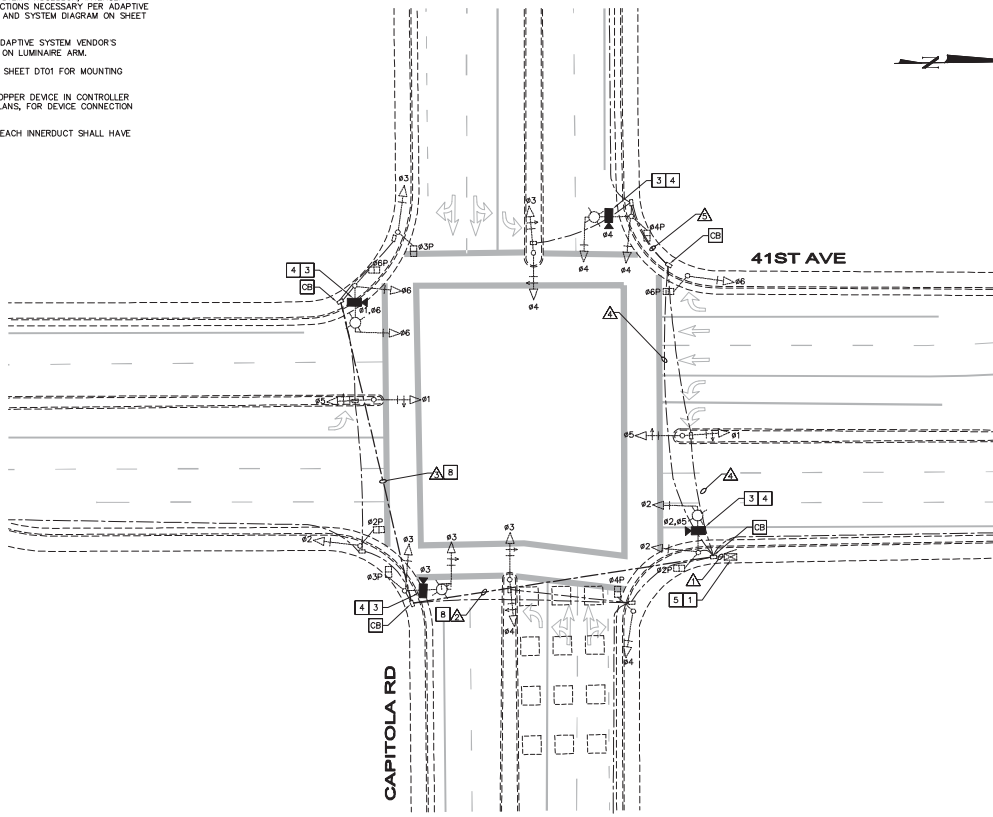
41ST AVE AND JADE ST

DRAWING NO TS01
SHEET 5 of 11
JOB No. 097763118

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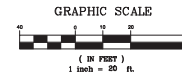
**CONSTRUCTION NOTES:**

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- 3] FURNISH AND INSTALL CITY OF CAPITOLA'S PRE-APPROVED ADAPTIVE SYSTEM VENDORS (RHYTHM ENGINEERING) IP CAMERA AND CAMERA ENCLOSURE ON LUMINAIRE ARM.
- 4] FURNISH AND INSTALL IP CAMERA MOUNTING HARDWARE. SEE SHEET DT01 FOR MOUNTING DETAIL.
- 5] FURNISH AND INSTALL NEW LONG-RANGE ETHERNET-OVER-COPPER DEVICE IN CONTROLLER CABINET. SEE SYSTEM DIAGRAM ON SHEET SY01 OF THESE PLANS, FOR DEVICE CONNECTION DIAGRAM.
- 6] FURNISH AND INSTALL 3" C WITH 3-CELL FABRIC INNERDUCT. EACH INNERDUCT SHALL HAVE MULE TAPE.



CONDUCTOR SCHEDULE				
CONDUCTOR DESIGNATION	NUMBER OF CONDUCTORS			
	1	2	3	4
INSYNC CAMERA CABLES***				
INSYNC #2,#5	1 <sub>N</sub>			
INSYNC #3	1 <sub>N</sub>	1 <sub>N</sub>		
INSYNC #4	1 <sub>N</sub>		1 <sub>N</sub>	1 <sub>N</sub>
INSYNC #5,#1	1 <sub>N</sub>	1 <sub>N</sub>	1 <sub>N</sub>	1 <sub>N</sub>
CONDUIT SIZE (INCHES)	3-2	3 <sub>N</sub>	3	2,3

EXISTING CONDUCTORS NOT SHOWN.  
 N = DENOTES NEW CONDUIT OR CONDUCTOR  
 \*\*\* 3#14 (IP CAMERA POWER), 1-CAT5E (IP CAMERA COMM)



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PLANS PREPARED UNDER SUPERVISION OF: Kwas Akwabi-Ameyaw REGISTERED CIVIL ENGINEER		
DATE 06/30/2017	RCE NO. 73863	

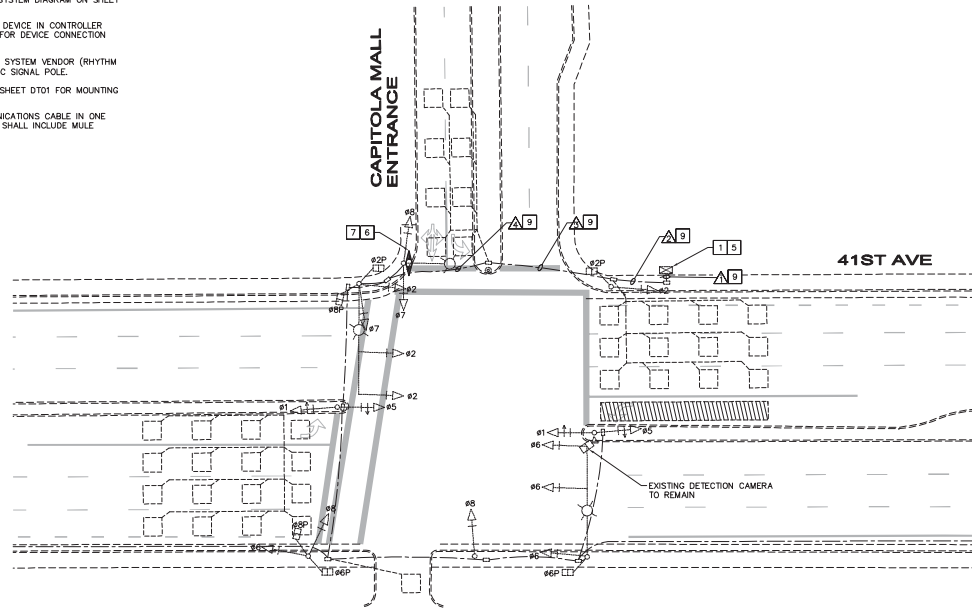
41ST AVENUE  
 ADAPTIVE SYSTEM  
 PREPARED FOR  
 CITY OF CAPITOLA

41ST AVE AT CAPITOLA RD

DRAWING NO 1502
SHEET 6 of 11
JOB No. 097763118

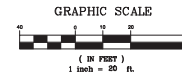
**CONSTRUCTION NOTES:**

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- 5] FURNISH AND INSTALL NEW LONG-RANGE ETHERNET-OVER-COPPER DEVICE IN CONTROLLER CABINET. SEE SYSTEM DIAGRAM ON SHEET SY01 OF THESE PLANS, FOR DEVICE CONNECTION DIAGRAM.
- 6] FURNISH AND INSTALL CITY OF CAPITOLA PRE-APPROVED ADAPTIVE SYSTEM VENDOR (RHYTHM ENGINEERING) 360° IP CAMERA AND CAMERA ENCLOSURE ON TRAFFIC SIGNAL POLE.
- 7] FURNISH AND INSTALL 360° IP CAMERA MOUNTING HARDWARE. SEE SHEET DT01 FOR MOUNTING DETAIL.
- 9] FURNISH AND INSTALL 3-CELL FABRIC INNERDUCT. INSTALL COMMUNICATIONS CABLE IN ONE CELL AND POWER CABLES IN A DIFFERENT CELL. ALL EMPTY CELLS SHALL INCLUDE MULE TAPE.



CONDUCTOR SCHEDULE				
CONDUCTOR DESIGNATION	NUMBER OF CONDUCTORS			
	RUN NUMBER			
INSYNC CAMERA CABLES**	1	1	1	1
INSYNC 360° IP	1	1	1	1
CONDUIT SIZE (INCHES)	3	3	3	3

EXISTING CONDUCTORS NOT SHOWN  
 N - DENOTES NEW CONDUIT OR CONDUCTOR  
 \*\*\* 3/14 (IP CAMERA POWER), 1-CAT5E (IP CAMERA COMM)



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DESIGNED BY JCS	DRAWN BY SAR	CHECKED BY KAA
PLANS PREPARED UNDER SUPERVISION OF: KWASI AKWABI-AMEYAW REGISTERED CIVIL ENGINEER		
06/30/2017 DATE	73863 RCE NO.	

41ST AVENUE  
 ADAPTIVE SYSTEM  
 PREPARED FOR  
 CITY OF CAPITOLA

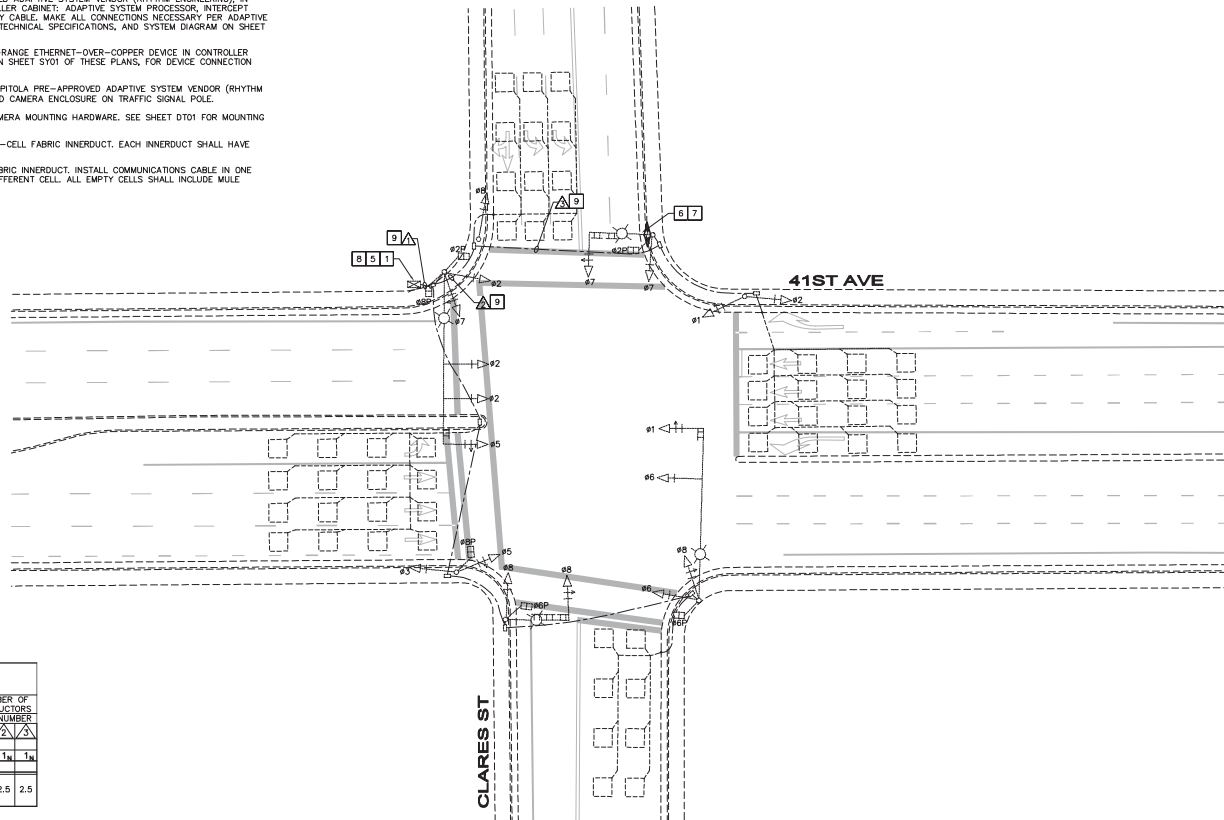
41ST AVE AND CAPITOLA  
 MALL ENTRANCE

DRAWING NO T503
SHEET 7 of 11
JOB No. 097763118



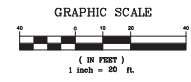
**CONSTRUCTION NOTES:**

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- 5] FURNISH AND INSTALL NEW LONG-RANGE ETHERNET-OVER-COPPER DEVICE IN CONTROLLER CABINET. SEE SYSTEM DIAGRAM ON SHEET SY01 OF THESE PLANS, FOR DEVICE CONNECTION DIAGRAM.
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- 7] FURNISH AND INSTALL 360° IP CAMERA MOUNTING HARDWARE. SEE SHEET DT01 FOR MOUNTING DETAIL.
- 8] FURNISH AND INSTALL 3" C WITH 3-CELL FABRIC INNERDUCT. EACH INNERDUCT SHALL HAVE MULE TAPE.
- 9] FURNISH AND INSTALL 3-CELL FABRIC INNERDUCT. INSTALL COMMUNICATIONS CABLE IN ONE CELL AND POWER CABLES IN A DIFFERENT CELL. ALL EMPTY CELLS SHALL INCLUDE MULE TAPE.



CONDUCTOR SCHEDULE	
CONDUCTOR DESIGNATION	NUMBER OF CONDUCTORS R/N NUMBER
INSYNC CAMERA CABLES**	1 <sub>N</sub> 1 <sub>N</sub> 1 <sub>N</sub>
CONDUIT SIZE (INCHES)	3 2.5 2.5

EXISTING CONDUCTORS NOT SHOWN  
 N = DENOTES NEW CONDUIT OR CONDUCTOR  
 \*\* 3φ14 (IP CAMERA POWER), 1-CAT5E (IP CAMERA COMM)



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DESIGNED BY JCS	DRAWN BY SAR	CHECKED BY KAA
PLANS PREPARED UNDER SUPERVISION OF: KWASI AKWABI-AMEYAW REGISTERED CIVIL ENGINEER		
DATE 06/30/2017	RCE NO. 73863	

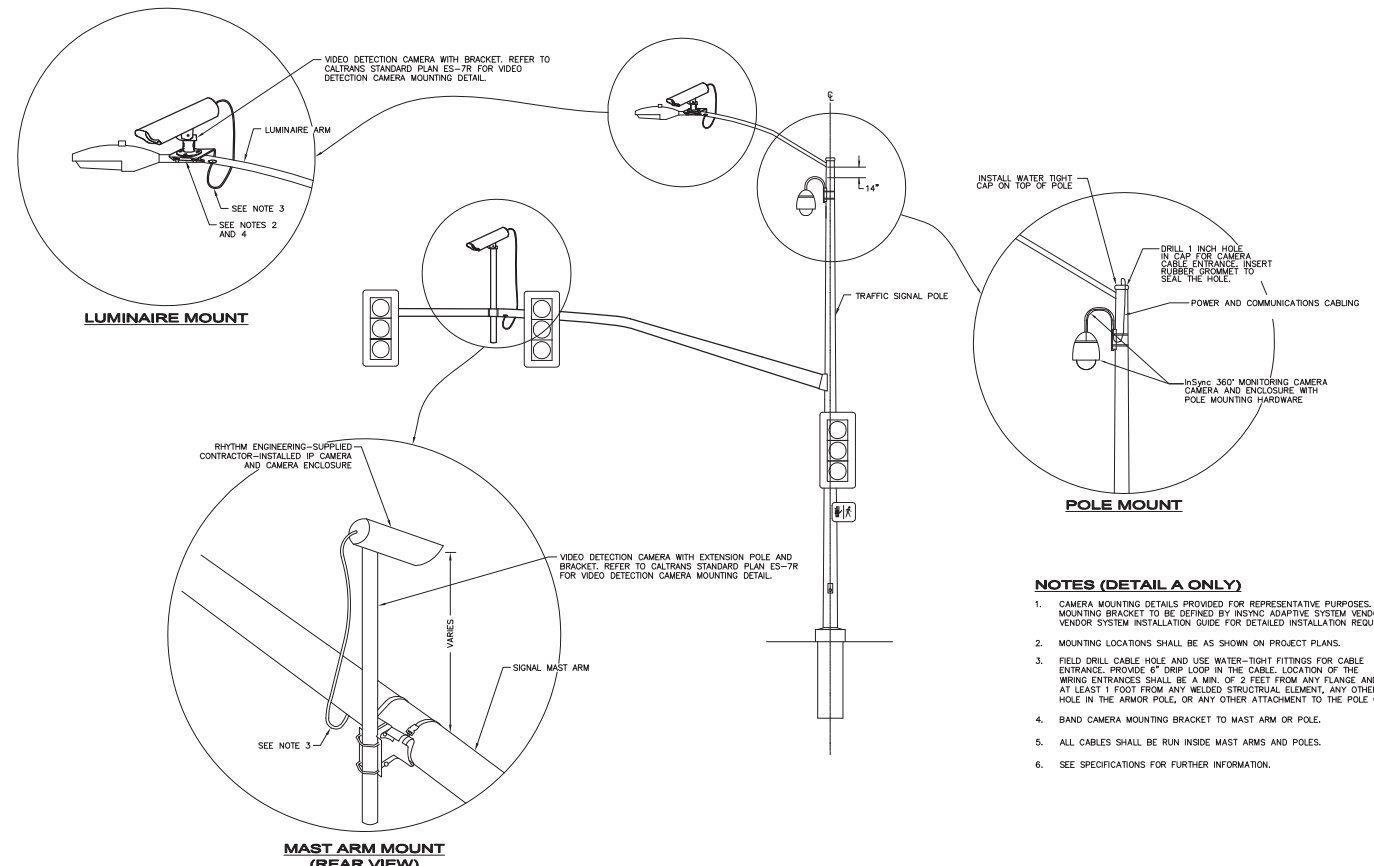
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41ST AVE AND CLARES ST

DRAWING NO TS04
SHEET 8 of 11
JOB No. 097763118



Sheet Specifications Layout: 10 0101 January 06, 2017 02:32:25pm K:\AKA\_10101\0101.dwg - Capital 41st Avenue Adaptive System - KGA/CAD/Plan Sheets\10 0101.dwg  
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**DETAIL A:  
SIGNAL POLE CAMERA MOUNTING**  
091111Y800

- NOTES (DETAIL A ONLY)**
- CAMERA MOUNTING DETAILS PROVIDED FOR REPRESENTATIVE PURPOSES. ACTUAL MOUNTING BRACKET TO BE DEFINED BY INSYNC ADAPTIVE SYSTEM VENDOR. SEE VENDOR SYSTEM INSTALLATION GUIDE FOR DETAILED INSTALLATION REQUIREMENTS.
  - MOUNTING LOCATIONS SHALL BE AS SHOWN ON PROJECT PLANS.
  - FIELD DRILL CABLE HOLE AND USE WATER-TIGHT FITTINGS FOR CABLE ENTRANCE. PROVIDE 6" DRIP LOOP IN THE CABLE. LOCATION OF THE WIRING ENTRANCES SHALL BE A MIN. OF 2 FEET FROM ANY FLANGE AND AT LEAST 1 FOOT FROM ANY WELDED STRUCTURAL ELEMENT, ANY OTHER HOLE IN THE ARMOR POLE, OR ANY OTHER ATTACHMENT TO THE POLE OR LUMINAIRE ARM.
  - BAND CAMERA MOUNTING BRACKET TO MAST ARM OR POLE.
  - ALL CABLES SHALL BE RUN INSIDE MAST ARMS AND POLES.
  - SEE SPECIFICATIONS FOR FURTHER INFORMATION.



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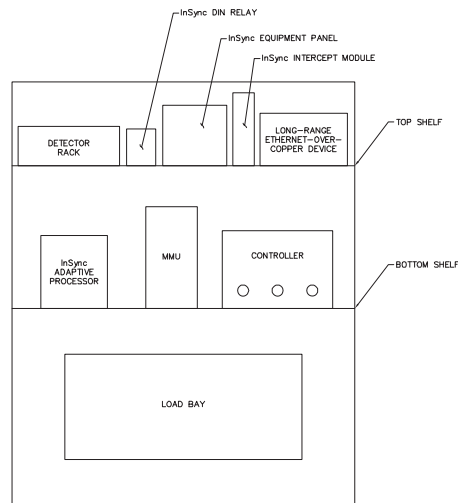
DESIGNED BY JCS	DRAWN BY SAR	CHECKED BY KAA
PLANS PREPARED UNDER SUPERVISION OF:		
KWASI AKWABI-AMEYAW REGISTERED CIVIL ENGINEER		
DATE 06/30/2017		RCE NO. 73863

41ST AVENUE  
ADAPTIVE SYSTEM  
PREPARED FOR  
CITY OF CAPITOLA

DETAIL SHEET 1

DRAWING NO DT01
SHEET 10 of 11
JOB No. 097763118

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**DETAIL B:  
TRAFFIC CONTROLLER CABINET CONTENTS ELEVATION**

ORI 11/19/00



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JCS	SAR	KAA
PLANS PREPARED UNDER SUPERVISION OF:		
KWASI AKWABI-AMEYAW REGISTERED CIVIL ENGINEER		
06/30/2017 DATE	73863 RCE NO.	

41ST AVENUE  
ADAPTIVE SYSTEM  
  
PREPARED FOR  
CITY OF CAPITOLA

DETAIL SHEET 2

DRAWING NO D102
SHEET 11 of 11
JOB No. 097763118

Packet Pg. 20

4.D

**MACKENZIE & ALBRITTON LLP**

155 SANSOME STREET, SUITE 800  
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000  
FACSIMILE 415 / 288-4010

January 12, 2017

VIA EMAIL

Mayor Stephanie Harlan  
Vice Mayor Michael Termini  
Council Members Ed Bottorff,  
Jacques Bertrand and Kristen Petersen  
City Council  
City of Capitola  
420 Capitola Avenue  
Capitola, California 95010

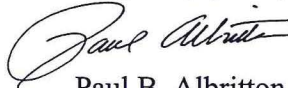
Re: Draft Zoning Code Amendments, Chapter 17.98  
Wireless Communications Facilities  
City Council Agenda Item 10.B, January 12, 2017

Dear Chairperson Welch and Commissioners:

We write to you on behalf of Verizon Wireless regarding the proposed amendments to Zoning Code Chapter 17.98 regulating wireless communications facilities (the "Proposed Ordinance") to be considered at your meeting this Thursday. Over the last several months, Verizon Wireless has worked with the Planning Commission and the City Attorney on revisions to the Proposed Ordinance to minimize conflicts with state and federal law. In particular, the Proposed Ordinance provides workable location criteria that replace the prohibitive location requirements of the City's current wireless facility regulations that led to litigation between Verizon Wireless and the City.

Thank you for the opportunity to comment on the Proposed Ordinance. Verizon Wireless has no further comments at this time. Verizon Wireless reserves the right to make further comments in the event the City Council elects to make additional revisions to the Proposed Ordinance.

Very truly yours,



Paul B. Albritton

cc: Heather Lenhardt, Esq.  
Katie Cattan

Communication: Item 10.B. Verizon Wireless Communication regarding Introduction of an Ordinance (ADDITIONAL MATERIALS)



# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF JANUARY 12, 2017**

FROM: City Manager Department

SUBJECT: Review City Council Representation on Various County/Multi-County Boards, Commissions, and Committees; and City Council Appointments, Re-Appointments, and Nominations of Members to City Internal Advisory Bodies

**RECOMMENDED ACTION:** Provide appointments.

**BACKGROUND:** At the end of each year it is customary for the City Council to review its appointments to City Boards, Commissions, and Committees (City Advisory Bodies), and appointments to various County and Multi-County Boards, Commissions and Committees (County Advisory Bodies). The review of appointments to County Advisory Bodies provides an opportunity for Council Members to step down from representing the City on certain committees, and request appointment of another Council Member representative.

The following appointments were made at the December 8, 2016, City Council meeting:

- (1) Council Member Petersen was appointed as the City's Representative to the Association of Monterey Bay Area Governments (AMBAG), and Council Member Bottorff was appointed as the City's Alternate Representative.
- (2) Bob White was appointed as the At-Large member to the Library Ad Hoc Design Advisory Committee.

**DISCUSSION:** Attached is a worksheet showing membership and applicants for City Advisory Bodies and the County Advisory Bodies [Attachment 1]. Also attached are the "2016 County/Multi-County Boards Capitola Representatives List" [Attachment 2]; and the "2016 Capitola Board, Commission & Committee Appointment List" [Attachment 3].

It is important to note that individual Council Member appointments can be made without an application from the person they wish to appoint. Current members were contacted to see if they would be interested in continuing to serve.

- I. **CITY BOARDS, COMMISSIONS AND COMMITTEES REQUIRING ACTION:** The following City Advisory Bodies requiring appointments or reappointments:
  - A. **Architectural & Site Review Committee:** The Architectural and Site Review Committee is established in the City's Zoning Regulations and the membership consists of an Architect, Landscape Architect, Historian, Building Official, Community Development Director, and Public Works Director [Capitola Municipal

City Council Appointments  
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Code 17.63.010]. Four members are appointed by the City Council. Terms for this Committee are for two years; all Committee members' terms expired the end of 2016. The following incumbents have requested to be considered for re-appointment:

1. Frank Phantom (Incumbent Architect)
2. Carolyn Swift (Incumbent Historian)
3. Daniel Townsend (Incumbent Alternate Architect)
4. Daniel Gomez (Incumbent Alternate Architect)

The City did not receive an application for the Landscape Architect position so the filing deadline has been extended until filled. [Roster Attachment 4]

- B. Art & Cultural Commission (Commission): The purpose of the Commission is to advise the City Council on how to allocate funds for the support and encouragement of existing programs. Terms for this Commission are for two years. The following positions are open for appointment/reappointment:

- One (1) Arts Professional
- Two (2) At-Large members

No applications for these positions have been received and recruitment for these positions has been extended until filled.

- C. Commission on the Environment (COE): The purpose of the COE is to provide advice and recommendations to the City Council on policy matters relating to the sustenance and benefit of the City of Capitola environmental assets, but limited to topics that are not under the jurisdictions of existing committees or commissions. The COE is comprised of five members, consisting of one City Council member and one appointee from each of the remaining four City Council members. Terms for the COE are for two years.

The following incumbents have requested to be considered for re-appointment:

1. Kailash Mozumder (Incumbent Harlan Appointee)
2. Kristin Sullivan (Incumbent Norton Appointee)
3. Peter Wilk (Incumbent Bottorff Appointee)

The following new application was received to fill the one vacancy:

Cathlin Atchison

[Roster and Application – Attachment 5]

- D. Finance Advisory Committee (FAC): The purpose of the FAC is to review the budget and financial reports of Capitola. Terms for this Committee are for one year; all Committee members' terms expired the end of 2016. The FAC is comprised of the following seven member types:

- One (1) Mayor or his appointee
- One (1) Vice Mayor or Mayor's appointee
- One (1) City Treasurer
- One (1) Business Representative (nominated by the Chamber of Commerce)

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Three (3) Council Members appointees

The following incumbents have requested to be considered for reappointment:

1. Brigitte Estey (Incumbent Bottorff Appointee)
2. Nathan Cross (Incumbent Norton Appointee)
3. Will O'Sullivan (Incumbent Harlan Appointee)

Matt Arthur has been recommended for reappointment as the Business Representative by the Capitola-Soquel Chamber of Commerce. Mr. Arthur is owner of Capitola Beach Company and lives in Capitola. [Roster and Chamber Letter of Recommendation – Attachment 6]

- E. Library Advisory Committee (Library Committee): The Library Committee is charged with advising the City Council, and the City's representatives on the County of Santa Cruz Library Advisory Commission, regarding issues related to the provision of library services and the development of library facilities in the Capitola community.

The Library Committee is comprised of seven voting members, consisting of one City Council member; one Library Commissioner appointed by the City Council to be the City's representative on the Santa Cruz Library Advisory Commission; and five appointees from each of the City Council members. The City's representative on the County of Santa Cruz Library Advisory Commission (Barbara Gorson) term does not expire until January 2019.

The following incumbents have requested to be considered for reappointment:

1. Toni Campbell (Incumbent Harlan Appointee)
2. Gayle Ortiz (Incumbent Termini Appointee)
3. Lisa Steingrube (Incumbent Norton Appointee)
4. Ariel Gray (Incumbent Bottorff Appointee)

The following new application was received to fill the one vacancy (Council Member Bertrand's appointee):

1. Stephen Walsh
- 2.

[Roster and Application – Attachment 7]

- F. Planning Commission: Pursuant to Municipal Code §2.12.020, "...each Council Member may appoint one Planning Commission member. Except as provided in this chapter, the term of any Commissioner so appointed shall terminate fourteen days after the canvassing of the next Regular Election of Council Members."

The following incumbents have requested to be considered for re-appointment:

1. Edward Newman (Incumbent Bertrand Appointee)
2. Linda Smith (Incumbent Termini Appointee)
3. Troy (TJ) Welch (Incumbent Bottorff Appointee)
4. Susan Westman (Incumbent Harlan Appointee)



City Council Appointments  
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The following new applications were received: (Council Member Petersen's appointee):

1. Sam Storey
2. Marilyn Warter

[Roster and Application- Attachment 8]

G. Traffic and Parking Commission (Commission): The purpose of the Commission is to develop short, medium, and long-term plans for City Council consideration that address traffic and parking demands in the Village by considering citywide traffic and parking improvements developed in various studies and reports provided to the City Council. Membership consists of two Village Residents, two Village Business Owners, and one appointee from each of the City Council Members, and one Planning Commission representative. It is required that Commissioners are City residents. Terms for this Commission are for two years; all Commissioners' terms expired the end of 2016. The Planning Commission will select its representative at its next regular meeting to be held Thursday, January 19, 2017; until that time, the incumbent will continue to serve.

The Commission is comprised of the following ten member types:

- Two (2) Village Residents
- Two (2) Village Business Owner
- Five (5) City Council Appointees
- One (1) Planning Commission Representative

The following incumbents have requested to be considered for re-appointment:

1. Margaret Kinstler (Village Resident)
2. James Steven Ross (Village Resident)
3. Carin Hanna (Village Business Owner)
4. Willie Case (Village Business Owner)
5. Doug Thom (Bottorff Appointee)
6. Molly Ording (Bertrand Appointee)
7. Ron Graves (Harlan Appointee)
8. Nels Westman (Termini Appointee)
9. Ron Burke (Norton Appointee)

The following two new applications were received for "Council Member Appointee"

1. Gerry Jensen (At-Large Appointee)
2. Laurie Ingram (Village Appointee)

[Roster and Applications - Attachment 9]

II. CITY BOARDS, COMMISSIONS AND COMMITTEES REQUIRING REVIEW OR ACTION FOR COUNCIL MEMBER REPRESENTATION:

- A. Capitola Public Safety and Community Service Foundation (Termini)
- B. Wharf Working Group (Termini, open)

III. COUNTY/MULTI-COUNTY BOARDS, COMMISSIONS AND COMMITTEES:

City Council Appointments  
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The following County Advisory Bodies are to be reviewed for appointments/nominations:


- A. Advisory Council of the Area Agency on Aging – Seniors Council of Santa Cruz & San Benito Counties (Harlan)
- B. Arts Council of Santa Cruz County (open)
- C. Criminal Justice Council of Santa Cruz County (Termini, Goldstein)
- D. Santa Cruz County Children’s Network (Bertrand, Termini)
- E. Santa Cruz County Flood Control & Water Conservation District, Zone 5 (Harlan, Bertrand)
- F. Santa Cruz County Integrated Waste Management Local Task Force (Laurent, Harlan)
- G. Santa Cruz County Regional Transportation Commission (open, Termini)
- H. Santa Cruz County Sanitation District (Harlan, Bertrand)

ATTACHMENTS:

- 1. 2017 City/County Appointments worksheet
- 2. 2016 County/Multi-County Boards List
- 3. 2016 Capitola Board Appointment List
- 4. Architectural & Site Review Committee Roster
- 5. Commission on the Environment roster with application
- 6. Finance Advisory Committee Roster and nomination letter
- 7. Library Advisory Committee Roster with application
- 8. Planning Commission Roster and applications
- 9. Traffic & Parking Commission Roster

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**



Jamie Goldstein, City Manager

1/6/2017

**CITY BOARDS, COMMISSIONS AND COMMITTEES**

<b>NAME OF BOARD/COMMISSIONS &amp; INCUMBENTS</b>	<b>RECOMMENDED ACTION TO APPOINT/REAPPOINT</b>
<b>ARCHITECTURAL &amp; SITE REVIEW COMMITTEE</b>	
Frank Phanton, Architect	Frank Phanton, Architect
Carolyn Swift, Historian	Carolyn Swift, Historian
Daniel Townsend, Alternate Architect	Daniel Townsend, Alternate Architect
Daniel Gomez, Altternate Architect	Daniel Gomez, Alternate Architect
Megan Bishop, Landscape Architect	VACANCY
Craig Waltz, Alternate Landscape Architect	
	<b>No application received for Landscape Architect (continued recruitment until filled)</b>
<b>ART &amp; CULTURAL COMMISSION</b>	
<b>COMMISSION ON THE ENVIRONMENT</b>	
Jacques Bertrand, City Council Representative	_____ City Council Representative
Kristin Sullivan, Norton's Appointee	Kristin Sullivan (Council Member Appointee)
Kailash Mozumder, Harlan's Appointee	Kailash Mozumder (Council Member Appointee)
Peter Wilk, Bottorff's Appointee	Peter Wilk, Council Member Appointee
Amie Forest, Termini's Appointee	_____ (Council Member Appointee)
	<b>Continued recruitment to January 3, 2017</b>
	New applicant: Cathlin Atchison (Council Member appointee)
<b>FINANCE ADVISORY COMMITTEE</b>	
APPLICANTS/Appointee - 6 positions open: (1) Mayor; (1) Vice Mayor Appointee; (3) Council Member appointments; and (1) Business Representative.	
Jacques Bertrand (Mayor's Appointee)	_____ Mayor or Mayor's Appointee
Michael Termini (Vice Mayor's Appointee)	_____ Vice Mayor or Vice Mayor's Appointee
Christine McBroom, City Treasurer	Peter Wilk, City Treasurer
Nathan Cross (Norton's Appointee)	Nathan Cross - Incumbent (Reapplied) (Council Member Appointee)
Will O'Sullivan (Harlan's Appointee)	Will O'Sullivan - Incumbent (Reapplied) (Council Member Appointee)
Brigitte Estey (Bottorff's Appointee)	Brigitte Estey - Incumbent (Re-applied) (Council Member Appointee)
Matt Arthur - Business Rep	Matt Arthur - Business Rep
	<b>Recruitment closed November 21, 2016</b>
	Confirm that the (1) Mayor and (1) Vice Mayor will serve as the Council Member Representatives; if not, appoint other Council Member Representative(s) .
	Remaining Council Members to reappoint their member, make a new appointment, or direct staff to continue to seek applications for their appointment.

Attachment: 2017 City/County Appointments worksheet (1690 : City Council Appointments)

**CITY BOARDS, COMMISSIONS AND COMMITTEES CONTINUED**

<b>NAME OF BOARD/COMMISSIONS &amp; INCUMBENTS</b>	<b>RECOMMENDED ACTION TO APPOINT/REAPPOINT</b>
<b>HISTORICAL MUSEUM BOARD</b>	No action is needed at this time.
<b>LIBRARY ADVISORY COMMITTEE</b>	Seven members: (1) City Council member; (1) Library Commissioner; (5) Each Council Member appoint a member; (1) Non-voting Ex-Officio Representative.
Michael Termini, Council Member	_____ Council Member
Toni Campbell, Harlan's Appointee	Toni Campbell (Reapplied) (Council Member Appointee)
Jamie Goldstein, Non-Voting Ex-officio Member	Jamie Goldstein, Non-voting Ex-officio Member
Barbara Gorson, County Public Libraries System Commissioner	No action is needed at this time.
Ariel Gray, Bottorff's Appointee	Ariel Gray (Reapplied) (Council Member Appointee)
Gayle Ortiz, Termini's Appointee	Gayle Ortiz (Reapplied) (Council Member Appointee)
Lisa Steingrube, Norton's Appointee	Lisa Steingrube (Reapplied) (Council Member Appointee)
David Kraemer, Bertrand's Appointee	_____ (Council Member Appointee)
	<b><i>Continued recruitment to January 3, 2017</i></b>
	<u>New Applicant:</u>
	Stephen Walsh (Council Member Appointee)
<b>AD HOC LIBRARY DESIGN ADVISORY COMMITTEE</b>	No action is needed at this time.
<b>PLANNING COMMISSION</b>	
Susan Westman, Harlan's Appointee	Susan Westman (Reapplied) (Council Member Appointee)
Edward Newman, Bertrand's Appointee	Edward Newman (Reapplied) (Council Member Appointee)
Linda Smith, Termini's Appointee	Linda Smith (Reapplied) (Council Member Appointee)
Troy (TJ) Welch, Bottorff's Appointee	Troy (TJ) Welch (Reapplied) (Council Member Appointee)
Gayle Ortiz, Norton's Appointee	_____ (Council Member Appointee)
	<b><i>Continued recruitment to January 3, 2017</i></b>
	<u>New Applicants:</u>
	Sam Storey (Council Member Appointee)
	Marilyn Warter (Council Member Appointee)
<b>PUBLIC SAFETY &amp; COMMUNITY SERVICE FOUNDATION</b>	Council Member Termini's appointment remains unless the City Council takes action to appoint another Council Member.
Council Member Termini (Representative)	

Attachment: 2017 City/County Appointments worksheet (1690 : City Council Appointments)

**CITY BOARDS, COMMISSIONS AND COMMITTEES CONTINUED**

NAME OF BOARD/COMMISSIONS & INCUMBENTS	RECOMMENDED ACTION TO APPOINT/REAPPOINT
<b>TRAFFIC AND PARKING COMMITTEE</b>	
Margaret Kinstler (Village Resident)	Margaret Kinstler (Reapplied) (Village Resident)
James Steven Ross (Village Resident)	James Steven Ross (Reapplied) (Village Resident)
Carin Hanna (Village Business Owner)	Carin Hanna (Reapplied) (Village Business Owner)
Willie Case (Village Business Owner)	Willie Case (Reapplied) (Village Business Owner)
Ron Graves (Harlan Appointee)	Ron Graves (Reapplied) (Council Member Appointee)
Molly Ording (Bertrand Appointee)	Molly Ording (Reapplied) (Council Member Appointee)
Ron Burke (Norton Appointee)	Ron Burke (Reapplied) (Council Member Appointee)
Doug Thom (Bottorff Appointee)	Doug Thom (Reapplied) (Council Member Appointee)
Nels Westman (Termini Appointee)	Nels Westman (Reapplied) (Council Member Appointee)
TJ Welch (Planning Commission Rep)	_____ Planning Commission Rep
<b>Recruitment closed November 21, 2016</b>	
<u>New Applicants:</u>	
Gerry Jensen (At-Large)	
Laurie Ingram (At-Large)	
<b>WHARF WORKING GROUP</b>	
Council Member Termini's appointment remains unless the City council takes action to appoint another Council Member.	
Council Member Norton	
Council Member Termini	

Attachment: 2017 City/County Appointments worksheet (1690 : City Council Appointments)

**COUNTY/MULTI-COUNTY BOARDS, COMMISSIONS AND COMMITTEES**

NAME OF COUNTY/MULTI-COUNTY BOARDS, COMMISSIONS AND COMMITTEES & INCUMBENTS	RECOMMENDED ACTION TO APPOINT/REAPPOINT
<b>ADVISORY COUNCIL OF THE AREA AGENCY ON AGING</b>	
Council Member Harlan (Representative)	Council Member Harlan remains City Representative unless City Council takes action to appoint another Council Member.
VACANCY (Alternate)	Recruiting for Alternate Representative ("Open until filled")
<b>ARTS COUNCIL SANTA CRUZ COUNTY</b>	City Council to appoint a Council Member.
Council Member Norton (Representative)	
<b>ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG)</b>	No action is needed at this time.
<b>COMMUNITY ACTION BOARD OF SANTA CRUZ COUNTY</b>	No action is needed at this time.
Kristen Petersen (Representative)	Council Member Petersen (term expires June 2017)
George Winslow (Alternate)	Recruiting for Alternate Representative ("Open until filled")
<b>COMMUNITY TELEVISION OF SANTA CRUZ COUNTY BOARD OF DIRECTORS</b>	No action is needed at this time.
Assistant to the City Manager Laurent	
<b>CRIMINAL JUSTICE COUNCIL OF SANTA CRUZ COUNTY</b>	Council Member Termini's appointment remains unless the City Council takes action to appoint another Council Member.
Council Member Termini (Representative)	
City Manager Goldstein (Representative)	
<b>LOCAL AGENCY FORMATION COMMISSION (LAFCO)</b>	No action is needed at this time. (Councilmember Bottorff's term as the City's Representative expires May 5, 2018)
<b>MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT</b>	No action is needed at this time. Santa Cruz Council Member Micah Posner (Representative)
<b>SANTA CRUZ COUNTY CHILDREN'S NETWORK</b>	Council Member appointments remain unless the City Council takes action to appoint other Council Members
Council Member Bertrand (Representative)	
Council Member Termini (Alternate)	
<b>SANTA CRUZ COUNTY CONFERENCE &amp; VISITORS COUNCIL</b>	No action needed - Select Committee appointed City Manager Goldstein to serve as the City's Representative for a two year term (7/1/15-6/31/17).
<b>SANTA CRUZ COUNTY FLOOD CONTROL &amp; WATER CONSERVATION DISTRICT, ZONE 5</b>	Council Member appointments remain unless the City Council takes action to appoint other Council Members.
Council Member Harlan (Representative)	
Council Member Bertrand (Alternate)	

Attachment: 2017 City/County Appointments worksheet (1690 : City Council Appointments)

COUNTY/MULTI-COUNTY BOARDS, COMMISSIONS AND COMMITTEES CONTINUED

NAME OF COUNTY/MULTI-COUNTY BOARDS, COMMISSIONS AND COMMITTEES & INCUMBENTS	RECOMMENDED ACTION TO APPOINT/REAPPOINT
<b>SANTA CRUZ COUNTY HAZARDOUS MATERIALS ADVISORY COMMISSION</b>	No action is needed at this time (Councilmember Bertrand's term as City's Representative expires April 1, 2019)
<b>SANTA CRUZ COUNTY INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE</b> Assistant to the City Manager Laurent (Representative) Council Member Harlan (Alternate)	Council Member/Staff appointments/re-appointments required (Terms expire on January 25, 2017 )
<b>SANTA CRUZ COUNTY LIBRARY ADVISORY COMMISSION (also serves on City Library Advisory Committee) BARBARA GORSON</b>	No action is needed at this time.
<b>SANTA CRUZ COUNTY LIBRARY FINANCING AUTHORITY</b> Council Member Termini (Representative) Council Member Bertrand (Alternate)	Council Member appointments remain unless the City Council takes action to appoint other Council Members.
<b>SANTA CRUZ LIBRARIES FACILITIES FINANCING AUTHORITY</b>	City Manager Goldstein is designated as the City's Representative by the JPA.
<b>SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION (SCRTC)</b> Council Member Norton (Representative) Council Member Termini (Alternate)	City Council to appoint Council Members to be the City Representative and an Alternate Representative.
<b>SANTA CRUZ COUNTY SANITATION DISTRICT</b> Council Member Harlan (Representative) Council Member Bertrand (Alternate)	Council Member appointments remain unless the City Council takes action to appoint other Council Members.
<b>SANTA CRUZ COUNTY WORKFORCE INVESTMENT BOARD</b>	Generally the City Manager serves on this Board.
<b>SANTA CRUZ METROPOLITAN TRANSIT DISTRICT</b> Council Member Bottorff (Term expires December 31, 2018)	No action needed.
<b>SANTA CRUZ REGIONAL 911 BOARD</b> City Manager Goldstein (Representative)	City Manager Goldstein designated by JPA.

## 2016 COUNTY/MULTI-COUNTY BOARDS CAPITOLA REPRESENTATIVES LIST

Name of Board – Meeting Information	Capitola Representative(s)
<p>Advisory Council of the Area Agency on Aging - Seniors Council of Santa Cruz &amp; San Benito Counties</p> <p><i>(Meets: 2<sup>nd</sup> Wednesday of each month except for August and December, from 10:00 a.m. to 12:00 Noon at 234 Santa Cruz Avenue, Aptos)</i></p>	<p><i>No Term Limits</i></p> <ul style="list-style-type: none"> <li>• Stephanie Harlan (<i>Representative</i>)</li> <li>• <b>VACANT</b> (<i>Alternate</i>)</li> </ul>
<p>Arts Council Santa Cruz County</p> <p><i>(Meeting dates are variable; meeting times are 4:00 PM to 6:00 PM)</i></p>	<p><i>No Term Limits</i></p> <ul style="list-style-type: none"> <li>• Dennis Norton</li> </ul>
<p>Association of Monterey Bay Area Governments (AMBAG) ▲</p> <p><i>(Meets: 2<sup>nd</sup> Wednesday of each month at 7:00 p.m. at various locations)</i></p>	<p><i>No Term Limits</i></p> <ul style="list-style-type: none"> <li>• Kristen Petersen(<i>Representative</i>)</li> <li>• Ed Bottorff (<i>Alternate</i>)</li> </ul>
<p>Bicycle Advisory Committee of the SCCRTC (Santa Cruz County Regional Transportation Commission)</p>	<p><i>Terms expire March 2017</i></p> <ul style="list-style-type: none"> <li>• Andy Ward (<i>Representative</i>)</li> <li>• Daniel Kostelec (<i>Alternate</i>)</li> </ul>
<p>Community Action Board of Santa Cruz County</p> <p><i>(Meets: 3<sup>rd</sup> Wednesday of each month at 6:15 p.m.)</i></p>	<p><i>Council to review appointments annually</i></p> <ul style="list-style-type: none"> <li>• Kristen Petersen (<i>Representative</i>) <i>(term expires June 2017)</i></li> <li>• George Winslow (<i>Alternate</i>) <i>Resigned Sept 2016</i></li> </ul>
<p>Community Television of Santa Cruz County Board of Directors</p> <p><i>(Meets: 10 times per year at 5:30 p.m. at Community Television Offices, 816 Pacific Avenue, Santa Cruz)</i></p>	<p><i>Term expires November 2017</i></p> <ul style="list-style-type: none"> <li>• Larry Laurent</li> </ul>
<p>Criminal Justice Council of Santa Cruz County</p> <p><i>(Meets: Quarterly, starting February 7, 2013 at 3:00 p.m. at 2701 Cabrillo College Drive, Aptos)</i></p>	<p><i>Council to review appointments annually</i></p> <ul style="list-style-type: none"> <li>• Jamie Goldstein (<i>Representative</i>)</li> <li>• Michael Termini (<i>Representative</i>)</li> </ul>
<p>LAFCO (Local Agency Formation Commission) ▲</p> <p><i>(Meets: 1<sup>st</sup> Wednesday of each month except for July, at 9:30 a.m. in the County Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz)</i></p>	<p><i>Term expires May 2018</i></p> <ul style="list-style-type: none"> <li>• Ed Bottorff ♦ (<i>Representative</i>) <i>5/1/14 the City Select Committee appointed Bottorff to serve a 4-year term beginning 5/5/14 (term expires 5/5/18)</i></li> </ul>
<p>League of California Cities</p> <p><i>(Meets: Monterey Bay Division meets on the 1st Monday of every other month at 7 p.m. at various locations. Dinner meetings)</i></p>	<p>Open to All Council Members</p>
<p>Monterey Bay Unified Air Pollution Control District (MBUAPCD)▲</p> <p><i>(Meets: 3<sup>rd</sup> Wednesday of each month at 1:30 p.m. at the District Office: 24580 Silver Cloud Ct., Monterey)</i></p>	<p><i>Two-year term expires July 2018</i></p> <ul style="list-style-type: none"> <li>• Santa Cruz Council Member Micah Posner (<i>Representative</i>)\</li> </ul>



Name of Board/Commission/Committee	Capitola Representative(s)
Santa Cruz County Children's Network <i>(Meets five times a year at noon in the County Office of Education)</i>	<i>Council to review appointments annually</i> <ul style="list-style-type: none"> <li>• Jacques Bertrand (Representative)</li> <li>• Michael Termini (Alternate)</li> </ul>
Santa Cruz County Conference & Visitors Council <i>(Meets: Last Wednesday at 3:00 p.m. every other month except for November when meeting is TBD, at Goodwill Industries, 350 Encinal Street, Santa Cruz)</i>	<ul style="list-style-type: none"> <li>• Jamie Goldstein (Representative)</li> </ul> <i>Select Committee approved the appointment of Jamie Goldstein to serve as the city rep for a two-year term (7/1/15-6/31/17).</i>
Santa Cruz County Flood Control & Water Conservation District, Zone 5 ▲ <i>(Meets: Quarterly on the 4<sup>th</sup> Tuesday at 10 a.m. in the County Board of Supervisors Chambers, 701 Ocean Street)</i>	<i>Council to review appointments annually</i> <ul style="list-style-type: none"> <li>• Stephanie Harlan (Representative) ♦</li> <li>• Jacques Bertrand (Alternate) ♦</li> </ul>
Santa Cruz County Hazardous Materials Advisory Commission <i>(Meets: 4th Wednesday of every other month at 9 a.m. at Central Fire District Headquarters, 930 17<sup>th</sup> Avenue)</i>	<i>Four-year term expires in April 2019</i> <ul style="list-style-type: none"> <li>• Jacques Bertrand (Representative)</li> </ul> <i>(Term expires 4/1/2019)</i>
Santa Cruz County Library Financing Authority <i>(Meets twice yearly in January and June Main Library)</i>	<i>Council to review appointments annually</i> <ul style="list-style-type: none"> <li>• Michael Termini ♦ (Representative)</li> <li>• Jacques Bertrand (Alternate)</li> </ul>
Santa Cruz Libraries Facilities Financing Authority ▲ [LFFA]	<i>City Manager is appointed</i> <ul style="list-style-type: none"> <li>• Jamie Goldstein (Representative)</li> </ul> <i>Form 700 filed thru eFiling with the County Libraries</i>
Library Advisory Commission (County of Santa Cruz)	<i>Three-year term expires December 2018</i> <ul style="list-style-type: none"> <li>• Barbara Gorson</li> </ul> <i>(Appointed by City Council 1/14/16 for a three year term)</i>
(Santa Cruz City/County) Libraries Joint Powers Authority Board ▲ [LJPA] <i>(Meets: 1st Monday of each month at 7:30 p.m. at the Main Library Community Room)</i>	<i>City Manager is appointed</i> <ul style="list-style-type: none"> <li>• Jamie Goldstein (Representative)</li> </ul>
Santa Cruz County Integrated Waste Management Local Task Force <i>(Meets: 4 x/year)</i> The term of expiration for both is January 25, 2017	<i>Council to review appointments annually</i> <ul style="list-style-type: none"> <li>• Larry Laurent (Representative)</li> <li>• Stephanie Harlan (Alternate)</li> </ul>
Santa Cruz County Regional Transportation Commission (SCCRTC) ▲ ■ <i>(Meets: 1st Thursday of each month except for July, at 9 a.m. at various locations)</i>	<i>Council to review appointments annually</i> <ul style="list-style-type: none"> <li>• Dennis Norton (Representative) ♦</li> <li>• Michael Termini (Alternate) ♦</li> </ul> <i>(Ed Bottorff Metro Rep on the SCCRTC)</i>

Name of Board/Commission/Committee	Capitola Representative(s)
Santa Cruz County Sanitation District ▲ <i>(Meets: 1st &amp; 3rd Thursday of each month at 4:45 p.m. at the East Cliff Pumping Station on Lode St., Santa Cruz)</i> County Clerk receives original Form 700	<i>Council to review appointments annually</i> <ul style="list-style-type: none"> <li>• Stephanie Harlan (Representative) ♦</li> <li>• Jacques Bertrand (Alternate) ♦</li> </ul>
Santa Cruz County Workforce Investment Board	The City Manager generally serves on this Board.
Santa Cruz Metropolitan Transit District Board ▲ ■ <i>(Meets: 3rd Friday of each month at 8:15 a.m. at Santa Cruz City Hall Council Chambers, 809 Center Street and other locations)</i>	<i>Two-year term expired December 2016</i> <ul style="list-style-type: none"> <li>• Ed Bottorff (Representative) <i>(Council appointed to 4-year term 1/1/15 - 12/31/18)</i></li> </ul>
Santa Cruz Regional 911 Board ▲	<ul style="list-style-type: none"> <li>• Jamie Goldstein (Representative)</li> </ul>

- ▲ = Members are required to File Statements of Economic Interest, Form 700  
 ■ = Members are required to complete AB 1234 Ethics Training  
 ♦ = Council Member appointment required

## 2016 CAPITOLA BOARD, COMMISSION & COMMITTEE APPOINTMENT LIST

Name of Board/Commission/ Committee – Meeting Information	Members	Appointee By and/or Representation
<p><b>Architectural and Site Review Committee</b> ▲ ■</p> <p>Staff: Katie Cattan, Senior Planner Steve Jesberg, Public Works Dir Brian Van Son , Building Official</p> <p><u>Meets:</u> 2<sup>nd</sup> &amp; 4<sup>th</sup> Wednesday of each month at 3:30 p.m. in the City Hall Council Chambers</p> <p>Mayoral Appointment</p>	<ul style="list-style-type: none"> <li>• Frank Phanton</li> <li>• Megan Bishop</li> <li>• Craig Waltz</li> <li>• Carolyn Swift</li> <li>• Daniel Townsend</li> <li>• Daniel Gomez</li> </ul>	<ul style="list-style-type: none"> <li>• Architect</li> <li>• Landscape Architect</li> <li>• Alternate Landscape Architect</li> <li>• Historian</li> <li>• Architect (<i>Alternate</i>)</li> <li>• Architect (<i>Alternate</i>)</li> </ul>
<p><b>Art &amp; Cultural Commission ▲</b></p> <p>Staff: Larry Laurent Assistant to the City Manager</p> <p><u>Meets:</u> 2<sup>nd</sup> Tuesday of each month at 6:30 p.m. in the City Hall Council Chambers</p> <p>Council Appointment</p>	<ul style="list-style-type: none"> <li>• Michael Termini</li> <li>• Linda Smith</li> <li>• Kim Hogan</li> <li>• Joyce Murphy</li> <li>• Nathan Cross</li> <li>• Mary Cahalen</li> <li>• Laurie Hill</li> <li>• <b>VACANCY</b></li> <li>• Jenny Shelton</li> </ul>	<ul style="list-style-type: none"> <li>• Council Representative</li> <li>• Planning Commission Rep</li> <li>• Artist</li> <li>• Arts Professional</li> <li>• At Large Member</li> <li>• At Large Member</li> <li>• At Large Member</li> <li>• At Large Member</li> <li>• At Large Member</li> </ul>
<p><b>Commission on the Environment</b></p> <p>Staff: Danielle Uharriet, Environmental Projects Manager</p> <p><u>Meets:</u> A minimum of 4 times a year as needed on the 4<sup>th</sup> Wednesday of a month at 6 p.m. in the City Hall Community Room</p> <p>Council Appointment</p>	<ul style="list-style-type: none"> <li>• Jacques Bertrand</li> <li>• Kristine Sullivan</li> <li>• Amie Forest</li> <li>• Kailash Mozumder</li> <li>• Peter Wilk</li> <li>• <b>VACANCY</b></li> </ul>	<ul style="list-style-type: none"> <li>• Council Representative</li> <li>• Norton Appointee</li> <li>• Termini Appointee</li> <li>• Harlan Appointee</li> <li>• Bottorff Appointee</li> <li>• Ex-Officio Student</li> </ul>
<p><b>Finance Advisory Committee</b></p> <p>Staff: Mark Welch, Finance Director</p> <p><u>Meets:</u> 3<sup>rd</sup> Tuesday of every other month at 6:00 p.m. in the City Hall Council Chambers</p> <p>Council Appointment</p>	<ul style="list-style-type: none"> <li>• Michael Termini</li> <li>• Jacques Bertrand</li> <li>• Christine McBroom</li> <li>• Nathan Cross</li> <li>• Matt Arthur</li> <li>• Will O’Sullivan</li> <li>• Brigitte Estey</li> </ul>	<ul style="list-style-type: none"> <li>• Mayor Appointee</li> <li>• Vice Mayor</li> <li>• City Treasurer</li> <li>• Norton Appointee</li> <li>• Business Representative</li> <li>• Harlan Appointee</li> <li>• Bottorff’s Appointee</li> </ul>

## 2016 CAPITOLA BOARD, COMMISSION &amp; COMMITTEE APPOINTMENT LIST

Name of Board/Commission/ Committee – Meeting Information	Members	Appointee By and/or Representation
<p><b>Historical Museum Board</b> Staff: Frank Perry, Museum Curator</p> <p><i>Meets: 1<sup>st</sup> Tuesday of each month at 5:30 p.m. in the Museum</i></p> <p><i>Council Appointment</i></p>	<ul style="list-style-type: none"> <li>• Kathleen Church</li> <li>• Pam Greeninger</li> <li>• Kristen Petersen</li> <li>• David Peyton Niels Kisling</li> <li>• Gordon van Zuiden</li> <li>• Stephanie Tetter</li> </ul>	<p>All appointments to the Historical Museum Board are At-Large.</p>
<p><b>Library Advisory Committee</b> Staff: Michele Deiter, Records Coordinator</p> <p><i>Meets: 2<sup>nd</sup> Tuesday of every other month at 3:30 p.m. in the City Hall Community Room</i></p> <p><i>Council Appointment</i></p>	<ul style="list-style-type: none"> <li>• Toni Campbell</li> <li>• Ariel Gray</li> <li>• VACANCY</li> <li>• Gayle Ortiz</li> <li>• Lisa Steingrube</li> <li>• Michael Termini</li> <li>• Jamie Goldstein</li> </ul>	<ul style="list-style-type: none"> <li>• Harlan Appointee</li> <li>• Botorff Appointee</li> <li>• Bertrand Appointee</li> <li>• Termini Appointee</li> <li>• Norton Appointee</li> <li>• City Council Representative</li> <li>• City Manager, Nonvoting ex-officio member</li> </ul>
<p><b>Planning Commission ▲ ■</b> Staff: Katie Cattan, Senior Planner</p> <p><i>Meets: 1<sup>st</sup> Thursday of each month at 7:00 p.m. in the City Hall Council Chambers</i></p> <p><i>Council Appointment</i></p>	<ul style="list-style-type: none"> <li>• Susan Westman</li> <li>• Gayle Ortiz</li> <li>• Edward Newman</li> <li>• Linda Smith</li> <li>• Troy "TJ" Welch</li> </ul>	<ul style="list-style-type: none"> <li>• Harlan Appointee</li> <li>• Norton Appointee</li> <li>• Bertrand Appointee</li> <li>• Termini Appointee</li> <li>• Botorff Appointee</li> </ul>
<p><b>Public Safety &amp; Community Service</b></p>	<ul style="list-style-type: none"> <li>• Mike Termini</li> </ul>	<p>Mayor's appointment (concurred upon by City Council)</p>
<p><b>Traffic &amp; Parking Commission</b> Staff: Steve Jesberg, Public Works Director</p> <p><i>Meets: 2<sup>nd</sup> Wednesday of every other month at 6:30 p.m. in the City Hall Community Room</i></p> <p><i>Council Appointment</i></p>	<ul style="list-style-type: none"> <li>• Margaret Kinstler</li> <li>• James Steve Ross</li> <li>• Carin Hanna</li> <li>• Willie Case</li> <li>• Ron Burke</li> <li>• Ron Graves</li> <li>• Doug Thom</li> <li>• Molly Ording</li> <li>• Nels Westman</li> <li>• TJ Welch</li> </ul>	<ul style="list-style-type: none"> <li>• Village Resident</li> <li>• Village Resident</li> <li>• Village Business Owner</li> <li>• Village Business Owner</li> <li>• Norton Appointee</li> <li>• Harlan Appointee</li> <li>• Botorff Appointee</li> <li>• Bertrand Appointee</li> <li>• Termini Appointee</li> <li>• Planning Commission Representative</li> </ul>
Name of Board/Commission/ Committee	Members	Appointee By and/or

## 2016 CAPITOLA BOARD, COMMISSION &amp; COMMITTEE APPOINTMENT LIST

– Meeting Information		Representation
<p><b>Wharf Working Group</b>  Staff: Steve Jesberg, Public Works Director</p> <p><i>Meets: As needed on the 4<sup>th</sup> Tuesday of a month at 12 p.m. in the Wharf House Restaurant</i></p>	<ul style="list-style-type: none"> <li>• Dennis Norton</li> <li>• Michael Termini</li> <li>• Jamie Goldstein</li> <li>• John and Sally Ealy</li> <li>• Willie Case</li> </ul>	<ul style="list-style-type: none"> <li>• Council Representative</li> <li>• Council Representative</li> <li>• City Manager</li> <li>• Capitola Boat &amp; Bait</li> <li>• Wharf House Restaurant</li> </ul>

▲ = Members are required to File Statements of Economic Interest, Form 700

■ = Members are required to complete AB 1234 Ethics Training



**City of Capitola**  
 420 Capitola Avenue  
 Capitola, CA 95010  
 Phone (831) 475-7300  
 FAX (831) 479-8879

**CAPITOLA ARCHITECTURAL & SITE REVIEW COMMITTEE  
 CURRENT MEMBERS (2 YEAR TERMS)**

NAME	POSITION	DATE APPOINTED	TERM EXPIRES
Frank Phanton	Architect	2/27/03 12/9/04 12/14/06 12/11/08	Resigned 2/9/2012 12/31/2014 12/31/16
	Alternate Architect	6/14/12 1/10/13	
	Architect	1/8/15	
Carolyn Swift	Historian	12/11/08	12/31/2014 12/31/16
		12/09/10	
		1/10/13	
		1/8/15	
Megan Bishop	Landscape Architect	5/12/16	12/31/16
Craig Waltz	Alternate Landscape Architect	5/12/16	12/31/16
Daniel Townsend AND Daniel Gomez	Alternate Architects	1/8/15	12/31/16

**Staff Representatives:**

Brian Van Son, Building Official  
 831-475-7300 Ext 221  
[mwheeler@ci.capitola.ca.us](mailto:mwheeler@ci.capitola.ca.us)

Rich Grunow, Community Development Director  
 831-475-7300 Ext 226  
[rgrunow@ci.capitola.ca.us](mailto:rgrunow@ci.capitola.ca.us)

Katie Cattan, Senior Planner  
 831-475-7300 Ext 256  
[kcattan@ci.capitola.ca.us](mailto:kcattan@ci.capitola.ca.us)

Public Works Director Designee:  
 Danielle Uharriet, Environmental Projects Manager  
 831-475-7300 Ext 218  
[duharriet@ci.capitola.ca.us](mailto:duharriet@ci.capitola.ca.us)



**City of Capitola**  
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 Capitola, CA 95010  
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## COMMISSION ON THE ENVIRONMENT CURRENT MEMBERS (TWO YEAR TERMS)

NAME	APPOINTEE	DATE APPOINTED	TERM EXPIRES
Jacques Bertrand	Council Rep	1/8/15	12/31/16
Kristin Sullivan Chair	Norton's Appointee	2/10/05 (At Large) 1/18/07 (Chair 2006) 12/11/08 (Graves appoint) 12/9/10 1/10/13 1/22/15	12/31/16
Peter Wilk Vice Chair	Bottorff's Appointee	1/8/15	12/31/16
Kailash Mozumder	Harlan Appointee	5/14/15	12/31/16
Amie Forest	Termini Appointee	12/12/13 1/8/15	12/31/14 12/31/16
Peters, Steven	Ex-Officio	1/8/15	12/31/16
Ricker, John	Ex-Officio	1/8/15	12/31/16

**Staff Representatives:**

Danielle Uharriet, Environmental Projects Manager  
 831-475-7300 Ext 218  
[duharriet@ci.capitola.ca.us](mailto:duharriet@ci.capitola.ca.us)

Attachment: Commission on the Environment roster with application (1690 : City Council Appointments)

**HISTORY OF THE COMMISSION ON THE ENVIRONMENT:**

- January 13, 2005      The Capitola Commission on the Environment was established by Resolution No. 3424*
- February 8, 2007      Resolution No. 3610 Amended Section 3 of Resolution No. 3424 regarding Membership on the Commission.(to allow another Council Member to serve on behalf of the Mayor; add a Youth Member; add Ex-Officio Members)*
- April 24, 2008        Resolution No. 3696 Amended Section 3 of Resolution No. 3610 regarding Membership on the Commission.(removed "Appointee of the Mayor" and added two (2) At Large Members)*
- October 8, 2009        Resolution No. 3779 Amended Section 3 of Resolution No. 3696 regarding Youth Member on the Commission (does not require Capitola residence)*
- October 24, 2013      Resolution No.3967 Repealing Resolution No. 3424 and re-establishing the Commission.*

*The Mayor's seat is up each time the mayor changes. Terms for other council appointments are for 2 years and expire following a general municipal election of council members.*





DEC 20 2016  
CITY OF CAPITOLA  
CITY CLERK

# CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission  
*[Artist; Arts Professional; At Large Member]*  
*Please underline category above.*
- Architecture & Site Committee  
*[Architect; Landscape Architect; Historian]*  
*Please underline category above.*
- Finance Advisory Committee  
*[Business Representative; At Large Member]*  
*Please underline category above.*
- Traffic & Parking Commission  
 *[Central Village Resident; Village Business Owner; City Council Appointee]*  
*Please underline category above.*
- Historical Museum Board
- Planning Commission
- Other Committee Commission on the Environment
- Library Advisory Committee

Name: Atchison Cathlin  
Last First

Residential Neighborhood: Depot Hill

Occupation: yoga instructor - retired from City of Santa Cruz

Describe your qualifications and interest in serving on this Board/Commission/Committee:

I have worked towards sustainability in my personal and work life. I have a law degree, work for city attorney my years ago in area of land use. I wrote the City of Santa Cruz's first local Hazard Mitigation Plan (2008) (LHMP) and first Climate ~~Adaptation~~ Adaptation Plan (2012). I ran Green Business Program and served on a number of Regional (Use additional paper, if necessary) Environmental Committees

**Please Note:** Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

December 21, 2016  
Date

[Signature]  
Signature of Applicant

Mail or Deliver Application to:  
Capitola City Hall  
Attn: City Clerk  
420 Capitola Avenue, Capitola, CA 95010

All information contained in this page of the application is public data and will be made available for public review and copying for anyone requesting it, and may be posted on the website of the City of Capitola. All information in this page will be provided to the Capitola City Council in a public forum and will be reviewed in public. It will therefore be part of the public record.

Attachment: Commission on the Environment roster with application (1690 : City Council Appointments)



**City of Capitola**  
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 Capitola, CA 95010  
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 FAX (831) 479-8879

**Finance Advisory Committee  
 Current Members (ONE YEAR TERM)**

<b>NAME</b>	<b>APPOINTEE</b>	<b>DATE APPOINTED</b>	<b>TERM EXPIRES</b>
Michael Termini	Vice Mayor Harlan's appointment	12/9/04; 1/18/07; 12/9/10; 12/8/11; 1/10/13; 1/9/14; 1/8/15; 1/14/16	12/31/16
Jacques Bertrand	Mayor Bottorff's appointment	1/8/15; 1/14/16	12/31/16
Christine McBroom, Treasurer *	City Treasurer	7/23/09; 12/9/10; 1/10/13; 9/12/13; 1/8/15; 1/14/16	(Bus Rep) (Bus Rep) (Bus Rep) 12/31/16
Nathan Cross	Council Member Norton's appointee	12/8/11; 1/10/13; 12/12/13; 1/22/15; 1/14/16	12/31/16

Will O'Sullivan	Council Member Harlan's appointee	11/22/11; 1/10/13; 12/12/13; 1/8/15;1/14/16	12/31/16
Brigitte Estey	Council Member Bottorff's appointee	9/10/15; 1/14/16	12/31/16
Matt Arthur	Business Representative	1/14/16	12/31/16

\*Christine McBroom has been on the FAC since July 2009. She was the Business Representative until she was appointed as Acting City Treasurer on 9/12/13. She was the FAC Vice Chair at the 11/29/11 FAC meeting (must have been shortly after Bob Begun passed), and Chair starting 12/20/11. Ms. McBroom has been the FAC Chair from 2012 to current.

**Staff Representative:**

Mark Welch, Finance Director  
831-475-7300 ext. 2224  
mwelch@ci.capitola.ca.us

Revised: 11/17/16 ss



716-G Capitola Avenue  
Capitola, CA 95010  
Phone: (831) 475-6522  
Fax: (831) 475-6530

**November 21, 2016**

**City of Capitola  
Su Snedden  
420 Capitola Avenue  
Capitola, Ca. 95010**

**Hello Su:**

**The Capitola-Soquel Chamber of Commerce is recommending that Matt Arthur serve on the City Finance Committee for 2017.**

**The Chamber thanks the City for allowing one seat on this committee.**

**Please call me if you have any questions.**

**Thank you!**



**Toni Castro  
Chief Executive Officer**



**City of Capitola**  
 420 Capitola Avenue  
 Capitola, CA 95010  
 Phone (831) 475-7300  
 FAX (831) 479-8879

## Library Advisory Committee Current Members (one year term)

NAME	APPOINTEE	DATE APPOINTED	TERM EXPIRES
Toni Campbell	Council Member Harlan's appointee	1/14/16	12/31/16
Jamie Goldstein City Manager	Nonvoting ex-officio member	1/14/16	12/31/16
Barbara Gorson, Chair	County Public Libraries System Commissioner	1/14/16	12/31/16
Ariel Gray	Mayor Bottorff's appointee	1/28/16	12/31/16
David Kraemer	Council Member Bertrand's appointee	1/14/16	12/31/16
Gayle Ortiz, Vice Chair	Council Member Termini's appointee	1/14/16	12/31/16
Lisa Steingrube	Council Member Norton's appointee	1/14/16	12/31/16
Michael Termini Council Member	City Council Representative	1/14/16	12/31/16

**Staff Representatives:**

Susan Sneddon, City Clerk  
 831-475-7300 Ext 228  
[ssneddon@ci.capitola.ca.us](mailto:ssneddon@ci.capitola.ca.us)

Revised: 2/16/16 ss



# CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission  
[Artist; Arts Professional; At Large Member]  
*Please underline category above.*
- Architecture & Site Committee  
[Architect; Landscape Architect; Historian]  
*Please underline category above.*
- Finance Advisory Committee  
[Business Representative; At Large Member]  
*Please underline category above.*
- Traffic & Parking Commission  
[Village Resident; Village Business Owner; At Large Member]  
*Please underline category above.*
- Historical Museum Board
- Planning Commission
- Library Advisory Committee
- Other Committee \_\_\_\_\_

Name: WALSH, Stephen P.  
Last First

Residential Neighborhood: Riverview Terrace

Occupation: Retired

Describe your qualifications and interest in serving on this Board/Commission/Committee: \_\_\_\_\_

\_\_\_\_\_  
SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use additional paper, if necessary)

**Please Note:** Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

11/16/16  
Date

Stephen P. Walsh  
Signature of Applicant

Mail or Deliver Application to:  
Capitola City Hall  
Attn: City Clerk  
420 Capitola Avenue, Capitola, CA 95010

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Attachment: Library Advisory Committee Roster with application (1690 : City Council Appointments)

Qualifications:

Education:

San Jose State University

B.S. Industrial Management – minor in chemistry and biological science.

MBA.

Professional Career:

Executive management positions – Memorex, Altos Computer Systems, ITT, Photonics.

Business owner – accounting and bookkeeping service for small business clients.

Now Retired.

Other:

Member – Board of Directors – Goodwill Industries of Santa Clara County

Participant – Friends of Capitola Library Chapter

My interest in serving on the Capitola Library Advisory Committee has been prompted by recent developments to replace the existing City of Capitola Library structure. I have attended various community meetings and tours of facilities with the objective of contributing in a positive way to the planning effort which I believe will result in a flexible, attractive, comfortable library facility which meets multiple and varied community needs.



**CITY OF CAPITOLA**  
 420 Capitola Avenue  
 Capitola, Ca 95010  
 (831) 475-7300  
 FAX (831) 479-8879

## Capitola Planning Commission Current Members (2 YEAR TERMS)

Name	Appointee	Date Appointed	Term Expires
Susan Westman	Harlan	4/23/15	12/31/16
Gayle Ortiz	Norton	12/10/98 12/11/08 12/9/10 12/13/12 1/22/15	12/31/16
Edward Newman	Bertrand	1/8/15	12/31/16
Linda Smith	Termini	12/9/10 12/13/12 1/8/15	12/31/16
Troy (TJ) Welch (Chair)	Bottoff	12/13/12 1/8/15	12/31/16

### Staff Representatives

**Community Development Director** Rich Grunow

[rgrunow@ci.capitola.ca.us](mailto:rgrunow@ci.capitola.ca.us)

831-475-7300 ext. 216

**Senior Planner** Katie Cattan

[kcattan@ci.capitola.ca.us](mailto:kcattan@ci.capitola.ca.us)

831-475-7300 ext. 256

Revised: 4/15 ss







NOV 30 2016  
CITY OF CAPITOLA  
CITY CLERK

# CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission  
*[Artist; Arts Professional; At Large Member]*  
*Please underline category above.*
- Architecture & Site Committee  
*[Architect; Landscape Architect; Historian]*  
*Please underline category above.*
- Finance Advisory Committee  
*[Business Representative; At Large Member]*  
*Please underline category above.*
- Traffic & Parking Commission  
*[Village Resident; Village Business Owner; At Large Member]*  
*Please underline category above.*
- Historical Museum Board
- Planning Commission
- Library Advisory Committee
- Other Committee \_\_\_\_\_

Name: Warter Marilyn  
*Last First*

Residential Neighborhood: Cliffwood Heights

Occupation: Real Estate Appraiser and Real Estate Broker

Describe your qualifications and interest in serving on this Board/Commission/Committee: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_

(Use additional paper, if necessary)

**Please Note:** Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

11/29/2016  
Date

Marilyn Warter  
Signature of Applicant

Mail or Deliver Application to:  
Capitola City Hall  
Attn: City Clerk  
420 Capitola Avenue, Capitola, CA 95010

All information contained in this page of the application is public data and will be made available for public review and copying for anyone requesting it, and may be posted on the website of the City of Capitola. All information in this page will be provided to the Capitola City Council in a public forum and will be reviewed in public. It will therefore be part of the public record.

Attachment: Planning Commission Roster and applications (1690 : City Council Appointments)

## ATTACHMENT TO PLANNING COMMISSION APPLICATION

Qualifications

I have been a Real Estate Broker in California for more than 30 years. I don't actively practice real estate as a profession but I occasionally represent family and close friends with real estate transactions. My primary profession is real estate appraisal which I have practiced for more than 30 years. I hold a California Certified General Real Estate Appraiser license through the California Bureau of Real Estate. I appraise residential properties in Santa Cruz County and small commercial properties and apartments throughout the South and East Bay areas.

Through my professional experience and education I have an understanding of the principal of highest and best use as well as general knowledge of planning and zoning with respect to the properties that I appraise. As a result of viewing apartment properties in many communities in San Mateo, Santa Clara, and Alameda counties, I notice the redevelopment in neighborhoods and the effect that these developments have on property values, market rents, and tenant appeal.

Interest

I have lived in Capitola for more than 30 years and I LOVE THIS TOWN! I believe that my longevity in the community as well as my knowledge of real estate throughout the region could be beneficial to the City if I am appointed to the Planning Commission.



Marilyn Warter, SRA  
Certified General Real Estate Appraiser  
BREA#AG004738

California Real Estate Broker  
License #00828944



**City of Capitola**  
 420 Capitola Avenue  
 Capitola, CA 95010  
 Phone (831) 475-7300  
 FAX (831) 479-8879

**CAPITOLA TRAFFIC & PARKING COMMISSION  
 CURRENT MEMBERS (2 YEAR TERMS)**

NAME	APPOINTEE	DATE APPOINTED	TERM EXPIRES
Margaret Kinstler	Village Resident	5/14/09 12/9/10 1/10/13 1/8/15	12/31/16
James Steven Ross	Village Resident	2/14/13 1/8/15	12/31/16
Carin Hanna	Village Business Owner	5/14/09 12/9/10 1/10/13 1/8/15	12/31/16
Willie Case	Village Business Owner	10/22/15	12/31/16
Ron Graves	Harlan Appointee	5/14/15	12/31/16

TRAFFIC & PARKING COMMISSION – CURRENT MEMBERS

Molly Ording	Bertrand Appointee	5/14/09 12/09/10 1/10/13 1/8/15	12/31/16
Ron Burke	Norton Appointee	1/8/15	12/31/16
Doug Thom	Bottorff Appointee	8/25/16	12/31/16
Nels Westman	Termini Appointee	5/14/09 12/9/10 1/10/13 1/8/15	12/31/16
TJ Welch	Planning Commission Representative	5/7/15	12/31/16

**Staff Representative:**

Steve Jesberg, Public Works Director  
 831-475-7300 ext. 217  
 sjesberg@ci.capitola.ca.us

Revised: 08/26/16 ss



NOV 21 2016  
CITY OF CAPITOLA  
CITY CLERK

# CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission  
*[Artist; Arts Professional; At Large Member]*  
*Please underline category above.*
- Architecture & Site Committee  
*[Architect; Landscape Architect; Historian]*  
*Please underline category above.*
- Finance Advisory Committee  
*[Business Representative; At Large Member]*  
*Please underline category above.*
- Traffic & Parking Commission  
*[<sup>Upper</sup>Village Resident; Village Business Owner; At Large Member]*  
*Please underline category above.*
- Historical Museum Board
- Planning Commission
- Library Advisory Committee
- Other Committee \_\_\_\_\_

Name: Ingram Laurie  
Last First

Residential Neighborhood: Upper Village

Occupation: non-practicing attorney, homemaker

Describe your qualifications and interest in serving on this Board/Commission/Committee: \_\_\_\_\_

Please see attached statement

(Use additional paper, if necessary)

**Please Note:** Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

11/21/16  
Date

Laurie Ingram  
Signature of Applicant

Mail or Deliver Application to:  
Capitola City Hall  
Attn: City Clerk  
420 Capitola Avenue, Capitola, CA 95010

All information contained in this page of the application is public data and will be made available for public review and copying for anyone requesting it, and may be posted on the website of the City of Capitola. All information in this page will be provided to the Capitola City Council in a public forum and will be reviewed in public. It will therefore be part of the public record.

Attachment: Traffic & Parking Commission Roster (1690 : City Council Appointments)

I am interested in serving on the Traffic and Parking Commission because I view this as an important aspect in our daily lives as residents of Capitola. As a vacation destination we welcome many visitors to our community, all of whom help support our local businesses, and I recognize the importance of providing parking for these visitors while not impacting the lives of our local residents. I also appreciate that traffic flow is key to supporting both our locals and keeping our visitors and that properly balancing the needs of both groups will benefit Capitola as a community. I believe my common sense approach and problem solving abilities will allow me to provide benefit as a Traffic & Parking Commission member.

*Laurie Ingram*  
11/21/16



NOV 21 2016

CITY OF CAPITOLA  
CITY CLERK

# CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

- Art & Cultural Commission  
[Artist; Arts Professional; At Large Member]  
*Please underline category above.*
- Architecture & Site Committee  
[Architect; Landscape Architect; Historian]  
*Please underline category above.*
- Finance Advisory Committee  
[Business Representative; At Large Member]  
*Please underline category above.*
- Traffic & Parking Commission *City Council Appointee*  
[Village Resident; Village Business Owner; At Large Member]  
*Please underline category above.*
- Historical Museum Board
- Planning Commission
- Library Advisory Committee
- Other Committee \_\_\_\_\_

Name: Jensen Gerry  
Last First

Residential Neighborhood: Upper Village

Occupation: Developer and general contractor

Describe your qualifications and interest in serving on this Board/Commission/Committee: \_\_\_\_\_

See attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use additional paper, if necessary)

**Please Note:** Appointment to this position may require you to file a conflict of interest disclosure statement with the City Clerk. This information is a public record and these statements are available to the public on request.

11/21/16  
Date

[Signature]  
Signature of Applicant

Mail or Deliver Application to:  
Capitola City Hall  
Attn: City Clerk  
420 Capitola Avenue, Capitola, CA 95010

All information contained in this page of the application is public data and will be made available for public review and copying for anyone requesting it, and may be posted on the website of the City of Capitola. All information in this page will be provided to the Capitola City Council in a public forum and will be reviewed in public. It will therefore be part of the public record.

Attachment: Traffic & Parking Commission Roster (1690 : City Council Appointments)



Describe your qualifications and interest in serving on this Board/Commission/Committee:

I have lived in Capitola for the past three years and I'm interested in being a part of trying to solve the traffic and parking concerns of the community. As a developer and general contractor I have worked closely with many state and city agencies. Before becoming a developer, I ran the transportation and operations department of two school districts and handled many traffic and parking concerns with the local neighborhoods. I feel my experience could be of great help to this committee.



## CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 12, 2017

FROM: City Manager Department

SUBJECT: Consider the December 8, 2016, Regular City Council Minutes

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RECOMMENDED ACTION: Approve Minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the subject meeting.

ATTACHMENTS:

1. Draft Minutes of the Regular City Council Meeting of 12/08/16

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**

A handwritten signature in blue ink, appearing to be "JG", is written over a horizontal line.

Jamie Goldstein, City Manager

1/5/2017

**DRAFT**  
**CAPITOLA CITY COUNCIL**  
**REGULAR MEETING ACTION MINUTES**  
**THURSDAY, DECEMBER 8, 2016 - 6:00 PM**

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Mayor Ed Bottorff: Present, Council Member Jacques Bertrand: Present, Vice Mayor Stephanie Harlan: Present, Councilmember Dennis Norton: Present, Council Member Michael Termini: Present.

**2. PRESENTATIONS**

A. Introduction of New City Receptionist Jackie Aluffi

Ms. Aluffi was introduced.

B. Oath of Office Ceremony for Newly Appointed City Clerk Linda Fridy [600-25]

City Clerk Sneddon provided Ms. Fridy her oath of office.

C. Proclamation Honoring City Treasurer Christine McBroom [120-40]

Ms. McBroom receive the proclamation.

**3. ADDITIONAL MATERIALS**

City Clerk Fridy stated that one additional material for **Item 8.A** Confirming and Approving the Canvass of Returns and Result of the General Municipal Election was received and distributed.

**4. ADDITIONS AND DELETIONS TO AGENDA (None provided)**

**5. PUBLIC COMMENTS**

Marylin Garrett, local resident, spoke against wireless radiation.

**6. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

Council Member Harlan spoke about environmental concerns with sanitation blockage especially kitchen grease and solids.

Council Member Norton provided an update on the Polar Express Train.

City Clerk Fridy announced various openings on City boards/commissions/committees.

**7. CONSENT CALENDAR**

A. Consider the November 22, 2016, Regular City Council Minutes

RECOMMENDED ACTION: Approve Minutes.

B. Approval of City Check Register Reports Dated November 4, November 10, November 18, and November 23, 2016 [300-10]

RECOMMENDED ACTION: Approve Check Registers.

C. Adoption of **Resolution No. 4066** Authorizing an Increase in the Residential and Commercial Garbage Collection [930-45]

RECOMMENDED ACTION: Adopt the proposed Resolution approving the Rate Schedule for Residential and Commercial Garbage Collection and Recycling in Capitola effective January 1, 2017, superseding Resolution No. 4039, as authorized

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES – December 8, 2016

in the Franchise Agreement dated April 24, 2008, and amended on December 13, 2012.

D. Receive the Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2016, and the Housing Successor Independent Financial Audit and Annual Progress Report [310-20]

RECOMMENDED ACTION: Receive Reports.

E. Adopt a Resolution Setting the Interest Rate for Tenant’s Security Deposits for 2017 at Zero Percent (0.00%), as was Set for 2016 [750-10]

RECOMMENDED ACTION: Adopt Resolution.

F. Appeal of Design Permit and Variance for a New Home at 105 Sacramento Avenue [730-10]

RECOMMENDED ACTION: Direct staff to set a public hearing for the City Council meeting of January 12, 2016, to consider two appeals of Application #16-133.

G. Consider a Resolution Approving Lifeguard Staff Job Classifications [1050-10]

RECOMMENDED ACTION: Adopt Resolution approving new job classifications for Beach Captain, and amending the job titles and descriptions for the Beach Lieutenant/Junior Guard Coordinator and Beach Lifeguard/Junior Guard Instructor positions.

H. Approve the Third Amendment to the City Manager Employment Agreement [500-10 A/C: Goldstein Jamie]

RECOMMENDED ACTION: Approve Amendment.

I. Adoption of **Resolution No. 4068** Approving a New Hourly and Seasonal Pay Schedule [600-10]

RECOMMENDED ACTION: Adopt a Resolution Repealing Resolution No. 4034 and Approving a New Hourly/Seasonal Pay Schedule.

Council Member Bertrand requested that **Item 7.E** be pulled for discussion.

Council Member Norton requested that **Item 7.F** be pulled for discussion.

Mayor Bottorff requested that **Item 7.G** be pulled for discussion.

Council Member Harlan requested that **Item 7.H** be pulled for discussion.

<b>RESULT:</b>	<b>ADOPTED <u>ITEMS 7.A, 7.B, 7.C, 7.D, AND 7.I</u> [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Council Member
<b>SECONDER:</b>	Dennis Norton, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Norton, Termini

**THE FOLLOWING CONSENT CALENDAR ITEMS WERE VOTED ON SEPARATELY:**

F. Appeal of Design Permit and Variance for a home at 105 Sacramento Avenue [730-10]  
RECOMMENDED ACTION: Direct staff to set a public hearing for the City Council meeting of January 12, 2017, to consider two appeals of Application #16-133.

Council Member Norton supported the process by which the project was approved and asked if Council has the right to deny hearing an appeal.

City Attorney Condotti noted the City’s municipal code states that the Council may refuse to hear an appeal by a person whom the Council determines does not have a

Attachment: Draft Minutes of the Regular City Council Meeting of 12/08/16 (1646 : Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES – December 8, 2016

significant interest in the matter, but in land use matters, any citizen of Capitola or any property owner likely to be affected by the decision shall be deemed to have a significant interest. Therefore, his opinion is that the appellant has standing to appeal the decision.

<b>RESULT:</b>	<b>SET THE DATE OF THE CITY COUNCIL PUBLIC HEARING REGARDING AN APPEAL OF DESIGN PERMIT AND VARIANCE FOR A NEW HOME AT 105 SACRAMENTO AVENUE TO THE JANUARY 12, 2017, CITY COUNCIL MEETING [UNANIMOUS]</b>
<b>MOVER:</b>	Dennis Norton, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Norton, Termini

- E. Adopt a Resolution Setting the Interest Rate for Tenant’s Security Deposits for 2017 at Zero Percent (0.00%), as was Set for 2016 [750-10]  
RECOMMENDED ACTION: Adopt Resolution.

Council Member Bertrand requested that staff research options for the 2017 interest rate for tenant’s security deposit and to continue to the January 12, 2017, City Council meeting.

<b>RESULT:</b>	<b>CONTINUED TO THE JANUARY 12, 2017, CITY COUNCIL MEETING</b>
<b>MOVER:</b>	Jacques Bertrand, Council Member
<b>SECONDER:</b>	Stephanie Harlan, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Norton, Termini

- G. Consider a Resolution Approving Lifeguard Staff Job Classifications [1050-10]  
RECOMMENDED ACTION: Adopt Resolution approving new job classifications for Beach Captain, and amending the job titles and descriptions for the Beach Lieutenant/Junior Guard Coordinator and Beach Lifeguard/Junior Guard Instructor positions.

Finance Director Mark Welch clarified the profit and loss for Junior Guard Program when factoring in general staff and administration.

Mayor Bottorff stated that the Junior Guard Program has been cost neutral over the past 10 years.

<b>RESULT:</b>	<b>ADOPT RESOLUTION NO. 4067 APPROVING LIFEGUARD STAFF JOB CLASSIFICATIONS [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand, Council Member
<b>SECONDER:</b>	Michael Termini, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Norton, Termini

- H. Approve the Third Amendment to the City Manager Employment Agreement [500-10 A/C: Goldstein Jamie]  
RECOMMENDED ACTION: Approve Amendment.

Council Member Harlan requested voting separately on this item. She stated her preference that this item be handled during the 2017/2018 Budget Hearings.

Attachment: Draft Minutes of the Regular City Council Meeting of 12/08/16 (1646 : Approval of City Council Minutes)

<b>RESULT:</b>	<b>APPROVAL OF THE THIRD AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT WITH THE FOLLOWING ROLL CALL VOTE:</b>
<b>MOVER:</b>	<b>Michael Termini</b>
<b>SECONDER:</b>	<b>Dennis Norton</b>
<b>AYES:</b>	<b>Norton, Termini, Bottorff</b>
<b>NOES:</b>	<b>Bertrand, Harlan</b>

**8. GENERAL GOVERNMENT / PUBLIC HEARINGS**

A. Consider a Resolution Confirming and Approving the Canvass of Returns and Result of the General Municipal Election and the adoption of an Ordinance Amending Section 16 of Ordinance No. 880, as amended by Ordinance No. 935, pertaining to the City’s Transactions and Use Tax administered by the State Board of Equalization (Measure F). [560-10]

RECOMMENDED ACTION: Adopt the Resolution confirming and approving the Canvass of Returns and Result of the General Municipal Election held on November 8, 2016; thereby adopting Ordinance No. 1008 – An Ordinance of the People of the City of Capitola extending the sunset date on an existing one-quarter cent (0.25%) Transaction and Use (“Sales”) Tax to maintain fiscal stability and protect essential City facilities and services.

Sam Storey, City Council candidate, provided congratulations to Kristen Petersen and Ed Bottorff on their election to the City Council. In addition, he thanked everyone for their support during his candidacy and said he would not seek a recount.

<b>RESULT:</b>	<b>ADOPTED <u>RESOLUTION NO. 4069</u> CONFIRMING AND APPROVING THE CANVASS OF RETURNS AND RESULT OF THE GENERAL MUNICIPAL ELECTION AND ADOPTION OF <u>ORDINANCE NO. 1008</u> AMENDING SECTION 16 OF ORDINANCE NO. 880, AS AMENDED BY ORDINANCE NO. 935, PERTAINING TO THE CITY’S TRANSACTIONS AND USE TAX ADMINISTERED BY THE STATE BOARD OF EQUALIZATION (MEASURE F) [UNANIMOUS]</b>
<b>MOVER:</b>	Stephanie Harlan, Council Member
<b>SECONDER:</b>	Michael Termini, Council Member
<b>AYES:</b>	Bottorff, Bertrand, Harlan, Norton, Termini

B. Oath of Office Ceremony for Newly Elected, Re-elected Council Members, and City Treasurer, and Seating of Newly Elected Officials [520-50]

RECOMMENDED ACTION: City Clerk to administer the oath of office.

City Clerk Fridy administered the Oath of Office to City Treasurer Peter Wilk.

City Treasurer Wilk thanked the community for its support and said he looks forward to working with the City.

Mayor Bottorff presented a gift to Former Council Member Dennis Norton and thanked him for years of service to the City.

Former Council Member Norton provided comments and thanked the City Council and the community for his 16 years on the City Council.

City Clerk Fridy administered the Oath of Office to Council Members Kristen Petersen and Ed Bottorff.

Council Member Petersen thanked all the City voters for their participation in the

Attachment: Draft Minutes of the Regular City Council Meeting of 12/08/16 (1646 : Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES – December 8, 2016

election.

Council Member Bottorff thanked the community for participation in the election process. In addition, he commented on the passage of recent ballot measures.

- C. City Council Reorganization for the Selection of Mayor and Vice Mayor [120-37]  
RECOMMENDED ACTION: City Council consideration for a new Mayor and Vice Mayor.

<b>RESULT:</b>	<b>APPROVED STEPHANIE HARLAN AS MAYOR [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand, Council Member
<b>SECONDER:</b>	Michael Termini, Council Member
<b>AYES:</b>	Petersen, Bottorff, Bertrand, Harlan, Termini

<b>RESULT:</b>	<b>APPROVED MICHAEL TERMINI AS VICE MAYOR [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Stephanie Harlan, Mayor
<b>AYES:</b>	Petersen, Bottorff, Bertrand, Harlan, Termini

Mayor Harlan presented Former Mayor Ed Bottorff with a gift and thanked him for his efficient handling of the City Council meetings and for representing the City in various matters. Former Mayor Ed Bottorff reviewed the year’s accomplishments.

- D. Consider the 2017 Meeting Schedules for the City Council/Successor Agency and the Planning Commission/Architectural and Site Review Committee [520-40]

RECOMMENDED ACTION: Approve the 2017 City meeting schedules

<b>RESULT:</b>	<b>ADOPTED THE 2017 MEETING SCHEDULES FOR THE CITY COUNCIL/SUCCESSOR AGENCY AND THE PLANNING COMMISSION/ARCHITECTURAL AND SITE REVIEW COMMITTEE [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Council Member
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Petersen, Bottorff, Bertrand, Harlan, Termini

**9. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**

- A. Review City Council Representation on Various County/Multi-County Boards, Commissions, and Committees; and City Council Appointments, Re-Appointments, and Nominations of Members to City Internal Advisory Bodies [110-10]

RECOMMENDED ACTION: Provide appointments.

Former City Clerk Sneddon stated that the following two appointments need to be made prior to the January 12, 2017, City Council meeting due to scheduling:

1. Association of Monterey Bay Area Governments (AMBAG): Appointment for City Representative and an Alternate Representative; and
2. Ad Hoc Library Design Advisory Committee: Appointment of the At-Large member.

Council Member Bottorff suggested the AMBAG position was an excellent opportunity for newly elected Council Member Petersen and offered to serve as alternate.

Attachment: Draft Minutes of the Regular City Council Meeting of 12/08/16 (1646 : Approval of City Council Minutes)

<b>RESULT:</b>	<b>APPOINTMENT OF COUNCIL MEMBER PETERSEN AS THE CITY REPRESENTATIVE AND COUNCIL MEMBER BOTTORFF AS THE CITY’S ALTERNATE REPRESENTATIVE ON ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG); AND AN APPOINTMENT OF BOB WHITE AS THE AT-LARGE MEMBER ON THE LIBRARY AD HOC DESIGN COMMITTEE; [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff, Council Member
<b>SECONDER:</b>	Michael Termini, Council Member
<b>AYES:</b>	Petersen, Bottorff, Bertrand, Harlan, Termini

Council Member Termini and Mayor Harlan spoke in support of the nomination of Bob White to the Library Ad Hoc Design Committee, saying the City is fortunate to have a resident with extensive experience in library design.

<b>RESULT:</b>	<b>APPOINTMENT OF COUNCIL MEMBER PETERSEN AS THE CITY REPRESENTATIVE AND COUNCIL MEMBER BOTTORFF AS THE CITY’S ALTERNATE REPRESENTATIVE ON ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG); AND AN APPOINTMENT OF BOB WHITE AS THE AT-LARGE MEMBER ON THE LIBRARY AD HOC DESIGN COMMITTEE; [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Council Member
<b>SECONDER:</b>	Ed Bottorff, Council Member
<b>AYES:</b>	Petersen, Bottorff, Bertrand, Harlan, Termini

Mayor Harlan thanked Former City Clerk Susan Sneddon for her five years of service to the City and wished her well in her retirement.

**10.ADJOURNMENT**

The meeting was closed at 7:08 PM

\_\_\_\_\_  
Stephanie Harlan, Mayor

ATTEST:

\_\_\_\_\_  
Linda Fridy, City Clerk

Attachment: Draft Minutes of the Regular City Council Meeting of 12/08/16 (1646 : Approval of City Council Minutes)





# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF JANUARY 12, 2017**

FROM: Community Development

SUBJECT: Receive Planning Commission Action Minutes for the Regular Meeting of  
December 1, 2016

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RECOMMENDED ACTION: Receive Minutes.

ATTACHMENTS:

1. Planning Commission Action Minutes 12/1/16

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**



**ACTION MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, DECEMBER 1, 2016  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Commissioner Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Present, Chairperson TJ Welch: Present, Commissioner Susan Westman: Present.

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

**B. Public Comments**

**C. Commission Comments**

**D. Staff Comments**

**3. APPROVAL OF MINUTES**

**A. Planning Commission Minutes for the Special Meeting of November 3, 2016**

<b>RESULT:</b>	<b>ACCEPTED [4 TO 0]</b>
<b>MOVER:</b>	Susan Westman, Commissioner
<b>SECONDER:</b>	Edward Newman, Commissioner
<b>AYES:</b>	Ortiz, Newman, Welch, Westman
<b>RECUSED:</b>	Smith

**B. Planning Commission Minutes for the Regular Meeting of November 3, 2016**

<b>RESULT:</b>	<b>ACCEPTED [4 TO 0]</b>
<b>MOVER:</b>	Susan Westman, Commissioner
<b>SECONDER:</b>	Edward Newman, Commissioner
<b>AYES:</b>	Ortiz, Newman, Welch, Westman
<b>RECUSED:</b>	Smith

**4. PUBLIC HEARINGS**

**A. 407 El Salto Drive #16-178 036-133-18**

Major Revocable Encroachment Permit and Fence Permit with a height exception for a new front-yard fence and gate to be located within the public right-of-way of a residence located in the R-1 (Single Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Rebecca Peters

Representative: Rebecca Peters, filed: 9/26/16

<b>RESULT:</b>	<b>CONTINUED [4 TO 0]</b>	<b>Next: 1/19/2017 7:00 PM</b>
<b>MOVER:</b>	Linda Smith, Commissioner	
<b>SECONDER:</b>	Susan Westman, Commissioner	
<b>AYES:</b>	Smith, Ortiz, Newman, Westman	
<b>RECUSED:</b>	Welch	

**B. Wireless Telecommunications Ordinance Update**

Amendment to the City of Capitola Municipal Code Chapter 17.98 Wireless Communication Facilities updating the regulations, development standards, and permit procedures in compliance with state and federal law.

The amended wireless ordinance requires Coastal Commission certification of a Local Coastal Program amendment.

Environmental Determination: Addendum to the General Plan Update EIR

Property: The update to Municipal Code Chapter 17.98 affects all properties within the City of Capitola.

Representative: City of Capitola

MOTION: Recommend that City Council approve the ordinance update and addendum to the Environmental Impact Report.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>	<b>City Council Meeting: 1/12/2017 7:00 PM</b>
<b>MOVER:</b>	Linda Smith, Commissioner	
<b>SECONDER:</b>	Gayle Ortiz, Commissioner	
<b>AYES:</b>	Smith, Ortiz, Newman, Welch, Westman	

**C. 4015 Capitola Road #16-199 APN: 034-261-40**

Conceptual Review application to remodel the existing Sears building and convert the space into three separate tenant spaces for Sears, Petco, and TJ Maxx/Homegoods located in the CC (Community Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Exempt

Property Owner: Seritage Growth Properties

Representative: Chas Fisher, filed 10/28/2016

Guidance provided.

**D. 208 Capitola Avenue #16-189 APN: 034-183-20**

Design Permit for an exterior remodel and 195 square-foot addition to the third story and a height variance request for a mixed-use building located in the CV (Central Village) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit that is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Tuan Truong

Representative: Jacquelyn Low, filed 10/18/2016

MOTION: Continue application to a date to be determined.

<b>RESULT:</b>	<b>CONTINUED [4 TO 0]</b>
<b>MOVER:</b>	Susan Westman, Commissioner
<b>SECONDER:</b>	Linda Smith, Commissioner
<b>AYES:</b>	Smith, Ortiz, Welch, Westman
<b>RECUSED:</b>	Newman

- 5. DIRECTOR'S REPORT
- 6. COMMISSION COMMUNICATIONS
- 7. ADJOURNMENT



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF JANUARY 12, 2017**

FROM: Finance Department

SUBJECT: Approve the Budget Calendar for the 2017/18 Fiscal Year

**RECOMMENDED ACTION:** Approve Budget Calendar for Fiscal Year 2017/18.

**BACKGROUND:** The Capitola Municipal Code requires the City to prepare and disseminate a budget calendar on or before March 1 of any fiscal year. The attached calendar provides dates for budget study sessions, hearings, meetings, and other significant budget events.

**DISCUSSION:** Staff has prepared the attached draft Budget Calendar for Fiscal Year 2017/18. The budget cycle begins with a City Council/Successor Agency Meeting on February 9, 2017. This meeting will focus on receiving the mid-year budget update and establishing Fiscal Year 2017/18 Budget Principles. The budgeting principles will service to guide staff's preparation of the Proposed Budget.

Pursuant to this calendar, the Proposed Budget will be distributed on Friday, May 21, 2017, and the presentation of the City and Successor Agency Budgets is scheduled for a Special Meeting on Wednesday, May 17, 2017. This is a tentative schedule that may be changed as necessary by the City Manager and/or Council. Some meetings may be cancelled if they become unnecessary based on prior sessions.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

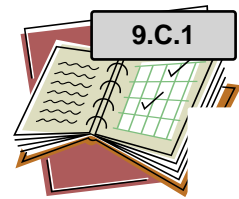
1. Budget Calendar Fiscal Year 2017/18

Report Prepared By: Mark Welch  
Finance Director

**Reviewed and Forwarded by:**

Jamie Goldstein, City Manager

1/6/2017



# CITY OF CAPITOLA BUDGET CALENDAR - 2017/2018 FISCAL YEAR

The City Manager and/or the City Council may change this tentative schedule.

NOTE: Some meetings may be cancelled if they become unnecessary based on prior sessions.

Meeting Date 2017	Week/Day	Nature of Meeting	Description
February 9	2 <sup>nd</sup> Thursday	*Regular City Council/Successor Agency	Establish Budgeting Principles / Mid-Year presentation
March 21	3 <sup>rd</sup> Tuesday	Finance Advisory Committee	Finance Advisory Committee to discuss elements of the Budget
April 6	1 <sup>st</sup> Thursday	Planning Commission	Planning Commission Review of the Capital Improvement Program (CIP)
May 12	2 <sup>nd</sup> Friday	N/A	Proposed Budget distribution
May 16	3 <sup>rd</sup> Tuesday	Special Finance Advisory Committee	Finance Advisory Committee to discuss proposed Budget and draft presentation with recommendations to Council
<b>May 17</b>	3 <sup>rd</sup> Wednesday	<b>*Special</b> Joint City Council/Successor Agency	Presentation of City, Successor Agency & CIP Budgets
May 23	4 <sup>th</sup> Tuesday	Finance Advisory Committee	Finance Advisory Committee to discuss proposed Budget and draft presentation with recommendations to Council
May 25	4 <sup>th</sup> Thursday	*Regular City Council/Successor Agency	
<b>May 31</b>	5 <sup>th</sup> Wednesday	<b>*Special</b> Joint City Council/Successor Agency	- Finance Advisory Committee Presentation - Council Deliberations
<b>June 7</b>	1 <sup>st</sup> Wednesday	<b>*Special</b> Joint City Council/Successor Agency	- Council Deliberations
June 8	2 <sup>nd</sup> Thursday	*Regular City Council/Successor Agency	Reports from Finance: Appropriations Limit Resolution and Investment Policy
<b>June 15</b>	3 <sup>rd</sup> Thursday	<b>*Special</b> Joint City Council/Successor Agency	Final City Council and Successor Agency Budget deliberations ( <i>If necessary</i> )
June 22	4 <sup>th</sup> Thursday	*Regular City Council/Successor Agency	Final Adoption of the City and Successor Agency Budgets and Pertinent Resolutions

NOTE: **Special** meetings will begin at 6:00 p.m., all Regular meetings begin at 7:00 p.m. Meetings with an asterisk (\*) are held in the City Hall Council Chambers and will be televised "Live" on Charter Communications Cable Channel 8. The Finance Advisory Committee Meetings begins at 6:00 pm, and are scheduled to be held in the Community Room.

Attachment: Budget Calendar Fiscal Year 2017/18 (1711 : Budget Calendar)



# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF JANUARY 12, 2017**

FROM: Public Works Department

SUBJECT: 41st Avenue Adaptive Signal Control Project to Bid

**RECOMMENDED ACTION:** Approve the plans, specifications, and estimate for the 41<sup>st</sup> Avenue Adaptive Signal Control project and authorize advertising the project for bidding.

**BACKGROUND:** In January 2016 the City accepted a grant from the Monterey Unified Air Pollution Control District for installation of an adaptive signal control system along 41<sup>st</sup> Avenue. The grant covered the costs for planning, design, and construction of an adaptive control system that continuously monitors traffic volumes at the intersections and makes small adjustments to the timing to improve flow and reduce vehicle emissions.

**DISCUSSION:** The proposed scope of work included a signal control system for all the intersections along 41<sup>st</sup> Avenue from the Highway 1 northbound off ramps to the Jade Street/Brommer Street intersection. The initial plans developed by the consultant, Kimley-Horn, included coordination with the Caltrans operated signals at the Highway 1 ramps and at the Gross Road intersection. Staff from Kimley-Horn meet with Caltrans and was informed that Caltrans will not approve the installation of this system at its intersections due to the following issues:

1. The signal timing/phasing at the closely spaced intersections of 41st Avenue and Highway 1 southbound ramps, and 41st Avenue and Gross Road are complicated and may be too difficult/restrictive for an adaptive system to optimize.
2. Caltrans has begun implementing shortened cycle lengths at the three Caltrans signals in order to meter out the flow of vehicles onto Highway 1 to reduce congestion on the freeway. As a result, it would like to observe the operational impacts of the change and make adjustments as necessary over a period of time. An adaptive system at these intersections will not allow Caltrans to observe and document the operational impacts of its timing changes.

Given this determination from Caltrans, the project plans were modified to include all intersections from Clares Street to the Jade Street/Brommer Street. The estimated cost of installation is \$294,000. With approval of the plans, specifications, and estimate the following will be the project schedule:

Plan Approval	January 12, 2017
Bid Opening	February 8, 2017
Contract Award	February 9, 2017
Construction Complete	June 2017

41st Avenue Adaptive Signal Control Project to Bid  
January 12, 2017

The construction estimate and specifications are attached. A reduced set of plans will be provided as additional material before the Council meeting and full size set of the plans will be available for review in the Public Works Department.

FISCAL IMPACT: The project budget is as follows:

Revenue:	Air Board Grant	\$ 369,600
	<u>Gas Tax fund</u>	<u>\$ 25,000</u>
	Total	\$ 394,000
Expenses:	Construction	\$ 294,000
	<u>Engineering and reporting</u>	<u>\$ 100,000</u>
	Total	\$ 394,000

The project is within budget expectations and if bids are received at or below the current estimate, sufficient funding will be available without further adjustments.

ATTACHMENTS:

1. 41st Adaptive Traffic Signal System Specifications
2. Construction Estimate

Report Prepared By: Steve Jesberg  
Public Works Director

**Reviewed and Forwarded by:**

Jamie Goldstein, City Manager

1/6/2017



**CITY OF CAPITOLA**

**PROJECT SPECIFICATIONS**

**FOR**

**41<sup>ST</sup> AVENUE**

**ADAPTIVE TRAFFIC SIGNAL SYSTEM**

For use in conjunction with the State of California, Department of Transportation Standard Specifications dated May 2010, and Standard Plans dated May 2010.

**BIDS OPEN: 11:00 A.M., Wednesday, February 8, 2017**



**CITY OF CAPITOLA**  
**420 Capitola Avenue**  
**Capitola, CA 95010**  
(831) 475-7300 – Phone  
(831) 479-8879 – Fax  
[www.cityofcapitola.org](http://www.cityofcapitola.org)

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Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

CITY OF CAPITOLA  
SANTA CRUZ COUNTY, CALIFORNIA

**NOTICE INVITING SEALED BIDS**

**41<sup>st</sup> Avenue Adaptive Traffic Signal System**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Director of Public Works of the City of Capitola, California, on or before February 8, 2017 at the hour of 11:00 a.m. in his office at 420 Capitola Avenue, Capitola, California, 95010, for the following work and improvements in and for the City, at which time they will be publicly opened and read:

General work description: Install an adaptive traffic signal system along 41<sup>st</sup> Avenue between Clares Street and Brommer /Jade Street.

The estimated cost of construction is \$292,798

Each bid must be accompanied by a cashier's check, certified check, or Bidder's Bond executed by a corporate surety authorized to engage in such business in the State of California, payable to the City of Capitola, in an amount not less than ten percent (10%) of the amount of the bid. The successful bidder will be required to furnish a Performance Bond in an amount equal to one hundred percent (100%) of the contract price, a Labor and Material Bond in an amount equal to one hundred percent (100%) of the contract price, and a Defective Materials and Workmanship Bond in an amount equal to ten (10%) percent of the contract price. Said bonds shall also be executed by a corporate surety authorized to engage in such business in the State of California and be made payable to the City of Capitola.

General requirements, plans, specifications and bid forms may be obtained at the office of the Director of Public Works, City Hall, 420 Capitola Avenue, Capitola, California 95010 or by calling (831) 475-7300 or on the City's website at [www.cityofcapitola.org](http://www.cityofcapitola.org)

The sealed bids must be addressed to the City of Capitola and must be submitted in a single sealed envelope endorsed: "**41<sup>st</sup> Avenue Adaptive Traffic Signal System**"

If the successful bidder fails, neglects, or refuses for ten (10) calendar days after the award of the contract to enter into the contract to perform the work, the cashier's check, certified check, or Bidder's Bond accompanying the bid and the amount therein named, shall be declared forfeited to the City and shall be collected by it and paid into its general fund. After the bids have been opened, no bidder will be allowed to withdraw its bid without forfeiting the bid guaranty, unless permitted to do so by the Director of Public Works.

The Contractor shall possess a current Class A and/or C-12 and/or C-8 License at the time of award of the contract.

The City Council reserves the right to reject any or all bids, waive any irregularities in any bids and its determination as to which bid is the lowest responsible bid and is for the best interest of the City shall be final. The City Council shall have fifteen (15) calendar days from and after the opening of the bids within which to make its determination.

The Contractor receiving the award of the contract shall begin work within fifteen (15) calendar days after receipt of the Notice to Proceed and shall diligently prosecute the same to completion within thirty (30) working days.

The City of Capitola, in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations of the Department of Commerce (15 C.F.R., Part 8), issued pursuant to such Act, hereby

notifies all bidders that it will affirmatively insure that the contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the grounds of race, color, sex or national origin.

Prevailing Rate of Wages: In accordance with the provisions of the California Labor Code, the City Council hereby determines that the general prevailing per diem rate of wages in the locality in which the work is to be performed, for laborers and for each craft or type of worker and mechanic employed in the execution of the contract, is the Union Wage Scale established for Santa Cruz County, which wage scale as of the execution date of this contract is incorporated herein as if fully set forth. Overtime shall be not less than one and one-half (1-1/2) times the established rates. Sundays and holidays shall be not less than two (2) times the established rates. In payment of labor, the Contractor shall comply with the provisions of the Labor Code of the State of California, Sections 1770 to 1781 inclusive (Article 2, Chapter 1, Part 7, Division 2), and any acts amendatory thereto.

Department of Industrial Relations:

- No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

For any moneys earned by the Contractor and withheld by the City to ensure the performance of the contract, the Contractor may, at Contractor's request and expense, substitute securities equivalent to the amount withheld in the form and manner and subject to the conditions provided in Chapter 13 (commencing with Section 4590), Division 5, Title 1 of the Government Code of the State of California.

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

\_\_\_\_\_  
Steven E. Jesberg  
Public Works Director

Attest: Susan Sneddon  
City Clerk

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

**DO NOT REMOVE FROM SPECIFICATION PACKET**

CITY OF CAPITOLA  
SANTA CRUZ COUNTY, CALIFORNIA

**BID PROPOSAL****41<sup>st</sup> Avenue Adaptive Traffic Signal System**

The undersigned, as bidder, declares that all the contract documents herein contained have been thoroughly examined, that this bid proposal is made without collusion with any other person, firm or corporation and that all laws and ordinances relating to the interest of public officers in this contract have been complied with in every respect.

Bidder proposes and agrees, if this bid proposal is accepted, that Bidder will contract with the City of Capitola, Santa Cruz County, California, in the form of the copy of the agreement herein contained, to provide all necessary machinery, tools, apparatus and other means of construction; to furnish all materials, to provide all labor, and to construct the improvements in conformity with the specifications and drawings and other contract provisions herein contained or reasonably implied thereby or as necessary to complete the work in the manner and within the time named herein and according to the requirements and to the reasonable satisfaction of the Director of Public Works; to pay all charges of freight transportation and hauling and all applicable taxes; to indemnify the City against any loss or damage arising from any act of the undersigned as Contractors; and that Bidder will take in full payment therefore an amount computed by the Director of Public Works and based upon the unit prices as set forth in this bid proposal.

It is understood that the quantities set forth herein are approximate only and are for the purpose of comparing bids.

The amount to be paid the Contractor shall be the amount of work in each item actually constructed, multiplied by the unit prices set forth as follows:

Contractor's

Name:

Item No.	Item Description	Units	Unit Price	Quantity	Total
1.	Traffic Control	LS	\$ _____	1	\$ _____
2.	Mobilization	LS	\$ _____	1	\$ _____
3.	Furnish and Install Adaptive Traffic Signal System	LS	\$ _____	1	\$ _____
4.	Furnish and Install Category 5E Cable	LF	\$ _____	1600	\$ _____
5.	Furnish and Install No. 14 AWG Conductors	LF	\$ _____	1600	\$ _____
6.	Furnish and Install Ethernet Extender Device	EA	\$ _____	4	\$ _____
7.	Furnish and Install Camera Mounting Hardware	EA	\$ _____	16	\$ _____
8.	Furnish and Install 3" Schedule 80 PVC Conduit	LF	\$ _____	350	\$ _____
9.	Furnish and Install Caltrans No. 5 Pull Box	EA	\$ _____	6	\$ _____
10.	Furnish and Install GPS Clock	EA	\$ _____	4	\$ _____

11.	Furnish and Install Wireless Modem	EA	\$ _____	1	\$ _____
12.	Establish Cellular (4G) Wireless Connection	LS	\$ _____	1	\$ _____
13.	Minor Concrete	LS	\$ _____	450	\$ _____
<b>TOTAL</b>					<b>\$ _____</b>
<b>Dollars and</b>					
<b>Cents</b>					

The City will award the contract to the lowest responsible bidder complying with the instructions in the Notice Inviting Sealed Bids. The lowest bidder will be determined on the basis of the total of the Base Bid items alone. In the event that the product of a unit price and an estimated quantity does not equal the extended amount quoted, the unit price shall govern and the corrected product of the unit price and the estimated quantity shall be deemed to be the amount bid. If the sum of two or more item totals in the bid schedule does not equal the total amount bid, the individual item totals shall govern and the corrected sum shall be deemed to be the amount bid.

The undersigned agrees, if this bid proposal is accepted by the City Council and if a contract for the performance of the work is entered into by and between the City of Capitola and the undersigned, to plan the work and prosecute it with such diligence that all of the work shall be completed within thirty (30) calendar days after receipt of the Notice to Proceed.

The undersigned further agrees that if this bid proposal is accepted, to sign the agreement and to furnish the required bonds with satisfactory surety or sureties within ten (10) calendar days after the award of the contract and if the undersigned fails to contract as aforesaid, it shall be understood that the contract has been abandoned and therefore that this bid proposal and the bid guaranty shall be forfeited to and become the property of the City. Otherwise, the bid guaranty accompanying this bid shall be returned to the undersigned.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Bidder                      Bidder's Address

\_\_\_\_\_  
Printed Name of Bidder                      City, State, Zip Code

\_\_\_\_\_  
Email Address:                      Telephone No.

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

**REQUIRED CONTRACTOR INFORMATION**

NOTICE: In the case of a corporation, give below the address of the principal office thereof and the names and addresses of the president, secretary, treasurer and manager:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax ID No. or Social Security No \_\_\_\_\_

Contractor's License No. \_\_\_\_\_ Classification(s) \_\_\_\_\_

Expiration date: \_\_\_\_\_

Classification of workers used on job:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Acknowledgement of Addendum(s): Receipt of the following addendum(s) issued during the time of bidding is acknowledged and the information contained therein has been considered in the preparation of this bid proposal.

Note: Failure to execute the following may be considered as an irregularity in the bid proposal.

Addendum No. (None \_\_\_), (1 \_\_\_), (2 \_\_\_), (3 \_\_\_), (4 \_\_\_), (5 \_\_\_)  
Check appropriate space(s).

I certify under penalty of perjury that the representations made herein are true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Bidder

\_\_\_\_\_  
Printed Name of Bidder

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)





**LIST OF PROPOSED SUBCONTRACTORS**

List the name and address of each subcontractor who will perform work or labor or render service to the Contractor on the project in an amount in excess of one half of one percent (1/2%) of the total bid, or, if it exceeds \$10,000.00, whichever is greater, and the portion of the work to be done by each subcontractor.

Work to be Performed	License Number and type	% Of Total Contract	Subcontractor's Name Address & Telephone	Classification of Workers used on job
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Note: Attach additional sheets if required.

General Contractor shall perform a minimum of 30% of the contract work.

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

**NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER**

State of California )  
City of Capitola ) ss.  
County of Santa Cruz )

\_\_\_\_\_, being first duly sworn, deposes and says that he  
(Bidder's Name)  
or she is \_\_\_\_\_ of \_\_\_\_\_  
(Title) (Company)

the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted its bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

\_\_\_\_\_  
(Signature of Bidder)

(NOTE: Signatures for those executing for the Non-collusion Affidavit must be properly acknowledged.)

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

**BIDDER'S BOND**

KNOW ALL MEN BY THESE PRESENTS,

THAT WE, \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

as SURETY, are held and firmly bound unto the CITY OF CAPITOLA, State of California, hereinafter called the CITY, in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above-named, submitted by said Principal to the City, for the work described below for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the surety exceed the sum of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (\$ \_\_\_\_\_ ) DOLLARS.

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above-mentioned bid to the City for certain construction specifically described as follows for which bids are to be opened at Capitola, California, on Wednesday February 8<sup>th</sup>, 2017, for:

**41<sup>st</sup> Avenue Adaptive Traffic Signal System**

NOW, THEREFORE, if the aforesaid Principal is awarded the contract, and within the time and manner required under the specifications after the prescribed forms are presented to him for signature enters into a written contract in the prescribed form, in accordance with the bid, and files two bonds: one to guarantee faithful performance, and one to guarantee payment for labor and materials, as required by law; then this obligation shall be null and void; or should the aforementioned contract be awarded to other than the herein-named Principal, then this obligation shall be null and void; otherwise, it shall be and remain in full force and virtue.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by county (or city) in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PRINCIPAL: \_\_\_\_\_(Seal)  
\_\_\_\_\_(Seal)  
\_\_\_\_\_(Seal)

SURETY: \_\_\_\_\_(Seal)  
\_\_\_\_\_(Seal)  
\_\_\_\_\_(Seal)

\_\_\_\_\_  
\_\_\_\_\_  
ADDRESS  
\_\_\_\_\_  
TELEPHONE NUMBER

(Note: Signatures of those executing for the Surety must be properly acknowledged.)

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

CITY OF CAPITOLA  
SANTA CRUZ COUNTY, CALIFORNIA

**AGREEMENT**  
**41<sup>st</sup> Avenue Adaptive Traffic Signal System**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by and between the City of Capitola, a Municipal Corporation, in Santa Cruz County, California, hereinafter called the City, and \_\_\_\_\_ hereinafter called the Contractor.

WITNESSETH:

WHEREAS, the City has caused to be prepared in accordance with law, specifications, plans and other contract documents, for the work herein described and shown and has approved and adopted these contract documents, specifications and plans and has caused to be published in the manner and for the time required by law, a Notice Inviting Sealed Bids for doing the work in accordance with the terms of this contract, and

WHEREAS, the Contractor in response to said notice has submitted to the City a sealed bid proposal accompanied by a bid guaranty in an amount not less than ten percent (10%) of the amount bid for the construction of all of the proposed work in accordance with the terms of this contract, and

WHEREAS, the City, in the manner prescribed by law, has publicly opened, examined and canvassed the bids submitted and as a result has determined and declared the Contractor to be the lowest responsible bidder and has duly awarded to the Contractor a contract for all of the work and for the sum or sums named in the bid and in this agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. WORK TO BE DONE:

That the Contractor shall provide all necessary labor, machinery, tools, apparatus and other means of construction; shall furnish all materials, superintendence and overhead expenses of whatever nature necessary to construct all of the improvements for the City of Capitola in conformity with the specifications and plans and other contract documents and according to such instructions as may be given by the City of Capitola Director of Public Works or its authorized agent.

ARTICLE II. CONTRACT PRICES:

Except as provided in Section IV B of the Specifications ("Changes and Extra Work"), the City shall pay the Contractor according to the unit prices stated in the bid submitted by the Contractor or the total amount of the contract, whichever is less, which shall include all applicable taxes, for complete performance of the work.

The Contractor hereby agrees to accept such payment as full compensation for all materials and appliances necessary to complete the work; for all loss or damage arising from the work or from action of the elements, or from any unforeseen obstruction or difficulties which may be encountered in the prosecution of the work; incurred in and in consequence of the suspension or discontinuance of the work; as hereby specified; for all liability and other insurance; for all fees or royalties or other expenses on account of any patent or patents; for all overhead and other expenses incident to the work and expected profits; and for well and faithfully performing and completing the work within thirty (30) calendar days from the date of the Notice to Proceed; all according to the contract plans and specifications, the details and instructions, and the requirements of the City Council.



ARTICLE III. PARTS OF THE CONTRACT:

That the complete contract document consists of the following:

- 1. Notice Inviting Sealed Bids
- 2. Hold Harmless Clause
- 3. Bid Proposal
- 4. Performance Bond
- 5. Non-collusion Affidavit
- 6. Labor and Material Bond
- 7. Bidder's Bond or Bid Guaranty
- 8. Specifications
- 9. Agreement
- 10. Insurance Certificates

In case of any conflict between this Agreement and any other part of the contract, this Agreement shall be binding.

IN WITNESS WHEREOF, the City has caused its corporate name to be hereunto subscribed and its corporate seal to be hereunto affixed by its City Manager and its City Clerk thereunto duly authorized and the Contractor has executed these presents the day and year herein above written.

*This Agreement shall be effective at such time as each party is in possession of a copy (i.e. either an original or facsimile) executed by the other party.*

SO AGREED,

CITY OF CAPITOLA  
A Municipal Corporation

CONTRACTOR:

\_\_\_\_\_

License No. \_\_\_\_\_

Tax ID or SSN \_\_\_\_\_

By:

By:

\_\_\_\_\_  
Benjamin Goldstein  
City Manager

\_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Awarded by the City Council on  
\_\_\_\_\_

*By signing above on behalf of the corporation, the individual so signing warrants that he/she has authority to sign this agreement on behalf of the corporation and legally bind the company to all of the obligations contained therein.*

**ATTEST:**

\_\_\_\_\_  
City Clerk

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

**HOLD HARMLESS CLAUSE**

WHEREAS, \_\_\_\_\_, (Contractor), has been awarded a contract with the City of Capitola to perform certain work described as follows:

General work description: Install an adaptive traffic signal system along 41<sup>st</sup> Avenue between Clares Street and Brommer /Jade Street.

Contractor hereby agrees to indemnify, defend and hold harmless the City, its officers, agents and employees from any and all demands, claims or liabilities of any nature caused by or arising out of Contractor's negligent acts, errors, or omissions, or willful misconduct, or conduct for which the law imposes strict liability on Contractor in the performance or nonperformance of this agreement.

Dated \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Contractor

By \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)



**PERFORMANCE BOND**

KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_(Contractor)

of \_\_\_\_\_  
(Address of Contractor)

a \_\_\_\_\_, hereinafter called Principal, and  
(Corporation/Partnership/Individual)

\_\_\_\_\_ (Surety)

of \_\_\_\_\_  
(Address of Surety)

hereinafter called Surety, are held and firmly bound unto CITY OF CAPITOLA, 420 Capitola Avenue, Capitola, CA 95010, hereinafter called OWNER, in the penal sum of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) (100% of contract amount), in lawful money of the United States, for the payment of which sum well and truly to be made we bind ourselves, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas the Principal entered into a certain contract with the Owner, dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of which is hereto attached and made part hereof for the construction of 41<sup>st</sup> Avenue Adaptive Traffic Signal System.

NOW THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the Owner, with or without notice to the Surety and during the one year guaranty period, and if he shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the Owner from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the Owner all outlay and expense which the Owner may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by county (or city) in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

PROVIDED, FURTHER, that the said surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder of the specifications accompanying the same shall in any ways affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.

PROVIDED, FURTHER, that no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

IN WITNESS WHEREOF, this instrument is executed in four (4) counterparts, each one of which shall be deemed an original, this \_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Principal/Secretary

\_\_\_\_\_  
Principal (type)  
By: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

SEAL:

\_\_\_\_\_  
Witness as to Principal

\_\_\_\_\_  
Surety (type)  
By: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Surety/Secretary

\_\_\_\_\_  
Attorney-in-fact (type)  
By: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

SEAL:

\_\_\_\_\_  
Witness as to Surety

By: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

NOTE: Date of Bond must not be prior to date of Contract.  
If Contractor is Partnership, all partners should execute bond.

IMPORTANT: Surety companies executing bonds must be admitted sureties in possession of a valid current certification to that effect issued by the Commissioner of Insurance. (See Insurance Code Section 706.5.)

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

**BOND FOR SECURITY OF LABOR AND MATERIALS**

WHEREAS, The City Council of the City of Capitola, State of California, and \_\_\_\_\_  
\_\_\_\_\_ (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to  
install and complete certain designated public improvements, which said agreement, dated \_\_\_\_\_, 20  
, and identified as project Insert Project Name, is hereby referred to and made a part hereof; and

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of  
the work, to file a good and sufficient payment bond with the City of Capitola, 420 Capitola Avenue, Capitola, CA  
95010, to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of  
Division 3 of the Civil Code of the State of California.

Now, therefore, said principal and the undersigned as corporate surety, are held firmly bound unto the City of  
Capitola and all contractors, subcontractors, laborers, material men and other persons employed in the  
performance of the aforesaid agreement and referred to in the aforesaid Code of Civil Procedure in the sum of .

\_\_\_\_\_ dollars (\$ \_\_\_\_\_), for materials furnished or labor thereon of any kind, or for amounts due under the  
Unemployment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount  
not exceeding the amount herein above set forth, and also in case suit is brought upon this bond, will pay, in  
addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's  
fees, incurred by county (or city) in successfully enforcing such obligation, to be awarded and fixed by the court,  
and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall insure to the benefit of any and all persons,  
companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of  
Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this  
bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise  
it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of  
said agreement or the specifications accompanying the same shall in any manner affect its obligations on this  
bond, and it does hereby waive notice of any such change, extension, alteration or addition.

IN WITNESS WHEREOF, this instrument has been duly executed by the principal and surety above named, on  
\_\_\_\_\_, 20\_\_\_\_.

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

IN WITNESS WHEREOF, this instrument is executed in four (4) counter-parts, each one of which shall be deemed an original, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Principal/Secretary

\_\_\_\_\_  
Principal (type)

By: \_\_\_\_\_

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

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

SEAL:

\_\_\_\_\_  
Witness as to Principal

\_\_\_\_\_  
Surety (type)

By: \_\_\_\_\_

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

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Surety/Secretary

\_\_\_\_\_  
Attorney-in-fact (type)

\_\_\_\_\_  
By: \_\_\_\_\_

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

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

SEAL:

\_\_\_\_\_  
Witness as to Surety

\_\_\_\_\_  
By: \_\_\_\_\_

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

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

NOTE: Date of Bond must not be prior to date of Contract.  
If Contractor is Partnership, all partners should execute bond.

IMPORTANT: Surety companies executing bonds must be admitted sureties in possession of a valid current certification to that effect issued by the Commissioner of Insurance. (See Insurance Code Section 706.5.)

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

**ESCROW AGREEMENT TO SUBSTITUTE SECURITIES FOR WITHHOLD MONEYS IN PUBLIC CONTRACTS (OPTIONAL)**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Capitola, hereafter called "City", and

\_\_\_\_\_  
hereafter called "Contractor", having its main office at

\_\_\_\_\_  
WHEREAS, Contractor has been awarded a contract by City for

and has executed a contract dated \_\_\_\_\_, 20\_\_\_\_ with City under which contract the Contractor is obligated to construct the above project and for which City shall pay Contractor certain progress payments from which moneys will be withheld as retention to insure performance of the contract by Contractor; and

WHEREAS, Contractor elects to substitute, at Contractor's expense, certain securities as eligible under Section 16430 of the Government Code or bank or savings and loan certificates of deposit equivalent to the amount withheld from progress payments.

NOW, THEREFORE, the parties agree as follows:

1. City shall hold in escrow the sum of \_\_\_\_\_ Dollars for the account of Contractor as represented by securities identified below:

(Cash Rec. No. \_\_\_\_\_ dated \_\_\_\_\_)

2. Contractor shall be the beneficial owner of any securities held by City substituted for moneys withheld and Contractor shall receive any interest thereon.

3. City will not pay out or release any escrow funds or securities except as provided in this agreement.

4. In the event Contractor or Contractor's agents fail to perform each and every obligation of its contract with City in the manner and within the time set forth in the contract for the project, the entire amount of escrow funds or securities held in escrow shall become the property of City upon certification from the Director of Public Works that Contractor has failed to perform its contract with City and Contractor has been given thirty (30) days written notice of its default under the contract. The escrow funds and securities which become the property of City shall be used and retained by City for the purpose set forth in the contract regarding withholding and retention of funds from progress payments, and such provisions are incorporated herein as if fully set forth.

5. Upon satisfaction in full and the time expiration set forth in the contract regarding withholding and retention of funds from progress payments, the amount held in escrow or securities held by City for the benefit of Contractor shall be released to Contractor by City upon certification of the Director of Public Works that Contractor has fully performed all obligations under the contract with City.

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first above written.

CITY OF CAPITOLA:

By \_\_\_\_\_

CONTRACTOR:

\_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Attachment: 41st Adaptive Traffic Signal System Specifications (1706 : 41st Avenue Adaptive Signal Control Project to Bid)

## SPECIAL PROVISIONS

The following special provisions shall add to or modify the General Provisions of the State of California, Department of Transportation, Standard Specifications, dated May 2006 as amended.

### SECTION I. DEFINITIONS AND TERMS

Whenever the following terms or pronouns in place of them are used in these specifications or in any documents or instruments where these specifications govern, the intent and meaning shall be interpreted as follows:

- A. ADDENDUM. Written or graphic instrument issued prior to the opening of bid proposals which interprets, corrects, or changes the bidding or contract documents. The term "addendum" shall include bulletins and all other types of written notices issued to potential bidders prior to opening bid proposals.
- B. CITY. The City of Capitola, located in Santa Cruz County, California; also sometimes referred to as the "City."
- C. ENGINEER OR CITY ENGINEER. The City Engineer of the City of Capitola or the Director of Public Works, acting either directly or through properly authorized agents.
- D. BIDDER. Any individual, firm, or corporation submitting a proposal for the work contemplated, acting directly or through a duly authorized representative.
- E. CONTRACTOR. The person or persons, co-partnership, or corporation who have entered into a contract with the City for performance of work covered by this contract, and its authorized agents or legal representatives.
- F. INSPECTOR. Shall mean the technical inspector or inspectors duly authorized or appointed by the Engineer.
- G. PLANS. The word "plans" shall denote drawings. The word "drawings" shall denote plans. Plans and/or drawings are a part of the specifications.
- H. SPECIFICATIONS. The directions, provisions and requirements contained herein and supplemented by such special provisions as may be necessary, pertaining to the method and manner of performing the work, or to the quantities and qualities of materials to be furnished under the contract.
- I. PROPOSAL FORM. The approved form on which the City Engineer requires formal bids to be prepared and submitted for the work.
- J. BID PROPOSAL. The offer of the bidder for the work when made out and submitted on the prescribed proposal form, properly signed and guaranteed.
- K. CONTRACT, AGREEMENT, OR CONTRACT DOCUMENTS. The written agreement covering the performance of the work and the furnishing of labor, materials, tools, and equipment in the construction of the work. The contract shall include the notice to contractors, proposal, plans, specifications, special provisions, and contract bonds; also any and all supplemental agreements amending or extending the work contemplated and which may be required to complete the work in a substantial and acceptable manner. Supplemental agreements are written agreements covering alterations, amendments, or extensions to the contract and include contract change orders.
- L. WORK. All the work specified in the special provisions, proposal and contract.

- M. INSTALL. Where the word install is used, it shall also mean that the Contractor shall provide all of the materials necessary to install the item as shown on the plans or in these specifications, unless stated otherwise.
- N. CONSTRUCT. Where the word construct is used, it shall also mean that the Contractor shall provide all of the materials necessary to construct the item as shown on the plans or in these specifications, unless stated otherwise.
- O. PLACE. Where the word place is used, it shall also mean to provide all of the materials for the complete installation of the item denoted.
- P. ADVERTISEMENT. The published Notice Inviting Sealed Bids for the construction of the project.
- Q. STANDARD SPECIFICATIONS. The State of California, Department of Transportation, Standard Specifications, dated May 2006 as amended, also referred to as the State Specifications.
- R. STANDARD PLANS. The State of California, Department of Transportation, Standard Plans, dated May 2006 as amended, also referred to as the State Standard Plans.
- S. STATE. The State of California, including the Department of Transportation (Caltrans), California Highway Patrol, or any other State of California agency whose action or oversight is related to the work.



## SECTION II. BID REQUIREMENTS AND CONDITIONS

The bidder's attention is directed to the provisions of Section 2 of the State Specifications for the requirements and conditions which must be observed in the preparation of the bid proposal forms and the submission of the bid and these special provisions.

- A. CONTENTS OF BID PROPOSAL FORMS. Prospective bidders will be furnished with forms which will state the location and description of the contemplated work to be performed, for which a bid is asked.
- B. EXAMINATION OF PLANS, SPECIFICATIONS, SPECIAL PROVISIONS AND SITE OF WORK. The bidder shall examine carefully the site of the work contemplated and the plans, specifications and proposal and contract forms thereof. It will be assumed that the bidder has investigated and is satisfied as to the conditions to be encountered, as to the character and quality of work to be performed and as to the materials to be furnished, as to the requirements of these specifications, the special provisions and the contract.

For convenience in designation on the plans or in the specifications, certain materials or articles to be incorporated in the work may be designated under a trade name or the name of a manufacturer and the manufacturer's catalog information. The request for substitution of a similar or equivalent material or article shall not be made before the submission of a bid proposal and/or award of the contract. Attention is directed to the provisions under "Submittals," of Section VI elsewhere in the special provisions.

If any person contemplating submitting a bid proposal for proposed contract is in doubt as to the true meaning of or finds discrepancies in or omissions from any part of the plans, specifications, or other contract documents, the person may submit to the City a written request for an interpretation or correction thereof. The person submitting the request will be responsible for its prompt delivery. Any interpretation or correction of the contract documents will be made only by addendum duly issued and a copy of such addendum will be delivered to each person receiving a copy of the contract documents. No person is authorized to make any oral interpretation or correction of any provision in the contract documents to any bidder, and no bidder shall rely on any such oral interpretation or correction.

- C. BID PROPOSAL FORMS. **All bids shall be made upon the blank forms provided herein, which shall be void if detached from these specifications.** All items shall be properly filled out. Numbers shall be stated in figures. The signatures of all persons signing shall be in long hand. If the bid is submitted by an individual, the individual's name and post office address must be shown. If submitted by a firm or partnership, the name and post office address of each member of the firm or partnership must be shown. If submitted by a corporation, the bid proposal shall show the name of the State under the laws of which the corporation was chartered and the names, titles and business addresses of the president, secretary, treasurer and manager.
- D. REJECTION OF BIDS CONTAINING ALTERATIONS, ERASURES OR IRREGULARITIES. Bids may be rejected if they show any alteration of form, additions not called for, conditional bids, incomplete bids, erasures, or irregularities of any kind.
- E. BID GUARANTEE. All bids shall be presented under sealed cover and shall be accompanied by a cashier's check, certified check or Bidder's Bond made payable to the City of Capitola, for an amount equal to at least TEN PERCENT (10%) of the amount of said bid.
- F. WITHDRAWAL OF BIDS. Any bid may be withdrawn by the bidder prior to but not after the time fixed for the opening of bids, provided that a request in writing for the withdrawal of such bid, executed by the bidder or bidder's duly authorized representative, is filed with the Director of Public

Works of the City of Capitola. The withdrawal of a bid shall not prejudice the right of a bidder to file a new bid.

- G. DISQUALIFICATIONS OF BIDDERS. More than one bid from an individual, a firm or partnership, a corporation or an association under the same or different names will not be considered. Reasonable grounds for believing that any bidder is interested in more than one bid for the work contemplated will cause the rejection of all bids in which said bidder is interested.
- H. COMPETENCY OF BIDDERS. With each and every bid and forming a part thereof, the City Council will require the bidder to furnish a statement of bidder's financial responsibility, technical ability, and experience.

## SECTION III. AWARD AND EXECUTION OF CONTRACT

The bidder's attention is directed to the provisions in Section 3 of the State Specifications for the requirements and conditions concerning award and execution of contract and these special provisions.

- A. AWARD OF CONTRACT OR REJECTION OF BIDS. All bids shall be subject to the approval of the City Council, which reserves unto itself the right to accept or reject any or all bids and waive any irregularities or informalities of bids as it may deem for the best interest of the City, and whose determination as to whose bid is the lowest responsible bid shall be final and conclusive. The award, if made, will be made within fifteen (15) calendar days after the opening of the bids. City shall not be bound until the contract has been fully executed.
- B. RETURN OF BID GUARANTEES. Within thirty (30) calendar days after the award of the contract, the City will return the bid guarantees accompanying the bids, which are not being considered in making the award. All other bid guarantees will be held until the contract has been finally executed, after which they will be returned to the respective bidders whose bids they accompany.
- C. CONTRACT BONDS. The successful bidder simultaneously with the execution of the agreement will be required to furnish, on forms provided herein:
1. PERFORMANCE BOND in the amount equal to one hundred percent (100%) of the contract price, and must be by a corporate surety authorized to engage in such business in California, payable to the City of Capitola.
  2. LABOR AND MATERIAL BOND in an amount equal to one hundred percent (100%) of the contract price, and must be by a corporate surety authorized to engage in such business in California, payable to the City of Capitola.
  3. DEFECTIVE MATERIALS AND WORKMANSHIP BOND in an amount equal to ten (10%) of the contract price, and must be by a corporate surety authorized to engage in such business in California, payable to the City of Capitola and valid for a one (1) year period commencing on the date of contract completion.
- This bond shall be provided to the City prior to release of the ten (10%) project retention.
- D. EXECUTION OF CONTRACT. The contract shall be signed by the successful bidder and returned, together with the contract bonds and insurance certificates, within ten (10) calendar days after the award of the contract. If bidder fails to do so, the City Council without further proceedings may declare the bid guarantee forfeited.
- E. PENALTY FOR FAILURE TO SIGN CONTRACT. A successful bidder who fails, neglects or refuses to sign the contract and file acceptable bonds as required, within the time specified, shall have the bid guarantee forfeited to the City as liquidated damages.
- F. SUBSTITUTION OF SECURITIES FOR WITHHELD AMOUNTS. For any moneys earned by the Contractor and withheld by the City to ensure the performance of the contract, the Contractor may, at Contractor's request and expense, substitute securities equivalent to the amount withheld in the form and manner and subject to the conditions provided in Chapter 13 (commencing with Section 4590), Division 5, Title 1 of the Government Code of the State of California. This substitution shall be effected prior to submittal of Contractor's first progress billing to the City for work under this contract.
- G. BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES. Attention is directed to the provisions of Section 8-1.03, "Beginning of Work," Section 8-1.06, "Time of

Completion," and Section 8-1.07, "Liquidated Damages," of the State Specifications and these special provisions.

The counting of calendar days shall commence upon on upon the date stated in the "Notice to Proceed." The Contractor shall begin work within fifteen (15) calendar days after receiving the Notice to Proceed and shall diligently prosecute the same to completion before the expiration of thirty (30) calendar days from the date of the Notice to Proceed.

The Contractor shall pay to the City of Capitola the sum of \$800.00 (Eight Hundred Dollars and Zero Cents) per day for each and every calendar day's delay in finishing the work in excess of the number of calendar days prescribed herein.

## SECTION IV. SCOPE OF WORK

- A. WORK TO BE DONE. The work to be done on this project consists, in general, of the following:

Install an adaptive traffic signal system along 41<sup>st</sup> Avenue between Clares Street and Brommer /Jade Street.

- B. CHANGES AND EXTRA WORK. Changes and extra work, if found necessary, shall be done in accordance with the provisions of Section 4-1.05, "Changes and Extra Work", of the Standard Specifications and these special provisions.

The City may require changes in, additions to or deductions from, the work to be performed or the materials to be furnished under this Contract pursuant to the provisions of the Contract Documents.

No change to the work shall be made, extra work performed, or deduction from the work made unless in pursuance of a written change order from the City, signed by the Director of Public Works or its authorized representative, stating that the change, addition, deletion, or any combination thereof is authorized. Written field orders may be issued to the contractor pending the issuance of a formal change order. No claim for additional payment shall be considered unless so ordered.

Adjustments to the contract amount by reason of a duly authorized change order shall be determined on the basis of one of the following methods, at the option of the Director of Public Works:

1. On the basis of an acceptable lump sum proposal from the Contractor in response to a quotation request.
2. On the basis of unit prices specified in the Contractor's proposal.
3. On the basis of actual necessary cost plus fifteen (15) percent to cover superintendence, general expense and profit, hereinafter referred to as "Force Account Work."

Force Account Work, if ordered, shall be adjusted and certified daily on record sheets acceptable to the Director of Public Works and signed by both he and the Contractor. Such daily report sheets shall thereafter be considered as the true record of Force Account Work done. Computation of actual costs shall include wages paid for workers and any employer payment made to, or on behalf of, workers for health, welfare, pension, vacation plans or similar purposes. Equipment costs shall be on the basis of generally accepted rental schedules for the locality. Material costs shall be supported by supplier's invoices.

When a lump sum proposal for extra work is requested from the Contractor, such quotation request shall be furnished by the Contractor, and a quotation for the work involved delivered to the Director of Public Works within five (5) calendar days. If the Director of Public Works finds said proposal unacceptable, he may then proceed with such extra work by Force Account or such other means as are available under the provisions of the contract.

- C. INTERPRETATION OF SPECIFICATIONS AND DRAWINGS. The specifications and the contract drawings are intended to be explanatory of each other. Any work indicated in the contract drawings and not in the specifications, or vice versa, is to be executed as if indicated in both. Should it appear that the work to be done, or any of the matters relative thereto, are not sufficiently detailed or explained in these contract documents, including the contract drawings, the Contractor shall apply to the Engineer for such further explanations as may be necessary, and shall conform thereto as part of this contract, so far as may be consistent with the terms of this contract. In the event of any doubt or question arising respecting the true meaning of the specifications, reference shall be made to the City and its decision thereon shall be final.

- D. FIGURED DIMENSIONS. All work shown on the contract drawings, the dimensions of which are not figured, shall be accurately followed to the scale to which the drawings are made, but figured dimensions where given are in all cases to be followed, though they may differ from scaled measurements. Large scale and full size drawings shall be followed in preference to small scale drawings.
- E. ERRORS OR DISCREPANCIES. If the Contractor, in the course of the work, discovers any discrepancies between the drawings and the conditions of the ground, or any errors or omissions in the drawings or in the layout given by stakes, points or instructions, it shall be Contractor's duty to inform the Engineer immediately in writing and the Engineer shall promptly verify the same. Any work done after such discovery until authorized will be done at the Contractor's risk.
- F. DRAWINGS TO BE FURNISHED BY CONTRACTOR. The bidder's attention is directed to the provisions in Section 5-1.23, "Submittals" of the State Specifications for the requirements concerning submittals. As soon as practicable and proper after the execution of this contract, the Contractor shall supply such working drawings or devices to be furnished hereunder as are called for herein or as are required by the Engineer, to make clear the details of construction and of devices and to demonstrate fully that all materials and equipment comply with the intent and provisions of this contract. Unless otherwise herein specified, such drawings shall be submitted to the Engineer for this approval upon Engineer's request. Should any drawings furnished by the Contractor not be approved by the Engineer, the Contractor shall make the revisions required and again submit them to the Engineer for approval. After due approval by the Engineer, these drawings shall become a part of this contract and the work shall be done in conformity therewith. No such work shall begin or devices purchased until the drawings covering it or they have been approved. The approval of the drawings shall not relieve the Contractor of responsibility or waive or modify any of the provisions or requirements of this contract.
- G. ADDITIONAL DRAWINGS BY CITY. The drawings made a part of this contract at the time of its execution are intended to be fairly specific and to indicate the detail of the scope of the work. In addition to these drawings, however, the Engineer shall furnish such additional drawings from time to time during the progress of the work as are necessary to make clear or to define in greater detail the intent of the specifications and contract drawings, and the Contractor shall make the work conform to all such drawings.
- H. CLEANING UP. The Contractor shall not allow the site of the work to become littered with trash and waste material, but shall maintain the same in a neat and orderly condition throughout the construction period in conformance with Section 5-1.31, "Job Site Appearance," of the Standard Specifications and these special provisions. The Engineer shall have the right to determine what is or is not waste material or rubbish and the place and manner of disposal.
- On or before the completion of the work the Contractor shall, without charge therefore, tear down and remove all temporary structures built by Contractor, and shall remove rubbish of all kinds from any of the grounds which Contractor has occupied and leave them in a condition acceptable to the Engineer.
- Full compensation for conforming to the provisions of "Cleaning Up," of this article shall be considered as included in the various contract items, and no additional allowance will be made therefore.
- I. SALVAGE FOR THE CITY. None

## SECTION V. CONTROL OF WORK

The bidder's attention is directed to the provisions in Section 5 of the State Specifications for the requirements and conditions concerning Control of Work and these special provisions.

- A. AUTHORITY OF THE ENGINEER. The Engineer shall decide any and all questions which may arise as to the quality and acceptability of the work performed, as to the quality and acceptability of materials furnished, and as to the manner of performance and the rate of progress of the work, and shall decide all questions which may arise as to the interpretation of the Plans and Specifications, and all questions as to the acceptable fulfillment of the contract on the part of the Contractor, and as to compensation. The Engineer's decisions shall be final; the Engineer shall have authority to enforce and make effective such decisions and orders as the Contractor fails to carry out promptly.
- B. COOPERATION OF THE CONTRACTOR. Whenever the Contractor is not present on any part of the work where it may be desired to give directions, orders will be given by the Engineer in writing and shall be received and obeyed by the Superintendent or Foreman who may have charge of the particular work in question.

The representative must be present at the job site while work is in progress. The Contractor must submit the representatives contact information (name, telephone number) so the representative can be easily contacted to perform emergency work while work is not in progress.

- C. COOPERATION BETWEEN CONTRACTORS. Where two or more contractors are employed on related or adjacent work, each shall conduct their operation in such a manner as not to cause any unnecessary delay or hindrance to the other. Each Contractor shall be responsible to the other for all damage to work, to persons or property, or for loss caused by failure to finish the work within the time specified for completion.
- D. CHARACTER OF WORKERS. If any person employed by the Contractor, or by a subcontractor, shall fail or refuse to carry out the directions of the Engineer, or shall appear to the Engineer to be incompetent, or to act in a disorderly or improper manner, that person shall be discharged immediately upon the recommendation of the Engineer, and shall not again be employed on the work.
- E. PERMITS AND LICENSES. The Contractor shall procure all permits and licenses, pay all charges and fees, and give all notices incident to the lawful prosecution of the work.
- F. ACCESS TO WORK. The Engineer and the Engineer's authorized assistants shall at all times have access to the work during its progress. All work done and all materials furnished shall be subject to the inspection of the Engineer.
- G. INSPECTION. The inspection of the work shall not relieve the Contractor of its obligation to fulfill the contract as prescribed, and defective work shall be made good and unsuitable materials may be rejected, notwithstanding that such defective work and materials have been previously overlooked by the Engineer and accepted or estimated for payment.
- H. REMOVAL OF DEFECTIVE OR UNAUTHORIZED WORK. All work which has been rejected shall be remedied or removed and replaced in an acceptable manner by the Contractor at the Contractor's own expense, and no compensation will be allowed Contractor for such removal or replacement.
- F. LANDSCAPE DAMAGES. Repair slopes or other existing facilities that were damaged after starting job site activities and before starting plant establishment.

As ordered, replace plants that have been damaged from either or both of the following conditions:

1. Ambient air temperature falling below 32 degrees F during the plant establishment period
2. Department or its supplier restricting or stopping water delivery during the plant establishment period

This plant replacement work is change order work.

- J. EQUIPMENT. The use of equipment which is obsolete as to type, in bad condition or worn out will not be permitted on the work. The Contractor shall provide adequate and suitable equipment and plans to meet the requirements of the work, and when ordered by the Engineer shall remove unsuitable equipment from the work.
- K. FINAL INSPECTION. When the work performed by the Contractor shall have been satisfactory and the final cleaning up performed, the Engineer will make the final inspection.



## SECTION VI. CONTROL OF MATERIALS

The Bidder's attention is directed to the provisions in Section 6 of the State Specifications for the requirements and conditions concerning Control of Materials and these special provisions.

- A. DEFECTIVE MATERIALS. All materials not conforming to the requirements of these specifications shall be considered as defective, and all such materials -- whether in place or not -- shall be rejected and shall be removed immediately from the site of the work.
- B. REMOVAL OF CONDEMNED MATERIALS AND STRUCTURES. The Contractor shall remove from the site of the work, without delay, all rejected and condemned materials or structures of any kind brought to or incorporated in the work; upon failure to do so or to make satisfactory progress in so doing within forty-eight (48) hours after the service of a written notice by the Engineer, the condemned materials or work may be removed by the City and the cost of such removal shall be taken out of the contract price. No such rejected or condemned material shall again be offered for use by the Contractor under this contract.
- C. SUBMITTALS. Attention is directed to Section 5-1.23, "Submittals," of the State Specifications. Within fifteen (15) calendar days after award of the contract, before any materials are purchased, brought to the site or installed, the Contractor shall submit to the Engineer a complete listing of the manufacturers of each item of equipment or assembly fabricated off the site which the Contractor proposes to furnish on the project, together with sufficient information including shop assembly and detail drawings, manufacturers' specifications, and performance data to demonstrate clearly that the materials and equipment to be furnished comply with the provisions and intent of the contract specifications, contract drawings and contract documents. If the information shows any deviation from the contract requirements, the Contractor shall, by a statement in writing accompanying the submittal, advise the Engineer of the deviation and state the reason therefore.

Approval by the Engineer of shop drawings and other data submitted by the Contractor shall not relieve the Contractor from responsibility for any errors therein or of furnishing the materials and equipment of proper dimension, size, quantity, quality, and all performance characteristics to meet the requirements and intent of the contract documents. The Contractor shall have no claim for damages or extension of time on account of any delay in the work resulting from the rejection of materials or from revision and resubmittal of drawings and other data for approval. All submittals and shop drawings shall be furnished to the City in quadruplicate.

- D. TRADE NAMES, ALTERNATIVES, OR EQUALS. Attention is directed to Section 6-1.05, "Trade Names and Alternatives," of the Standard Specifications.
- E. STORAGE OF MATERIALS. Unless specifically authorized by the Engineer, no materials shall be stored overnight upon any public road or right of way within the City.

## SECTION VII. LEGAL RELATIONS AND RESPONSIBILITY

The Bidder's attention is directed to the provisions in Section 7 of the State Specifications for the requirements and conditions concerning Legal Relations and Responsibility to the Public and these special provisions.

- A. LEGAL RESTRICTIONS. The Contractor shall stay fully informed of all existing and future state and national laws and municipal ordinances and regulations which in any manner affect those engaged or employed on the work, or which in any manner affect the conduct of the work. The Contractor shall at all times observe and comply with all such existing and future laws, ordinances and regulations.
- B. PATENTS. The Contractor shall assume all costs arising from the use of patented materials, equipment, devices or processes used on or incorporated in the work.
- C. SANITARY PROVISIONS. The Contractor shall comply with all of the sanitary regulations prescribed by the California Department of Health Services.
- D. PUBLIC CONVENIENCE AND SAFETY. Contractor's attention is directed to the provisions in Section 7-1.03, "Public Convenience" and Section. 7-1.04, "Public Safety" of the Standard Specifications. The Contractor shall so conduct its operations as to offer the least possible obstruction and inconvenience to the public. It shall be the responsibility of the Contractor to protect and guard the public from injury or damage due to any cause.
- E. RESPONSIBILITY FOR WORK. Accepting as herein otherwise provided, until the formal acceptance of all work by the City, the Contractor shall have the charge and care thereof, and shall take every necessary precaution against injury or damage to any part thereof from any cause whatever. The Contractor shall rebuild, repair, restore and make good all injuries or damages to any portion of the work occasioned by any cause before its acceptance, and shall bear the expense thereof.
- F. HOURS OF LABOR. The Contractor shall forfeit as penalty to the City, Fifty Dollars (\$50.00) for each laborer, worker, or mechanic employed in the execution of the contract by the Contractor, or by any subcontractor, upon any of the work hereinafter mentioned, for each working day during which said laborer, worker or mechanic is required or permitted to labor more than eight hours per day or forty hours per week in violation of the provisions of Labor Code §1815.
- G. PREVAILING WAGE. The Contractor shall, as a penalty to the City, forfeit Fifty Dollars (\$50.00) for each working day or portion thereof for each worker paid less than the stipulated prevailing rates for such work or craft in which such worker is employed for any public work done under the contract by the Contractor or any of Contractor's subcontractors. The difference between such stipulated prevailing wage rates and the amount paid to each worker for each working day or portion thereof for which each worker was paid less than the stipulated prevailing wage rate shall be paid to each worker by the Contractor. The provisions of Labor Code §1773, §1773.2, §1773.4 and §1775 of the will be complied with.

Pursuant to the State of California, or local law thereto applicable, the City Council hereby determines that the general prevailing per diem rate in the locality in which the work is to be performed, for laborers and for each craft or type of worker and mechanic employed in the execution of this contract, is the Union Wage Scale established for Santa Cruz County, which wage scale as of the execution date of this contract is incorporated herein as if fully set forth.

Copies of the prevailing rate of per diem wages prepared and available by the California State Department of Industrial Relations.

- H. COMPLIANCE WITH DIVISION OF APPRENTICESHIP STANDARDS. The Contractor to whom the contract is awarded shall, in compliance with the California Labor Code § 1777.5 , be required to adhere to the provisions of the ratio of apprentices to journeymen as more particularly defined in the aforementioned Labor Code section. Notice is given that the City of Capitola will, within five (5) days of awarding of contract, notify the Division of Apprenticeship Standards of such awarding and will notify said Division of any findings of any discrepancies regarding the ratio of apprentices to journeymen.
- I. CERTIFIED PAYROLL RECORDS. The Contractor and each subcontractor shall keep or cause to be kept an accurate record showing the names and occupations of all laborers, workers and mechanics employed by the Contractor in connection with the execution of this contract or any subcontracts thereunder and also showing the actual per diem wages paid to each of such workers, which record shall be open at all reasonable hours to the inspection of the City awarding this contract, its officers and agents, and to the Chief of the Division of Labor Statistics and Law Enforcement and the State Department of Industrial Relations, its deputies and agents.
- All contractors and subcontractors must furnish electronic certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement).
- J. POSTING MINIMUM WAGE RATES/ JOB SITE POSTINGS. The Contractor shall post at conspicuous points on the site of the project a schedule showing all determined minimum wage rates and all authorized deductions, if any, from unpaid wages actually earned. The contractor shall post job site notices prescribed by regulation (See 8 Calif. Code Reg §16451 (d) for the notice that previously was required for project monitored by the CMU).
- K. PAYMENT OF EMPLOYEES. The Contractor and each subcontractor shall pay each employee engaged in work on the project under this contract in full (less deductions made mandatory by law) and not less often than once a week.
- L. REGISTRATION OF CONTRACTORS. At the time of award of the contract, the Contractor shall be licensed in accordance with the provisions of Chapter 9 of Division III of the Business and Professions Code.
- M. RESPONSIBILITY FOR DAMAGE. The City of Capitola, the City Council, or the Engineer shall not be answerable or accountable in any manner for any loss or damage that may happen to the work or any part thereof; or for any of the materials or other things used or employed in performing the work; or for injury to any person or persons, either workers or the public; for damage to property from any cause which might have been prevented by the Contractor, Contractor's workers, or anyone employed by the Contractor; against all of which injuries or damages to persons and property the Contractor having control over such work must properly guard. The Contractor shall be responsible for any liability imposed by law for any damage to any person or property resulting from defects or obstructions or from any cause whatsoever during the progress of the work or at any time before its completion and final acceptance, and shall indemnify and save harmless the City of Capitola, the City Council, and the Engineer from all suits or actions of every name and description brought forth or on account of any injuries or damages received or sustained by any person or persons by or from the Contractor, Contractor's servants or agents, in the construction of the work or by or in consequence of any negligence in guarding against such injuries or damages or on the account of any act or omission of the Contractor or Contractor's agents, and in addition to any remedy authorized by law so much as shall be considered necessary by the City Council may be retained by the City of Capitola until disposition has been made of such suits or claims for damages as aforesaid.

The Contractor shall be responsible for any liability imposed by law or for any damage to any person or property and shall indemnify and hold harmless the City of Capitola, its officers and employees, all in the same manner and to the same extent as provided above for the protection of the City, the City Council and the Engineer, except that no retention of money due the Contractor under and by virtue of the contract will be paid by the City of Capitola, pending disposition of suits or claims for damages brought against the City.

- N. TERMINATION OF CONTRACT. If the work provided for under this contract shall be abandoned, or if the contract shall be sublet or assigned without the consent of the City, or if at any time the Engineer shall be of the opinion that the conditions specified as to the rate of progress are not being fulfilled, or that the work or any part thereof is unnecessarily delayed, or that the Contractor is willfully violating any of the conditions or provisions of this contract or is executing the same in bad faith, the City shall notify the Contractor to fulfill the conditions of this contract. Should the Contractor fail to begin compliance with said notice within five (5) calendar days, the City may, at its discretion, notify the Contractor to discontinue all work under this contract or any part thereof, and thereupon the Contractor shall discontinue work, and the City may, by contract or otherwise, at its discretion, complete the work or such part thereof, and may take possession of the work and use therein such materials, machinery, implements and tools of every description as shall be found upon the work, or provide whatever is needed for the completion of the work and charge the expense thereof to the Contractor. In order to meet the expenses so incurred, the City is hereby authorized by the Contractor to draw a warrant in the name of the Contractor and in favor of these persons, firms or corporations doing the work or providing the materials or labor therefore, against the fund or appropriation set aside for the purpose of this contract. When a warrant is so drawn it shall be conclusive upon the Contractor and shall be to all intent and purposes the same as drawn by the Contractor in person. When any of the said demands have been audited and paid, the amount of the same shall be deducted from the fund or appropriation set-aside for the purposes of this contract being so terminated. The Contractor shall immediately, upon due notice from the Engineer to do so, remove from the premises all materials and personal property belonging to the Contractor which have not already been used in the construction of the work or which are not in place in the work, and the Contractor shall forfeit all rights under this contract, and both the Contractor and Contractor's sureties shall be liable for the bond for all damages caused the City by reason of Contractor's failure to complete this contract.

Neither the extension of time for any reason beyond the date fixed for the completion of this work, nor the doing and acceptance of any part of the work called for by the terms of this contract, subsequent to the said date, shall be deemed to be a waiver by the City of the right to abrogate, annul, or terminate this contract for abandonment or other cause as provided above.

During the performance of this contract, the Contractor, its assignees and successors in interest (hereinafter referred to as "Contractor") agree as follows:

1. COMPLIANCE WITH REGULATIONS. The Contractor will comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (Title 15, Code of Federal Regulations, Part 8, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. NONDISCRIMINATION. The Contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the grounds of race, color, sex, or national origin, ancestry, physical handicap, medical condition, marital status, or religion in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor will not participate either directly or indirectly in the discrimination prohibited by Section 1735 of the Labor Code.

3. SOLICITATIONS FOR SUBCONTRACTS, INCLUDING PROCUREMENT OF MATERIALS AND EQUIPMENT. In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, ancestry, physical handicap, medical condition, marital status, or religion.
  4. INFORMATION AND REPORTS. The Contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the City, and shall set forth what efforts it has made to obtain the information.
  5. SANCTIONS FOR NONCOMPLIANCE. In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the City shall impose such contract sanctions as it may determine to be appropriate, including but not limited to:
    - a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
    - b. Cancellation, termination or suspension of the contract, in whole or in part.
  6. INCORPORATION OF PROVISIONS. The Contractor will include the provisions of Paragraphs 1 through 5 in every subcontract, including procurement of materials and leases of equipment, unless exempt by the regulations, order or instructions issued pursuant thereto. The Contractor will take such action with respect to any subcontract or procurement as the City may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the City to enter into such litigation to protect the interests of the City.
- O. WATER POLLUTION. Attention is directed to Section 13, "Water Pollution Control," of the Standard Specifications and Section 10-2.06, "Temporary Water Pollution and Erosion Control" elsewhere in the special provisions.
- P. CONSTRUCTION HOURS. Construction hours shall be limited between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Construction shall be prohibited on weekends except for emergency work approved by the Engineer.

## SECTION VIII. PROSECUTION, PROGRESS AND PAYMENT

Attention is directed to Sections 8 and 9 of the State Specifications for the requirements and conditions concerning Prosecution, Progress and Payment and these special provisions.

- A. COMPLETION AND PAYMENT. All work completed under the contract shall be paid for in accordance with the provisions of these specifications. The Contractor shall accept the compensation as provided in the contract in full payment for furnishing all materials, labor, tools and equipment, including all applicable taxes and fees, necessary to complete the work and for performing all work completed and embraced under the contract.
- B. PROGRESS ESTIMATE AND PAYMENT. The Engineer shall, on or around the twentieth (20th) day of each month, make an estimate of the value of the work performed and materials furnished in accordance with this contract. The first estimate shall be of the value of the work done and of the materials proposed and suitable for permanent incorporation in the work delivered and suitably and safely stored at the site of the work since the Contractor began the performance of this Contract.

Every subsequent estimate, except the final estimate, shall be of the value of the work done and materials delivered and suitably stored at the site of the work since the last preceding estimate was made; provided, however, that should the Contractor fail to adhere to the program of completion fixed in this contract, the Engineer shall deduct from the next and all subsequent estimates the full calculated accruing amount of the liquidated damages to the date of said estimate, until such time as the compliance with the program has been restored; and provided, further, that no estimate shall be required to be made when in the judgment of the Engineer the total value of the work done and materials incorporated into the work under this contract since the last preceding estimate amounts to less than One Thousand Dollars (\$1,000.00); and provided, also, that materials so delivered and estimated shall not be removed from the site of the work prior to its completion without the written consent of the Engineer.

The estimates shall be signed by the Engineer, and after approval by the City the City shall pay or cause to be paid to the Contractor, in the manner provided by law, an amount equal to ninety per cent (90%) of the estimated value of the work performed and of the value of the materials furnished and delivered and unused, such materials to be those which are proposed and suitable for permanent incorporation in the work.

Items for which quantities are indicated lump sum shall be paid for at the unit price indicated in the bid proposal. Such payment shall be full compensation for the items of work and all work appurtenant thereto.

When required by the specifications or requested by the Engineer, the Contractor shall submit to the Engineer within fifteen (15) calendar days after award of contract, a detailed schedule in triplicate, to be used only as a basis for determining progress payments on a lump sum contract or designated lump sum bid item. This schedule shall equal the lump sum bid and shall be in such form and sufficiently detailed as to satisfy the Engineer that it correctly represents a reasonable apportionment of the lump sum.

- C. SUBSTITUTION OF SECURITIES FOR WITHHELD AMOUNTS. Pursuant to Chapter 13 (commencing with Section 4590), Division 5, Title 1 of the Government Code of the State of California, securities may be substituted for any moneys withheld by public agency to ensure performance under a contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the public agency, or with a state or federally chartered bank as the escrow agent, who shall pay such moneys to the Contractor upon satisfactory completion of the contract.

Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code of the State of California or bank or savings and loan certificate of deposit. The Contractor shall be the beneficial owner of any securities substituted for moneys withheld and shall receive any interest thereon. Any escrow agreement entered into pursuant to this section shall contain as a minimum the following provisions: (a) The amount of securities to be deposited; (b) The terms and conditions of conversion to cash in case of the default of the Contractor; and (c) The termination of the escrow upon completion of the contract.

- D. FINAL ACCEPTANCE. The Engineer shall, as soon as practical after the final acceptance of the work done under this contract, make a final estimate of the amount of work done there under and the value thereof. Such final estimate shall be signed by the Engineer, and after approval the City shall pay or cause to be paid to the Contractor in the manner provided by law, the entire sum so found to be due hereunder, after deducting therefrom all previous payments and such other lawful amounts as the terms of this contract prescribe.

In no case will final payment be made in less than thirty-five (35) calendar days after the filing of a "Notice of Completion" in the County Records Office, Santa Cruz County, California.

## SECTION IX. INSURANCE

A. PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE. The Contractor shall take out and maintain during the life of this contract such public liability and property damage insurance, by an insurer acceptable to the City, that shall protect Contractor and any subcontractor performing work covered by this contract from any claims for property damage which may arise because of the nature of the work or from operations under this contract, whether such operations are performed by the Contractor or by any subcontractor or anyone directly or indirectly employed by either of them, even though such damages may not be caused by the negligence of the Contractor or any subcontractor, or anyone employed by either of them. The public liability and property damage insurance shall name the City, its officers, agents and employees as insured's, and all insurance policies issued hereunder shall so state. The amounts of such insurance shall be as follows:

1. CONTRACTORS LIABILITY INSURANCE. Shall provide bodily injury liability limits of not less than \$1,000,000 for each person, and \$2,000,000 for each accident or occurrence, and property damage liability limits of not less than \$1,000,000 for each accident or occurrence with an aggregate limit of \$2,000,000 for claims which may arise from the operations of the Contractor in the performance of the work hereunder provided. This insurance must include coverage for contractual liability assumed by the Contractor under Paragraph F, Section VII, Responsibility for Work.
2. AUTOMOBILE LIABILITY INSURANCE. Covering all vehicles used in the performance of the contract providing bodily injury liability limits of not less than \$500,000 for each person and \$1,000,000 for each accident or occurrence, and property damage liability limits of not less than \$500,000 for each accident or occurrence which may arise from the operations of the Contractor in performing the work provided for herein.

Before the execution of the contract, the successful bidder shall file with the City a certificate or certificates of insurance, covering the specified insurance. Each such certificate shall bear an endorsement precluding the cancellation or reduction in coverage of any policy evidenced by such certificate, before the expiration of thirty (30) calendar days after the City shall have received notifications by registered mail from the insurance carrier.

All policies shall name the City of Capitola as an insured under all terms of the policy.

B. WORKER'S COMPENSATION INSURANCE. Before beginning the work, the Contractor shall furnish to the City satisfactory proof that Contractor has taken out for the period covered by the work under this contract, full compensation insurance for all persons employed directly by Contractor or through subcontractors in carrying out the work contemplated under this contract, in accordance with the "Worker's Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof. Such insurance shall be maintained in full force and effect during the period covered by this contract.



SECTION X. TECHNICAL PROVISIONS  
SECTION 10-1. GENERAL

**10-1.01 COOPERATION**--Attention is directed to Section 5-1.20, "Coordination with Other Entities," and Section 5-1.36D, "Non-Highway Facilities," of the Standard Specifications and these special provisions.

**10-1.02 OBSTRUCTIONS**--Attention is directed to Section 5-1.36D, "Non-Highway Facilities," of the Standard Specifications and these special provisions.

The Contractor shall notify the Engineer and the appropriate regional notification center for operators of subsurface installations at least (two) 2 working days prior to performing any excavation or other work close to any underground pipeline, conduit, duct, wire or other structure. Regional notification centers include but are not limited to the following:

Underground Service Alert  
Northern California (USA)

Telephone: 811 or (800) 227-2600

Pursuant to Government Code Section 4216.e, the inquiry identification number from the regional notification center shall remain valid for not more than fourteen (14) calendar days from the date of issuance, and after that date shall require regional notification center revalidation. Inquiry identification number means the number which is provided by a regional notification center to every person who contacts the center pursuant to Government Code Section 4216.2.

If such facilities are not located on the plans in both alignment and elevation, no work shall be performed in the vicinity of said facilities until the owner or its representative, has located the facility by potholing, probing, or other means that will locate and identify the facility. If, in the opinion of the Engineer, the Contractor's operations are delayed or interfered with by reason of the utility facilities not being located by the owner or its representative, the City will compensate the Contractor for such delays to the extent provided in Section 8-1.07, "Delays," of the Standard Specifications, and not otherwise, except as provided in Section 5-1.36D, "Non-Highway Facilities," of the Standard Specifications.

Utility facilities will be relocated by the utility owners during the progress of the Contract. The Contractor shall notify the Engineer in writing prior to doing any work in the vicinity of the facility. The utility facility will be relocated within the listed working days, as defined in Section 8-1.05, "Time," of the Standard Specifications, after said notification is received by the Engineer.

**10-1.03 MAINTAINING ACCESS**--Attention is directed to Sections 7-1.03, "Public Convenience," and 7-1.04, "Public Safety," of the Standard Specifications and shall consist of installing temporary pedestrian signing, fencing, barricades, plywood walkways, and ramping as necessary to maintain safe passage, in conformance with these special provisions. Nothing in these special provisions shall be construed as relieving the Contractor from responsibility as provided in said Section 7-1.04 "Public Safety".

Vehicular and pedestrian access to private property, shall be maintained at all times, unless the closing of such access is approved by the Engineer. Contractor shall not impede upon the private properties adjacent to the area of work without written approval from the property owner and the Engineer.

Existing signage within the limits of construction shall be protected in place by the Contractor during the construction period unless otherwise approved by the Engineer.

When necessary, trenches and other excavations shall be bridged with steel plates as required by the Engineer. The bridging shall be placed to permit an unobstructed flow of traffic. Advanced warning signs shall be required when trenches and other excavation are bridged in the travel way.

Personal vehicles of the Contractor's employees shall not be parked on the traveled way or shoulders, including any section closed to the public traffic.

The Contractor shall notify local public safety authorities of this intent to begin work at least 5 working days before work is begun. The Contractor shall cooperate with local public safety authorities relative to handling traffic through the area and shall make its own arrangements relative to keeping the working area clear of parked vehicles.

Minor deviations from the requirements of this section concerning hours of work which do not significantly change the cost of the work may be permitted upon the written request of the Contractor if in the opinion of the Engineer public traffic will be better served and the work expedited. Such deviations shall not be implemented until the Engineer has issued written approval. All other modifications will be made by Contract Change Order.

Temporary "No Parking" signs shall be attached to existing poles, street light standards or trees. Temporary "No Parking" signs shall conform to the provisions in Section 12.3.06B (3), "Portable Signs," of the Standard Specifications. The signs shall be in place not less than 48 hours prior to starting work.

The Contractor shall conduct all construction operations with the least possible obstruction and inconvenience to the public. The Contractor shall have no greater length or amount of work under construction than can be completed within a workday.

Full compensation for the maintaining "Access" conforming to the provisions these special provisions shall be considered as included in the prices paid for the various items of work and no additional compensation will be allowed therefore.

**10-1.04 WATERING**--Watering shall conform to the provisions in Section 17, "Watering," of the Standard Specifications.

**10-1.05 LINES AND GRADES**--Construction surveys shall comply with Section 5-1.26, "Construction Surveys," of the Standard Specifications and these special provisions except that the Contractor shall be responsible for setting all lines and grades necessary to establish the lines and grades required for the completion of the work specified on the Plans, and in these special provisions.

**10-1.06 REMOVAL OF ASBESTOS AND HAZARDOUS SUBSTANCES**--When the presence of asbestos or hazardous substances are not shown on the plans or indicated in the specifications and the Contractor encounters materials which the Contractor reasonably believes to be asbestos or a hazardous substance as defined in Section 25914.1 of the Health and Safety Code, and the asbestos or hazardous substance has not been rendered harmless, the Contractor may continue work in unaffected areas reasonably believed to be safe. The Contractor shall immediately cease work in the affected area and report the condition to the Engineer in writing.

In conformance with Section 25914.1 of the Health and Safety Code, removal of asbestos or hazardous substances including exploratory work to identify and determine the extent of the asbestos or hazardous substance will be performed by separate contract.

If delay of work in the area delays the current controlling operation, the delay will be considered a right of way delay and the Contractor will be compensated for the delay in conformance with the provisions in Section 8-1.07, "Delays," of the Standard Specifications.

## SECTION 10-2. SPECIALS

**10-2.01 PROGRESS SCHEDULE**--The Contractor shall submit a detailed construction schedule to the Engineer for review and approval prior to the pre-construction meeting for the project. Construction schedules shall conform to the provisions in Section 8-1.02, "Schedule," of the Standard Specifications.

The construction schedule shall be consistent in all respects with the times and order of work requirements necessary to complete the project as approved by the Engineer.

Contractor shall notify the Engineer immediately of any changes to the schedule impacting the project completion date.

Measurement and Payment--Full compensation for the preparation and updating of the Progress Schedule conforming to these special provisions shall be considered as included in the prices paid for the various items of work and no additional compensation will be allowed therefore.

**10-2.02 MOBILIZATION**--This work shall consist of preparatory work and operations, including but not limited to, those necessary for the movement of personnel, equipment, supplies, and incidentals to the project site; for the establishment of all facilities necessary for work on the project; and for all other work and operations which must be performed or costs incurred prior to beginning work on the various contract items on the project site.

Measurement and Payment--The contract lump sum price paid for "Mobilization" shall include full compensation for furnishing all labor, materials, tools, equipment and incidentals, and for doing all the work involved in mobilization as specified herein. Partial payment for mobilization shall be made consistent with Section 9-1.16D, "Mobilization," of the standard specifications.

**10-2.03 TRAFFIC CONTROL**--This work shall conform to the provisions in Section 12, "Temporary Traffic Control," of the Standard Specifications and these special provisions, and shall consist of installing temporary traffic-handling equipment and devices, maintaining traffic, placing and installing temporary traffic control systems and placing temporary pavement delineation, pedestrian signing, fencing, barricades, as necessary to maintain safe passage, as shown on the Plans and in conformance with these special provisions. Temporary traffic control must comply with part 6 "Temporary Traffic Control," of the California MUTCD.

The contractor shall provide Traffic Control and Construction area signs as shown on the plans. The Contractor can modify the Traffic Control Plan upon approval by the Engineer. If the Contractor chooses to modify the Traffic Control Plan, the contractor shall prepare a revised Traffic Control and Pedestrian Access Plan for approval by the Engineer prior to construction at the Contractors sole cost, no additional compensation will be allowed therefore. The revised Traffic Control and Access Plan shall be prepared in conformance with City requirements and shall show the following minimum applicable information:

1. Street and traffic lane layout (width of sidewalk, street and lanes etc.); outline of the work under construction (i.e., limits of excavation), location of construction barricades, location of trench protection devices, location of major construction equipment and the ingress and egress routes of trucks hauling materials to and from the construction site.
2. Sequence of construction and traffic lane transitions.
3. Duration and time extents of closure.
4. Crosswalk and sidewalk closures.
5. Parking or bus stop closures.

6. Existing striping, pavement markings and traffic signs, and description of what is to be removed prior to installation of temporary striping and signage, and what will be restored after the construction is completed.
7. Location and spacing of "Tow-Away No Stopping" signs.
8. Location and description of temporary striping, pavement markings, signs, and other traffic control devices necessary to provide and maintain the adequate number and width of traffic lanes specified herein, and to provide and maintain passage and protection for pedestrians.
9. Location and description of traffic control devices proposed for the protection of the work area, excavation, etc.
10. Other proposed changes and provisions for removal, relocation, or temporary installation of:
  - a. Traffic signs
  - b. Transit stops
  - c. Barricades
  - d. Solar operated flashing arrow signs
  - e. Traffic Signals
11. Location of detour signs for vehicular, truck, and pedestrian traffic.

Walkways and bicycle paths shall remain open during business hours. The Contractor shall provide and install temporary fencing, signing and ramping to provide safe pedestrian traffic through the project site and shall maintain safe access to all properties at all times.

The Contractor shall comply with regulatory requirements for closure of streets, if necessary. At least 48 hours in advance of closing any street, alley, or other public thoroughfare, the Contractor shall notify the Police and Fire Departments, and shall comply with their requirements.

The provisions of this section shall not relieve the Contractor from its responsibility to provide such additional devices or take such measures as may be necessary to comply with the provisions of Section 7-1.09, "Public Safety," of the Standard Specifications.

Contractor shall post sidewalk closures/detour signs as approved by the Engineer to provide pedestrians with advance warning of the closures. The Contractor shall provide warning signs for temporary ramps and barricades. Warning signs shall be located at both the near side and the far side of the intersection preceding a temporarily completely blocked pedestrian way. Construction area signs shall conform to the provisions of Section 12.3.06C (2), "Stationary Mounted Signs," of the Standard Specifications. Locations of Construction Area signs shall be approved by the Engineer prior to their placement.

Construction area signs shall conform to the provisions of Section 12.3.06A, "Stationary Mounted Signs," of the Standard Specifications. Excavations required to install construction area signs shall be performed by hand methods without the use of power equipment, except that power equipment may be used if it is determined there are no utility facilities in the area of the proposed post holes. Locations of signs shall be approved by the Engineer prior to their placement.

Flaggers shall be provided at locations as shown on the plans or as approved by the Engineer. The flaggers shall be used in each situation when the Contractor's equipment or vehicle backs up into a travel lane, or occupies intermittently a traffic lane, or enters from the work area into a traffic lane, or where required for traffic control, as directed by the Engineer. Flaggers shall comply with Section 12-1.02, "Flaggers," of the Standard Specifications.

Temporary “No Parking” signs shall be attached to existing poles, street light standards or parkway trees. Temporary “No Parking” signs shall conform to the provisions in Section 12.3.06B (3), “Portable Mounted Signs,” of the Standard Specifications.

The Contractor shall contact the property owners 72-hours prior to any disruption to driveway or building entrance. Closure of driveways or access to private property shall be minimized.

The Contractor shall conduct all construction operations with the least possible obstruction and inconvenience to the public. The Contractor shall have no greater length or amount of work under construction than can be completed within a workday.

The Contractor shall provide routing of vehicular and pedestrian traffic, as specified herein, in a manner that will be safe and will minimize traffic congestion and delays during construction and as approved by the Engineer.

The Contractor shall be responsible for providing safeguards, safety devices, protective equipment, and any other needed actions to protect life, health, and safety of the public, and to protect property in connection with its construction operations.

The Contractor may request in writing to the Engineer deviation from the requirements of these special provisions. Such deviation shall not be implemented until the Engineer has issued written approval.

Measurement and Payment- The adjustment provisions in Section 4-1.05, “Changes and Extra Work” of the Standard Specifications shall not apply to the item of traffic control. Adjustments in compensation for traffic control will only be made for increased or decreased traffic control required by changes ordered by the Engineer and will be made on the basis of the cost of the increased or decreased traffic control necessary. The adjustment will be made on a force account basis as provided in Section 9-1.04, “Force Account,” of the Standard Specifications for increased work and estimated on the same basis in the case of decreased work.

The contract lump sum price paid for “Traffic Control” shall include full compensation for furnishing all labor, materials (including construction area signs), tools, equipment, and incidents, and for doing all the work involved in maintaining a safe passable roadway including placing, removing, storing, maintaining, replacing, and disposing of traffic control components as specified in the Standard Specifications, these special provisions, and as directed by the Engineer.

**10-2.04 DEMOLITION**--The work performed in connection with “Demolition” shall conform to the designs and details shown on the plans and these special provisions.

Work included in “Demolition” shall include, but not be limited to:

1. Sawcutting – Asphalt and Concrete Pavement.
2. The removal and disposal of existing asphalt pavement, PCC sidewalks, PCC pavement, curb and gutter, and as identified on the plans.
3. Excavating and off-hauling demolished material.
4. Removal and disposal of other materials necessary to accommodate the proposed work, including but not limited to:
  - a. Roadside signs
  - b. Existing vegetation
  - c. Other items not shown on the plans.
5. Clearing and Grubbing

All work shall be performed in accordance with Section 15, “Existing Facilities,” of the Standard Specifications and these special provisions.

Contractor shall take precautionary measures to protect the existing improvements and landscaping to remain in place. Replacement and/or repair of these existing improvement resulting from damage by the Contractor will be done at the Contractor's sole expense.

Prior to demolition Contractor shall inspect the site to confirm limits and removal as shown on the plans. The drawings do not purport to show all objects existing on the site. Before commencing the demolition work, the Contractor shall verify with the Engineer all objects to be removed and all objects to be preserved.

Contractor shall provide the protections necessary to prevent damage to existing improvements, and existing utilities, indicated to remain in place. Contractor shall protect improvements and landscaping on adjoining properties. All damaged improvements and landscaping shall be replaced or restored to their original condition at the Contractor's sole expense in conformance with Section 5-1.39 "Damage Repair and Restoration," of the Standard Specifications.

Clearing and Grubbing shall be in accordance with Section 16, "Clearing and Grubbing", of the Standard Specifications. The cost associated with clearing and grubbing shall be included in the price paid for as demolition, and no additional payment will be allowed therefore.

Contractor shall sawcut asphalt and concrete pavement in a neat line along the edge of the portions to remain prior to removal. Sawcuts shall be smooth and vertical.

All concrete, AC pavement, and aggregate base shall be hauled off site and disposed of in a legal matter at the Contractor's sole expense.

Measurement and Payment- Full compensation for conforming to the provisions of this article shall be considered as included in the various contract items, and no additional allowance will be made therefore.

**10-2.05 TEMPORARY WATER POLLUTION CONTROL AND EROSION CONTROL**--This work shall conform to the provisions in Section 13, "Temporary Water Pollution Control", Section 21, "Erosion Control," of the Standard Specifications and these special provisions, and shall consist of the preparation for developing and implementing a water pollution control program and installing temporary best management practices (BMPs).

The Contractor shall submit a Water Quality Control Plan that identifies the specific facilities and slopes to be protected, BMP's to be implemented, and meets all NPDES requirements in conformance with the Section 13-2, "Water Pollution Control Program", of the Standard Specifications.

The Contractor shall comply with all appropriate Best Management Practices and applicable design recommendations of the Engineer and Regional Water Quality Control Board (RWQCB) for preventing and removing pollutants, specifying erosion control measures, including sedimentation basins, infiltration basins, and re-vegetation of graded slopes.

Construction water quality control measures shall include the following:

1. Existing vegetation shall be retained where possible,
2. Grading activities will be limited to the immediate area required for construction,
3. Erosion control measures such as silt fences, staked straw bales, and temporary re-vegetation shall be employed for disturbed areas to prevent soil, dirt and debris from entering the storm drain system;

4. No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months; Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures;
5. Measures shall be taken to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products;
6. Periodically inspect earthwork to detect evidence of erosion and sedimentation; promptly apply corrective measures.

*Maintenance:*

1. Repair of BMP deficiencies caused by soil erosion or construction must begin within 72 hours of identification and completed as soon as possible.
2. Water pollution control materials such as, but not limited to silt fence and fiber rolls, shall be stockpiled on the site in sufficient quantities to stabilize any BMP deficiencies within 24 hours prior to a forecasted rain event. The Contractor shall replenish stockpiled materials as required to quickly install measures prior to forecasted rain event.
3. The Contractor shall have adequate labor on hand to install and maintain water pollution control measures within 24 hours following notification by the Engineer or before the forecasted rain, whichever is sooner.

*Good Housekeeping:*

1. Construction operations shall be carried out in such a manner that erosion and water pollution will be minimized, including the implementation of "good housekeeping" source control measures. Contractor shall comply with WPCP, state and local laws concerning pollution abatement.
2. Extreme care shall be taken when hauling any earth, sand, gravel, stone, debris, or any other substance over any public street. Occurrences of material blown, spilled, or tracked over and upon said public or adjacent private property are prohibited and shall be immediately remedied. Discharge of debris is prohibited.
3. All paved areas shall be kept clear of earth material and debris. The site shall be maintained so as to prevent sediment-laden runoff to any storm drainage system, including existing drainage swales and watercourse.
4. Contractor shall install and maintain construction entrances prior to commencement of grading. All construction vehicle traffic entering onto the paved roads must cross stabilized construction entrance ways as specified in the CASQA BMP Handbook Portal. Tracking of mud or debris onto public streets, or onto adjacent public or private property, is prohibited and shall be removed immediately as required by the Engineer.
5. Staging and work areas shall be kept orderly with neat stockpiling of construction materials. Measures shall be installed at the entrance and exits of staging and work areas to control mud from entering the roadway pavement.
6. No earthen materials shall be stockpiled within 25 feet of drainage inlets. All stockpiles of earthen materials shall have appropriate erosion control measures installed to abate and control erosion, as well as perimeter sediment controls.
7. Sanitary facilities shall be maintained on the site in a manner to prevent inadvertent discharge or leakage of sanitary wastes into the storm drain system either by placing sanitary facilities in

locations that do not drain to the storm drain system and by providing secondary containment systems to capture leaked wastes.

- Contractor shall provide dust control as required by the appropriate federal, state, and the City of Capitola requirements.

#### *Erosion and Sediment Control Measures*

##### *Grading and Earthwork:*

- Protect areas which have been cleared and grubbed prior to excavation or embankment operations, and which are subject to runoff.
- If the earthwork in any area has not progressed to a point where all or part of the facilities on the WPCP for that area can be constructed, the Contractor shall construct such supplementary temporary erosion control facilities as are necessary to protect adjacent private and public property at all time.
- Water pollution control measures shall be constructed and functioning to prevent water pollution from areas where portions of the contract have been completed and no further earthwork is planned.

##### *Inlet Protection:*

- The Contractor shall conduct his operations in such a manner that storm runoff will be contained within the project or channeled into the storm drain system which serves the runoff area. Storm runoff from one area shall not be allowed to divert to another runoff area.
- Active drainage inlets where runoff is likely to go shall have drainage inlet protection installed around the immediate perimeter of the inlet. The perimeter of each individual work area shall have measures installed to control sediments that would otherwise leave the work area and enter the drainage system. Regular cleaning of gravel bag inlet protection so that sediment depth never exceeds a maximum of 3 inches.
- If there is no active drainage system within each individual work area, the Contractor shall submit a WPCP proposing measures to de-silt and remove runoff from active construction areas. This may include the use of sediment basins, sediment traps and a pumping system to remove de-silted runoff from basins or traps.
- Construction shall conform to the provisions of Section 13, "Water Pollution Control", and Section 21, "Erosion Control", of the Standard Specifications and to these special provisions.

##### *Temporary Drainage Inlet Protection*

- Temporary drainage inlet protection shall be installed, maintained and later removed as shown on the Plans, as specified in these technical specifications, and as directed by the Engineer. Temporary drainage inlet protection shall be installed at each drainage system box location where runoff will enter the storm water system.
- The Contractor shall use temporary drainage inlet protection as one of the various measures to prevent water pollution.

##### *Temporary Gravel Filled Bag Dikes:*

- Temporary gravel filled bag dikes consisting of gravel bags placed in multiple layers shall be installed as shown on the plans.
- Gravel filled bag dikes installed as part of temporary drainage inlet protection shall be maintained to provide for adequate sediment holding capacity. Sediment deposits shall be removed when



the deposit reaches one-half of the temporary dike height. Removed sediment shall be deposited within the project in such a way that it is not subject to erosion by wind or water, or as directed by the Engineer.

#### *Stockpiles*

1. Stockpiled material shall be located within the limits of construction delineated on the erosion control plan. Soils from the stockpile shall be self-contained and remain completely separate at all times. Contractor shall install weighted fiber rolls around the perimeter of the stockpile. The stockpile shall be covered with MIRAFI 140N or approved tarp material that is securely weighted around the entire perimeter with gravel bags.
2. All stockpiled materials shall be removed from the site prior to final inspection.

#### *Street Sweeping*

1. Maintain continuous street sweeping operation during all earth hauling operations. Dry brooming is not permitted. Street sweeping shall be conducted where sediment is tracked from the job site onto paved roads in accordance with the CASQA BMP Handbook and as directed by the Engineer.
2. Street sweeping shall start at the beginning of clearing and grubbing and shall continue until completion of the project, or as directed by the Engineer. Street sweeping shall be performed immediately after soil disturbing activities occur or offsite tracking of material is observed, at a minimum frequency of daily.
3. Street sweeping shall be performed so that dust is minimized. If dust generation occurs during sweeping or sediment pickup is ineffective as determined by the Engineer, the use of additional best management practices will be required.
4. At the option of the Contractor, collected material may be temporarily stockpiled in accordance with the approved WPCP. Collected material shall be disposed of at least once per week.

Measurement and Payment- Full compensation for conforming to the provisions of this article shall be considered as included in the various contract items, and no additional allowance will be made therefore.

**10-2.06 EARTHWORK**--The work performed in connection with "Grading" shall conform to the provisions in Section 16, "Clearing and Grubbing" and Section 19, "Earthwork" of the Standard Specifications and these special provisions and shall include excavation and the preparation of subgrade.

#### Submittals

- c. Test Reports: Submit gradation tests for all furnished material.

#### Materials

- A. Satisfactory Soils: Sand, gravel, friable earth, or non-expansive clays, subject to Testing Laboratory's approval. Fill and backfill material shall be free of organic material, slag, cinders, expansive soils, trash or rubble and stones having maximum dimension greater than 6 inches. Soil shall be free of regulated contaminants as defined by the California Environmental Protection Agency.
- B. Unsatisfactory Soils: Expansive and other soils containing organic material, slag, cinders, trash or rubble and stones having maximum dimension greater than 6 inches. Unsatisfactory materials also include soils not maintained within 2 percent of optimum moisture content at time of compaction.

#### Execution

#### A. Preparation –

1. Notify the Engineer at least 48 hours before beginning any excavation.
2. Notify Underground Service Alert (USA) at 1-800-227-2600 at least 48 hours before beginning excavation work and have it locate and mark the facilities within the area of excavation. Notify utility companies which do not participate in USA which have underground facilities within the limits of work before beginning excavation work in accordance with each utility's notification requirements and have them locate and mark the facilities within the area of excavation. Keep marking current in accordance with the requirements of USA and other utility companies.
3. Do not proceed with underground installations until related pothole work has been completed. Determine the method and equipment required to perform potholing without damage to existing facilities. Locate existing facilities by hand digging where necessary. At a minimum, the Contractor shall utilize hand digging where recommended by Call USA guidelines. In addition to hand digging, the Contractor shall use means of potholing required by the facility owner and the Engineer.
4. Notify the Engineer immediately of any conflicts in which there is less than one foot of separation between the existing and proposed facility.
5. Protect structures, utilities, sidewalks, pavements, and other facilities from damage caused by settlement, lateral movement, undermining, washout, and other hazards created by earthwork operations.
6. Preparation of subgrade for earthwork operations including removal of vegetation, topsoil, debris, obstructions, and deleterious materials from ground surface shall conform to Section 16, "Clearing and Grubbing" of the Standard Specifications.
7. Protect and maintain erosion and sedimentation controls, as specified in Section 10-2.06, "Temporary Water Pollution Control and Erosion Control" of these special provisions.

#### B. Excavation

1. Unclassified Excavation: Excavate to subgrade elevations regardless of the character of surface and subsurface conditions encountered, except as directed by the Engineer based upon the Contractor's arborist recommendations. Unclassified excavated materials may include rock, soil materials, and obstructions. No changes in the Contract Sum or the Contract Time will be authorized for rock excavation or removal of obstructions.
2. If excavated materials intended for fill and backfill include unsatisfactory soil materials and rock, replace with satisfactory soil materials.
3. Excavation Drainage: Operate pumping equipment, and/or provide other materials, means and equipment as required to keep excavation free of water and subgrade dry, firm, and undisturbed until approval of permanent work has been received from Resident Engineer. Approval by the Engineer is also required before placement of the permanent work on all subgrades.

#### C. Excavation for Walks and Roadway Pavements-

1. Excavate surfaces under walks and pavements to indicated lines, cross sections, elevations, and subgrades.
2. Below proposed roadway pavement scarify and re-compact top 8" thick minimum native soil to 95 percent relative compaction.

#### D. Subgrade Inspection

1. Proof-roll subgrade below pavements with heavy pneumatic-tired equipment to identify soft pockets and areas of excess yielding. Do not proof-roll wet or saturated subgrades.
2. Reconstruct subgrades damaged by rain, accumulated water, or construction activities, as directed by Engineer, without additional compensation.

#### E. Storage of Soil Materials

1. Stockpile borrow soil materials and excavated satisfactory soil materials without intermixing. Place, grade, and shape stockpiles to drain surface water. Cover to prevent windblown dust.
2. Stockpile soil materials away from edge of excavations. Do not store within drip line of remaining trees.

#### H. Soil Moisture Control

1. Uniformly moisten or aerate subgrade and each subsequent fill or backfill soil layer before compaction to within 2 percent of optimum moisture content.
2. Do not place backfill or fill soil material on surfaces that are muddy.
3. Remove and replace, or scarify and air dry otherwise satisfactory soil material that exceeds optimum moisture content by 2 percent and is too wet to compact to specified dry unit weight.

#### I. Compaction of Soil Backfills and Fills

1. Place backfill and fill soil materials in layers not more than 8 inches in loose depth for material compacted by heavy compaction equipment, and not more than 4 inches in loose depth for material compacted by hand-operated tampers.
2. Place backfill and fill soil materials evenly on all sides of structures to required elevations, and uniformly along the full length of each structure.
3. Compact soil materials to not less than the following percentages of maximum dry unit weight according to ASTM D 1557:
4. Under pavements, scarify and re-compact top 8 inches of existing subgrade and each layer of backfill or fill soil material to 95 percent.
5. Under walkways, scarify and re-compact top 6 inches below subgrade and compact each layer of backfill or fill soil material to 90 percent.
6. Under lawn or unpaved areas, scarify and re-compact top 6 inches below subgrade and compact each layer of backfill or fill soil material to 85 percent.

#### J. Grading

1. General: Uniformly grade areas to a smooth surface, free of irregular surface changes. Comply with compaction requirements and grade to cross sections, lines, and elevations indicated.

#### K. Base Courses

1. Place base course on subgrades free of mud, and standing water frost, snow, or ice.

2. On prepared subgrade, place subbase and base course under pavements and walks as follows:
  - a. Shape base course to required crown elevations and cross-slope grades.
  - b. Compact base course at optimum moisture content to required grades, lines, cross sections, and thickness to not less than 90 percent of maximum dry unit weight according to ASTM D 1557.

#### L. Field Quality Control

1. Testing Agency: Contractor will engage a qualified independent geotechnical engineering testing agency to perform field quality-control testing.
2. Allow testing agency to inspect and test subgrades and each fill or backfill layer. Proceed with subsequent earthwork only after test results for previously completed work comply with requirements.
3. Testing agency will test compaction of soils in place according to ASTM D 1556, ASTM D 2167, ASTM D 2922, and ASTM D 2937, as applicable.
4. When testing agency reports that subgrades, fills, or backfills have not achieved degree of compaction specified, scarify and moisten or aerate, or remove and replace soil to depth required; compact and retest until specified compaction is obtained.

#### M. Protection

1. Protecting Graded Areas: Protect newly graded areas from traffic, freezing, and erosion. Keep free of trash and debris.
2. Repair and reestablish grades to specified tolerances where completed or partially completed surfaces become eroded, rutted, settled, or where they lose compaction due to subsequent construction operations or weather conditions.
3. Where settling occurs before Project correction period elapses, remove finished surfacing, backfill with additional soil material, compact, and reconstruct surfacing.
4. Restore appearance, quality, and condition of finished surfacing to match adjacent work, and eliminate evidence of restoration to greatest extent possible.

#### N. Disposal of Surplus and Waste Materials

1. Disposal: Remove surplus satisfactory soil and waste material, including unsatisfactory soil, trash, and debris, and legally dispose of it.

Measurement and Payment- Full compensation for conforming to the provisions of this article shall be considered as included in the various contract items, and no additional allowance will be made therefore.

**10-2.07 AGGREGATE BASE**--The work performed in connection with "Aggregate Base" shall conform to the provisions in Section 26, "Aggregate Bases," of the Standard Specifications and these special provisions and shall include the placement of the aggregate base course.

#### Submittals

- A. Contractor shall provide the Engineer with a Certificate of Compliance demonstrating the aggregate base material is in compliance with requirements set forth in Section 26, "Aggregate Bases," for approval prior to placement.
- B. Upon placement of aggregate base, the Contractor shall collect and provide the Engineer with delivery tickets. Each delivery ticket shall include or be accompanied by appropriate batch information produced by batching plant or factory of origin and information stating the mix, total yield in CY, and location of delivery.

#### Materials

- A. Aggregate Base shall be Class 2 and conform to grading and quality requirements for ¾ inch maximum in accordance with Section 26-1.02B, "Class 2 Aggregate Base," of the Standard Specifications.

#### Execution

- A. General - All work adjacent to existing pavement structural section shall butt up to the full existing structural section. Where the full pavement structural section is not encountered, continue removal of additional pavement structural sections until a full pavement structural section is found.

#### Order of Work

- A. Selective tree and vegetation trimming and/or root pruning operations necessary for work requiring equipment accessibility or installation of improvements must be approved by each the Engineer prior to performing the work, and shall be completed prior to commencement of that work.
- B. Aggregate Subbase- Finished aggregate base shall have a minimum thickness as shown on the drawings and shall not vary more than 0.05 feet above or below the established grade. The aggregate base shall be compacted to 95 percent relative compaction in conformance with ASTM D 1557. The surface of the aggregate base after compaction shall be hard, unyielding, uniform, smooth, self-draining, and true to grade and cross-section.

#### Field Quality Control

- A. Testing will be performed by a qualified testing agency. Compaction testing will be performed in accordance with ASTM D 1557.
- B. If tests indicate Work does not meet specified requirements, remove Work, replace and retest.
- C. Frequency of Tests: Not less than one test for every 2,000 square feet of base course material, per layer or lift.

Measurement and Payment- Full compensation for conforming to the provisions of this article shall be considered as included in the various contract items, and no additional allowance will be made therefore.

**10-2.08 MINOR CONCRETE**-- The work performed in connection with "Minor Concrete" shall conform to the provisions in Section 90, "Concrete," of the Standard Specifications and these special provisions and shall consist of constructing to the designs and details shown on the Plans.

#### Submittals

- A. Product Data: Submit no later than fifteen (15) calendar days after contract award a typed list of products specified in this Section.
- B. Submit shop drawings for reinforcing steel and accessories in accordance with ACI Standards

C. Statement of Mix Design: Submit (1) copy of Statement of Mix Design prepared by batch plant servicing Project for each load delivered to Project. Statement of Mix Design to contain following information:

1. Name, address, and telephone number of batch plant preparing statement of mix design.
2. Date of mix design.
3. Project location.
4. Contractor requesting load delivery.
5. Mix design number.
6. Integral color used.
7. Gradations for aggregates, cement and water.
8. Material weights, specific gravity, and absolute volumes.
9. Basis of testing, i.e. UBC 2605 D4 and Title 24 2604 D4.
10. Water/cement ratio.
11. PSI rating.
12. Signature of testing laboratory manager.
13. Signed stamp from registered Project structural engineer or Engineer

#### Materials

- A. Aggregate Base Course: Refer to Section 10-02.08, "Aggregate Base" of these special provisions.
- B. Water: Shall conform to the requirements of Section 90-2.0D, "Water," of the Standard Specifications. Water shall be free from deleterious materials such as oils, acid, and organic matter.

#### Reinforcement

- A. Bar reinforcement shall be deformed and comply with ASTM A615, Grade 40 or 60 as allowed in Section 52-1.02, "Bar Reinforcement" of the Standard Specifications and as shown on the plans. Reinforcement shall be clean and free of rust, dirt, grease or oils.
- B. Welded wire fabric shall conform to Section 52, "Reinforcement," of the Standard Specifications and as shown on the plans.
- C. Tie Wire: 16-gauge plain cold-drawn steel conforming to ASTM A82, clean, and free of rust, dirt, grease or oils.

#### Portland Cement Concrete

- A. Portland cement concrete for curbs, curb and gutters, sidewalks, curb ramps, driveways pads, shall be six sack mix Class "A" concrete and shall conform to Section 90-"Concrete" of the Standard Specifications.
- B. Portland cement concrete for misc. foundations, shall be minimum 4,500 PSI concrete.

- C. Concrete shall be ready mix of a pre-approved mix design. Contractor shall submit concrete mix designs to the Engineer, for review, preliminary concrete mix designs which shall show all proportions and gradations of all materials proposed for each class and type of concrete specified. Each mix design shall be accompanied by a Certificate of Compliance to these specifications. Costs of obtaining mix designs shall be at the Contractor's.
- D. Aggregate gradations shall be in conformance with Section 90, "Portland Cement Concrete," of the standard specifications.
- E. Chemical Admixtures: If used, chemical admixtures shall conform to the requirements of Section 90-2.04, "Admixture Materials," of the Standard Specifications.
1. Air Entrainment Admixtures: Conforming to ASTM C260.
    1. Acceptable Manufacturers:
      - a. Grace Construction Products; Daravair®, (800) 433-0020 or [www.graceconstruction.com/concrete/air\\_entraining.html#daravair](http://www.graceconstruction.com/concrete/air_entraining.html#daravair).
      - b. Master Builders, Inc.; Micro-Air®, (800) 628-9990 or [www.masterbuilders.com/MB/pub/Product.asp?TypeCat=2&ParentID=78&ProductID=22](http://www.masterbuilders.com/MB/pub/Product.asp?TypeCat=2&ParentID=78&ProductID=22).
    2. Water Reducing Admixtures: Conforming to ASTM C494, Type A.
      1. Acceptable Manufacturers:
        - a. Grace Construction Products; WRDA® (800) 433-0020 [www.graceconstruction.com/concrete/water\\_reducers.html#wrda](http://www.graceconstruction.com/concrete/water_reducers.html#wrda).
        - b. Master Builders, Inc.; Micro-Air® (800) 628-9990 or [www.masterbuilders.com](http://www.masterbuilders.com).
    4. Shrinkage Reducing Admixtures: Conforming to ASTM C157.
      1. Acceptable Manufacturers:
        - a. Grace Construction Products; Eclipse® (800) 433-0020 or [www.graceconstruction.com/concrete/shrinkage\\_reducers.html#eclipse](http://www.graceconstruction.com/concrete/shrinkage_reducers.html#eclipse).
        - b. Eclipse® Shrinkage Reducing Admixture is a liquid admixture which dramatically reduces concrete shrinkage and curling due to drying.
- F. Expansion Joint Material
1. Expansion joint material shall be pre-molded expansion joint filler ¼-inch thick in conformance with ASTM D1751. Expansion joint material shall be shaped to fit the cross section of the concrete improvements prior to being placed.
- G. Curing Compounds
1. All curing compounds shall be non-pigmented type in conformance with ASTM C 309. Type 1-D, Class A per Section 90-1.03B (3) of the Standard Specifications.
- H. Detectable Warning Surface
1. Access ramps shall conform to the State of California Department of Transportation Standard Plans and Local Agency Standards for "Curb Ramp Details" as specified on the Plans.

2. Detectable Warning Surfaces shall comply with Americans with Disabilities Act (ADA) Title 49 CFR Transportation, Part 37.9 Standards for Accessible Transportation Facilities, Appendix A, and Section 4.29.2 Detectable Warnings on Walking Surfaces. FHA Memo (5-06-02) titled Truncated Domes. Federal Register Volume 71, No. 209, 49 CFR Part 37 (10-30-06), ADA Standards for Transportation Facilities (11-29-06, DOT): Sections 406, 705, and 810. ADA Standards for Accessible Design – 2010 (9/05/11, DOJ), ADAAG: Sections 705 and 810. Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Rights of Way (7/23/11, Access Board), PROWAG: Sections R208, R304, R305, R308, and R309.
3. American Society for Testing and Materials (ASTM) Test Methods B117, C501, C1028, D543, D570, D638, D695, D790, G151, G155, and E84.
4. American Association of State Highway and Transportation Officials (AASHTO): Test Method AASHTO-H20.
5. California Code of Regulations (CCR 2007) Title 24 Part 1 Articles 2, 3 and 4, and Part 2 Section 205 definition of “Detectable Warning”, Section 1127B.5 for “Curb Ramps”, and Section 1133B.8.5 for “Detectable Warnings at Hazardous Vehicle Areas”. California Department of Transportation Detectable Warning Surface Authorized Material List. Division of the State Architect IR 11B-3 (1/26/05) and IR 11B-4 (1/01/11). IR 11B-4 (1/01/11) removed the requirement for a “staggered” pattern and now calls for the “square grid” (in-line) pattern.
6. Surface Applied Tactile Warning Tiles (SA) must be compliant with ADAAG, PROWAG, and CA \Title 24 requirements. Division of the State Architect IR 11B-3 (1/26/05) and IR 11B-4 (1/01/11). IR 11B-4 (1/01/11) removed the requirement for a “staggered” pattern and now calls for the “square grid” (in-line) pattern.

#### Execution-

##### A. Sawcut Existing Concrete Improvements

1. Sawcut and remove existing concrete and asphalt pavement as required to perform work and as shown on the plans in accordance to Section 10-2.05, “Demolition,” of these Special Provisions. Sawcuts shall provide a smooth straight edge.

##### B. Subgrade Preparation and Aggregate Base

1. Preparation of Subgrade and Aggregate Base shall be in conformance of Section 10-2.07, “Earthwork,” and 10-2.08 “Aggregate Base,” of these Special Provisions.
2. Finished subgrade shall be within the tolerances established in Section 19-1.03C, “Grade Tolerance” of the Standard Specifications.

##### C. Preparation

1. Moisten base to minimize absorption of water from fresh concrete.
2. Coat surfaces of structure frames with oil to prevent bond with concrete pavement.
3. Notify Engineer a minimum of 24 hours prior to commencement of concreting operations.
4. Relocation of existing manholes, vaults, inlets, gate valves, and frames shall be done in conformance of Section 15-2.1B “Adjust,” of the Standard Specifications and Section 10-2.11, “Hot Mix Asphalt,” of these Special Provisions.



#### D. Forming

1. No forms shall be placed prior to approval of the aggregate base and subbase by the Engineer.
2. Place and secure forms to correct location, dimension, profile, and gradient per Plans.
3. Assemble formwork to permit easy stripping and dismantling without damaging concrete.
4. Place joint filler in vertical in position, in straight lines. Secure to formwork during concrete placement.

#### E. Reinforcement

1. Concrete Reinforcement shall be in accordance with Section 52, "Reinforcement," of the Standard Specifications and the specified standard details/plans as shown on the Plans.

#### F. Curb and Area Drains

1. Pipe for sidewalk drains shall be placed and installed as specified on the Plans.

#### G. Portland Cement Concrete

1. No concrete for concrete surface improvements shall be placed until the subgrade, aggregate base, and reinforcement, and sidewalk drains have been placed by the Contractor and approved by the Engineer.
2. Concrete curbs, gutters, sidewalks, access ramps, driveways, and miscellaneous concrete footings shall be constructed in conformance with Section 73, "Concrete Curbs and Sidewalks," of the Standard Specifications, except that hand mixing of Portland Cement will not be allowed.
3. Concrete sidewalk shall be constructed to conform to the 2013 California Building Code- Division 4 Accessible Route requirements. All improvements not meeting the 2013 California Building Code shall be removed and reconstructed at the Contractor's sole expense.
4. Sign foundations shall be constructed as specified on the Plans and Local Agency Standard Drawings.
5. Concrete surface improvements shall not exceed the tolerances established in Section 73, "Concrete Curbs and Sidewalks," of the Standard Specifications.

#### H. Joints

1. Joints shall comply with Section 73, "Concrete Curbs and Sidewalks" of the Standard Specifications.

#### I. Field Quality Control

1. Refer to Contract Conditions for responsibilities for arranging and supervising of field quality control.
2. Field Tests and Inspections:
  - a. Test reinforcements, cement, aggregates, admixtures, and batch plant. Conduct slump tests and provide compression test specimens for laboratory testing.

- b. Manufacturer's Field Services (by Contractor) Technical representative from manufacturer shall provide field services during installation as required.
- c. Perform pre-installation examination and acceptance of substrate and surface preparation for each stage.
- d. Be present at initial start-up for each process. Confirm application rates and techniques.

#### J. Curing

- 1. All exposed surfaces of Portland Cement Concrete shall be cured in conformance with the manufacturer's printed recommendations and Section 90, "Concrete" of the Standard Specifications.

#### K. Repairs and Protection

- 1. Immediately after placement, protect pavement from premature drying, excessive hot or cold temperatures, and mechanical injury.
- 2. Remove and replace concrete pavement that is broken, damaged, or defective or that does not comply with requirements in this Section.

Protect concrete from damage. Exclude traffic from pavement for at least 14 days after placement.

Maintain concrete pavement free of stains, discoloration, dirt, and other foreign material. Sweep concrete pavement not more than two days before date scheduled for Substantial Completion inspections.

- 3. Remove and replace concrete sidewalk as necessary to remove and replace amenities and as required on the plans. If removal/replacement of an amenity requires removal of sidewalk, then sidewalk shall be sawcut to a neat line completely around the removal perimeter area. Then that area will be replaced with concrete sidewalk to match existing.

Measurement and Payment- The contract unit price per square foot (SF) paid for "Minor Concrete" shall include full compensation for providing all labor, materials, equipment, tools, and incidentals and for doing all work involved in installing concrete complete in place as shown on the plans and as specified in the Standard Specifications and these special provisions.

**10-2.09 PAVEMENT STRIPES AND MARKERS--** This Section includes requirements for the removal and installation of traffic stripes, pavement markings, pavement markers, and curb markings. "Thermoplastic Traffic Stripes and Pavement Markers" shall comply to the Section 84, "Traffic Stripes and Pavement Markings" and Section 85, "Pavement Markers" of the Standard Specifications, the 2012 California Manual on Uniform Traffic Control Devices (MUTCD) and these special provisions.

#### Submittals

- A. Product Data: For paint, markers, and adhesive.
- B. Certificate of compliance for paint.

#### Materials

A. Thermoplastic Traffic Stripes and Pavement Markings

1. Paint for traffic stripes and pavement markings shall conform to the provisions in Sections 84-1, General, and 84-2, "Thermoplastic Traffic Stripes and Pavement Markings" of the Standard Specifications.

d. Pavement Markers

1. Pavement markers shall conform to the provisions in Section 85, "Pavement Markers" of the Standard Specifications.

e. Adhesive: Hot melt bituminous or epoxy type as specified in Section 85, "Pavement Markers" of the Standard Specifications

f. Curb Markings

1. Paint for curb markings shall conform to the provisions in Caltrans Standard Specifications Sections 84-1, "General", and 84-3, "Painted Traffic Stripes and Pavement Markings" of the Standard Specifications.

Execution

A. Remove Pavement Stripes, Markings, and Markers

1. Removal of traffic stripes, pavement markings and pavement markers shall conform to the provisions in Section 15-2.02C, "Remove Traffic Stripes and Pavement Markings," and Section 15-2.02D, "Remove Pavement Markers" of the Standard Specifications. All existing thermoplastic striping and markings and existing striping and markings designated on the project plans or by the Engineer shall be removed prior to sawcut and removal of existing asphalt concrete pavement. All materials resulting from grinding operations of the existing pavement striping and markings shall become the property of the Contractor and shall be removed from the right of way.

B. Installation

1. Paint traffic stripes (traffic lines) and pavement markings in accordance with the provisions in Sections 84-1, "General," and 84-3, "Thermoplastic Traffic Stripes and Pavement Markings," of the Standard Specifications and as indicated on the Plans.
2. Install pavement markers in accordance with the provisions in Section 85, "Pavement Markers" of the Standard Specifications, and as indicated on the Plans.

Measurement and Payment- Full compensation for conforming to the provisions of this article shall be considered as included in the various contract items, and no additional allowance will be made therefore.

**10-2.10 ROADSIDE SIGNS--** This Section includes requirements for "Roadside Sign." Installation of "Roadside Signs," shall comply with Section 56, "Signs" and Section 15, "Existing Facilities," the 2012 California Manual on Uniform Traffic Control Devices (MUTCD) and these special provisions.

Submittals

- A. Certificate of compliance shall be provided for all products and materials proposed to be used under this section.

Materials-

A. Sign Plates

1. Roadside sign faces shall be “retro-reflective sheeting material adhered to 0.080 gauge minimum) anodized aluminum blank. The size, shape, color and legend of the sign shall conform to the current Section 56, “Signs,” of the Standard Specifications.

B. Sign Posts

1. Sign Posts and Hardware: As shown on the Plans and specified in Section 56-4, “Roadside Signs,” of the Caltrans Standard Specifications.

Execution

A. General

1. Notify Underground Service Alert (USA) at 1-800-227-2600 at least 48 hours before beginning excavation work and have it locate and mark the facilities within the area of excavation. Notify utility companies which do not participate in USA which have underground facilities within the limits of work before beginning excavation work in accordance with each utility’s notification requirements and have them locate and mark the facilities within the area of excavation. Keep marking current in accordance with the requirements of USA and other utility companies.

B. Remove Roadside Sign

1. Existing roadside signs and sign posts shall be removed as shown on the plans. Contractor shall coordinate signs to be salvaged with the Engineer. Contractor shall dispose of all roadside signs that are not to be relocated or salvaged at the Contractor’s expense.
2. Existing roadside signs shall not be removed until replacement signs have been installed or until the existing signs are no longer required for the direction of public traffic, unless otherwise directed by the Engineer.

C. Sign Installation

3. Contractor shall provide and install roadside signs at locations shown on the Plans.
4. The Contractor shall install new and relocated roadside signs on new posts and with new hardware and footings as detailed on the plans.
5. Installation of signs shall comply with Section 56-4, “Roadside Signs,” of the Standard Specifications.

Measurement and Payment- Full compensation for conforming to the provisions of this article shall be considered as included in the various contract items, and no additional allowance will be made therefore.

**10-2.11 TRAFFIC LOOP DETECTORS--** This Section includes requirements for “Loop Detectors.” Loop detectors for inductive detector loop installation shall conform to the provisions in Section 86-5, “Detectors,” of the Standard Specifications and these Special Provisions.

- A. Slots in asphalt concrete pavement surface shall be filled with “Hot-Melt Rubberized Asphalt Sealant” sealant per Section 86-5.01A(3), "Installation Details."
- B. If an asphalt overlay is anticipated, an emulsified asphalt sealant shall be used. In no case shall the emulsified asphalt sealant be used on the surface of the final lift of asphalt.

- C. Detector loop configuration and location shall be as approved by the Engineer. The front loop shall be a Type D, capable of detecting bikes.
- D. Loop wire shall be IMSA Type 2 and loop detector lead-in cable shall be Type B
1. The traffic loop homeruns shall be twisted then spliced to the lead in cable in the pull boxes. All Splices shall be performed in the pull box made using Burndy "C" taps after striping. The methodology shall follow the steps below:
    - a. Solder using rosin core 60/40(tin to lead ratio) solder. The heat source shall be without flame.
    - b. The splice shall be completely covered with Performix brand or equal "Liquid Tape", dielectric brush on liquid electrical tape rated at 1200volts/mil per coat, rubberized that will not harden or unravel.
    - c. Apply minimum 2 layers, ½ lapped, electrical liner-less rubberized splicing tape 3M 130C or equal.
    - d. Apply minimum 4 layers, ½ lapped polyvinyl tape, 3M 33+ or equal.
    - e. Cover entire splice with electrical insulating coating and allow to dry, see above.
- E. Loop lead-in cable from the first pull box to the controller cabinet shall be tagged with the identity of all conductor loops connected to the circuit.
- F. Each loop shall megger 2000 mega-ohms or greater.
- G. Loop detectors shall be installed at locations approved by the Engineer.

Measurement and Payment- Full compensation for conforming to the provisions of this article shall be considered as included in the various contract items, and no additional allowance will be made therefore.

**10-2.12 CONDUIT--** Electrical conduits shall conform to the provisions in Section 86-2.05, "Conduit," of the Standard Specifications and these Special Provisions.

A. Materials

1. All Conduits shall be Polyvinyl Chloride (PVC), Schedule 80 with rigid steel sweeps. With the exception of bends to and from pull boxes, the conduit shall run straight and true so that cable pulling forces are minimized.
2. Insulated bonding bushings will be required on metal conduit. All nonmetallic conduits shall have a No. 8 stranded (with green insulation) copper bonded/grounding wire. These bonding/grounding wires shall be connected in the pull box with cable connectors meeting Caltrans specifications.
3. Conduits into pull boxes and pole foundations shall be rigid metal and have 90-degree sweeps. Plastic pulling bells shall be installed on all conduit ends before conductors are pulled through the conduits.

B. Installation

1. After conductors have been installed, the ends of conduits terminating in pull boxes will be sealed with an approved type of sealing compound.

2. All conduits shall be installed below the existing AC pavement regardless of the depth of the existing AC pavement. All conduits shall be installed at a minimum depth of twenty-four (24) inches, measured from top of conduit to roadway finished grade.
3. All excavated areas in the street or sidewalk shall be completely backfilled or covered at the end of each working day and approved by the Engineer.

Measurement and Payment- Conduit shall be paid on a per lineal foot (LF) and include full compensation for furnishing all labor, equipment, tools, materials, and incidentals, and for doing all work involved in furnishing and installing conduit, as shown on the plans, as specified in the Standard Specifications and these special provisions, and as directed by the Engineer.

**10-2.13 PULL BOXES**-- Pull boxes shall conform to the provisions in Section 86-2.06, "Pull Boxes," of the Standard Specifications and these Special Provisions.

#### A. Installation

1. Pull boxes shall be placed at same elevation as adjacent standard base, service cabinet base or signal controller cabinet base if not an existing or future sidewalk area and elevation is not shown on plans. Pull boxes shall be five feet (5') from base or as shown on the plans. Pull boxes in existing sidewalk areas shall be placed at sidewalk elevation. The pull box elevation for pull boxes installed in median areas shall match the slope of the two adjacent curbs. The pull box elevation for pull boxes installed in planting areas adjacent to sidewalk or sidewalk area shall be at sidewalk grade. Pull boxes shall not be located within the limits of wheelchair ramps.
2. When pull boxes are placed in dirt and planting areas, a concrete collar shall be constructed around the pull box. The top of the pull box shall match slope of the adjacent top of curb. The surface elevation of the collar shall match the surface elevation of the pull box and slope away from the pull box at a rate of 1:50 (2%) slope. The width of the collar shall be 12" wide and 4" inch depth.
3. The Contractor shall clean all existing pull boxes entered for installation of conduit or wire of all dirt and debris. All pull box lids damaged by Contractor operations shall be replaced at his/her expense. The wiring in these pull boxes shall be neatly bundled, recoiled and reinstalled in the box. Where existing pull boxes are removed and replaced with new larger boxes the existing conduits shall be cut back. When the conduits are cut, the existing conductors must either be removed or well protected. The ends of the cut conduits must have bushings placed on them.
4. Grout in bottom of pull boxes will not be required. Pull boxes shall be set on 6 inches of crushed rock for drainage. The conduits in the pull boxes shall be placed 2" above the crushed rock.
5. Recesses for suspension of ballasts will not be required.
6. All pull boxes shall be No. 5 unless otherwise noted on the plans.

Measurement and Payment- Pull boxes shall be paid per unit (EA) and include full compensation for furnishing all labor, equipment, tools, materials, and incidentals, and for doing all work involved in furnishing and installing pull boxes, as shown on the plans, as specified in the Standard Specifications and these special provisions, and as directed by the Engineer.

**10-2.14 ETHERNET EXTENDER DEVICE**-- This Section includes requirements for "Furnish and Install Ethernet Extender Device." The Ethernet Extender Device shall conform to the provisions in these Special Provisions.

## A. General

The Contractor shall furnish and install an Actellis Networks ML 688/ML 624 (or approved equivalent).

The Contractor shall submit documentation on the proposed Ethernet Extender device to the Engineer for review and approval prior to procurement.

## B. Materials

The Ethernet device shall operate with other Ethernet devices over signal interconnect cable (SIC) to extend or bridge field Ethernet networks for Intelligent Transportation Systems (ITS) and traffic signal systems. The Ethernet device shall be interoperable with industry standard Ethernet network capable equipment and rated for use in outdoor enclosures without the use of mechanical cooling. Operations of the Ethernet device shall be transparent to end users and other industry standard Ethernet network capable equipment.

The Contractor shall provide all necessary mounting hardware, power supplies, cables, and connectors required for installation of the Ethernet device in existing Type P and M cabinets.

The Ethernet device shall be rated for outdoor enclosure installation. All wiring and cabling shall be done per Caltrans Transportation Electrical Equipment Specifications (TEES) Section 1.3.13, "Wiring/Cabling/Harnesses".

Each Ethernet device shall consist of the following integrated modules:

1. A Digital Subscriber Line (DSL) Modem – The DSL modem shall manage the Ethernet network link over SIC between Ethernet device units. DSL modem shall be capable of bonding multiple pairs of SIC together to increase link bandwidth and splitting SIC pairs in 2 directions supporting linear add-drop networking. DSL modem operation shall be transparent. If an individual SIC copper pair fails, the network link shall remain in operation with proportionally lesser-bonded bandwidth without any user intervention.
2. A Managed Ethernet Switch (MES) – The MES shall provide Ethernet network access to multiple Ethernet network capable devices.
3. A Network Management System (NMS) – The NMS shall provide the operator the capability to locally or remotely configure and maintain the Ethernet device. The NMS shall allow authorized users the ability to monitor Ethernet device functions, performance and unit faults at any time. The NMS shall be password protected.

The Ethernet device shall meet the following minimum requirements:

LED Indicators	Power, Activity, Link Status, Alarm
Maximum Dimensions	3.4" (2U) x 10" x 12" (Height x Width x Depth)
Mounting	Rackmount Adapter, Shelf, Wall Capable
Operating Temperature	From -10 to 60 °C
Operating Humidity	From 10 to 90 percent (Noncondensing)
Power	Either 120 V(ac) or from 6 to 24 V(dc)
Maximum Power Consumption	75 W
Power Connection	Either 120 V(ac): 3 prong cord, at least 3 feet in length or from 6 to 24 V(dc): Terminal block and 120 V(ac) DC Class 2 transformer with 3 prong cord, at least 4 feet in length
Maximum Weight	5 pounds without mounting hardware

Grounding	Required
Operational Uptime	99.5 percent measured over a 30-day period, excluding maintenance
Certifications and Regulations	FCC Part 15 Class B, UL 60950
Minimum Number of Supported SIC Pairs per Modem Port	4
Minimum Number of Modem Ports	1
Supported Network Architecture	Point to point, Linear Add-Drop (Daisy Chain)
Minimum Supported Add-Drop Locations	6
Communication Protocol	IEEE 802.3ah 2Base-TL
Line Coding	G.SHDSL.bis line
Minimum Line Rate per SIC pair	10 Mb/s symmetrical at 1000 meters (Ideal)
Minimum Total Bandwidth with Bonded SIC Pairs	40 Mb/s at 1000 meters (Ideal)
Bonding Standard	EFM/G.bond
Modem Port Connector	RJ 45 or Terminal Block
Maximum End to End Delay between Ethernet device	6 ms
MES Port Type	Autosensing 10/100BaseT, Full Duplex/Half Duplex
Minimum Number of MES Ports	4
MES Port Connector	RJ45
Supported Standards	Dynamic Bridging: IEEE 802.1 Discovery Mechanisms: LLDP VLAN Tagging: IEEE 802.1Q Double Tagging: Q-in-Q RSTP STP IEEE: 802.1d Link Aggregation: IEEE 802.3ad Provider Bridges: IEEE 802.1ad OAM: IEEE 802.3ah clause 57 Connectivity Fault Management: IEEE 802.1ag Class of Service (CoS) 802.1p Ethernet: IEEE 802.3i Fast Ethernet: IEEE 802.3u TCP/IP, UDP/IP
Supported Management Protocols	SNMP: SNMP v1, SNMP v2c Command Line Interface: TL1 Remote Access: Telnet Time Synchronization: SNTP v3 Web Access: HTTP File Transfer: FTP
Local Management Port	EIA RS-232 via DB9
Remote Management Software	Web Browser or Microsoft Windows 2000 or newer Application



The Contractor shall furnish the following cables with appropriate connectors:

1. Twisted Wire Pair (TWP) - 300V rated, twisted pair copper, No. 22-24 AWG, Category 5e compliant(ANSI/ANSI/TIA/EIA 568B), factory made
2. Network Straight Through Data Cable
3. Ground - No. 16 min. AWG solid conductor
4. Jumper - No. 22-24 AWG insulated solid copper conductor

Each rackmount power strip shall meet the following electrical requirements:

1. A maximum rating of 15 A, 120 V(ac), 60 Hz.
2. A surge protection with UL 1449 Clamping Level of 400 V, an IEEE Let-Through Voltage rating of less than 336 V, a single-pulse energy rating of 210 J and EMI/RFI noise protection rating of 40 dB.
3. One 15 A circuit breaker.
4. One internally illuminated switch to cut off power to all outlets.
5. Six NEMA 5-15R outlets.

Each rackmount power strip shall meet the following mechanical requirements:

1. Dimensions of 2" (H) x 19" (W) x 2-4/5" (D) maximum and shall not weigh more than 4.5 pounds.
2. The front plate of the power strip shall have two cut-off EIA mounting screw holes on each end.
3. Each outlet shall have 1-1/2" minimum spacing center-to-center to its adjacent outlet.
4. The power cord shall enter from the rear with a length of 7' minimum.
5. The clearance between the power cord entrance and the nearest outlet shall be 3-3/8" minimum.
6. Both the circuit breaker and the switch shall be front-mounted.
7. Each outlet shall be rear-mounted.

The power strip shall be plugged into the non-GFCI duplex outlet normally labeled with "Controller Unit Receptacle" in the back of the Power Distribution Assembly (PDA) or as directed by the Engineer. The power strip shall be mounted on the rear of the standard EIA-310 rack cage and across the two vertical back rails with four stainless steel EIA mounting screws, two on each side or as directed by the Engineer. The power strip shall not hinder the accessibility to the back of all existing electrical equipment. All power chords for permanently field installed electrical equipment with exception of a Model 170 or 2070 controller shall be plugged into the power strip.

The Contractor shall perform site analysis and provide a written report to the Ethernet device manufacturer and the Engineer. The site analysis shall, at a minimum, indicate the potential maximum line rate per SIC pair between connected Ethernet device and any performance and uptime altering abnormalities in the existing SIC. For existing SIC, in the event the existing SIC is found to be unusable or unable to support 25 percent of the minimum line rate per SIC pair, the Engineer may choose to use an alternate SIC routing. The Engineer will make final determination of all SIC to be connected to Ethernet device.

The Contractor shall provide at least twenty-one (21) days written notice to the Engineer before beginning installation of the Ethernet device. The Contractor shall securely mount the adapter and power strip inside existing cabinets. The Contractor shall install the Ethernet device inside the rackmount adapter (if applicable), and make all wiring connections as shown on the plans and as directed by the Engineer. If

existing cabinets contain equipment prohibiting the installation of the rackmount adapter, the option of wall or shelf mounting is allowed per Engineer's approval.

The Contractor shall configure the Ethernet device under the supervision of the manufacturer's representative. Configuration shall include programming of all parameters to make the Ethernet device operational and capable of transmitting and receiving data to and from adaptive system processor devices via existing SIC at the completion of all work shown on the plans and described specified in these technical specifications. The Contractor shall provide one set of documents detailing the parameters configured and Ethernet device related wiring per Ethernet device installed.

The Contractor shall conduct performance testing to show that the devices operate per these technical specifications. The Contractor shall provide a test plan indicating proposed dates, duration and methods of the testing. The Contractor shall collect and submit the data to the Engineer. If required by the Engineer, the data shall be collected in the presence of the Engineer. Each Ethernet device shall be shown to be able to:

1. Sustain data transfer between connected Ethernet device at the line rate per SIC pair as indicated in the initial site analysis.
2. Operate without any unit, power and communication faults or alarms for 14 days. Faults and alarms shall be explained to the Engineer.
3. Conform to the requirements as described specified in these special provisions.

The Engineer will review the accuracy data findings and accept or reject the results within 21 days.

The Contractor shall provide a minimum of 4 hours of training by a certified manufacturer's representative for up to 15 persons selected by the Engineer. The content of the training shall include instructions on how to configure and maintain an Ethernet device. The Contractor shall provide materials and equipment for the training, including one set of user manuals per person. The Contractor shall give the Engineer 15 days written notice prior to the training. The Engineer and the Contractor shall mutually agree on the date, time, and location of the training.

#### Measurement and Payment

Ethernet Extender Device shall be paid per each unit (EA). This shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals, and for doing all the work involved in furnish and installation of an Ethernet Extender Device, mounting hardware, cabling, training and testing as shown on the plans, specified in the Caltrans Standard Specifications and these technical specifications, and as directed by the Engineer.

**10-2.15 CAMERA MOUNTING HARDWARE**-- This Section includes requirements for "Furnish and Install Camera Mounting Hardware." The camera mounting hardware shall conform to the provisions in these Special Provisions.

#### A. General

1. The Contractor shall furnish and install all camera mounting hardware for mounting the adaptive signal system cameras on existing traffic signal and luminaire mast arms.

#### B. Materials

1. Mast Arm Applications
  - Pelco Astro-brac clamp, part no. AB-3009 (or approved equivalent)
  - Pelco Astro-brac poles, part no. AB-2003 (or approved equivalent)
  - Pelco camera bracket, part no. SH-0514 (or approved equivalent)
2. Luminaire Arm Applications
  - Pelco luminaires mounting bracket, part no. SH-0509 (or approved equivalent)
  - Pelco camera bracket, part no. SH-0514 (or approved equivalent)

- Pelco Type 201 stainless steel banding, part no. US-8122-06 (or approved equivalent)
- Pelco Type 201 stainless steel buckles, part no. US-8122-56 (or approved equivalent)
- Pelco band tool, part no. US-8120-01 (or approved equivalent)

Measurement and Payment

Camera Mounting Hardware shall be measured by each unit (EA). This shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals required for mounting the adaptive system cameras, complete and in place, as shown on the plans, as specified in these Special Provisions, and as directed by the Engineer.

**10-2.16 ADAPTIVE TRAFFIC SIGNAL SYSTEM--** The work described herein consists of furnishing and installing the adaptive system equipment per the plans, as described in these technical specifications and the functional and performance specifications of the City of Capitola's pre-approved adaptive signal system vendor, Rhythm Engineering.

A. General

For items identified as part of Rhythm Engineering's InSync Adaptive System in the plans and these specifications, contact the following Rhythm Engineering representative:

Jesse Manning, Vice President of Business Development  
[jesse.manning@rhythmtraffic.com](mailto:jesse.manning@rhythmtraffic.com)  
 11228 Thompson Avenue, Lenexa, KS 66219  
 913-227-0603

Cameras purchased from Rhythm Engineering will be installed at the following locations:

Location	No. of fixed IP cameras	No. of 360° IP cameras
41st Avenue/ Jade Street	4	
41st Avenue/Capitola Road	4	
41st Avenue/Capitola Mall Road		1
41st Avenue/Clares Street		1

B. Materials

The following components are included as part of the adaptive system equipment. The Contractor shall purchase these components from the adaptive system vendor, Rhythm Engineering:

- Fixed IP Camera/Camera enclosure – IP addressable Samsung SNZ-5200 digital IP camera with lens (or approved equal) and die-cast aluminum enclosure with ABS sunshield. These items shall be purchased from adaptive system vendor, installed by the Contractor, and configured by the adaptive system vendor.
- 360° IP Camera/Camera enclosure - IP addressable Samsung SNB-5000 digital IP camera with ImmerVision panomorph lens (or approved equal) in a sealed weatherproof enclosure. These items shall be purchased from adaptive system vendor, installed by the Contractor, and configured by the adaptive system vendor.
- Equipment panel – panel which includes 8-port switch, lightning arrestors for camera cables, termination points for camera power and communication, 24V AC transformer, and power supply from the cabinet. These items shall be purchased from adaptive system vendor, installed by the Contractor, and configured by the adaptive system vendor.
- Adaptive system processor – adaptive system processors shall be purchased from adaptive system vendor, installed by the Contractor, and configured by the adaptive system vendor.

- DIN relay – the DIN relay switch shall be purchased from the adaptive system vendor, installed by the Contractor, and configured by the adaptive system vendor.
- Intercept module – intercept module shall be purchased from the adaptive system vendor, installed by the Contractor, and configured by the adaptive system vendor. Intercept modules shall only be installed at City of Stockton intersections.
- Cables – Contractor shall purchase ABC Y-cables and C1 Y-cables from adaptive system vendor, and install all cables necessary for a fully functional adaptive system.

### IP Camera Components

The IP cameras shall be installed on existing traffic signal and luminaire mast arms as shown on the plans. The IP cameras shall be connected to the adaptive system equipment panel via a Contractor-furnished Category 5E cable and 3 Contractor-furnished #14 AWG conductors. The camera communications and power cables shall be terminated at the equipment panel. The power and communication cables shall be pulled from the traffic signal controller cabinet to the specified camera location. The Contractor shall provide 10 feet of slack at the cabinet and 5 feet of slack at each camera. The following color-coding scheme shall be used to distinguish camera cables:

- Northbound, blue
- Southbound, red
- Eastbound, yellow
- Westbound, orange

Each IP camera shall have a designated IP address which identifies its position (NB, SB, EB, WB), and be labeled accordingly.

The camera enclosure shall be made from die-cast aluminum and include an ABS sunshield, internal heater near the front, three cable glands at the bottom, and be waterproof when closed. The cable glands shall be sealed with silicone gel sealant on the inside of the enclosure after mounting. Silicone gel sealant shall be applied around the wire at the cable gland once power and Category 5E terminations are made inside the enclosure.

### Traffic Cabinet Components

The Contractor shall furnish and install the adaptive system equipment panel, adaptive system processor, adaptive system intercept module, and adaptive system DIN relay switch, securely inside each traffic signal cabinet. All adaptive system in-cabinet elements shall be installed prior to cabinet delivery for testing to City of Stockton.

Contractor shall purchase four (4) pre-configured adaptive system processors with pedestrian optimization feature from the adaptive system vendor, and install the processors at the following intersections:

- 41st Avenue/Jade Street
- 41st Avenue/Capitola Road
- 41st Avenue/Capitola Mall Road
- 41st Avenue/Clares Street

Upon final installation of all adaptive system field equipment, the adaptive system vendor shall be responsible for configuration and integration of the adaptive system.

### Measurement and Payment

Adaptive Traffic Signal System shall be paid by lump sum (LS). This shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals required for doing all work associated

with furnishing, delivering, configuring, testing, installing the adaptive system and coordinating with the adaptive system vendor for a complete and functional adaptive traffic signal system, as shown on the plans, as specified in these Special Provisions, and as directed by the Engineer.

**10-2.17 WIRELESS MODEM--** The work described herein consists of furnishing and installing a wireless modem per the project plans, as described in these technical specifications and the functional and performance specifications of the City of Capitola. The wireless modem shall be configured with the following; modem, power supply, serial communication cable (Type D), and an antenna.

All modems shall be configurable remotely through the wireless network and through the modem serial port. The Contract shall configure all modems prior to acceptance. All modems shall be complete with all cables, conductors, hardware, antenna and other equipment as required to make the system completely operational.

Contractor shall provide the manufacturer written warranty against defects in materials and workmanship for modems and power supplies for a period of 12 months after installation. All warranty documentation shall be provided to the Engineer prior to installation.

Measurement and Payment

Wireless Modem shall be paid by each (EA). This shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals required for doing all work associated with furnishing, delivering, configuring, testing, and installing the wireless modem in the field cabinet, as well as in City Hall.

**10-2.18 ESTABLISH 4G CELLULAR WIRELESS CONNECTION--** The work described herein consists of coordinating with the City of Capitola and the City's cellular communications provider. Contractor shall work with the City of Capitola to set up a 4G cellular communication link to the 41st Avenue/Clares Street traffic signal controller cabinet. Contractor shall work to establish the cellular connection, as well as configure any equipment furnished and installed by the Contractor in order to operate properly on the newly-established cellular communications network. Contractor shall begin the process by reaching out to the City and coordinating with the City on the process for obtaining cellular communications to the field.

Contractor shall pay all setup fees and coordinate directly with cellular communications provider throughout the process. Contractor shall pay first thirty-six (36) months of service, after which the monthly service fees shall be transferred to the City of Capitola beginning with month thirty-seven (37) of service.

Measurement and Payment

Establish 4G Cellular Wireless Connection shall be paid by lump sum (LS). This shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals required for doing all work associated with coordinating, delivering, configuring, testing, installing the 4G cellular connection.

**City of Capitola**  
**41st Avenue Adaptive Traffic Signal System**  
*Opinion of Probable Construction Costs*  
*Final Design*

Prepared by: K. Akwabi

Checked by: K. Aguigui

Item	Description	Quantity	Unit	Unit Cost	Total
1	Traffic Control (5% of Construction)	1	LS	\$11,478	\$11,478
2	Mobilization (2% of Construction)	1	LS	\$5,023	\$5,023
3	Utility Potholing	12	EA	\$1,800	\$21,600
4	Furnish and Install Adaptive Traffic Signal System	1	LS	\$145,000	\$145,000
5	Furnish and Install Category 5E Cable	1,700	LF	\$6	\$10,200
6	Furnish and Install 3#14 AWG Conductors	1,700	LF	\$4	\$6,800
7	Furnish and Install Ethernet Extender Device	4	EA	\$2,500	\$10,000
8	Furnish and Install Camera Mounting Hardware	16	EA	\$700	\$11,200
9	Furnish and Install 3" Schedule 80 PVC Conduit	350	LF	\$45	\$15,750
10	Furnish and Install Caltrans No. 5 pull box	6	EA	\$800	\$4,800
11	Furnish and Install GPS Clock	4	EA	\$2,000	\$8,000
12	Furnish and Install Wireless Modem	1	EA	\$1,800	\$1,800
13	Establish Cellular Communication	1	LS	\$2,500	\$2,500
14	Minor Concrete	450	SF	\$30	\$13,500
<b>Sub-Total</b>					<b>\$267,650</b>
<b>Contingency @ 10%</b>					<b>\$26,765</b>
<b>Construction Total</b>					<b>\$294,415</b>

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known.

Last Revised: 01-04-2017



Attachment: Construction Estimate (1706 : 41st Avenue Adaptive Signal Control Project to Bid)



## CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 12, 2017

FROM: Community Development

SUBJECT: Appeal of a Planning Commission Approval of a Design Permit, Coastal Development Permit and Variance for a New Two-story, Single-family Residence at 105 Sacramento Avenue

**RECOMMENDED ACTION:** Uphold the Planning Commission's decision to approve the project as conditioned.

**BACKGROUND:** The Planning Commission considered an application on November 3, 2016, for a Design Permit, Coastal Development Permit, and Variance for a new two-story, single-family residence at 105 Sacramento Avenue. The subject property is located adjacent to the bluff within the R-1 (Single-Family Residential) zoning district and the GH (Geologic Hazards) district. The property's development potential is constrained by its flag-lot shape, coastal bluff setback requirements, and three large cypress trees which restrict vehicular access. The application includes variance requests for garage side yard setback, driveway landscaping, and height limit.

After considering the staff report and testimony from the applicant and members of the public, the Planning Commission, with Commissioner Smith absent, approved a variance to height, garage side yard setbacks, and driveway landscaping, but denied a variance to second-story, side yard setbacks of the residence. The Commission found the proposal would not constitute the grant of a special privilege since most neighboring properties are not flag lots and do not have existing mature cypress trees to build around. Two appeals of the Planning Commission decision were subsequently filed.

**DISCUSSION:** The City received two separate appeals of the Planning Commission decision (Attachment 2). The appeal by Councilmember Harlan cites concerns with the variance findings to height. The appeal by the neighboring property owner lists concerns with size and mass, neighborhood privacy, maintenance of the cypress trees, asbestos exposure, coastal setbacks, tandem parking, the height variance, and possible conflict of interest in the Planning Commission decision. These issues are further described below:

**Height Variance:** Both appellants identified concerns with the height variance which would allow the proposed home to be 1-foot, 8-inches over the 25-foot height limit. The applicant requests a height variance due to the presence of mature cypress trees which have damaged the existing home and confines the property's development potential. The applicant is proposing to preserve and protect the trees by elevating the new home over the roots with a pier foundation which is approximately 24 to 30 inches higher than a typical slab foundation, resulting in an

105 Sacramento Avenue  
January 12, 2017

over-height structure. The Planning Commission found that the trees, when considered in conjunction with the flag shape of the lot and coastal bluff setbacks, represented a special circumstance which warranted a height variance.

Size, Massing, and Privacy: The neighboring property owners identified concerns with the overall size of the home and its effect on the neighborhood. The subject property is 7,653 square feet and is subject to a 48% (3,673 square feet) Floor Area Ratio (FAR) allowance. The proposed project would include 3,155 square feet for the residence, 344 square feet of deck and covered porch space, and 200 square feet for a detached garage. The total FAR of the proposed project would be 46% (3,549 square feet), which complies with maximum FAR limit. The applicant submitted revised plans following the Planning Commission decision which show the proposed home complying with the second-story, side-yard setback requirements.

Additionally, while the City regulates public views of the coastline, it does not protect private views. The proposed home would be located on a flag lot and surrounded by neighboring homes and the bluff and would not impair any public views of the coast.

Cypress Trees: The appellants identified concerns that removal of one cypress tree will compromise the health of the other two trees and the stability of the bluff. The project has been conditioned to have a certified arborist on-site during tree removal and to perform root mapping for the new foundation to avoid impacts to the remaining cypress trees (Condition of Approval #6). The cypress trees are located approximately 120 feet from the edge of the bluff. Removing a tree requires minimal earthwork and it is considered extremely unlikely that removing a tree over 100 feet from the bluff would have any effect on its stability.

Asbestos Exposure: The appellants identified concerns with asbestos exposure during the demolition of the existing residence. The project architect has not found any evidence of asbestos during previous site visits. If asbestos is encountered during demolition, the property owner and contractor would be subject to applicable federal, state, and local regulations pertaining to appropriate handling, storage, transport, and disposal of any hazardous materials.

Coastal Setback: The appellants identified concerns with the setback from the coastal bluff and asserts the project is inconsistent with the Coastal Commission's statewide 100-year setback guidelines. The subject property is located in the Geologic Hazards (GH) zoning overlay. The Municipal Code and Local Coastal Program (LCP) (Policy VII-7) require proposed development within the GH zone to submit a geologic engineering report for the proposal. The report must demonstrate that the development will be designed and setback to, "*assure stability and structural integrity for the expected life of the development (at least fifty years) and that the development (including storm runoff, foot traffic, grading and irrigation) will neither create nor contribute significantly to erosion problems or geological instability of the site or surrounding areas*" (§17.48.100). The applicant submitted a geologic report as a part of the application which estimates a 55-foot bluff recession on the property during the next 50 years which complies with the City's certified LCP. The proposed home has been sited to accommodate the required 50-year coastal bluff setback.

Tandem Parking: The appellants identified concerns with the proposed tandem parking configuration. The Municipal Code allows tandem parking when located in the driveway in front of the garage (§17.51.130. A.13). The proposed parking configuration complies with city code.

Conflict of Interest: The appellants identified concerns with the relationship between Planning Commissioner TJ Welch and the property owner of 105 Sacramento Avenue, and claim that his



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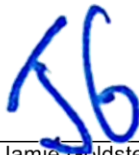
relationship with the applicant may have compromised his ability to act in a neutral manner. In accordance with Municipal Code section 2.52.050, appeals of Planning Commission decisions shall be de novo by the City Council. This effectively vacates previous actions by the Planning Commission. Consequently, Commissioner Welch's alleged conflict of interest has no effect on the content of the appeal hearing or the City Council's discretion to render decisions on the project.

**ATTACHMENTS:**

1. Updated Conditions and Findings of Approval
2. Appeal Letters
3. Revised Project Plans Updated 12/6/16
4. Planning Commission Minutes 11-3-16
5. Planning Commission 11-3-16 Report and Plans
6. Applicant's Variance Request
7. Geological Report

Report Prepared By: Ryan Safty  
Assistant Planner

**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

1/6/2017

## **CONDITIONS OF APPROVAL**

1. The project approval is for the construction of a new, two-story single-family home at 105 Sacramento Avenue. The project consists of construction of a 3,155 square foot two-story residence with 344 square feet of deck and covered porch space and a 200 square foot detached garage. The code allows for 150 square feet of deck and porch space to be excluded from the Floor Area Ratio (FAR) calculation. The maximum FAR for the 7,653 square foot property is 48% (3,673 square feet). The total FAR of the project is 46% with a total of 3,549 square feet of floor area, compliant with the maximum FAR within the zone. The project includes denial of a variance to second-story setbacks and approval of a variance to detached garage setbacks, the two-foot landscape strip requirement for parking within the front setback, and height of the main residence. The proposed project is approved as indicated on the final plans reviewed and approved by the City Council on January 12<sup>th</sup>, 2017, except as modified through conditions imposed by the City Council during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. A certified arborist must be present on-site during any tree trimming or removal work done on the cypress trees. The arborist shall also be present during any root mapping for the new foundation and new foundation work.
7. Prior to issuance of building permit, a final landscape plan and tree preservation plan prepared by a certified arborist shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
8. Prior to issuance of building permit, all Planning fees associated with permit #16-133 shall be paid in full.
9. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
10. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

### **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, the Planning Commission, and the City Council have all reviewed the project. The project, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Staff, the Architectural and Site Review Committee, the Planning Commission, and the City Council have all reviewed the application for a new two-story residence. The new home, with the conditions imposed, will maintain the character and integrity of the neighborhood.
- C. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence in a residential zone. This project involves the construction of a new, two-story single-family residence on a property in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.
- D. **Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**  
The special circumstances applicable to the property is that the subject property is a flag-lot and has large cypress trees which the owner would like to preserve. Due to the location of the existing trees, the applicant located the garage and parking spaces within the access portion of the flag-lot. A majority of the access way is located within the required front yard setback. Due to the special circumstances associated with the trees and flag-lot, there is no alternative location for the garage and parking while also meeting setback requirements. The property cannot fit two feet of landscaping in between the neighboring property lines and access way. Most properties in the neighborhood are not located on a flag-lot and thus have more room to accommodate parking requirements and detached garage setbacks. A variance has been granted to reduce setbacks associated with a detached garage and to waive the two-foot landscape strip requirement for parking within the front setback. Additionally, a variance to height standards has been granted due to the existing shallow root system and the desire to preserve the large cypress trees on the property.
- E. **The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**  
The subject property does not front along the street and instead has a 20-foot-wide access area to connect the property to Sacramento Avenue. Most properties within the area have roughly 40 feet of street frontage, and thus have much more room to located parking spaces and landscaping. In addition, the municipal code does not list zoning

standards specific to flag-lots. Using current R-1 (Single-Family Residential) zoning standards, most of the flag-lot portion of the property is within the required front-yard setback. The grant of a variance to detached garage setbacks and the two-foot landscape strip requirement for parking within the front setback would not constitute the grant of a special privilege since most properties in the area are not flag-lots and thus have more flexibility when designing. Additionally, a variance to height standards has been granted due to the existing shallow root system and the desire to preserve the large cypress trees on the property. Most properties do not have large trees with shallow roots restricting the type and size of the home's foundation.

## **COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 105 Sacramento Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or

beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

- The proposed project is located along Sacramento Avenue. The subject property is located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the cliff. The project will not affect public access to the shoreline or tidelands.

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);***

- There is not history of public use on the subject lot.

***(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***

- The proposed project is located on private property on Sacramento Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

***(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or***

**other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.**

- The proposed project is located on private property that will not impact access and recreation to the sea. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas. The applicant will maintain a 50-year bluff recession setback from the cliff.

**(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**

**a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;**

**b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;**

**c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.**

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

**(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**

**a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;**

- The project is located on a residential lot.

**b. Topographic constraints of the development site;**

- The project is located on a relatively flat lot. The subject property is located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the bluff. In addition, the applicant is proposing to preserve two

large cypress trees on site.

**c. Recreational needs of the public;**

- The project does not impact recreational needs of the public.

**d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;**

**e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;**

**f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.**

**(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**

- No legal documents to ensure public access rights are required for the proposed project.

**(D) (6) Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home on a residential lot of record.

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project involves a single family home on a residential lot of record.

**c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.**

- The project involves a single family home on a residential lot of record.

**(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian



access, and alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

- The project complies with the design guidelines and standards established by the Municipal Code. The project received a variance from height standards, driveway landscaping requirement, and detached garage setbacks due to the existing characteristics of the property.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;***

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

***(D) (12) Project complies with water and energy conservation standards;***

- The project is for a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project complies with shoreline structure policies.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- This use is a principally permitted use consistent with the Single Family zoning district.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures. The project received a variance from height standards, driveway landscaping requirement, and detached garage setbacks due to the existing characteristics of the property.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project site is located within the area of the Depot Hill parking permit program; however, the project complies with on-site parking standards.

TO: Mayor and Councilmembers

FROM: Council Member Harlan

DATE: November 16, 2016

SUBJECT: Appeal of Planning Application #16-133 #036-144-05 105 Sacramento Avenue

I would like to appeal this application to the City Council for consideration of the variance granted by the Planning Commission for the height. This zone allows for 25 feet in height, and this house can easily be designed to accommodate this.

I believe the Planning Commission and the City Council must be more careful in granting variances of this kind, because over time, we have found ourselves in the situation where a multitude of variances do not uphold the intent of the Zoning Code.

I believe it is very important for the Council to consider variances extremely seriously. We should only grant variances for extremely unusual circumstances that we occasionally find in the City.



CITY OF CAPITOLA  
APPEAL APPLICATION FORM

NOV 18 2016

CITY OF CAPITOLA

TYPE OF APPEAL (check one)	APPEAL FEE
<input type="checkbox"/> Administrative - Staff Determination	\$500
<input checked="" type="checkbox"/> Planning Commission Decision	\$500 <i>payment inv # 1492</i>
<input type="checkbox"/> Code Enforcement Action	\$500
<input type="checkbox"/> Building Code Interpretation	\$500
<input type="checkbox"/> Coastal Appeal	\$0

APPELLANT INFORMATION

Name: Denise Ryan and Chris O'Connell

Address: 106 Hollister Avenue City Capitola Zip 95010

Phone: 831-345-0279/831-325-6110

Email: denise@gorfh.com/smokinoke@gmail.com

APPEAL INFORMATION

Project Address: 105 Sacramento Avenue, Capitola, CA 95010

Property Owner: Lani and Tim Holdener

Application Number: 16-133 036-144-05

REASONS FOR APPEAL

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

We forwarded and presented the following concerns with the Planning Commission which include:

1. Generally, we believe this is an excessive building proposal given the precarious status of the cliffside parcel. Proposing a 5 bedroom 3,600' 'second home' onto this small (800' main and 400' ADU) dwelling is a potential danger to other dwellings along the cliff. That's an increase of 2400' onto a property that will decrease by erosion at the average rate of 1' per year.
2. The plans compromise surrounding neighbors' privacy.
3. The removal of a large portion of a 'Heritage Tree' cypress grove with the sinking of foundation (cont. on attached doc)

SIGNATURE *Denise Ryan Chris O'Connell* DATE 11.18.16

Attachment: Appeal Letters (1686 : 105 Sacramento Avenue)

(2)

11.18.16

3. piers around the roots of the remaining trees will endanger lives and homes on the surrounding properties.
4. There are no plans indicated for the demolition of the existing asbestos materials on the property. (see <https://www.asbestos.com/exposure/> )
5. The exterior staircase takes advantage of the side yard variance and compromises the immediate neighbors' privacy.
6. We contest the 50' setback in both accuracy and its alignment with the Coastal Commission's statewide 100-year setback guidelines.
7. We contest the height, second story setback, tandem parking and the first floor 'art room' as being another bedroom with a closet.

For accompanying content:

We were most disturbed by the fact that all but one of our concerns were not addressed after having put a great deal of time and consideration into our presentation to the Commission. We were further surprised by the lack of attention to the staff recommendation to not approve several of the variances.

Further, we believe the removal of the middle of the three trees included in the "Heritage Grove" will eventually result in the removal of all. Trees don't stop growing. While it may appear thoughtful that the proposed construction includes digging around the roots and installing foundation supports, professional arborists contend those installations will move through the growth of the roots and will prompt an eventual application for removal of the entire grove.

As for the height variance, why this height is necessary for a single family dwelling on this parcel is necessary is beyond logic.

It was also erroneously stated by the applicant, architect and commission that the side of the home at 106 Hollister Avenue had no windows. There are four windows. The side yard variance is of great concern to our privacy and the integrity of the Capitola building codes. We asked what hardship existed that these variances were necessary. We did not get an answer to this question.

We also question the relationship between commission member TJ Welch and the Holdener's. He stated that he is a "very good friends with the family". We feel this compromised his ability to act in a neutral manner as was evident by his dismissal of the issues we publicly presented.

Sincerely,

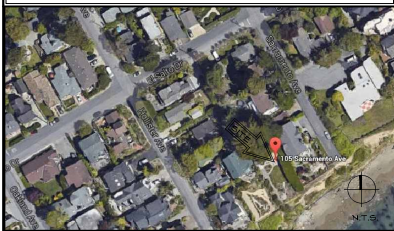


Denise Ryan and Chris O'Connell  
106 Hollister Avenue,  
Capitola, CA 95010

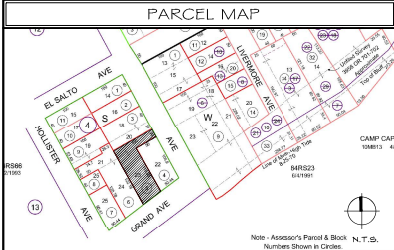
# HOLDENER RESIDENCE



VICINITY MAP



PARCEL MAP



## STRUCTURAL DATA

SETBACKS		REQUIRED	PROPOSED
FRONT YARD	GARAGE	20'-0"	36'-0" $\frac{1}{2}$
	1st STORY	10'-0"	
	2nd STORY	15'-0"	
REAR YARD	1st STORY	14'-0"	54'-11" $\frac{1}{2}$
SIDE YARD	1st STORY - MAIN HOUSE	5'-0" (L) & (R)	6'-0" (L) & 5'-0" (R)
	2nd STORY - MAIN HOUSE	7'-6" (L) & (R)	6'-0" (L) & 5'-0" (R)
	1st STORY - GARAGE	5'-0" (L) & 3'-0" (R)	5'-2" (L) & 3'-0" (R)
HEIGHT		27'-0"	26'-0"

FLOOR AREA RATIO	LOT SIZE	MAX (48%)	PROPOSED (46.7%)			
	7,653 sq.ft.	3,673 sq.ft.	3,570 sq.ft.			
	HABITABLE SPACE	FIRST FLOOR COVERED DECK OR PORCH	SECOND FLOOR DECK	GARAGE	EXTERIOR STAIRS (DOES NOT COUNT)	TOTAL
(P) 1st STORY	1,664 sq.ft.	129 sq.ft.	1,100 sq.ft.	200 sq.ft.	<20 sq.ft.>	1,264 sq.ft.
(P) 2nd STORY	1,491 sq.ft.	1,100 sq.ft.	212 sq.ft.	-	<20 sq.ft.>	1,706 sq.ft.
(P) TOTAL	3,155 sq.ft.	0 sq.ft.	215 sq.ft.	200 sq.ft.	<20 sq.ft.>	3,570 sq.ft.

PARKING	REQUIRED	PROPOSED
	3 SPACES, ONE OF WHICH MUST BE COVERED	2 COVERED SPACES 2 UNCOVERED SPACES
TOTAL	3 SPACES	4 SPACES

\* THERE IS A CREDIT OF 1.50 sq.ft. FOR FIRST FLOOR COVERED PORCHES AND UPSTAIRS DECKS

## BUILDING INFORMATION

**PROJECT DESCRIPTION:**  
DEMOLITION OF EXISTING 200 sq.ft. SINGLE FAMILY RESIDENCE, 400 sq. ft. A.D.U., SHED AND CARPORT. CONSTRUCTION OF A NEW TWO-STORY, 3,570 sq.ft. SINGLE FAMILY DWELLING AND WITH 200 sq. ft. GARAGE.

**PROJECT ADDRESS:**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

**PARCEL NUMBER:**  
036-14-405

**ZONING DESIGNATION:**  
R-1

**OCCUPANCY CLASSIFICATION:**  
TYPE V-B

**CONSTRUCTION TYPE:**  
R-3

**CODE NOTE:**  
THESE PLANS CONFORM TO THE 2013 CALIFORNIA RESIDENTIAL BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND ENERGY CODE, STRUCTURAL ENGINEERING SHALL CONFORM TO 2013 CALIFORNIA BUILDING CODE. (I.E., 2013 IRC, IBC, UMC, UPC, AND 2013 NEC) AS AMENDED BY THE STATE OF CALIFORNIA.

## CONTACTS

**OWNER:**  
JANE & TIM HOLDENER  
7099 EAST PELTER RD.  
ACAMPO, CA 95020  
P: (925) 333-2600

**PROJECT DESIGNER:**  
DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.  
DEREK VAN ALSTINE  
1535 SCARBRIGHT AVE SUITE 200  
SANTA CRUZ, CA 95062  
P: (831) 426-8400  
FAX: (831) 426-8146  
derek@vanalstine.com

**SURVEY:**  
TARO, KASUNICH AND ASSOC., INC.  
JOHN KASUNICH, G.E.  
1 S.E. LANE AVE.  
WATSONVILLE, CA 95076  
P: (831) 722-4178  
FAX: (831) 722-3202  
kasunich@thekasunich.com

## DRAWING INDEX

BUILDING DESIGN	
T1	TITLE SHEET
T2	STRM-BMP
	BLUFF RECESSION SETBACK SECTION
	BLUFF RECESSION SETBACK SECTION
A1	EXISTING SITE PLAN
A1.1	SITE PLAN
A1.2	FLOOR AREA DIAGRAM
A1.3	DRAINAGE PLAN
A2	LOWER LEVEL FLOOR PLAN
A3	UPPER LEVEL FLOOR PLAN
A4	ROOF PLAN
A5	EXTERIOR ELEVATIONS - MAIN HOUSE
A6	EXTERIOR ELEVATIONS - MAIN HOUSE
A7	EXTERIOR ELEVATIONS - GARAGE

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SCARBRIGHT AVE SUITE 200 SANTA CRUZ CALIFORNIA  
95062-8400 P: (831) 426-8400 FAX: (831) 426-8146

DVRD  
DEREK VAN ALSTINE  
DESIGNER

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

ISSUE DESCRIPTION	DATE
SCHEMATIC DESIGN	JUNE 07, 2016
DESIGN DEVELOPMENT	
PLANNING SUBMITTAL	JULY 15, 2016
BUILDING SUBMITTAL	
REVISIONS	
SEPT. 8, 2016	ARC COMMENTS
SEPT. 19, 2016	ARC COMMENTS
SEPT. 23, 2016	OWNER REVS
OCT. 24, 2016	PLANNING REVS
NOV. 22, 2016	PLANNING REVS

TITLE SHEET

11

Attachment: Revised Project Plans Updated 12/16/16 (1686 : 105 Sacramento Avenue)

DEREK VAN ALSTINE RESIDENTIAL DESIGN INC. 1333 BRADSHAW AVENUE, SUITE 100, SANTA CRUZ, CALIFORNIA 95061-3807 (PHONE) (530) 588-9544 (FAX) (530) 588-9544

Table with 2 columns: ISSUE DESCRIPTION, DATE. Includes rows for SUBMITTALS, DESIGN DEVELOPMENT, PLANNING SUBMITTAL (JULY 15, 2016), BUILDING SUBMITTAL, REVISIONS (SEPT 8, 2016 ARC COMMENTS, SEPT 19, 2016 ARC COMMENTS, SEPT 23, 2016 OWNER REVISIONS, OCT 24, 2016 PLANNING REVISIONS, OCT 25, 2016 PLANNING REVISIONS, NOV 22, 2016 PLANNING REVISIONS).

1 1

Attachment: Revised Project Plans Updated 12/16/16 (1686 - 105 Sacramento Avenue)

Stormwater Pollution Prevention and Protection for Construction Projects. In the City of Capitola, water in streets, gutters, and storm drains flows directly to local creeks and Monterey Bay without any treatment. When debris, paint, concrete and other harmful pollutants from construction sites and home construction projects get spilled, leaked or washed into the street or storm drain they can damage sensitive creek habitats and end up polluting our bay and ocean.

Materials & Waste Handling. Practice containment. "Source Reduction" by estimating careful and minimizing waste when ordering materials. Recycle excess materials such as concrete, asphalt, scrap metal, solvents, degreasers, paper, and vehicle maintenance materials whenever possible.

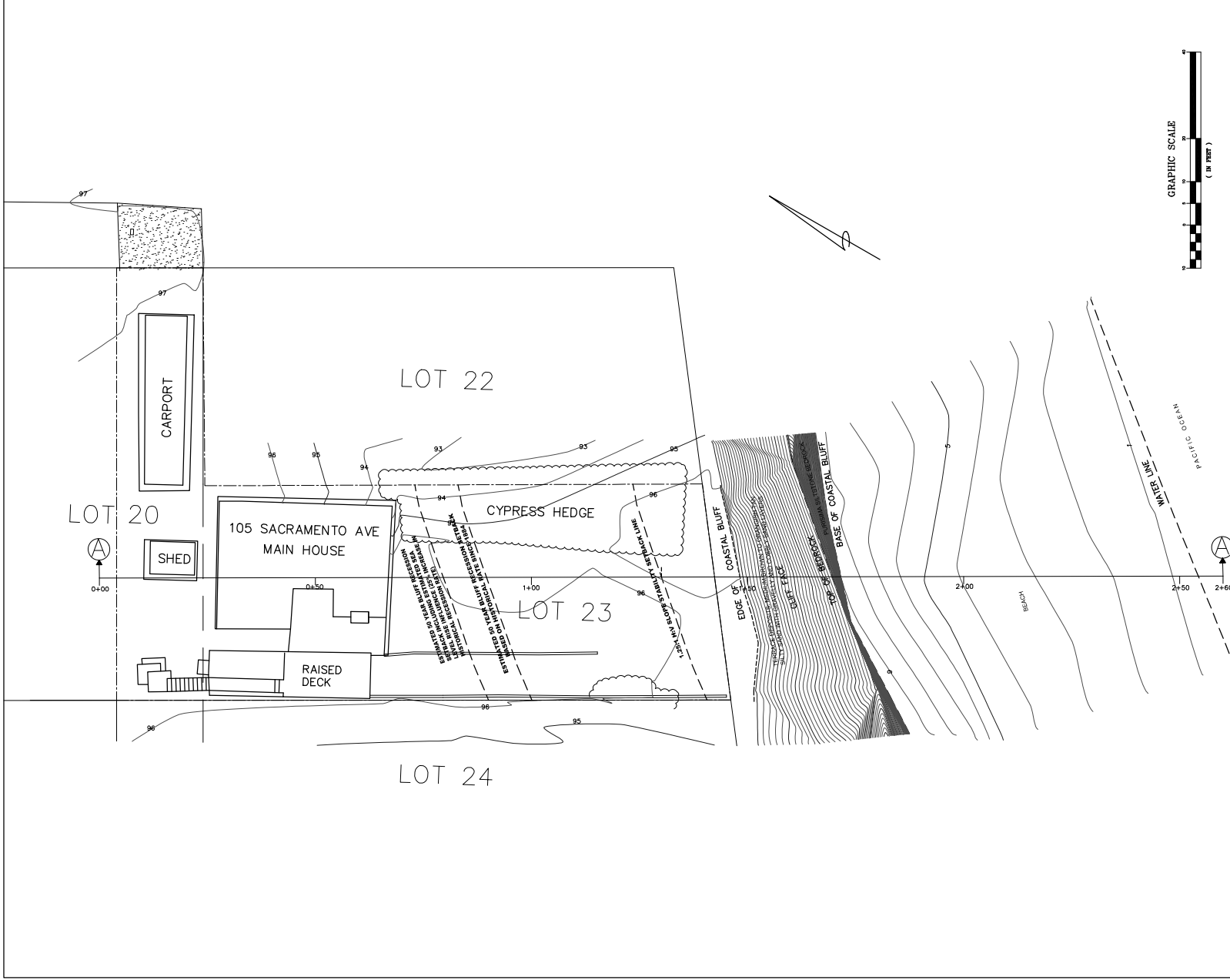
Effective Erosion, Detention, Barriers, and Settling Devices shall be selected, installed and maintained properly. Site fences must be installed so that the drainage around each fence does not create additional erosion and fills down slope of the fence.

Painting, Varnish & Application of Solvents & Adhesives. Paints, varnish, solvents and adhesives contain chemicals that are harmful to wildlife and aquatic life in our community. Toxic chemicals may come from liquid or solid products or from cleaning residues or rags.

Concrete, Cement, & Masonry Products. Concrete, cement, masonry products, sediment or pollutant laden water shall never be discharged into or allowed to reach the storm drain system.

Site Clean Up. Clean up by sweeping instead of hosing down whenever possible. Dispose of litter and debris in the garbage. The street, sidewalk and other paved areas may not be cleaned by washing or by directing sediment, concrete, asphalt, or other particles into the storm drain system.

12/22/2016 9:50 AM



General Notes:

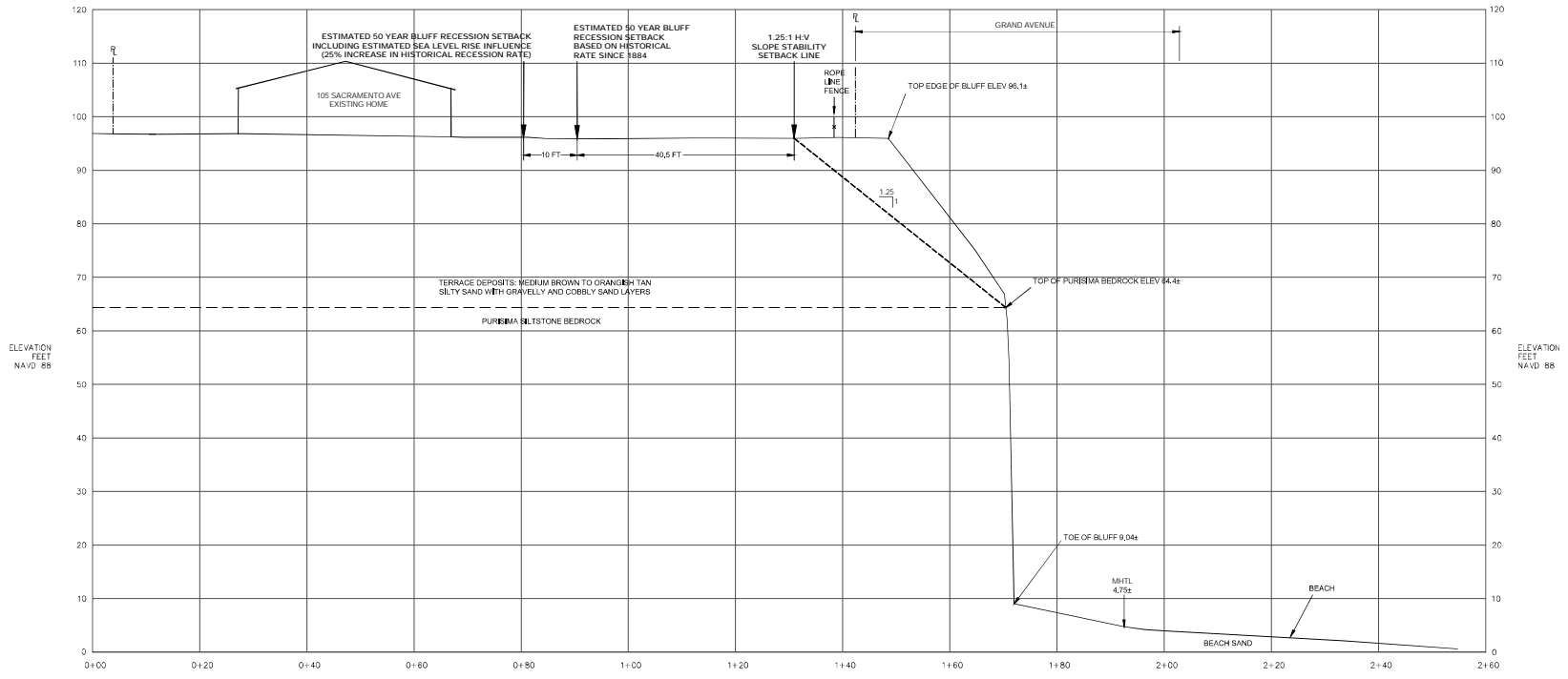
- A. Topographic Base Map prepared by Hogan Land Services.
- B. Vertical Elevation Datum is NAVD88.
- C. Topography at beach level may not accurately reflect actual terrain.
- D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESSION SETBACKS are for planning purposes. The selection of a "50 YEAR" timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.
- E. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to improvements should be expected at some point in the far future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

**SHEET 1:**  
**ESTIMATED 50 YEAR**  
**FUTURE COASTAL BLUFF**  
**RECESSION SETBACK MAP**

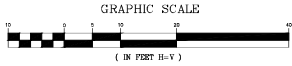
105 Sacramento Avenue, Capitola, CA  
 Santa Cruz County APN 036-144-05  
 12/7/2015

HARO, KASUNICH AND ASSOCIATES, INC.  
 CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS  
 116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4719





SECTION A-A  
SCALE: 1" = 10' H & V

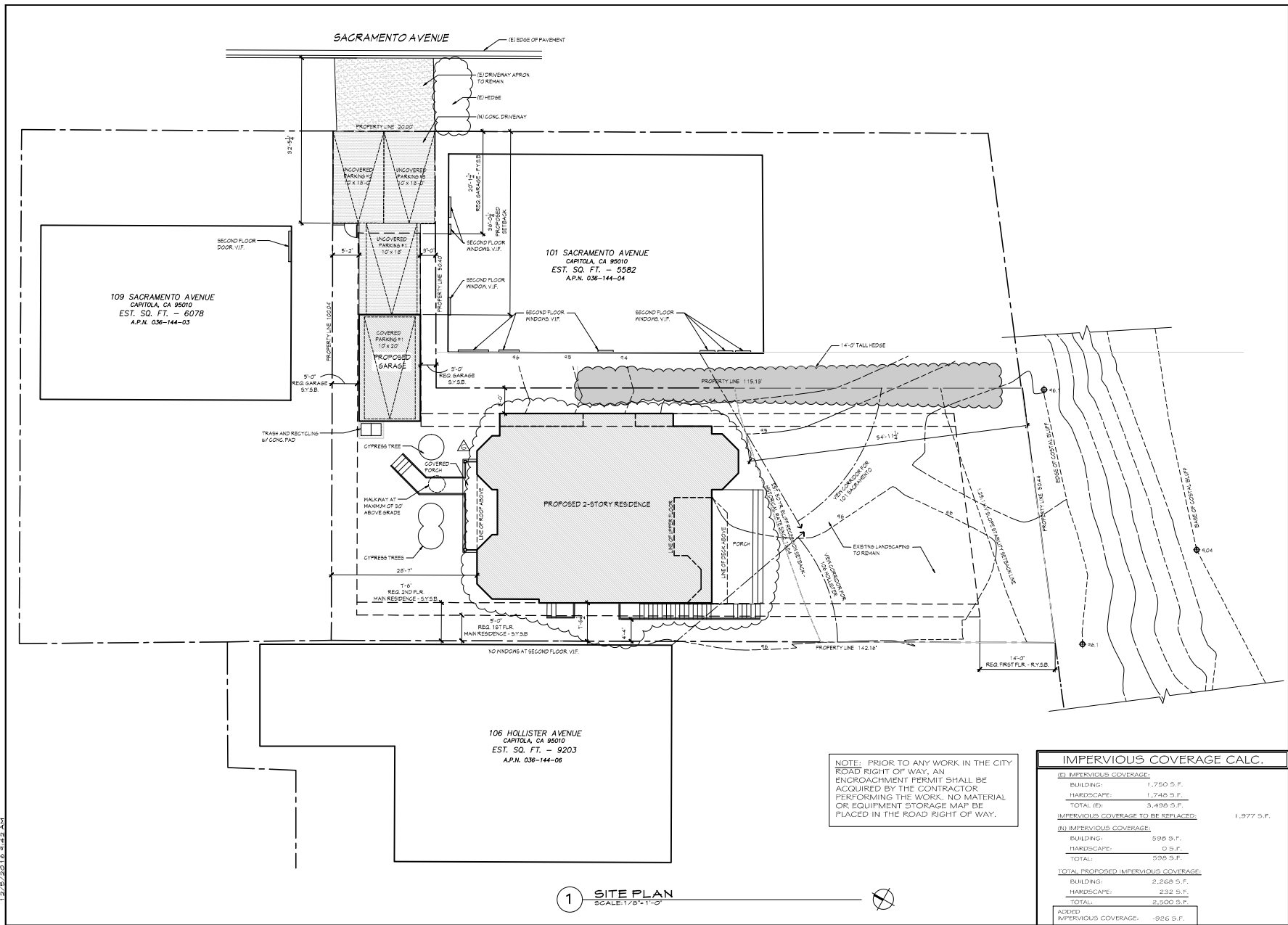


- General Notes:
- A. Topographic Base Map prepared by Hogan Land Services.
  - B. Vertical Elevation Datum is NAVD88.
  - C. Topography at beach level may not accurately reflect actual terrain.
  - D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESSON SETBACKS are for planning purposes. The selection of a "50 YEAR" timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.
  - E. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to improvements should be expected at some point in the far future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

**SHEET 2:**  
**ESTIMATED 50 YEAR**  
**FUTURE COASTAL BLUFF**  
**CROSS SECTION**  
 105 Sacramento Avenue, Capitola, CA  
 Santa Cruz County APN 036-144-05  
 12/7/2015

HARO, KASUNICH AND ASSOCIATES, INC.  
 CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS  
 116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175

Attachment: Revised Project Plans Updated 12/6/16 (1686 : 105 Sacramento Avenue)



NOTE: PRIOR TO ANY WORK IN THE CITY ROAD RIGHT OF WAY, AN ENCROACHMENT PERMIT SHALL BE ACQUIRED BY THE CONTRACTOR PERFORMING THE WORK. NO MATERIAL OR EQUIPMENT STORAGE MAY BE PLACED IN THE ROAD RIGHT OF WAY.

1 SITE PLAN  
SCALE: 1/8" = 1'-0"

IMPERVIOUS COVERAGE CALC.	
<b>(1) IMPERVIOUS COVERAGE:</b>	
BUILDING:	1,750 S.F.
HARDSCAPE:	1,748 S.F.
TOTAL (1):	3,498 S.F.
IMPERVIOUS COVERAGE TO BE REPLACED:	1,977 S.F.
<b>(2) IMPERVIOUS COVERAGE:</b>	
BUILDING:	998 S.F.
HARDSCAPE:	0 S.F.
TOTAL:	998 S.F.
<b>TOTAL PROPOSED IMPERVIOUS COVERAGE:</b>	
BUILDING:	2,262 S.F.
HARDSCAPE:	232 S.F.
TOTAL:	2,500 S.F.
ADDED IMPERVIOUS COVERAGE:	-926 S.F.

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA  
(831) 438-8800 PHONE (831) 438-8800 FAX

DVRD  
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION

SCHEMATIC DESIGN

JUNE 01, 2016

DESIGN DEVELOPMENT

PLANNING SUBMITTAL

JULY 15, 2016

BUILDING SUBMITTAL

REVISIONS

SEPT. 8, 2016

ARC COMMENTS

SEPT. 19, 2016

ARC COMMENTS

SEPT. 23, 2016

OWNER REVS

OCT. 24, 2016

PLANNING REVS

OCT. 25, 2016

PLANNING REVS

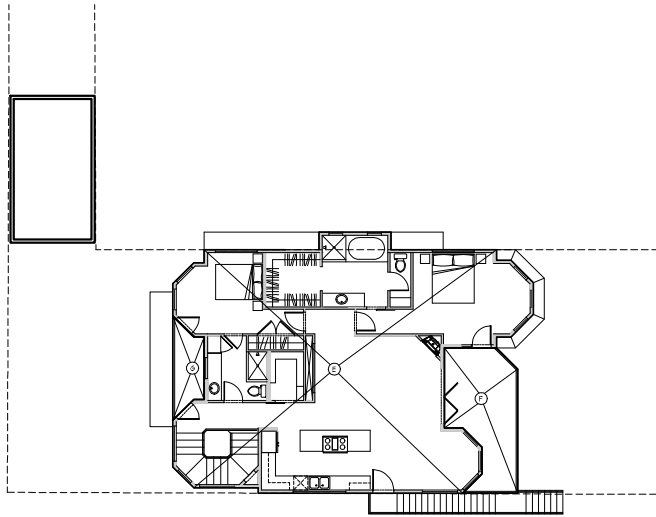
NOV. 22, 2016

PLANNING REVS

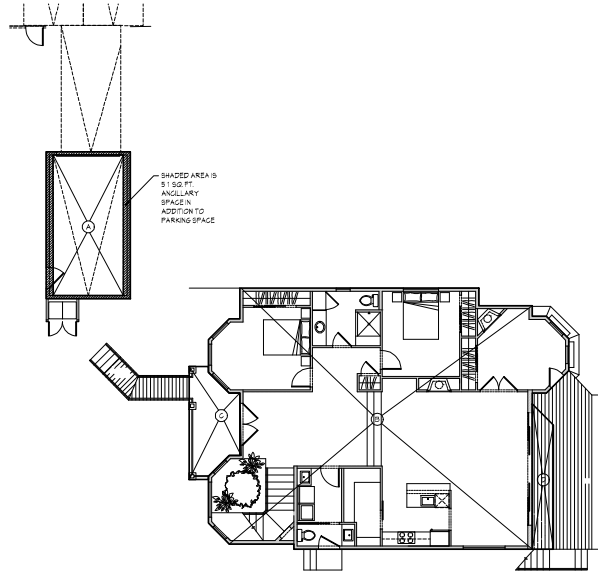
SITE PLAN



Attachment: Revised Project Plans Updated 12/16/16 (1686 : 105 Sacramento Avenue)



2 UPPER FLOOR PLAN  
SCALE: 1/8" = 1'-0"



1 LOWER FLOOR PLAN  
SCALE: 1/8" = 1'-0"

SQUARE FOOTAGE DIAGRAM

LOWER FLOOR:	
Ⓐ GARAGE	AREA: 200 SF
Ⓒ MAIN HOUSE	1,884 SF
SUB-TOTAL: 2,084 SF	
COVERED PORCHES:	
Ⓓ COVERED PORCH	AREA: 43 SF
Ⓔ COVERED PORCH	36 SF
COVERED PORCH CRED.	119 SF
SUB-TOTAL: 198 SF	
UPPER FLOOR:	
Ⓔ MAIN HOUSE	AREA: 1,481 SF
SUB-TOTAL: 1,481 SF	
UPPER FLOOR DECKS:	
Ⓕ UPPER DECK	AREA: 110 SF
Ⓖ UPPER DECK	49 SF
SUB-TOTAL: 159 SF	
TOTAL: 3,510 SF	

MAX FLOOR AREA ALLOWED (40%):  
7,150 SF (40%) = 3,873 SF

PROPOSED FLOOR AREA: 3,510 SF

SHADED AREA IS  
3' x 50' FT  
ANGULAR  
SPACES  
ADDITION TO  
PARKING SPACE

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 206, SAN FRANCISCO, CALIFORNIA  
(415) 746-8860 PHONE (415) 746-8861 FAX

DVRD  
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN

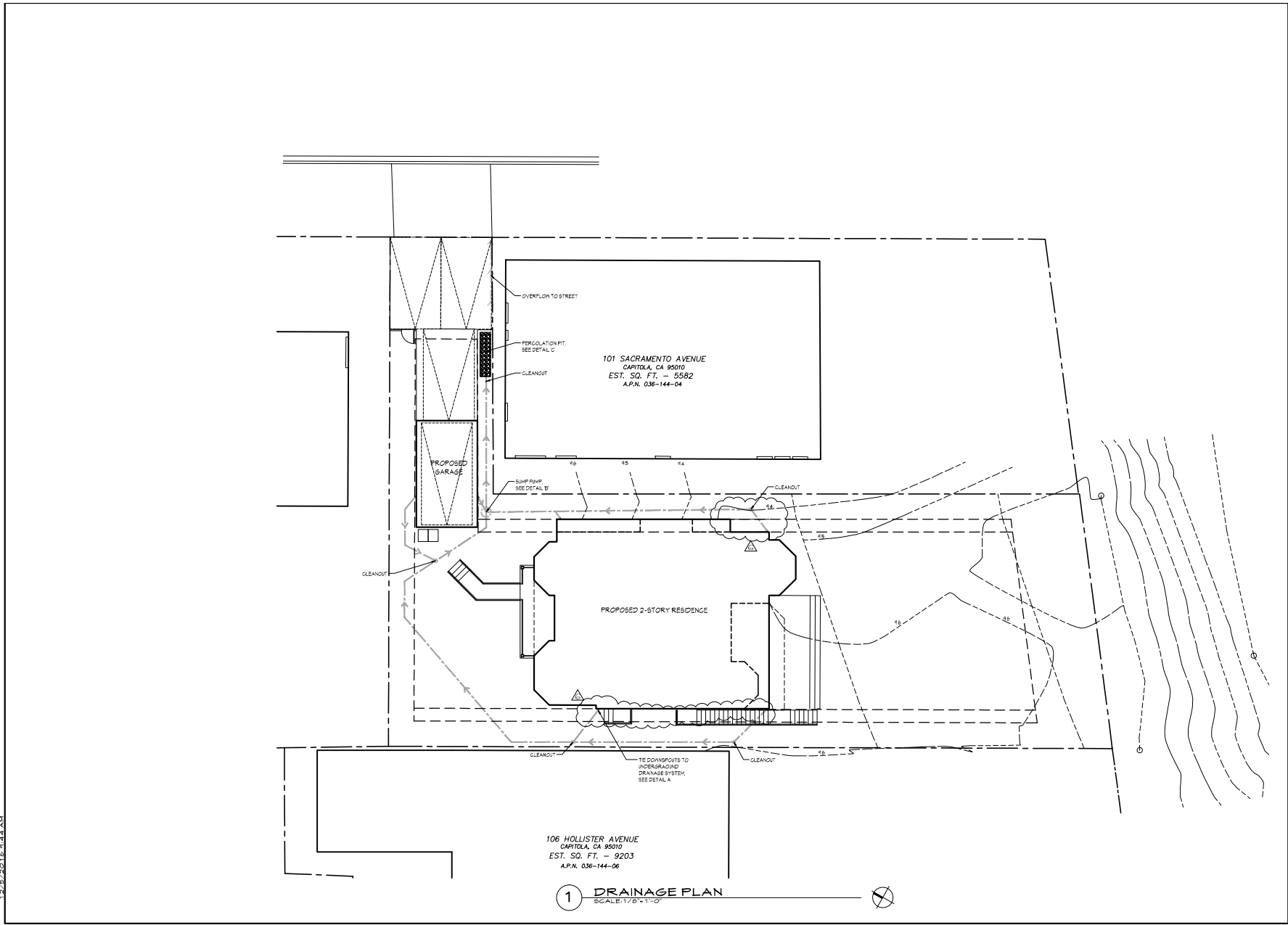
HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION
SCHEMATIC DESIGN JUNE 01, 2016
DESIGN DEVELOPMENT
PLANNING SUBMITTAL JULY 15, 2016
BUILDING SUBMITTAL
REVISIONS
SEPT. 8, 2016 ARC COMMENTS
SEPT. 19, 2016 ARC COMMENTS
SEPT. 23, 2016 OWNER REVS
OCT. 24, 2016 PLANNING REVS
OCT. 25, 2016 PLANNING REVS.
NOV. 22, 2016 PLANNING REVS.

DECK AND  
COVERED PORCH  
DIAGRAM

Attachment: Revised Project Plans Updated 12/16/16 (1686 : 105 Sacramento Avenue)



1 DRAINAGE PLAN  
SCALE 1/8" = 1'-0"

12/22/2016 9:44 AM

**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1035 SEABRANT AVENUE SUITE 200 SAN FRANCISCO, CALIFORNIA  
(831) 426-8800 PHONE (831) 426-8869 FAX

**DVRD**  
DESIGN REVIEW BOARD  
DESIGNER

**HOLDNER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405

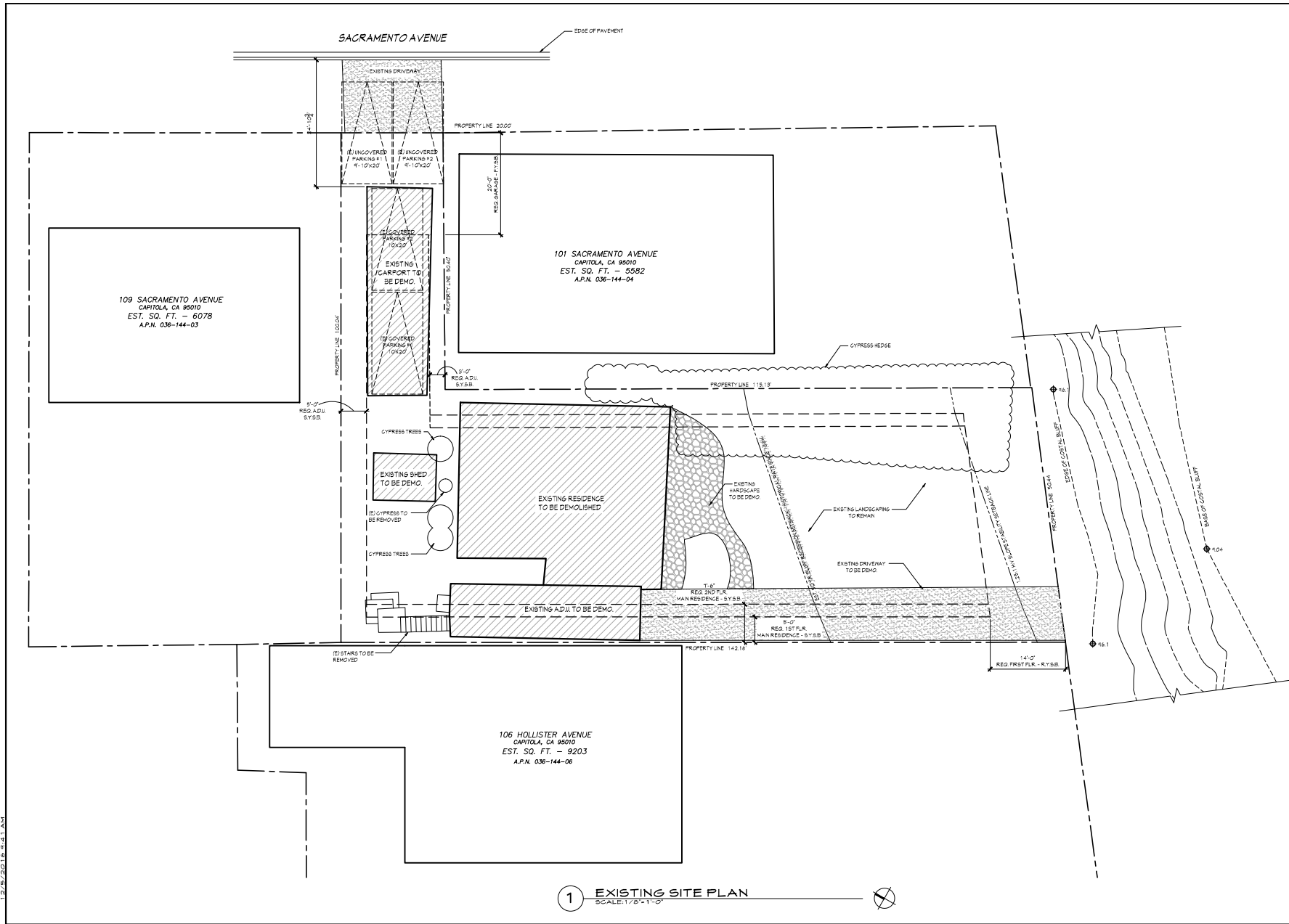
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SCHEMATIC DESIGN
JUNE 01, 2016
DESIGN DEVELOPMENT
PLANNING SUBMITTAL
JULY 15, 2016
BUILDING SUBMITTAL

REVISIONS
SEPT. 08, 2014
ARC COMMENTS
SEPT. 19, 2014
ARC COMMENTS
SEPT. 23, 2014
OWNER REVIS.
OCT. 24, 2014
PLANNING REVIS.
OCT. 25, 2014
PLANNING REVIS.
NOV. 22, 2014
PLANNING REVIS.

DRAINAGE PLAN



Attachment: Revised Project Plans Updated 12/16/16 (1686 : 105 Sacramento Avenue)



**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIF. 95061  
(831) 426-8800 PHONE (831) 426-8866 FAX

**DVRD**  
DEREK VAN ALSTINE  
DESIGN

**HOLDENER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION

SCHEMATIC DESIGN

JUNE 01, 2016

DESIGN DEVELOPMENT

PLANNING SUBMITTAL

JULY 15, 2016

BUILDING SUBMITTAL

REVISIONS:

SEPT. 8, 2016

ARC COMMENTS

SEPT. 19, 2016

ARC COMMENTS

SEPT. 23, 2016

OWNER REVS.

OCT. 24, 2016

PLANNING REVS.

OCT. 25, 2016

PLANNING REVS.

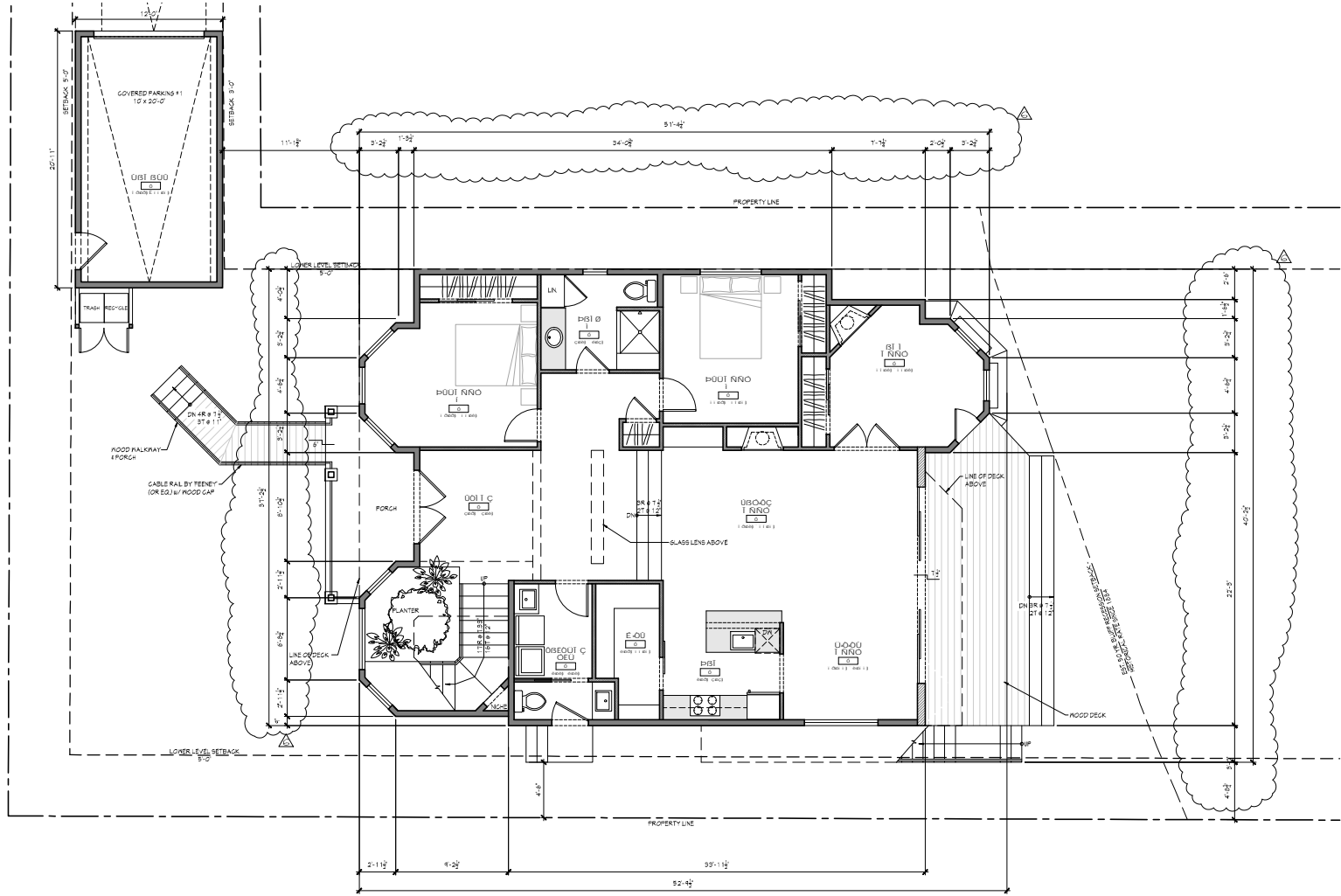
NOV. 22, 2016

PLANNING REVS.

EXISTING  
DIFF. PLAN

**Bi**

**Attachment: Revised Project Plans Updated 12/16/16 (1686 : 105 Sacramento Avenue)**



1 LOWER LEVEL FLOOR PLAN - MAIN HOUSE  
SCALE: 1/4" = 1'-0"

WALL LEGEND	
	NEW 2x4 STUD WALL
	NEW 2x6 STUD WALL
	NEW 2x8 STUD WALL

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIF. 95061  
(831) 686-8800 PHONE (831) 626-8866 FAX

DVRD  
DEREK VAN ALSTINE  
DESIGNER

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION

SCHEMATIC DESIGN

JUNE 01, 2016

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SEPT. 23, 2016

OWNER REVS.

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OCT. 25, 2016

PLANNING REVS.

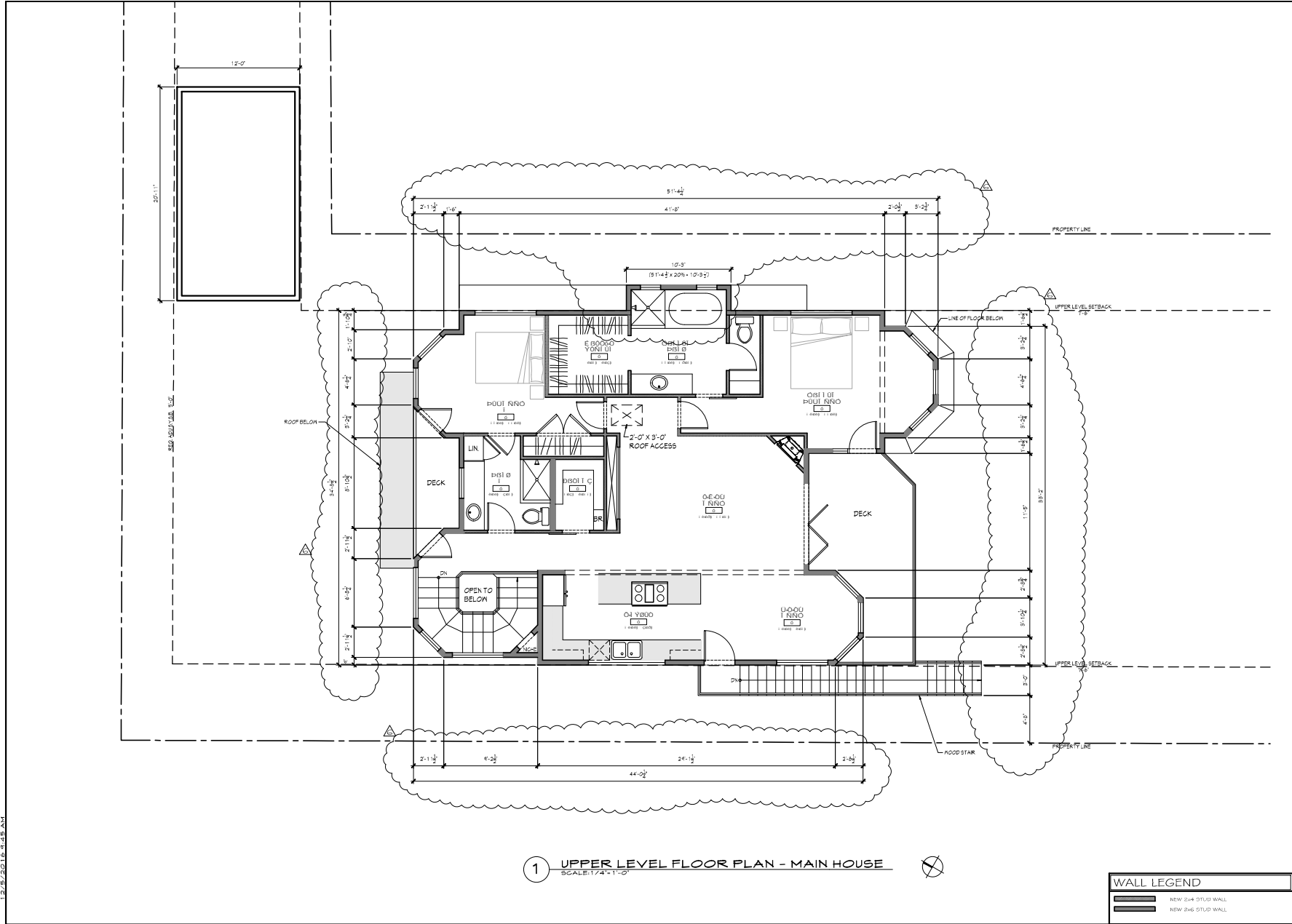
NOV. 22, 2016

PLANNING REVS.

LOWER LEVEL  
FLOOR PLAN  
MAIN HOUSE

Bi

Attachment: Revised Project Plans Updated 12/6/16 (1686 : 105 Sacramento Avenue)



1 UPPER LEVEL FLOOR PLAN - MAIN HOUSE  
SCALE: 1/4" = 1'-0"

**WALL LEGEND**

	NEW 2x4 STUD WALL
	NEW 2x6 STUD WALL

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIF. 95061  
(831) 428-8800 PHONE (831) 428-8866 FAX

DVRD  
DEREK VAN ALSTINE  
DESIGN

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION

SCHEMATIC DESIGN

JUNE 01, 2016

DESIGN DEVELOPMENT

PLANNING SUBMITTAL

JULY 15, 2016

BUILDING SUBMITTAL

REVISIONS

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ARC COMMENTS

SEPT. 19, 2016

ARC COMMENTS

SEPT. 23, 2016

OWNER REVS.

OCT. 24, 2016

PLANNING REVS.

OCT. 25, 2016

PLANNING REVS.

NOV. 22, 2016

PLANNING REVS.

UPPER LEVEL FLOOR PLAN MAIN HOUSE

B1

Attachment: Revised Project Plans Updated 12/16/16 (1686 : 105 Sacramento Avenue)

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIF. 95061  
(831) 438-9800 PHONE (831) 426-8866 FAX

DVRD  
DEREK VAN ALSTINE  
DESIGN

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION

SCHEMATIC DESIGN

JUNE 01, 2016

DESIGN DEVELOPMENT

PLANNING SUBMITTAL

JULY 15, 2016

BUILDING SUBMITTAL

REVISIONS:

SEPT. 8, 2016

ABC COMMENTS

SEPT. 19, 2016

ABC COMMENTS

SEPT. 23, 2016

OWNER REVS.

OCT. 24, 2016

PLANNING REVS.

OCT. 25, 2016

PLANNING REVS.

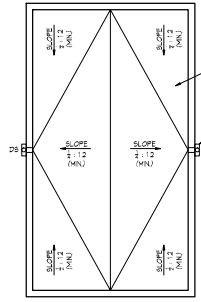
NOV. 22, 2016

PLANNING REVS.

ROOF PLAN

Bi

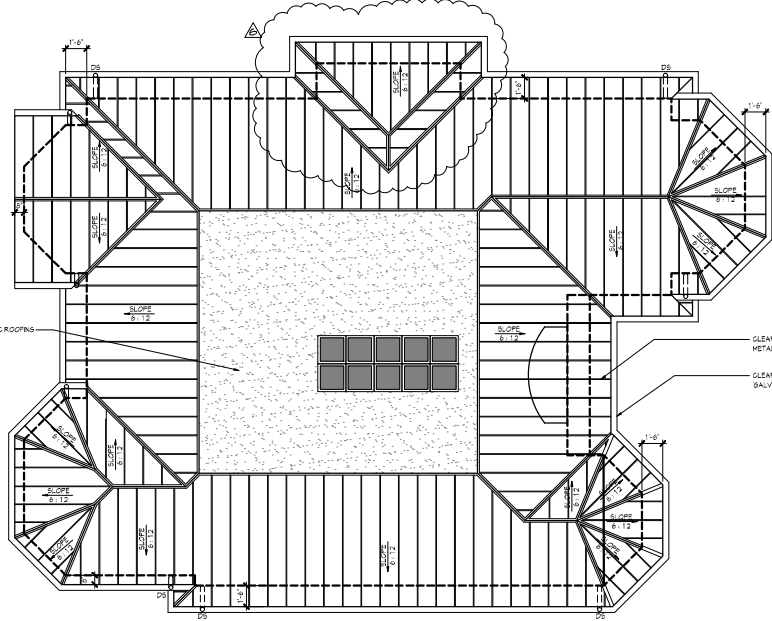
Attachment: Revised Project Plans Updated 12/6/16 (1686 : 105 Sacramento Avenue)



ACRYLIC ELASTOMERIC ROOFING  
CLEAR ANGLED SCUPPER & DOWNSPOUT

ACRYLIC ELASTOMERIC ROOFING  
& LOW SLOPE ROOF

CLEAR ANGLED STANDING BEAM  
METAL ROOF BY GALVALUME (OR EQ.)  
CLEAR ANGLED GAGE GUTTER BY  
GALVALUME (OR EQ.)



1 ROOF PLAN  
SCALE: 1/4" = 1'-0"



15:25:2016-11-15-14





1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIF. 95061  
(831) 426-8868 PHONE (831) 426-8868 FAX

DVRD  
DEREK VAN ALSTINE  
DESIGNER

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-005

ISSUE DESCRIPTION

SCHEMATIC DESIGN

JUNE 01, 2016

DESIGN DEVELOPMENT

PLANNING SUBMITTAL

JULY 15, 2016

BUILDING SUBMITTAL

REVISIONS

SEPT. 8, 2016

ARC COMMENTS

SEPT. 19, 2016

ARC COMMENTS

SEPT. 23, 2016

OWNER REVS.

OCT. 24, 2016

PLANNING REVS.

OCT. 25, 2016

PLANNING REVS.

NOV. 22, 2016

PLANNING REVS.

OUTERIOR ELEVATIONS

Bē

Attachment: Revised Project Plans Updated 12/6/16 (1686 : 105 Sacramento Avenue)



1 WEST ELEVATION  
SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE, SUITE 200, SANTA CRUZ, CALIF. 95061  
(831) 426-8800 PHONE (831) 426-8866 FAX

DVRD  
DEREK VAN ALSTINE  
DESIGNER

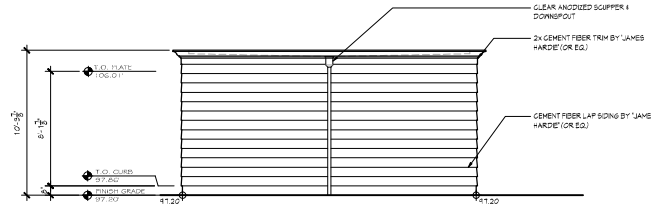
HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405
ISSUE DESCRIPTION
SCHEMATIC DESIGN
JUNE 01, 2016
DESIGN DEVELOPMENT
PLANNING SUBMITTAL
JULY 15, 2016
BUILDING SUBMITTAL
REVISIONS
SEPT. 8, 2016
ARC COMMENTS
SEPT. 19, 2016
ARC COMMENTS
SEPT. 23, 2016
OWNER REVS.
OCT. 24, 2016
PLANNING REVS.
OCT. 25, 2016
PLANNING REVS.
NOV. 22, 2016
PLANNING REVS.

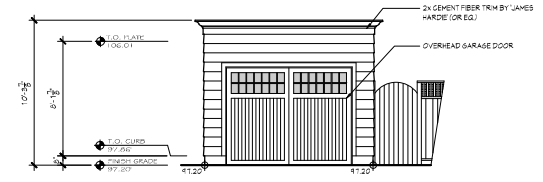
EXTERIOR ELEVATIONS

Bê

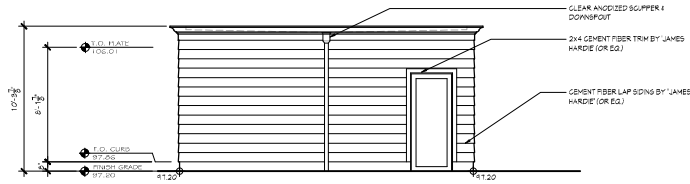
Attachment: Revised Project Plans Updated 12/6/16 (1686 : 105 Sacramento Avenue)



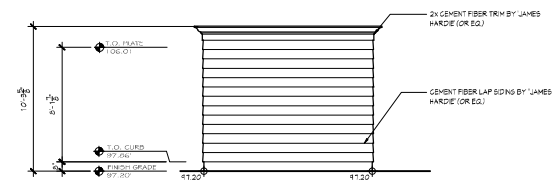
2 NORTH ELEVATION - GARAGE  
SCALE: 1/4" = 1'-0"



1 EAST ELEVATION - GARAGE  
SCALE: 1/4" = 1'-0"



4 SOUTH ELEVATION - GARAGE  
SCALE: 1/4" = 1'-0"



3 WEST ELEVATION - GARAGE  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE, SUITE 200, SANTA CRUZ, CALIF. 95061  
(831) 438-9900 PHONE (831) 428-8866 FAX

DVRD  
DEREK VAN ALSTINE  
DESIGN

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105 SACRAMENTO AVE.  
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PLANNING REVS.

OUTER/INOR  
ELEVATIONS  
GARAGE

Bé

Attachment: Revised Project Plans Updated 12/6/16 (1686 : 105 Sacramento Avenue)

**requirements, and project review procedures;**

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

**(D) (23) Project complies with the Capitola parking permit program as follows:**

- The project site is located within the Depot Hill neighborhood parking permit program. The project contains adequate on-site parking pursuant to the requirements of the Capitola Municipal Code.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gayle Ortiz, Commissioner
<b>SECONDER:</b>	Edward Newman, Commissioner
<b>AYES:</b>	Ortiz, Newman, Welch, Westman
<b>ABSENT:</b>	Smith

**D. 105 Sacramento Avenue #16-133 036-144-05**

Design Permit to demolish an existing residence and secondary dwelling unit and construction of a new two-story residence with variance requests for height, setbacks, and driveway landscaping, located in the R-1 (Single-Family Residential) Zoning District. 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

Property Owner: Lani and Tim Holdener

Representative: Derek Van Alstine, filed: 6/28/16

Planner Safty presented the staff report. The project is a new home proposed on a flag lot with access from Sacramento that sits on the bluffs. It would remove one large cypress but preserve the rest of the stand. It seeks variances to the driveway landscaping. The variance for the garage is supported to preserve existing trees.

The proposed sideyard setbacks are not supported by staff due to adequate building area. A specialized foundation would preserve the trees by resting above grade. The height variance is not supported because there is ample room for a reasonable size home.

Derek Van Alstine, designer, spoke in support of the application. He noted the trees dominate five properties and explained complex foundation concerns to preserve the root system. The lot faces a geologic setback on one side and trees on the other. Lower height would make the building less attractive.

Chris O'Connell, neighbor, appreciates the efforts made, but says there are four windows facing the project. Both the trees and cliff were existing challenges when the home was purchased. He does not support variances because of concerns about integrity of the cliff and privacy.

Sarah DeLeon currently rents the applicant property. She hoped to occupy a proposed accessory dwelling unit, but found it has been eliminated.

Denise Ryan, neighbor, said she has seen major changes to the cliff over time. She shares Mr. O'Connell's concerns about the project's impact on erosion and their privacy.

Minutes Acceptance: Minutes of Nov 3, 2016 7:00 PM (Approval of Minutes)  
Attachment: Planning Commission Minutes 11-3-16 (1686 : 105 Sacramento Avenue)

Lori Munoz, Depot Hill resident, supports efforts to save the trees.

Commissioner Newman confirmed the number of parking spaces required and questioned the viability of multiple tandem spots.

Commissioner Westman can support the parking landscape variance, but not other variances for a new structure. Commissioner Ortiz agreed.

Chairperson Welch noted that the adjacent home does not meet setbacks, and acknowledged he is friends with the applicants. He does not think the height will impact others and favors preserving the trees.

Commissioner Newman said he could support the height variance but not the setbacks. After discussion about the foundation, other commissioners agreed.

MOTION: Approve a Design Permit, Variances and Coastal Development Permit, with the following conditions and findings:

#### **CONDITIONS OF APPROVAL**

1. The project approval is for the construction of a new, two-story single-family home at 105 Sacramento Avenue. The project consists of construction of a 3,321 square foot two-story residence with 302 square feet of deck and covered porch space and a 200 square foot detached garage. The maximum Floor Area Ratio for the 7,653 square foot property is 48% (3,673 square feet). The total FAR of the project is 48% with a total of 3,673 square feet of floor area, compliant with the maximum FAR within the zone. The project includes denial of a variance to second-story setbacks ~~and height of the main residence~~ and approval of a variance to detached garage setbacks, the two-foot landscape strip requirement for parking within the front setback, ~~and height of the main residence~~. The applicant must revise plans to be in compliance with ~~height and setbacks~~ prior to building permit submittal. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 3, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.

6. The variance request to side yard setbacks of the second-story has been denied. Prior to building permit submittal, the applicant must modify the plans to be in compliance with required seven-foot six-inch side yard setback for the second floor, to the satisfaction of the Community Development Director.

~~The variance request to height for the primary structure has been denied. Prior to building permit submittal, the primary structure must be modified to meet the 25-foot height limit.~~

7. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
8. Prior to issuance of building permit, all Planning fees associated with permit #16-133 shall be paid in full.
9. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
10. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

17. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

#### **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a new two-story residence. The new home, with the conditions imposed, will maintain the character and integrity of the neighborhood.
- C. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence in a residential zone. This project involves the construction of a new, two-story single-family residence on a property in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.
- D. **Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**

The special circumstances applicable to the property is that the subject property is a flag-lot and has large cypress trees which the owner would like to preserve. Due to the location of the existing trees, the applicant located the garage and parking spaces within the access portion of the flag-lot. A majority of the access way is located within the required front yard setback. Due to the special circumstances associated with the trees and flag-lot, there is no alternative location for the garage and parking while also meeting setback requirements. The property cannot fit two feet of landscaping in between the neighboring property lines and access way. Most properties in the neighborhood are not located on a flag-lot and thus have more room to accommodate parking requirements and detached garage setbacks. A variance has been granted to reduce setbacks associated with a detached garage and to waive the two-foot landscape strip requirement for parking within the front setback. Additionally, a variance to height standards has been granted due to the existing shallow root system and the desire to preserve the large cypress trees on the property.

**E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**

The subject property does not front along the street and instead has a 20-foot-wide access area to connect the property to Sacramento Avenue. Most properties within the area have roughly 40 feet of street frontage, and thus have much more room to located parking spaces and landscaping. In addition, the municipal code does not list zoning standards specific to flag-lots. Using current R-1 (Single-Family Residential) zoning standards, most of the flag-lot portion of the property is within the required front-yard setback. The grant of a variance to detached garage setbacks and the two-foot landscape strip requirement for parking within the front setback would not constitute the grant of a special privilege since most properties in the area are not flag-lots and thus have more flexibility when designing. Additionally, a variance to height standards has been granted due to the existing shallow root system and the desire to preserve the large cypress trees on the property. Most properties do not have large trees with shallow roots restricting the type and size of the home's foundation.

**COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects,***



*including development allowed under applicable planning and zoning.*

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 105 Sacramento Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

- The proposed project is located along Sacramento Avenue. The subject property is located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the cliff. The project will not affect public access to the shoreline or tidelands.

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the***

*area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);*

- There is not history of public use on the subject lot.

**(D) (2) (d) Physical Obstructions.** *Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;*

- The proposed project is located on private property on Sacramento Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

**(D) (2) (e) Other Adverse Impacts on Access and Recreation.** *Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.*

- The proposed project is located on private property that will not impact access and recreation to the sea. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas. The applicant will maintain a 50-year bluff recession setback from the cliff.

**(D) (3) (a – c) Required Findings for Public Access Exceptions.** *Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:*

*a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;*

*b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;*

*c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.*

- The project is not requesting a Public Access Exception, therefore these findings

do not apply.

***(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:***

***a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;***

- The project is located on a residential lot.

***b. Topographic constraints of the development site;***

- The project is located on a relatively flat lot. The subject property is located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the bluff. In addition, the applicant is proposing to preserve two large cypress trees on site.

***c. Recreational needs of the public;***

- The project does not impact recreational needs of the public.

***d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;***

***e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;***

***f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.***

***(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);***

- No legal documents to ensure public access rights are required for the proposed project.

***(D) (6) Project complies with visitor-serving and recreational use policies;***

**SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home on a residential lot of record.

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project involves a single family home on a residential lot of record.

***c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.***

- The project involves a single family home on a residential lot of record.

***(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;***

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, and alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

- The project, with denial of the variance, complies with the design guidelines and standards established by the Municipal Code.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;***

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

***(D) (12) Project complies with water and energy conservation standards;***

- The project is for a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

***(D) (13) Provision of park dedication, school impact, and other fees as may be***

*required;*

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project complies with shoreline structure policies.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- This use is a principally permitted use consistent with the Single Family zoning district.

**(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;**

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

**(D) (23) Project complies with the Capitola parking permit program as follows:**

- The project site is located within the area Depot Hill parking permit program; however, the project complies with on-site parking standards.

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Susan Westman, Commissioner
<b>SECONDER:</b>	Edward Newman, Commissioner
<b>AYES:</b>	Ortiz, Newman, Welch, Westman
<b>ABSENT:</b>	Smith

**6. DIRECTOR'S REPORT**

Director Grunow reported that Soquel Creek Water District will hold a meeting regarding groundwater on Dec. 7 at 2 p.m. and 6 p.m. at Twin Lakes Church. The district also will likely make a presentation to the Planning Commission in the future.

This month the City Council will consider new building and fire codes, which have no major changes, and an ADA transition plan.

The City Council approved a parklet two-year trial program on San Jose Avenue in the Village at its last meeting.

The director briefly demonstrated recent website additions to help prospective applicants. These include more permit information and guidance broken down by application types and a permit flow chart.

**7. COMMISSION COMMUNICATIONS**

Commissioner Newman noted that by the time the City agrees upon a solution to parking shortages in the Village, the development of autonomous vehicles may completely change the landscape.

**8. ADJOURNMENT**

Approved by the Planning Commission at the regular meeting of December 1, 2016.

\_\_\_\_\_  
Linda Fridy, Minutes Clerk

Minutes Acceptance: Minutes of Nov 3, 2016 7:00 PM (Approval of Minutes)  
Attachment: Planning Commission Minutes 11-3-16 (1686 : 105 Sacramento Avenue)



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: NOVEMBER 3, 2016  
 SUBJECT: **105 Sacramento Avenue #16-133 036-144-05**

Design Permit to demolish an existing residence and secondary dwelling unit and construction of a new two-story residence with variance requests for height, setbacks, and driveway landscaping, located in the R-1 (Single-Family Residential) Zoning District.

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

Property Owner: Lani and Tim Holdener

Representative: Derek Van Alstine, filed: 6/28/16

### APPLICANT PROPOSAL

The applicant is applying for a design permit to demolish the existing single-family residence and secondary dwelling unit at 105 Sacramento Avenue and construct a new two-story single-family residence and detached garage. The applicant is requesting variances to setbacks of both the residence and garage, height of the residence, and required driveway landscaping. The existing property is considered a "flag lot" due to the L-shaped lot with 20 feet of street frontage along Sacramento Avenue. The subject property is located adjacent to the bluff within the R-1 (Single-Family Residential) zoning district and the GH (Geologic Hazards) district.

### BACKGROUND

The Architectural and Site Review Committee reviewed the application on August 24<sup>th</sup>, 2016. The original application included a secondary unit above the garage and required parking that extended into the right-of-way. The committee provided the applicant with the following direction:

Public Works Representative, Daniel Uharriet: required that the applicant submit a site drainage plan, show location of garbage cans on the site plan, and incorporate the Public Works Standard Detail Storm Water Best Management Practices into the construction plans. In addition, Ms. Uharriet informed the applicant that Public Works department cannot support the submitted parking plan that utilized a portion of the right-of-way for parking.

Building Official, Brian Van Son: informed the applicant that a geotechnical report will be required at time of Building Permit submittal.

Local Architect, Frank Phanton: asked that the applicant add the location of neighboring 2<sup>nd</sup> floor windows on to the site plan to verify privacy concerns.

Landscape Architect, Megan Bishop: asked that any proposed landscaping be shown on the site plan.

City Planner, Ryan Safty: requested that the applicant make minor revisions to the site plan and submit an explanation for the variance requests. Mr. Safty also informed the applicant that required on-site parking cannot be located within the public right-of-way and that the uncovered parking spaces must be at least ten by 18 feet. Mr. Safty informed the applicant that staff would not be able to support the variance to parking, height, and the secondary dwelling unit. He suggested the applicant revise the proposed plans to comply with the code.

The applicant revised plans to remove the secondary dwelling unit from the proposal and remove proposed uncovered parking from the public right-of-way. The applicant did not modify the height or second story setbacks to comply with the code.

**ZONING SUMMARY**

The following table outlines the zoning code requirements for development in the R-1(Single Family Residential) Zoning District relative to the application.

**R-1 (Single Family Residential) Zoning District**

Development Standards – Main Home				
Building Height		R-1 Regulation		Proposed
		25 ft.		26 ft. – 8 in. <b>VARIANCE</b>
Floor Area Ratio (FAR)				
Lot Size				7,653 sq. ft.
Maximum Floor Area Ratio				48% (Max 3,673 sq. ft.)
First Story Floor Area				1,726 sq. ft.
Second Story Floor Area				1,595 sq. ft.
2 <sup>nd</sup> Story Deck + Covered Porch (150 sq. ft. allowance) (151 sq. ft.) + (152 sq. ft.) = 303 sq. ft.				152 sq. ft. (302 sq. ft. – 150 sq. ft.)
Garage Floor Area				200 sq. ft.
<b>TOTAL FAR</b>				3,673 sq. ft. (48%)
Yards (setbacks are measured from the edge of the public right-of-way)				
HOME		R-1 Regulation		Proposed
Front Yard 1 <sup>st</sup> Story		15 ft.		28 ft.-7 in. from property line
Front Yard 2 <sup>nd</sup> Story		20 ft.		28 ft.-7 in. from property line
Side Yard 1 <sup>st</sup> Story		10% lot width	Lot width 50 5 ft. min.	5 ft. from property line – East 6 ft. from property line – West
Side Yard 2 <sup>nd</sup> Story		15% of width	Lot width 50 7.5 ft. min	5 ft. from property line – East <b>VARIANCE</b> 6 ft. from property line – West <b>VARIANCE</b>
Rear Yard 1 <sup>st</sup> and 2 <sup>nd</sup> Story		50-year bluff	Roughly 50 ft.	55 ft. from property line
Detached Garage		40 ft. minimum front yard		5 ft. from property line – North <b>VARIANCE</b>



	8 ft. minimum rear yard	118 ft. from property line –South
	3 ft. minimum side yard	36 ft. from property line – East 43 ft. from property line - West
<b>Encroachments</b> (list all)	First story stairs and porch legally encroach up to 12 ft. from the front (North) property line.	
	Landing area and stairs on the west-side first floor legally encroach 3 ft. from side property line.	
<b>Parking</b>		
	<b>Required</b>	<b>Proposed</b>
<b>Residential (from <u>2,601</u> sq.ft. to 4,000 sq.ft.)</b>	4 spaces total 1 covered 3 uncovered	4 spaces total 1 covered 3 uncovered
<b>Garage</b>	Complies with Standards?	List non-compliance
	No	Does not meet setbacks. <b>VARIANCE</b>
<b>Underground Utilities: required for 25% increase in FAR</b>		Yes, required

### DISCUSSION

The applicant is proposing to demolish the existing residence and secondary dwelling unit and construct a new 3,321 square foot two-story single-family residence and 200 square foot detached garage. The proposed 1,726 square foot first floor would consist of an entry room, large family room, dining room, art room, bar area, two bedrooms and a bathroom. The first floor would also include a front entry porch and wooden deck in the rear yard. The proposed 1,595 square foot second floor would consist of a kitchen, living room, master bedroom, master bathroom, an additional bathroom, bedroom, and dining room. The second floor would include a 150 square foot second-story deck overlooking the rear yard. The finished home would have cement-fiber lap siding, with large windows and a clear anodized standing seam metal roof.

The subject property is a flag-lot with a 20-foot wide access way fronting Sacramento Avenue. The property is bordered by neighboring homes to the north, west, and east, and the bluff to the south. Properties adjacent to the bluff are located in the GH district and are required to maintain a 50-year bluff erosion setback from the cliff. As shown on pages 3 and 4 of the plan set, Haro, Kasunich and Associates engineering conducted a geologic study on the property based on the historical bluff recession rates and identified the 50-year bluff setback to be roughly 55 feet from the edge of the bluff (Attachment 1). Therefore, roughly one-third of the property cannot be developed due to bluff-top setback requirements. In addition, there are three large cypress trees in the north-west corner of the property, two of which the owner would like to preserve. The preservation of the two, mature cypress trees creates a 25-foot setback to the northern property line, further limiting the buildable area of the property.

The applicant is proposing the garage and required on-site parking within the access way portion of the flag-lot property. The garage and parking would occupy a majority of the access way, which would prevent vehicular access to the interior of the property. Behind the proposed garage and parking area are the large cypress trees that the applicant would like to preserve. The main residence would be located south of the garage, with the cypress trees in between.

**VARIANCE**

The applicant is requesting a variance to the maximum allowed building height of the proposed residence, setbacks of both the residence and detached garage, and driveway landscape requirements.

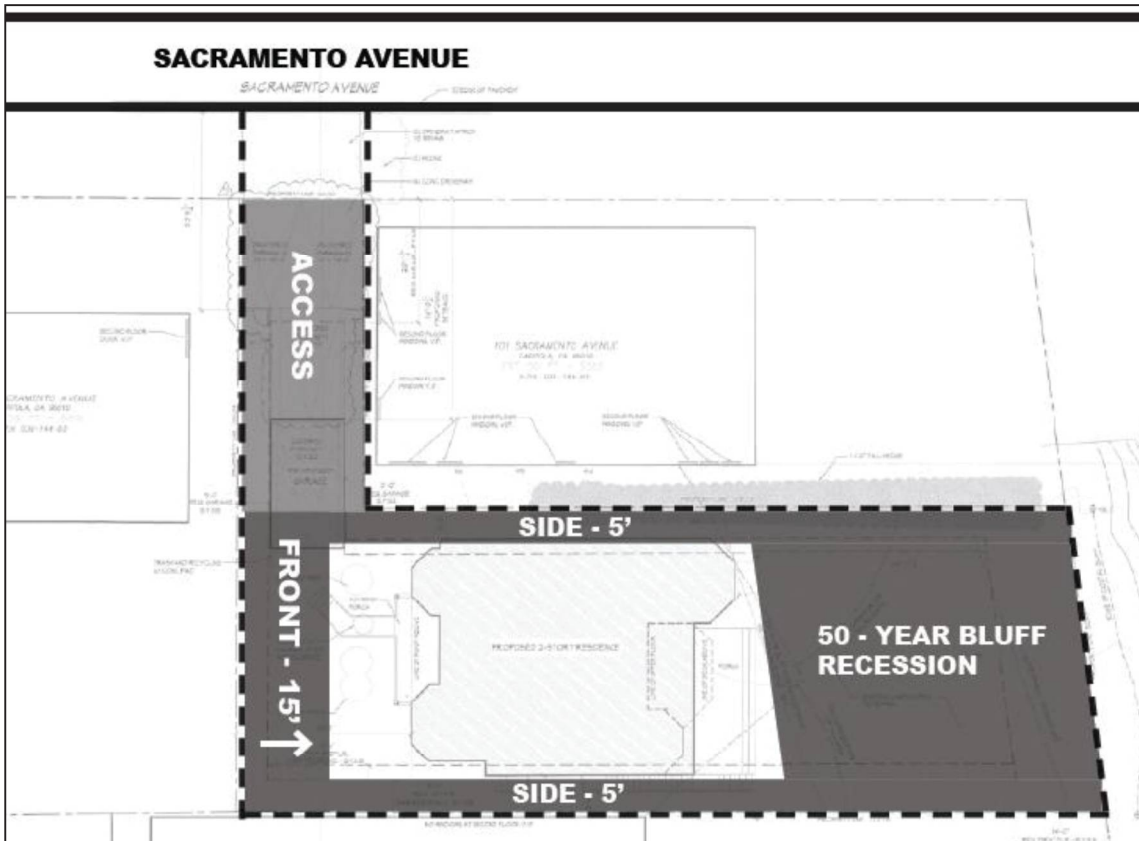
Pursuant to section 17.66.090 of the municipal code, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds a special circumstance applicable to the subject property or where strict application of the code would deprive the property owner of privileges enjoyed by others in the vicinity.

The applicant has submitted a written request for the variance (Attachment 2). The applicant contends that due to the 50-year bluff erosion setback on the south side and cypress trees on the north-side, there is a very limited buildable area on the site. In addition, the applicant designed the home so that it would not block ocean views of neighboring properties by setting the building further back from the bluff. Lastly, the tree preservation plan requires a foundation which is 24 to 30 inches larger than a standard slab foundation to allow space for the shallow root system.

**Setbacks:**

The proposal requires variances to several setback standards. The municipal code does not contain specific setback regulations for flag-lots. Generally, the access way portion of the flag-lot is used for a driveway into the property. However, due to the location of the cypress trees, the applicant is proposing to construct the covered parking within the access portion of the flag lot.

Setbacks are unique within a flag lot. The following diagram shows the location of front, rear, and side yard setbacks as applied to the property at 105 Sacramento Avenue:



Detached Garage:

The access portion of the lot is located almost entirely within the required 15 foot front yard setback. The detached garage would be setback five-feet from the front (northern) property line when the required front-yard setback for a detached garage is 40 feet.

Staff supports the variance request to side yard setbacks of the detached garage. The applicant is required one covered parking space and three uncovered spaces on-site for the proposed residence. The code does not contain specific setback requirements for structures within the access portion of a flag-lot. Due to the owner's desire to preserve the large cypress trees, there is no location for the garage which would meet setback requirements without placing a driveway over the tree roots. The applicant pushed the proposed garage as far away from the street as possible. Staff believes that special circumstance findings can be made due to the presence of the mature cypress trees.

Second Story Setbacks to Main Residence:

In addition, the applicant is requesting a variance from side yard setback standards for the second story of the proposed main residence. The 50-foot-wide property requires a seven-and-one-half-foot side yard setback for the second story. The applicant is proposing only five feet on the east and six feet on the west.

Staff does not support the variance request to side yard setbacks to the second-floor of the proposed residence. The applicant is proposing a relatively large, 3,329 square foot two-story residence. Although the property has additional constraints of the cliff-top setback and tree preservation, the buildable area of the property is 50-feet wide. Many lots within the Depot Hill neighborhood are less than 50 feet wide. The applicant could redesign the second-story floorplan to be in compliance with required second-floor side yard setbacks. Staff has included Condition of Approval #6 to require that the plans be modified to meet side yard setbacks prior to building permit submittal.

Driveway Landscaping:

The proposed 3,673 two-story residence requires four on-site parking spaces, one of which must be covered. The applicant is proposing one covered space within a detached garage, and three uncovered spaces in front of the proposed garage. Two of the uncovered spaces would be side-by-side fronting Sacramento Avenue, with the third uncovered space in tandem behind the garage. The code requires two feet of landscaping in between uncovered parking within the front yard and the side property line (§17.51.130). The access way off of Sacramento Avenue is only 20 feet wide, and uncovered parking spaces are required to be ten feet wide. Two side-by-side parking spaces would cover the entire 20-foot wide access area. Instead of reducing the width of the uncovered parking spaces, staff recommends the Planning Commission grant a variance to waive the two-foot landscape strip requirement. This would not be considered the grant of a special privilege since most properties are not flag-lot properties and have more than 20 feet to provide parking and landscaping within the front yard.

Height:

The applicant is requesting a variance to the height of the main residence. The municipal code limits residences in the R-1 zone to 25 feet in height. The proposed height of the residence is 26 feet-eight inches. The applicant is requesting the height variance to protect two of the three existing cypress trees. They are proposing to remove the weaker of the three, and preserve the other two. These trees have pushed the existing house up 12 to 16 inches due to the shallow root system. The applicant has contracted a certified arborist and is proposing a hybrid pier and grade beam foundation for the new home. The foundation will be hand dug so that the tree roots can be mapped and piers can be placed at variable locations between the roots per the

arborists recommendation. The applicant contends that this hybrid foundation system will raise the foundation 24 to 30 inches above a standard slab foundation.

Although the tree preservation will create an unusually large foundation, staff believes a reasonably sized home could be designed to avoid the trees while still complying with height regulations. The front of the home, closest to the trees, is proposed to be 25 feet-six inches, while the back of the home is proposed to be 26 feet-eight inches. On the first story, the front of the home has a proposed eight foot-six inch wall height while the rear has a ten foot-four inch wall height. Staff recommends the applicant redesign the home so that it complies with height limits. This can be achieved through reducing the floor heights or redesigning the roof. Staff recommends denial of the variance to height and recommends that the Planning Commission condition the project to meet the 25-foot height limit at time of building permit submittal (Condition #7).

### CEQA

Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence in a residential zone. This project involves the construction of a two-story single-family residence in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

### RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** project application #16-133, based on the findings and conditions.

### CONDITIONS OF APPROVAL

1. The project approval is for the construction of a new, two-story single-family home at 105 Sacramento Avenue. The project consists of construction of a 3,321 square foot two-story residence with 302 square feet of deck and covered porch space and a 200 square foot detached garage. The maximum Floor Area Ratio for the 7,653 square foot property is 48% (3,673 square feet). The total FAR of the project is 48% with a total of 3,673 square feet of floor area, compliant with the maximum FAR within the zone. The project includes denial of a variance to second-story setbacks and height of the main residence and approval of a variance to detached garage setbacks and to the two-foot landscape strip requirement for parking within the front setback. The applicant must revise plans to be in compliance with height and setbacks prior to building permit submittal. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 3<sup>rd</sup>, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. The variance request to side yard setbacks of the second-story has been denied. Prior to building permit submittal, the applicant must modify the plans to be in compliance with required seven-foot six-inch side yard setback for the second floor.
7. The variance request to height for the primary structure has been denied. Prior to building permit submittal, the primary structure must be modified to meet the 25-foot height limit.
8. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
9. Prior to issuance of building permit, all Planning fees associated with permit #16-133 shall be paid in full.
10. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
11. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
12. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
13. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
14. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
15. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
16. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
17. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty

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

18. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
19. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
20. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
21. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

### **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a new two-story residence. The new home, with the conditions imposed, will maintain the character and integrity of the neighborhood.
- C. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence in a residential zone. This project involves the construction of a new, two-story single-family residence on a property in the R-1 (Single-Family Residential) Zoning

District. No adverse environmental impacts were discovered during review of the proposed project.

**D. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**

The special circumstances applicable to the property is that the subject property is a flag-lot and has large cypress trees which the owner would like to preserve. Due to the location of the existing trees, the applicant located the garage and parking spaces within the access portion of the flag-lot. A majority of the access way is located within the required front yard setback. Due to the special circumstances associated with the trees and flag-lot, there is no alternative location for the garage and parking while also meeting setback requirements. The property cannot fit two feet of landscaping in between the neighboring property lines and access way. Most properties in the neighborhood are not located on a flag-lot and thus have more room to accommodate parking requirements and detached garage setbacks. A variance has been granted to reduce setbacks associated with a detached garage and to waive the two-foot landscape strip requirement for parking within the front setback.

**E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**

The subject property does not front along the street and instead has a 20-foot-wide access area to connect the property to Sacramento Avenue. Most properties within the area have roughly 40 feet of street frontage, and thus have much more room to located parking spaces and landscaping. In addition, the municipal code does not list zoning standards specific to flag-lots. Using current R-1 (Single-Family Residential) zoning standards, most of the flag-lot portion of the property is within the required front-yard setback. The grant of a variance to detached garage setbacks and the two-foot landscape strip requirement for parking within the front setback would not constitute the grant of a special privilege since most properties in the area are not flag-lots and thus have more flexibility when designing.

## **COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been***

*identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.*

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 105 Sacramento Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

- The proposed project is located along Sacramento Avenue. The subject property is located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the cliff. The project will not affect public access to the shoreline or tidelands.

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral,***



*blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);*

- There is not history of public use on the subject lot.

**(D) (2) (d) Physical Obstructions.** *Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;*

- The proposed project is located on private property on Sacramento Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

**(D) (2) (e) Other Adverse Impacts on Access and Recreation.** *Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.*

- The proposed project is located on private property that will not impact access and recreation to the sea. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas. The applicant will maintain a 50-year bluff recession setback from the cliff.

**(D) (3) (a – c) Required Findings for Public Access Exceptions.** *Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:*

**a.** *The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;*

**b.** *Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;*

**c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.**

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

**(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**

**a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;**

- The project is located on a residential lot.

**b. Topographic constraints of the development site;**

- The project is located on a relatively flat lot. The subject property is located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the bluff. In addition, the applicant is proposing to preserve two large cypress trees on site.

**c. Recreational needs of the public;**

- The project does not impact recreational needs of the public.

**d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;**

**e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;**

**f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.**

**(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**

- No legal documents to ensure public access rights are required for the proposed project.

**(D) (6) Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home on a residential lot of record.

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project involves a single family home on a residential lot of record.

***c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.***

- The project involves a single family home on a residential lot of record.

***(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;***

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, and alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

- The project, with denial of the variance, complies with the design guidelines and standards established by the Municipal Code.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;***

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

***(D) (12) Project complies with water and energy conservation standards;***

- The project is for a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project complies with shoreline structure policies.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- This use is a principally permitted use consistent with the Single Family zoning district.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project site is located within the area Depot Hill parking permit program; however, the project complies with on-site parking standards.

**ATTACHMENTS:**

1. Project Plans
2. Variance Request

Prepared By: Ryan Safty  
Assistant Planner

**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
11700 HERRINGTON AVENUE SUITE 100 DUBLIN, CALIFORNIA 94568  
TEL: (925) 433-0447  
WWW.DVRAI.COM

**DVRD**  
DESIGN REVIEW BOARD  
11700 HERRINGTON AVENUE SUITE 100 DUBLIN, CALIFORNIA 94568  
TEL: (925) 433-0447  
WWW.DVRAI.COM

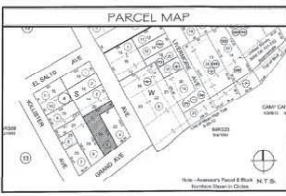
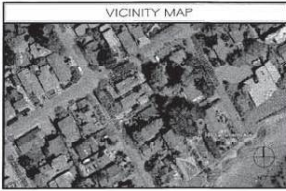
**HOLDENER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

**Attachment: Project Plans (1640 - 105 Sacramento Avenue)**

**Attachment: Planning Commission 11-3-16 Report and Plans (1686 - 105 Sacramento Avenue)**

**T 1**

# HOLDENER RESIDENCE



STRUCTURAL DATA			
SETBACKS	REQUIRED	PROPOSED	
FRONT YARD			
1st STORY - GARAGE	20'-0"	20'-0"	
2nd STORY	1'-0"	1'-0"	
REAR YARD			
1st STORY	1'-0"	1'-0"	
2nd STORY - MAIN HOUSE	5'-0" S.I. + 3'-0" R.I.	5'-0" S.I. + 3'-0" R.I.	
2nd STORY - MAIN HOUSE	7'-0" S.I. + 0"	7'-0" S.I. + 0"	
1st STORY - GARAGE	3'-0" S.I. + 3'-0" R.I.	3'-0" S.I. + 3'-0" R.I.	
HEIGHT	27'-0"	28'-0"	

FLOOR AREA RATIO			
LOT AREA	MAX. AREA	PROPOSED AREA	TOTAL
7,813 sq. ft.	3,875 sq. ft.	3,875 sq. ft.	
HORIZONTAL FIRST FLOOR COVERED AREA (NOT PORCH)			
150 sq. ft.	200 sq. ft.	150 sq. ft.	1,200 sq. ft.
150 sq. ft.	200 sq. ft.	150 sq. ft.	1,200 sq. ft.
3,521 sq. ft.	2 sq. ft.	300 sq. ft.	3,875 sq. ft.

COVERAGES		
	REQUIRED	PROPOSED
TOTAL	3 SPACES, ONE OF WHICH MUST BE COVERED	2 COVERED SPACES 2 UNCOVERED SPACES
	3 SPACES	4 SPACES

\* THERE IS A CREST OF 150 SQ. FT. FOR FIRST FLOOR COVERED PORCHES AND UPS/AND LEAKS.

**BUILDING INFORMATION**

**PROJECT DESCRIPTION:**  
DEMOLITION OF EXISTING 800 sq. ft. SINGLE FAMILY RESIDENTIAL, 400 sq. ft. A.D.U. (2nd FLOOR AND GARAGE). CONSTRUCTION OF A NEW 3,875 sq. ft. S.I. + 0" R.I. ACCESSORY DWELLING UNIT, WITH 400 sq. ft. GARAGE.

**PROJECT ADDRESS:**  
105 SACRAMENTO AVE  
CAPITOLA, CA 95010

**PARCEL NUMBER:**  
038-14-405

**ZONING DESIGNATION:**  
R1

**OCCUPANCY CLASSIFICATION:**  
TYPE V-B

**CONSTRUCTION TYPE:**  
R1B

**CODE NOTE:**  
THESE PLANS CONFORM TO THE 2013 CALIFORNIA RESIDENTIAL BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND FIREWORKS CODE, STRUCTURAL ENGINEERING SHALL CONFORM TO 2013 CALIFORNIA BUILDING CODE, S.F. 2013 REC. ENG. UNAC. UPC AND 2013 REC. AS AMENDED BY THE STATE OF CALIFORNIA.

**CONTACTS**

**OWNER:**  
JAN & TRU HOLDENERS  
105 SACRAMENTO AVE  
CAPITOLA, CA 95010  
TEL: (925) 433-0447

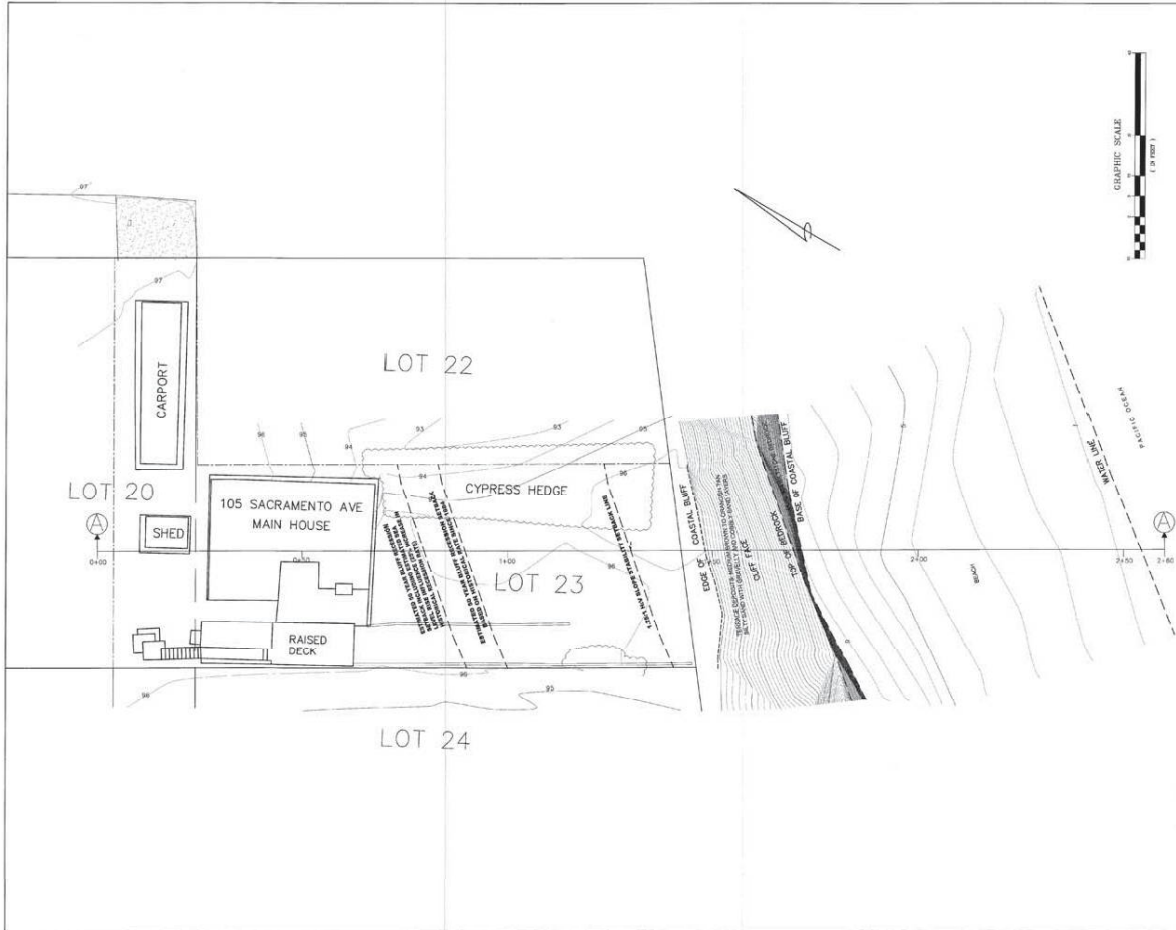
**PROJECT DESIGNER:**  
DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.  
11700 HERRINGTON AVENUE SUITE 100  
DUBLIN, CA 94568  
TEL: (925) 433-0447  
FAX: (925) 433-0442  
dvanal@dvrai.com

**SURVEY:**  
RAND, KASLOVICH AND ASSOC., INC.  
1000 KASLOVICH, S.E.  
MARTINVILLE, CA 95076  
TEL: (925) 722-4175  
FAX: (925) 722-0500  
rand@randkai.com

**DRAWING INDEX**

DRAWING INDEX	DESCRIPTION
T1	TITLE SHEET
T2	SPRM-DWP
	BUFFY REVISION SETBACK SECTION
	BUFFY REVISION SETBACK SECTION
A1	EXISTING SITE PLAN
A1.1	SITE PLAN
A1.2	FLOOR AREA DIAGRAM
A1.3	DRAINAGE PLAN
A2	LOWER LEVEL FLOOR PLAN
A3	UPPER LEVEL FLOOR PLAN
A4	ROOF PLAN
A5	EXTERIOR ELEVATIONS - MAIN HOUSE
A6	EXTERIOR ELEVATIONS - MAIN HOUSE
A7	EXTERIOR ELEVATIONS - GARAGE





**SHEET 1:**  
**ESTIMATED 50 YEAR**  
**FUTURE COASTAL BLUFF**  
**RECESSION SETBACK MAP**  
 105 Sacramento Avenue, Capitola, CA  
 Santa Cruz County APN 036-144-05  
 12/7/2015

**HARO, KASUNICH AND ASSOCIATES, INC.**  
 CONSULTING CIVIL, GEO-TECHNICAL & COASTAL ENGINEERS  
 115 EAST LAKE AVENUE, SAN JOSE, CA 95075 (408) 732-4175

**General Notes:**

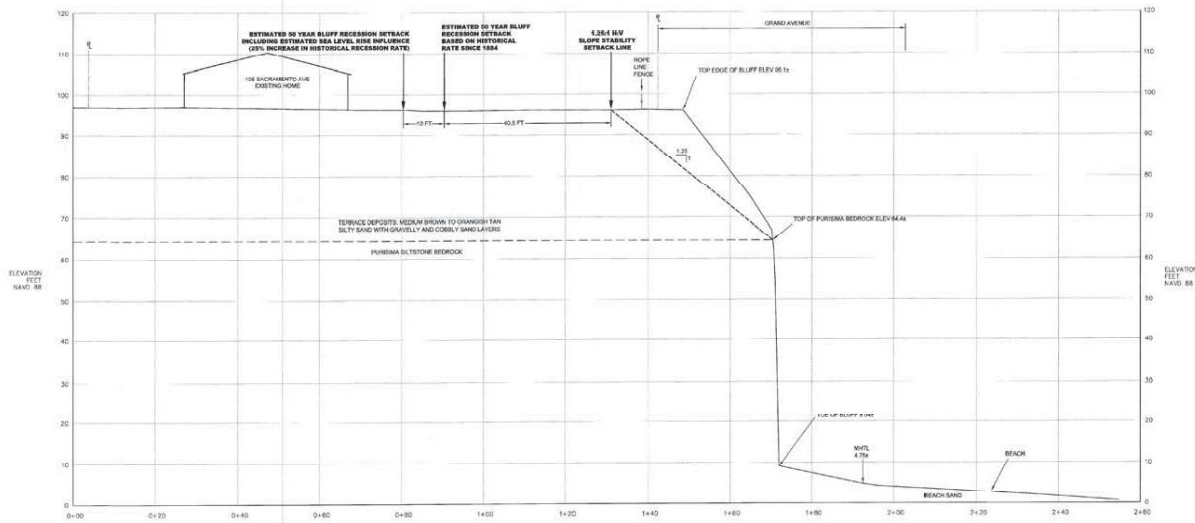
A. Topographic Bluff Map prepared by Hogan Land Services.

B. Topography at beach line may not accurately reflect actual terrain.

C. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESSION SETBACKS are for planning purposes only. The selection of a "50 YEAR" timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies should be consulted for their requirements. Other Regulatory Agencies should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.

D. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of the consultant, the consultant does not warrant that the setbacks shown on this map will prevent erosion or recession and recession may occur. In any case, damage to improvements should be expected at some point in the far future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.





SECTION A-A  
SCALE: 1" = 10' H & V

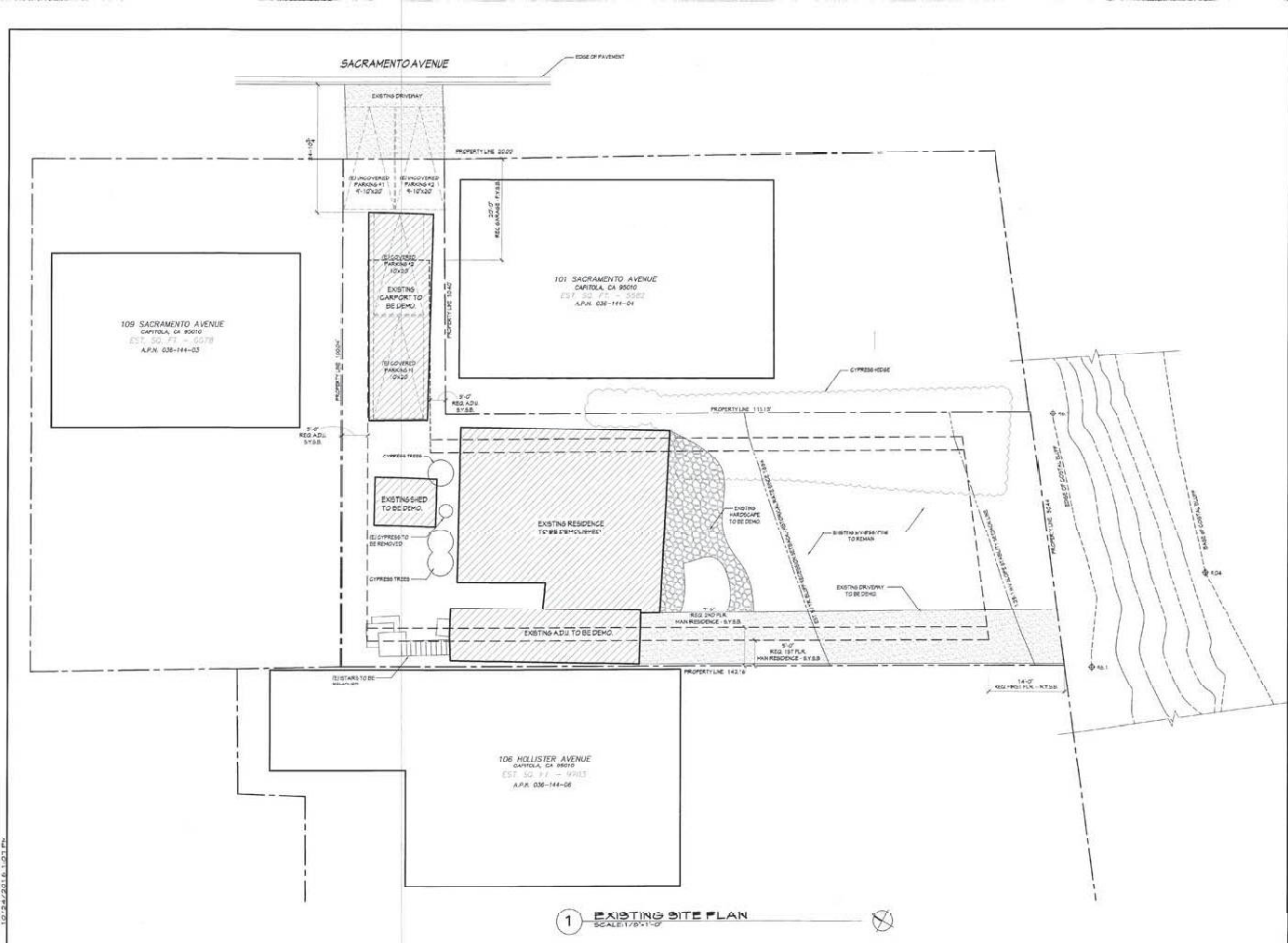


General Notes:

- A. Topographic Base Map prepared by Hogan Land Services.
- B. Vertical Elevation Datum is NAVD88.
- C. Topography at beach level may not accurately reflect actual terrain.
- D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECEPTION SETBACKS are for planning purposes. The selection of a "50 YEAR" timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.
- E. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of HK&A, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to improvements should be expected at some point in the far future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HK&A recommends that they should purchase appropriate insurance to mitigate the inherent risk.

**SHEET 2:  
ESTIMATED 50 YEAR  
FUTURE COASTAL BLUFF  
CROSS SECTION**  
105 Sacramento Avenue, Capitola, CA  
Santa Cruz County APN 036-144-05  
12/7/2015

**H&A, KASUNICH AND ASSOCIATES, INC.**  
LICENSED CIVIL, MECHANICAL & COASTAL ENGINEERS  
116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175



1 EXISTING SITE PLAN  
SCALE: 1/8" = 1'-0"

**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1515 HARRIS AVENUE SUITE 100, SACRAMENTO, CA 95811  
PH: 916.441.1111 FAX: 916.441.1112

**DVRD**  
DESIGN REVIEW BOARD  
1515 HARRIS AVENUE SUITE 100, SACRAMENTO, CA 95811  
PH: 916.441.1111 FAX: 916.441.1112

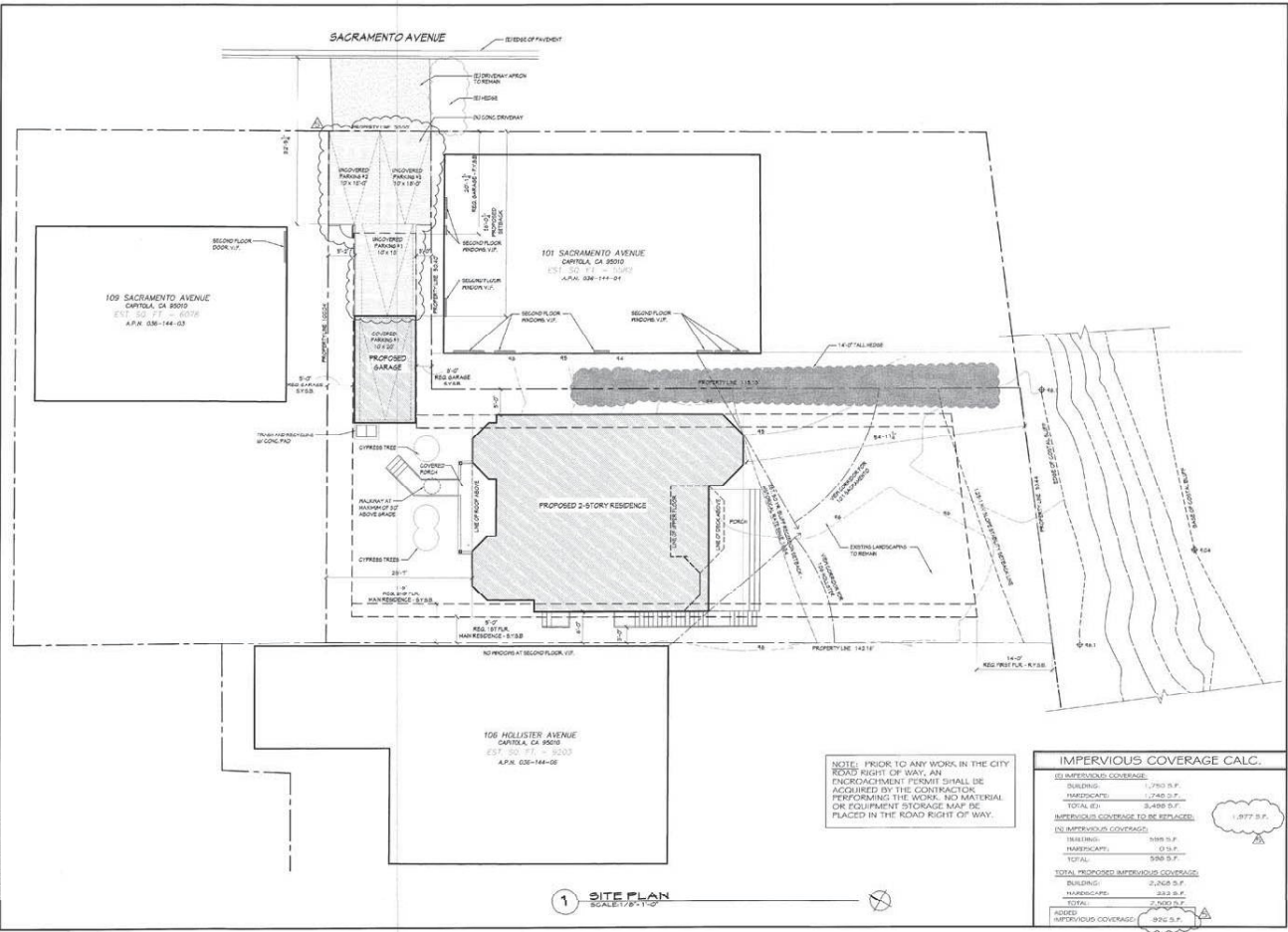
**HOLDENER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

050-14-010  
S013 EXCEPTED  
SUBMITTAL TRACK  
JAN 01, 2014  
COURT DEVELOPMENT  
DANIELLE SMITH  
JULY 15, 2014  
REPRODUCTION

11/18/2014  
SHEET NO. 101-0  
NO COMMENTS  
SOFT: 12, 2014  
HARD: 08/05/2014  
SHEET: 101-004  
OWNER: DVS  
DATE: 04, 2014  
PLANNING REVIEW

EXISTING SITE PLAN  
**A 1**

Attachment: Project Plans (1640 - 105 Sacramento Avenue)  
**Attachment: Planning Commission 11-3-16 Report and Plans (1686 : 105 Sacramento Avenue)**

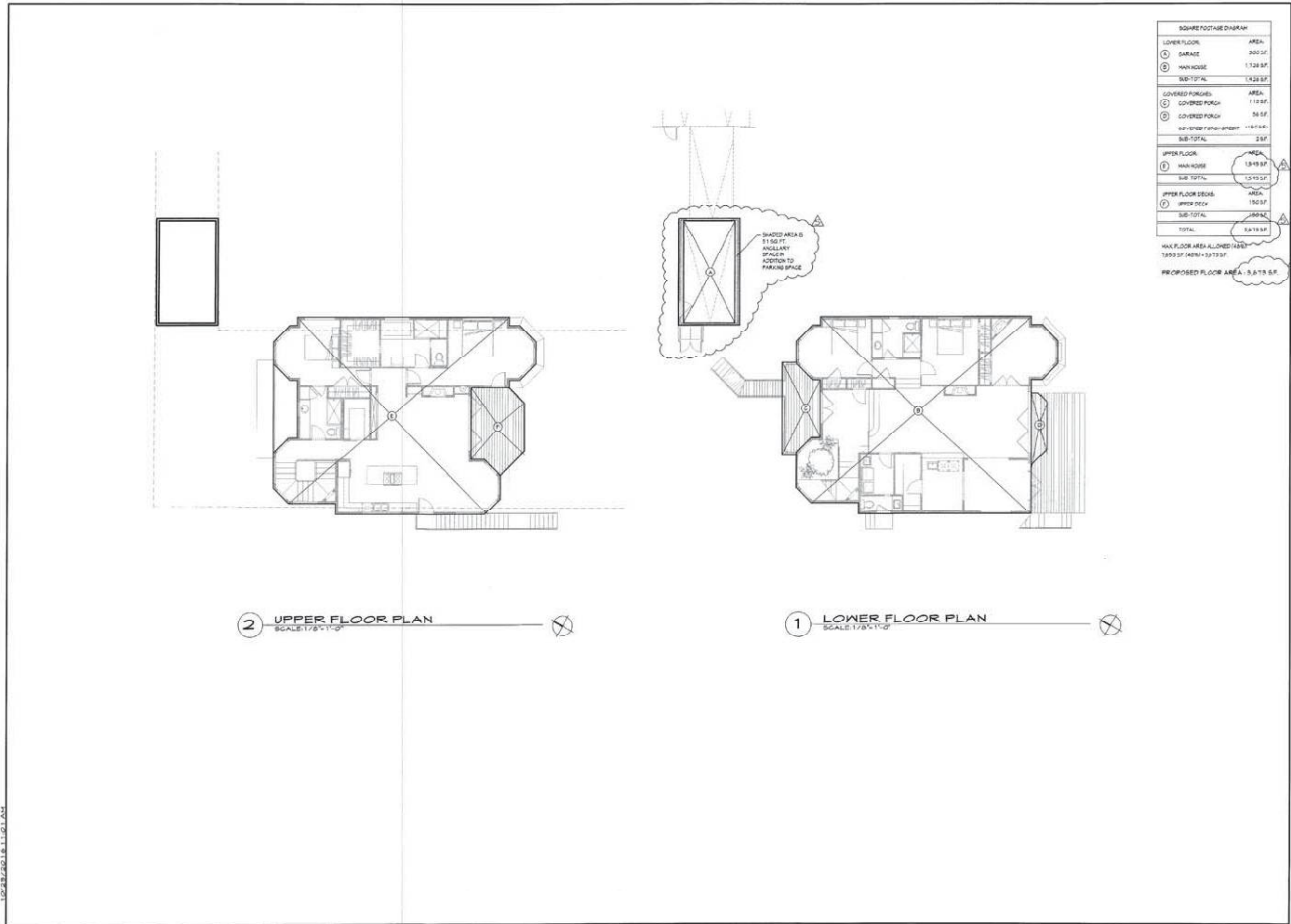


**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1515 E. SERRANO AVENUE, SUITE 100, SACRAMENTO, CA 95834  
916.486.1111  
WWW.DVARDIRECT.COM

**DVRD**  
DESIGN VERIFICATION & REVIEW DESIGN

**HOLDNER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

Attachment: Project Plans (1640 - 105 Sacramento Avenue)  
Attachment: Planning Commission 11-3-16 Report and Plans (1686 : 105 Sacramento Avenue)



SQUARE FOOTAGE DATA	
UPPER FLOOR AREA:	2852 SF
① GARAGE:	2852 SF
② WALKWAY:	1328 SF
SUB-TOTAL:	1428 SF
LOWER FLOOR AREA:	1144 SF
③ COVERED PORCH:	56 SF
④ UNCOVERED PORCH:	1144 SF
SUB-TOTAL:	2344 SF
UPPER FLOOR:	1818 SF
⑤ WALKWAY:	1328 SF
SUB-TOTAL:	3146 SF
UPPER FLOOR AREA:	1818 SF
UPPER DECK:	180 SF
SUB-TOTAL:	1998 SF
TOTAL:	5144 SF
ALL FLOOR AREAS INCLUDED:	1800 SF (35%)-1818 SF
PROPOSED FLOOR AREA:	5,618 S.F.

2 UPPER FLOOR PLAN SCALE: 1/8"=1'-0"

1 LOWER FLOOR PLAN SCALE: 1/8"=1'-0"

**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1511 HIGHTOWER AVENUE SUITE 100, SACRAMENTO, CALIFORNIA 95833  
(916) 441-1111  
WWW.DVAD.COM

**DVRD**  
DESIGN REVIEW BOARD  
1511 HIGHTOWER AVENUE SUITE 100, SACRAMENTO, CALIFORNIA 95833  
(916) 441-1111  
WWW.DVRD.COM

**HOLDENER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

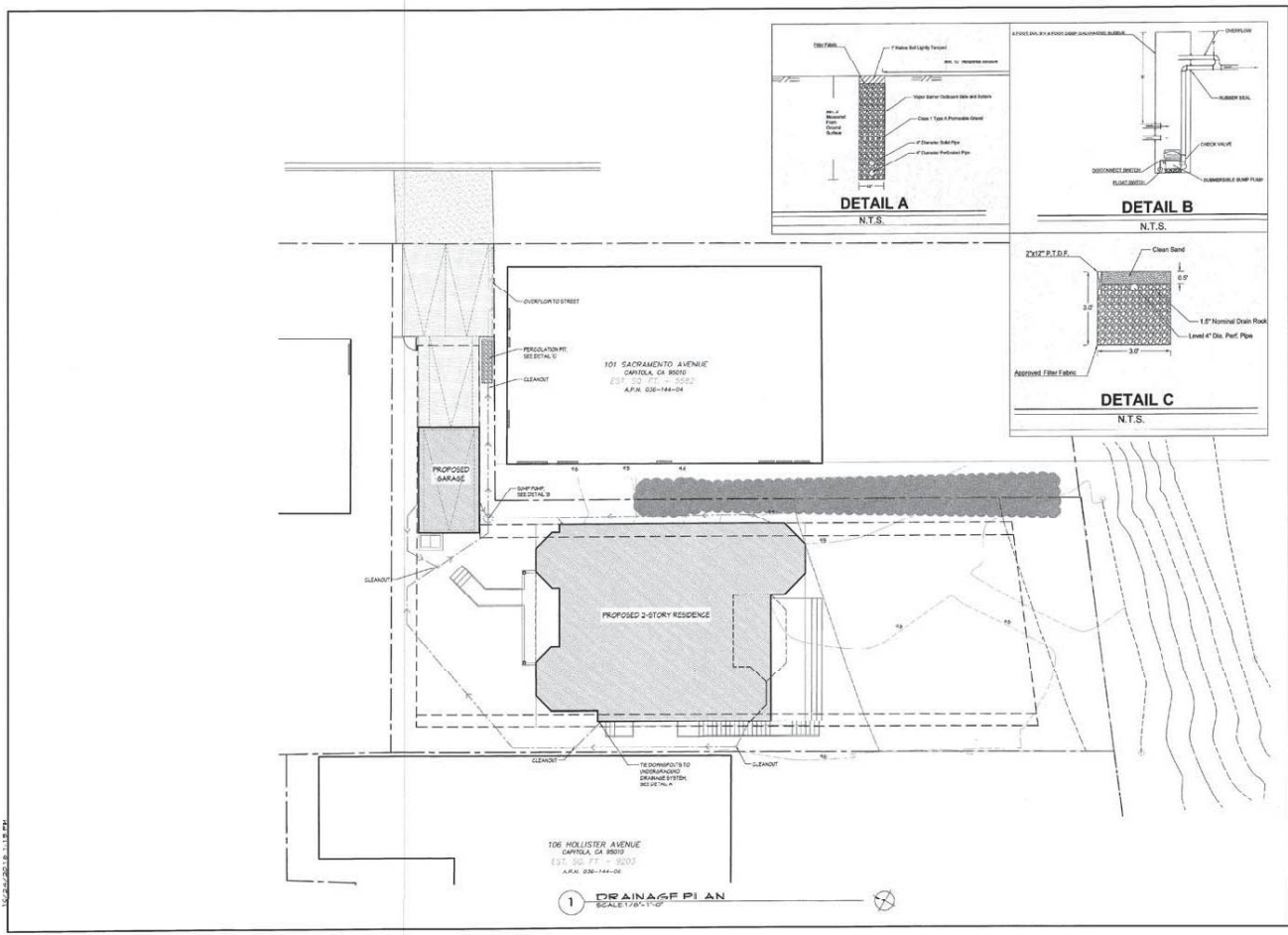
NO. 105-14-010  
DATE PREPARED  
PREPARED BY  
DATE OF ISSUE  
REVISIONS

CLASSIFICATION:  
JULY 15, 2018  
BUILDING PERMIT

REVISIONS:  
REV. # DATE  
DESCRIPTION  
REV. # DATE  
DESCRIPTION  
REV. # DATE  
DESCRIPTION  
REV. # DATE  
DESCRIPTION  
REV. # DATE  
DESCRIPTION  
REV. # DATE  
DESCRIPTION  
REV. # DATE  
DESCRIPTION

A 1.2

Attachment: Project Plans (1640 · 105 Sacramento Avenue)  
Attachment: Planning Commission 11-3-16 Report and Plans (1686 · 105 Sacramento Avenue)



**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1015 HARRINGTON DRIVE, SUITE 100, COLLEEN, CA 95024

---

**DVRD**  
DESIGN VERIFICATION & REVIEW, INC.  
1015 HARRINGTON DRIVE, SUITE 100, COLLEEN, CA 95024

---

**HOLDNER RESIDENCE**  
101 SACRAMENTO AVE.  
CAPITOLA, CA 95010

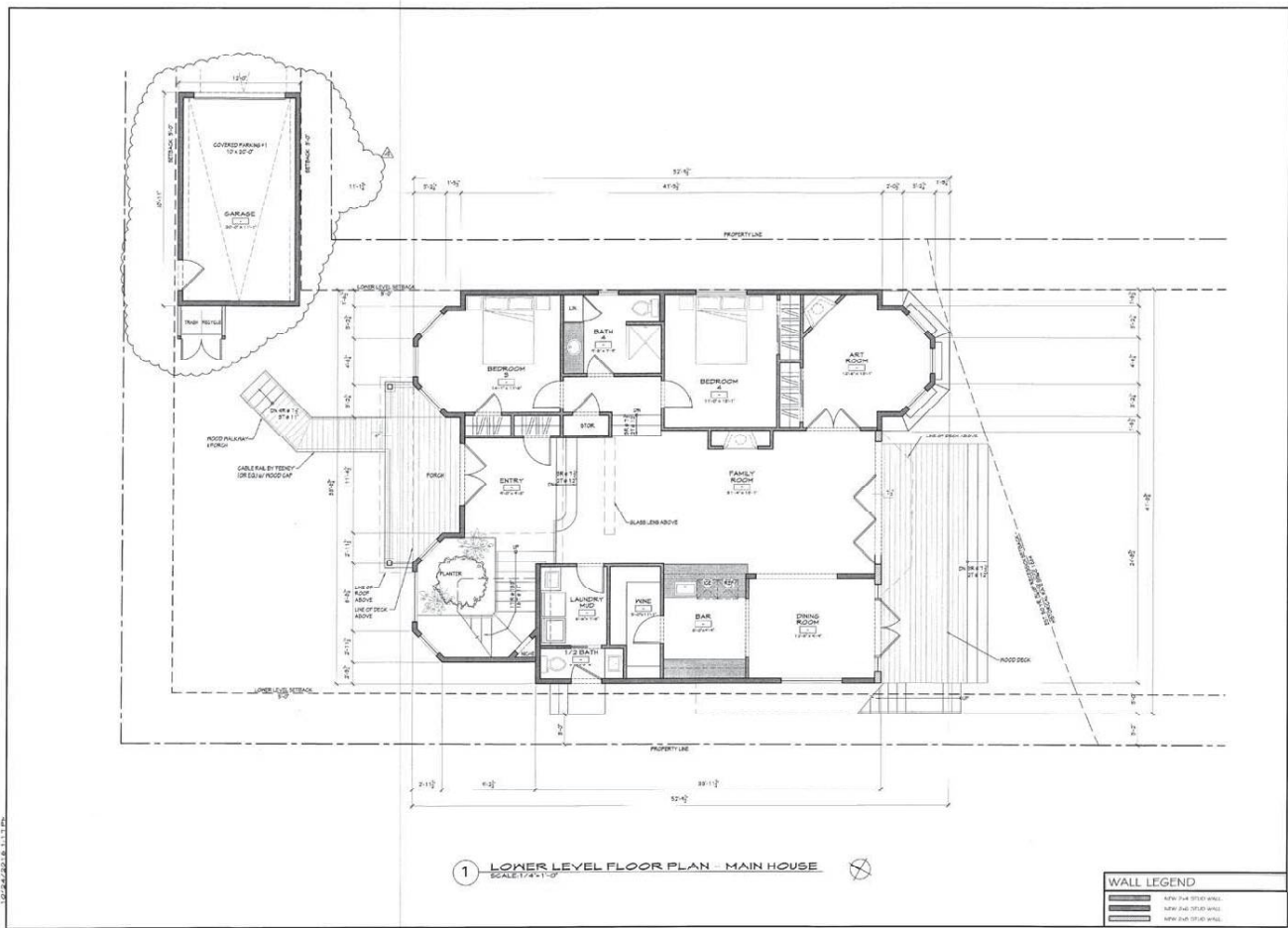
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DATE: 11-14-2018  
DRAWN: DEREK VAN ALSTINE  
CHECKED: DEREK VAN ALSTINE  
DATE: 01-10-2019  
REVISIONS:  
NO. DESCRIPTION  
001 A, 0112 AIC COMMENTS  
002 B, 0114 AIC COMMENTS  
003 B, 0114 AIC COMMENTS  
004 C, 0114 AIC COMMENTS  
005 C, 0114 AIC COMMENTS

---

A 1.3

Attachment: Project Plans (1640 - 101 Sacramento Avenue)  
Attachment: Planning Commission 11-3-16 Report and Plans (1686 - 105 Sacramento Avenue)



DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
11318 HERRINGTON AVENUE SUITE 100 DUBLIN, CALIFORNIA 94568  
925.885.1131  
WWW.DVARD.COM

DVRU  
DESIGN REVIEW UNIT  
CITY OF SACRAMENTO

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

DATE: 11-14-2014  
SHEET DESCRIPTION: LOWER LEVEL FLOOR PLAN  
SCHEDULE NUMBER: 1  
DATE: 01-20-15  
OWNER: HOLDENER RESIDENCE  
PROJECT NUMBER: 105 SACRAMENTO AVE.  
DATE: 10-20-14  
DRAWN BY: DVA  
CHECKED BY: DVA  
DATE: 11-14-2014  
SCALE: AS SHOWN  
PROJECT NAME: HOLDENER RESIDENCE

LOWER LEVEL FLOOR PLAN - MAIN HOUSE  
A2

Attachment: Project Plans (1640 - 105 Sacramento Avenue)  
Attachment: Planning Commission 11-3-16 Report and Plans (1686 : 105 Sacramento Avenue)

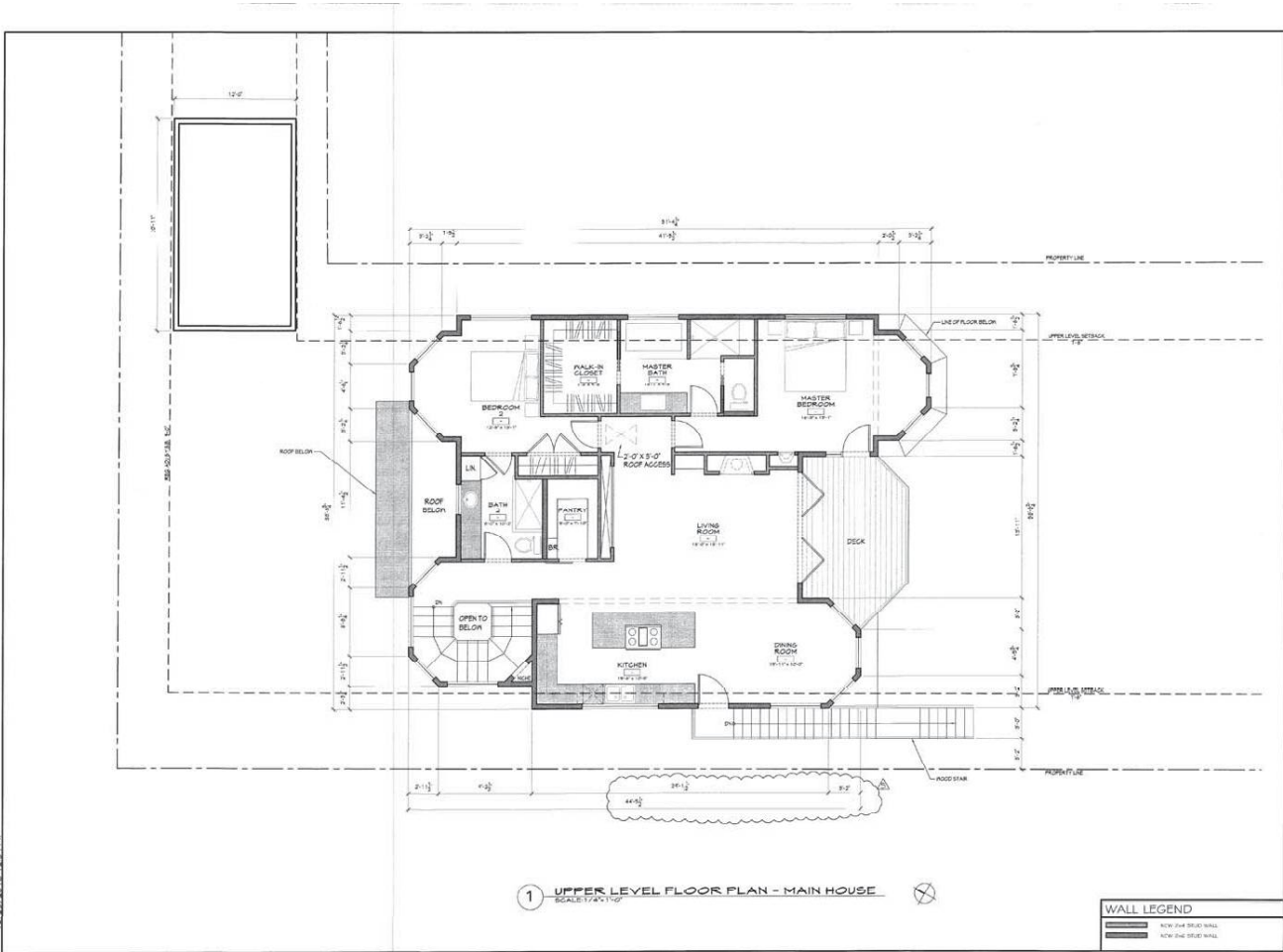
**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1518 HARBOR AVENUE SUITE 100, SACRAMENTO, CALIFORNIA  
95811-4000  
TEL: 916.442.1111  
WWW.DVARD.COM

**DVRD.**  
DESIGN

**HOLDNER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

DATE: 11.14.2016  
TODD CRACKFORD  
ARCHITECT/OWNER  
JAN 01, 2016  
PERMITS/COMMENTS  
JULY 15, 2016  
REVISIONS  
REVISIONS  
SEPT 15, 2016  
PERMITS/COMMENTS  
SEPT 15, 2016  
PERMITS/COMMENTS  
OCT 23, 2016  
OWNER REV.  
OCT 23, 2016  
PLANNING RECD  
OCT 23, 2016  
PLANNING RECD

UPPER LEVEL FLOOR PLAN  
MAIN HOUSE  
**A3**



Attachment: Project Plans (1640 - 105 Sacramento Avenue)  
**Attachment: Planning Commission 11-3-16 Report and Plans (1686 : 105 Sacramento Avenue)**

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1511 BRADSHAW AVENUE SUITE 200 DAVIS, CALIFORNIA  
95618-1105

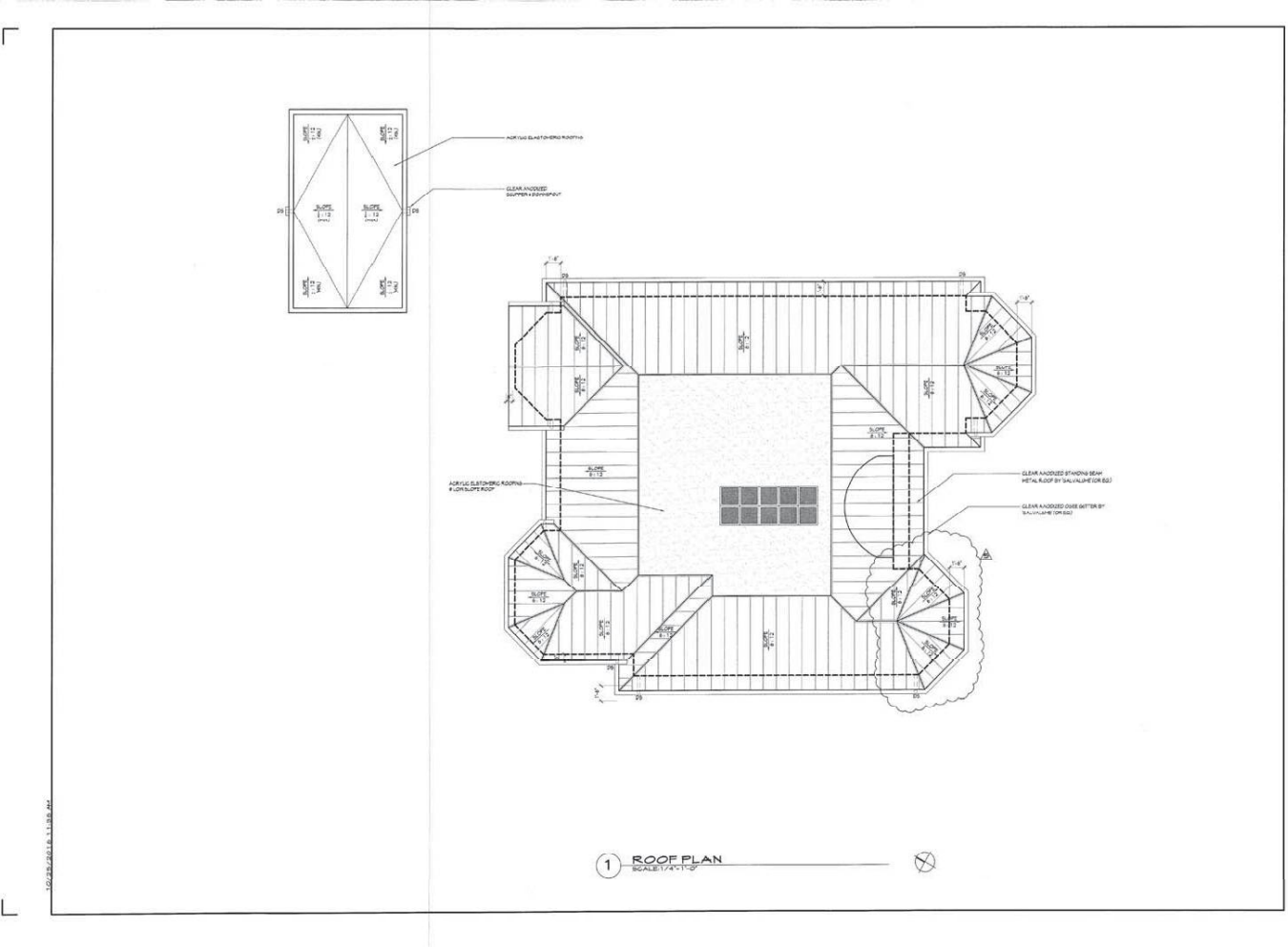
DVRD  
REGISTERED ARCHITECT  
NO. 20084  
STATE OF CALIFORNIA

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

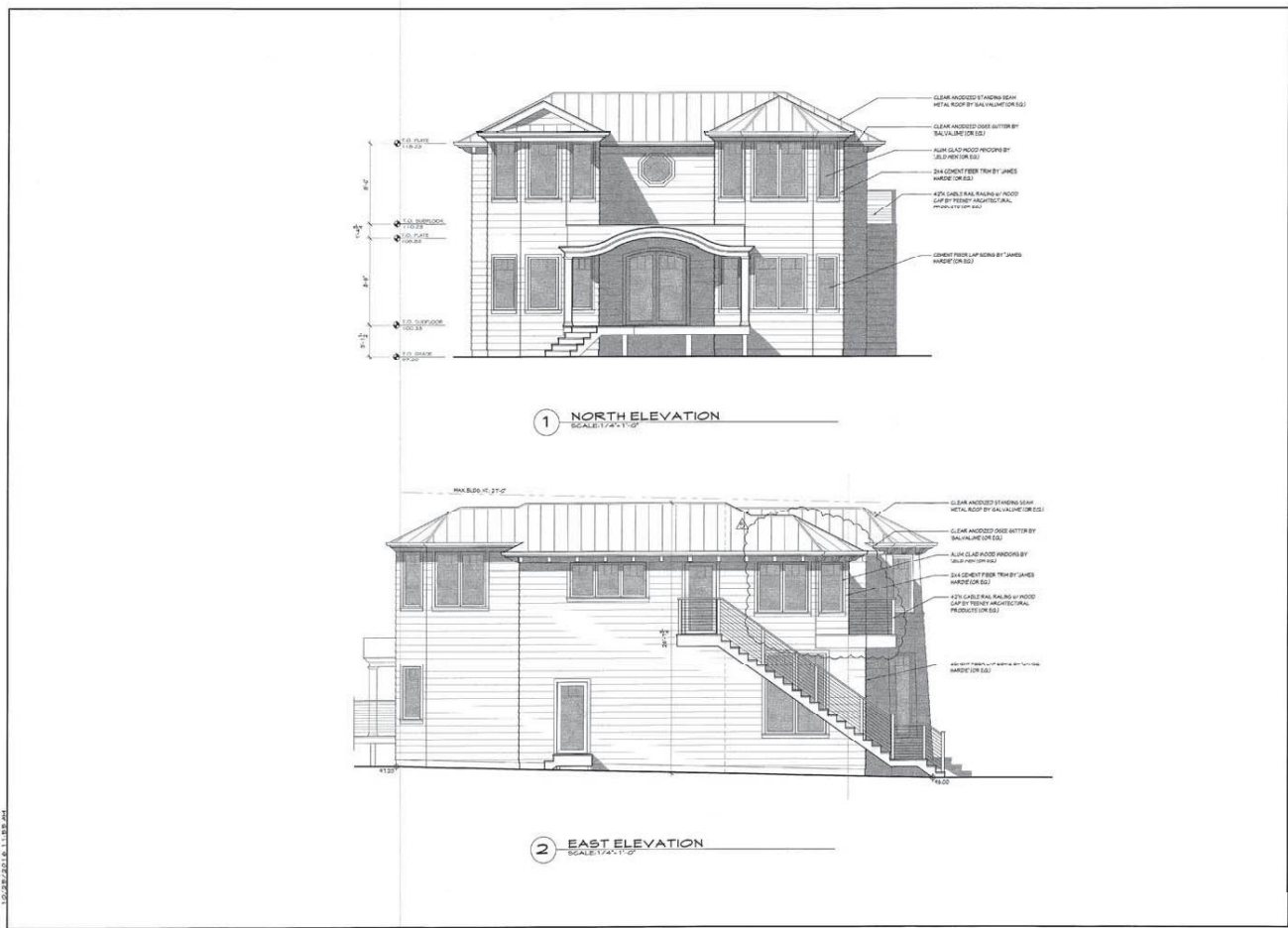
DATE	07/15/2016
DATE CHECKED	
SUBMITTED TO	
DATE OF REVIEW	JULY 29, 2016
OWNER DEVELOPER	
PLANNING COMMISSION	JULY 15, 2016
PLANNING REVIEW	
REVISIONS	
NO. 1	NOV 24, 2015
NO. 2	JAN 20, 2016
NO. 3	SEP 15, 2014
NO. 4	MAY 20, 2014
NO. 5	NOV 24, 2014
NO. 6	NOV 24, 2014
NO. 7	NOV 24, 2014
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NO. 95	NOV 24, 2014
NO. 96	NOV 24, 2014
NO. 97	NOV 24, 2014
NO. 98	NOV 24, 2014
NO. 99	NOV 24, 2014
NO. 100	NOV 24, 2014

ROOF PLAN  
A4

Attachment: Project Plans (1640 - 105 Sacramento Avenue)  
Attachment: Planning Commission 11-3-16 Report and Plans (1686 : 105 Sacramento Avenue)







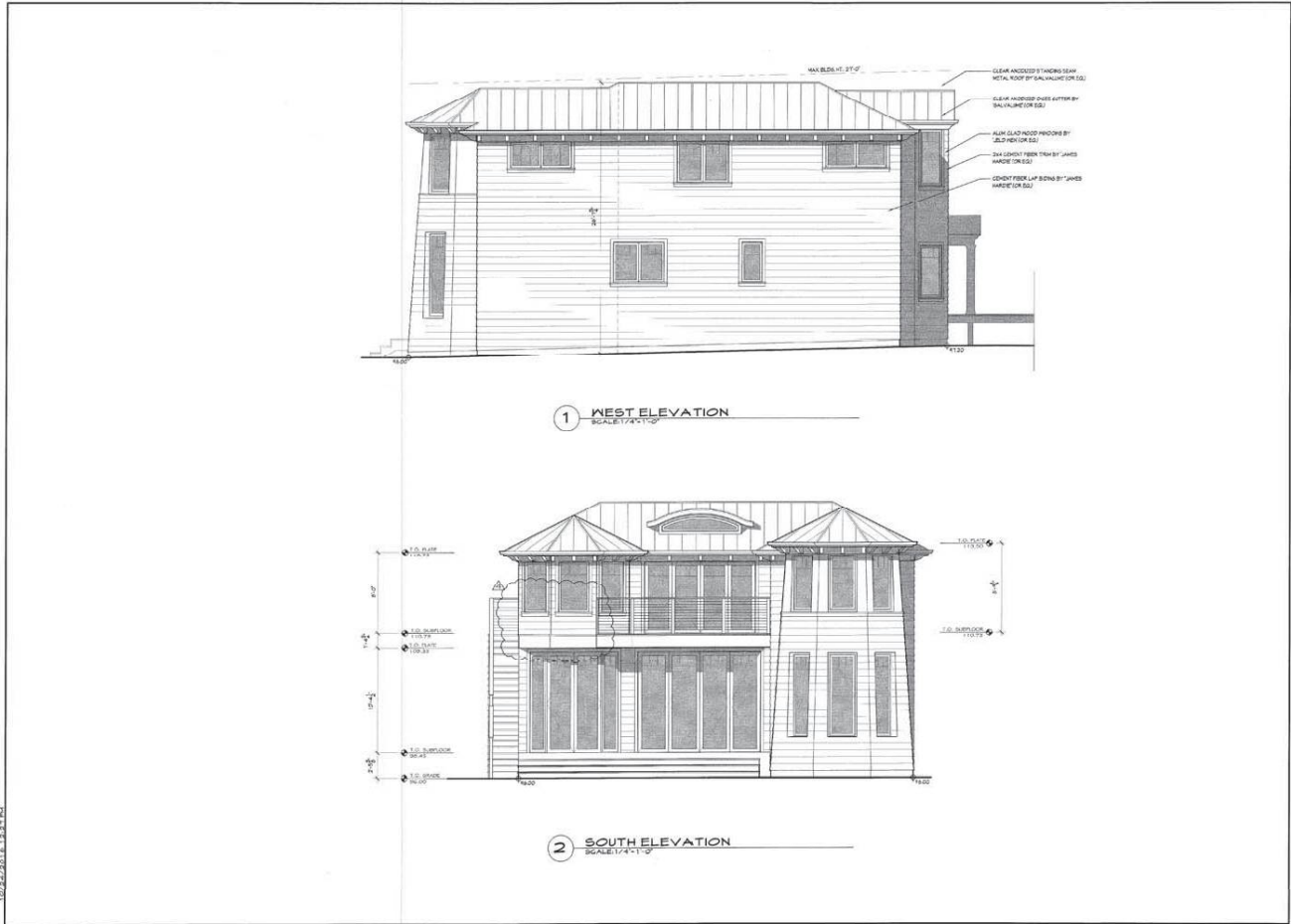
**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1318 BROADWAY AVENUE SUITE 100 SAN FRANCISCO, CALIFORNIA  
415.774.8888  
DEREKVANALSTINE.COM

**DVRD**  
DESIGN REVIEW BOARD  
1000 MARKET STREET, SUITE 100  
SAN FRANCISCO, CA 94102  
415.774.8888

**HOLJEMER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

DATE	11-14-2016
PROJECT	105 SACRAMENTO AVE
ARCHITECT	DEREK VAN ALSTINE
DATE	11-14-2016
DESIGNER/REVISION	
PLANNING COMMITTEE	
DATE	JULY 13, 2016
PLANNING COMMITTEE	
DATE	
REVISION	
DATE	
REVISION	
DATE	
REVISION	
DATE	
REVISION	
DATE	
REVISION	
DATE	
REVISION	

Attachment: Project Plans (1640 · 105 Sacramento Avenue)  
**Attachment: Planning Commission 11-3-16 Report and Plans (1686 : 105 Sacramento Avenue)**



**DEREK VAN ALSTINE**  
 RESIDENTIAL DESIGN INC.  
 1518 W. BROADWAY, SUITE 100, SACRAMENTO, CALIFORNIA 95818  
 (916) 442-1111

**DVRD**  
 DESIGN REVIEW BOARD  
 1518 W. BROADWAY, SUITE 100, SACRAMENTO, CALIFORNIA 95818  
 (916) 442-1111

**HOLDENER RESIDENCE**  
 105 SACRAMENTO AVE.  
 CAPITOLA, CA 95010

NO. 105-14-005
ISSUE DESCRIPTION
PROJECT NUMBER
DATE 07/2016
DESIGN/CONTRACTOR
ARCHITECT/ENGINEER
DATE 07/2016
REVISIONS
NO. 01 07/2016
NO. COMMENTS
NO. 02 07/2016
NO. COMMENTS
NO. 03 07/2016
NO. COMMENTS
NO. 04 07/2016
NO. COMMENTS

EXTENDED  
 DRAWINGS  
**A6**

Attachment: Project Plans (1640 - 105 Sacramento Avenue)  
**Attachment: Planning Commission 11-3-16 Report and Plans (1686 : 105 Sacramento Avenue)**

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1515 BURBANK AVENUE, SUITE 100, SACRAMENTO, CA 95811  
TEL: 916.442.1234  
WWW.DVARD.COM

DVRD  
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.

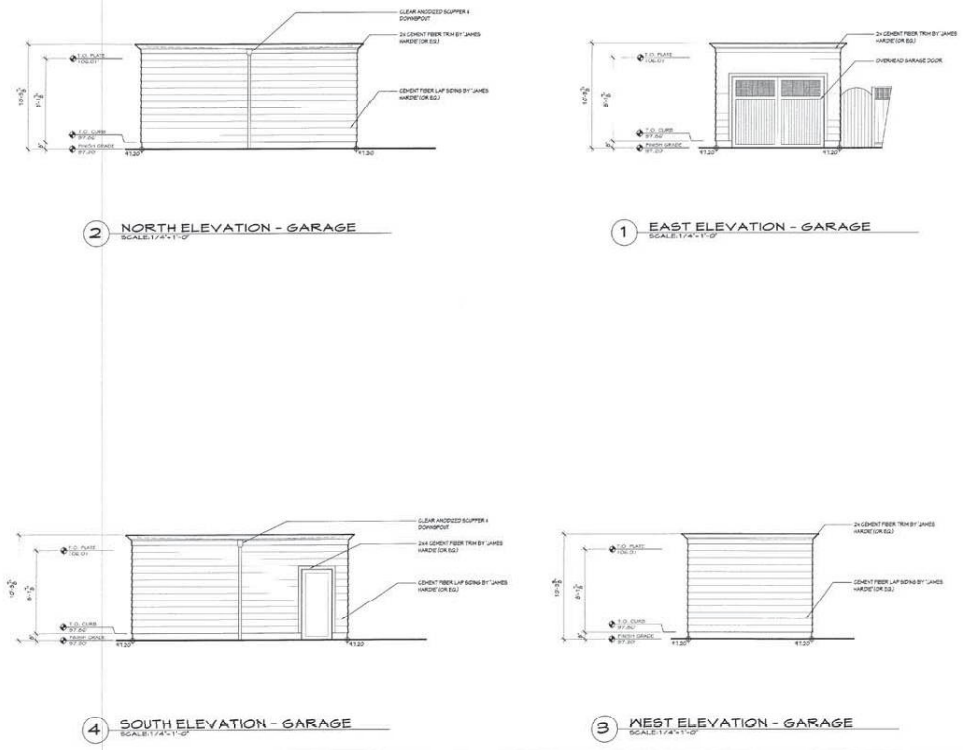
HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

NO.	006-14-030
FILED	160416
DATE	06/01/16
BY	DVARD
PROJECT	105 SACRAMENTO AVE.
DATE	07/15/16
BY	DVARD
PROJECT	105 SACRAMENTO AVE.
DATE	07/15/16
BY	DVARD
PROJECT	105 SACRAMENTO AVE.
DATE	07/15/16
BY	DVARD
PROJECT	105 SACRAMENTO AVE.
DATE	07/15/16
BY	DVARD

ARCHITECT  
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.

A7

Attachment: Project Plans (1640 - 105 Sacramento Avenue)  
Attachment: Planning Commission 11-3-16 Report and Plans (1686 - 105 Sacramento Avenue)



105 SACRAMENTO AVE. 11-3-16

# DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.

September 19, 2016

Ryan Safty, Assistant Planner  
Community Development Department  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Re: Variance Request Support Documentation  
Holdener Residence  
105 Sacramento Avenue  
APN: 036-144-05

This parcel presents a challenging set of circumstances that make design solutions very difficult within the existing height and setback ordinances. The required geological setback is located 50 feet behind the bluff-face and reduces the buildable lot area by 2,590 square feet. There are three extremely large specimen Monterey Cypress across the side of the main portion of the lot that require a setback from the rear fence of approximately 28 feet. It is our intention to remove the weaker middle tree and protect the remaining two trees. The trees have a substantial shallow root system that spans some 50 feet beyond their trunks. The existing house has been pushed up 12 to 16 inches by the shallow root system. The Holdeners love the trees and are going to great lengths to save and protect them. We have consulted Nigel Belton, Consulting Arborist. He is in agreement regarding the removal of the middle tree and preservation of the remaining 2 trees. He will provide a final tree preservation plan for submittal with the construction documents. To protect the trees we have designed a hybrid pier and grade beam foundation. This system will allow us to hand dig the foundation, map the tree roots, and place piers at variable locations between the roots per Nigel's recommendations. A concrete grade beam will span the piers and will be engineered to facilitate the variable spans. This system requires raising the foundation 24 to 30 inches above a standard slab foundation to allow space for the roots and depth for the grade beams. The end result is that in order to protect the trees the house has to be raised – hence the request to raise the house to 27 feet in height.

1535 Seabright Ave., Ste. 200, Santa Cruz, CA 95062  
phone 831-426-8400 • 831-426-8446 fax  
derek@vanalstine.com

Attachment: Applicant's Variance Request (1686 : 105 Sacramento Avenue)

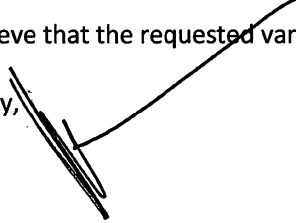
# DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.

The buildable area on this parcel is extremely limited. It is bounded by the required 50 year geological setback on the Southern side, a 28 foot setback necessitated by the trees on the Northern side, the 25 foot height limit, and the required setbacks on the East and West property lines. The trees prevent what would otherwise be buildable area to the North. What is left buildable when all of these factors are considered is a building area much the same size as the footprint of the existing residence and garage. In fact, the lot coverage will be less than it is today.

The proposed house complies with all required setbacks on the first floor. We are requesting a variance to decrease the second floor setback on the East elevation from seven and a half feet to five feet and the West elevation from seven and a half feet to six feet setback on the second floor to facilitate a workable second floor plan within the constrained boundaries described by the geological setback and the trees. The neighboring houses on the East and West have few windows on those elevations adjacent to the proposed structure and should not be adversely affected. Nor would the granting of the requested variances grant the Holdeners a privilege that other homeowners in this district don't enjoy.

We believe that the requested variances are reasonable considering the existing site constraints.

Sincerely,



Derek Van Alstine, CCO  
Derek Van Alstine Residential Design, Inc.  
For Lani & Tim Holdener

1535 Seabright Ave., Ste. 200, Santa Cruz, CA 95062  
phone 831-426-8400 • 831-426-8446 fax  
derek@vanalstine.com

# DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.

October 24, 2016

Ryan Safty, Assistant Planner  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Re: Holdener Residence  
105 Sacramento Avenue

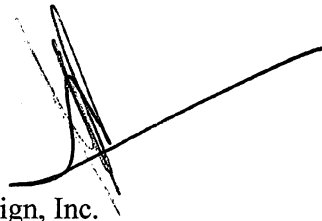
Ryan:

Please consider the following factors in support of the request for variances to the proposed house at 105 Sacramento Avenue for Lani & Tim Holdener. As shown in the revised plans we have removed the Accessory Dwelling Unit and request that it not be considered at this time. In conjunction with that change we have adjusted the F.A.R. to the required 48% by removing second floor deck area.

The plans, as submitted, show the house being located and designed to preserve the existing view corridors from both bluff top neighboring properties. In addition the 15-foot tall hedge between the new house and the existing residence at 101 Sacramento will be preserved. The hedge currently provides both 105 Sacramento and 101 Sacramento a good degree of privacy. The side yards between these residences are not used by either house as the primary focus of each residence is towards the ocean. The requested reduction to the second floor setback should have little, if any, negative effect on 101 Sacramento. The neighboring property at 106 Hollister to the West of 105 Sacramento has a first story structure within approximately 12 inches of the property line for the most of the property line adjoining the proposed residence. There are no windows facing East on the first floor or second floor sidewalls of 106 Hollister. The requested reduction to the second floor setback should have little, in any, negative impact on 106 Hollister. The existing Accessory Dwelling Unit and second floor deck on 105 Sacramento adjacent to 106 Hollister will be demolished and will provide both properties with more setback than they currently have. We have also increased the rear yard setback (Ocean side) beyond the allowable to maintain the existing view corridor for 106 Hollister.

Thank you for your consideration,

Derek Van Alstine, CCO  
Derek Van Alstine Residential Design, Inc.



1535 Seabright Avenue, Suite 200, Santa Cruz, CA 95062  
831-426-8400

Attachment: Applicant's Variance Request (1686 : 105 Sacramento Avenue)

# HARO, KASUNICH AND ASSOCIATES, INC.

CONSULTING GEOTECHNICAL & COASTAL ENGINEERS

Project SC11043  
3 October 2016

Timothy and Lani Holdener  
C/O Derek Van Alstine Residential Design  
1535 Seabright Ave., Suite 200  
Santa Cruz, CA 95062

Subject: Coastal Bluff Recession Study and Geological Report

Reference: 105 Sacramento Avenue  
Capitola, California  
Santa Cruz County APN 036-144-05

Dear Mr. and Mrs. Holdener:

Below is our Geologic Report including a Coastal Bluff Recession Study that we have completed at your request, for the property known as 105 Sacramento Avenue in Capitola, California. We understand that you want to remodel the existing home or construct a new home on the property to replace the current home.

## Summary:

We have evaluated the historical coastal bluff recession rates at 105 Sacramento Avenue in Capitola, California. We also quantitatively evaluated the slope stability of the coastal bluff, including the influence of an earthquake that could cause recession.

We obtained and reviewed historical vertical aerial photographs and satellite imagery from 1966 through 2016. We also reviewed several sets of oblique angle aerial photographs from 1972 through 2015. In addition we obtained a survey of the property from 1884. We visited the site and prepared a geologic cross section and made measurements from the seaward edge of the existing home out to the top edge of the coastal bluff. From comparison of good quality aerial photography from June 1966 and January 1967 with a 2015 survey and Google Earth imagery from April 2016 it appears that the coastal bluff has receded toward the home approximately 42 feet in the last 50 years, which is a long term historical bluff recession rate of about 0.84 feet per year. From our comparison of the surveyed bluff edge position in 1884 compared to the current bluff edge position, it appears that the coastal bluff has receded toward the home approximately 106 feet since 1884, which is a long term historical bluff recession rate of about 0.81 feet per year. Accelerating future sea level rise rates may

Mr. and Mrs. Holdener  
Project No. SC11043  
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result in possible increased future recession rates (compared to average historical recession rates).

In our opinion, the best way to predict future bluff recession and evaluate coastal recession risk is to use long term historical average annual erosion rates as a minimum. That would suggest that a minimum of 40.5 feet of bluff recession will occur at the subject property in the next 50 years.

Based on the analysis we have completed to date, we are unable to accurately predict how much future bluff recession rates will increase due to sea level rise. In order to allow for the possibility that future accelerating sea level rise will increase the long term average annual rate of recession, we recommend that the average annual historical recession rate be increased by 25 percent, in order to estimate an average annual future recession rate during the next 50 years. That would suggest that 50.5 feet of recession will occur at the subject property in the next 100 years. Because of the shape of the accelerating curve, an average annual rate of approximately 1.2 feet per year is roughly estimated to occur in the 50th year; an approximately 50% faster rate than occurs today.

At the subject property the home is about 89 feet from the bluff edge at the upcoast corner and is 78 feet from the bluff edge at the downcoast corner. The downcoast corner of the home is at greater risk than the upcoast corner because of its lesser setback from the coastal bluff.

In order to evaluate bluff stability, we performed additional work, including subsurface exploration, laboratory testing, and quantitative slope stability analysis. That analysis indicated that at this property, a 1.25 to 1.0 (H to V) gradient in the upper terrace deposits should be stable. The upper portion of the bluff face (which is the upper 25 feet of the bluff) that has formed in the terrace deposits is presently standing at a 1 to 1 (H:V) gradient, which is statically stable.

We have prepared drawings that show an Estimated 100 Year Future Coastal Bluff Recession Setback (two 11 by 17 sheets dated 12/7/2015 revised 9-26-2016) that depict the setback in plan view and on three cross sections. The Setback was developed based on where a projected failure of the bluff face to a 1.25 to 1.0 (H to V) stable gradient would come to, then an additional 40.5 feet of recession to account for 100 years of future coastal erosion at the historical rate that recession has occurred at since 1884, plus an additional 10 feet of recession to account for accelerating bluff recession resulting from accelerating sea level rise. That 10 feet represents an average 25% acceleration in the historical recession rate at this site, and reflects an average annual recession rate in the 50th year that is approximately 50% faster than the present rate of recession.



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The selection of a "50 YEAR" timeframe is based on our understanding of the current minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. We recommend the proposed development work is setback landward of the Estimated 50 Year Future Coastal Bluff Recession Setback ( as shown on two 11 by 17 sheets dated 12/7/2015 revised 9-26-2016), which we believe is the distance necessary to provide a stable building site over a 50-year lifetime of the proposed structure.

### **Analysis:**

We completed the following tasks in our scope of services:

- 1) Obtained and reviewed selected vertical time sequential historical aerial photography and satellite imagery.
- 2) Obtained and reviewed time sequential oblique aerial photography from online sources.
- 3) Obtained and reviewed a 1884 survey map that included the referenced property.
- 4) Prepared a sketch map of the current bluff-top conditions based on survey work by Hogan Land Services.
- 5) Prepared a geologic cross section from the existing home to the beach, using a topographic profile prepared by Hogan Land Services.
- 6) Observed coastal bluff geology and recent erosion and slope instability.
- 7) Prepared this report with accompanying graphics that gives the results of our Study.

### **Historical Bluff Recession**

We obtained aerial photography of the site from 1966, 1967, 1976, 1978 and 2003; and Google Earth satellite imagery from 2016. We scanned and enlarged each historical aerial photograph and then compared the position of the top edge of the coastal bluff on each historical aerial photo and the centerline of each nearby street as well as reference points on nearby homes in the vicinity of the subject property. We then enlarged each photograph to be the same scale.

We overlaid and made measurements from the historical vertical aerial photograph images and satellite imagery; in order to look at the historical changes in the bluff edge. The 1966 vertical aerial photograph and the 2016 Google Earth image, which are included in Appendix A, appeared to be most useful for evaluation of historical bluff recession, and were relatively free of distortion and tree shadow coverage. From comparison of the vertical aerial

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photography taken in 1966 and Google Earth imagery taken in 2016 it appears that about 42 feet of bluff recession occurred in that time period which is a long term historical bluff recession rate of about 0.84 feet per year.

We also obtained a subdivision map of "Camp Capitola", that is dated 1884 and a partial copy is included in Appendix A. This subdivision map shows the Capitola Depot Hill area, and most importantly for our purposes shows the top edge of the coastal bluff where it existed in 1884. By field measurements at the site and comparison with the 2015 topographic survey by Hogan Land Services, we compared the position of the top edge of the coastal bluff in 2015 relative to the position shown on the 1884 survey map. From our comparison of the surveyed bluff edge position in 1884 compared to the current bluff edge position, it appears that the coastal bluff has receded toward the home approximately 106 feet since 1884, which is a long term historical bluff recession rate of about 0.81 feet per year.

There is good correlation between the bluff recession rates measured from 1966 to 2016 and 1884 to 2016. We give more weight to the longer term measurement since it covers a greater period of time including more El Nino episodes and seismic events.

Measured at the worst case location at the site, the closest part of the existing house foundation is 79 feet from the top edge of the coastal bluff.

If historical long term average annual erosion rates from 1884 to 2015 were to continue into the future for 50 years at 0.81 feet per year, the top of the coastal bluff in 2066 would be 40.5 feet inland from where it is now. It is important to note that coastal bluff recession occurs episodically and not at a constant rate. It is more likely that 2 or 3 or 5 or even 10 feet of recession will happen at one time any given point on the coastal bluff, than a few inches per year each and every year will occur.

Sea Level has risen and the rate at which it is rising is accelerating. In general, sea level rise tends to make future coastal bluff recession rates faster than measured historical coastal bluff recession rates.

### **Future Sea Level Rise**

The State of California, through the California Ocean Protection Council agency, has adopted the following sea level rise projections using the year 2000 as a base line:

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Sea Level Rise Amounts Adopted by the State of California (2011)		
Year	Average of Models	Range of Models
2030	7 in (0.6 Feet)	5 to 8 inches
2050	14 in (1.2 Feet)	10 to 17 inches
2070	Low 23 inches	17 to 27 inches
	Medium 24 inches (2.0 Feet)	18 to 29 inches
	High 27 inches	20 to 32 inches
2100	Low 40 inches	31 to 50 inches
	Medium 47 inches (4.0 Feet)	37 to 60 inches
	High 55 inches	43 to 69 inches

The data adopted by the State of California indicates 40 to 55 inches of sea level rise should be planned for by 2100. This equates to between 3.4 to 5.5 feet of sea level increase by 2100.

The National Research Council prepared a 2012 report entitled Sea Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future. This report stated the following sea level rise projections for areas South of Cape Mendocino using the year 2000 as a base line:

Sea Level Rise Amounts from the National Research Council (2012)	
Year	Sea Level Rise
2050	Lower Range 5 inches
	Higher Range 24 inches
2100	Lower Range 16 inches
	Higher Range 66 inches

Sea level rise will cause faster rates of bluff recession than have occurred historically. The degree to which sea level rise will cause coastal bluff rates to increase is not agreed upon by all geologists.

Future bluff recession may occur at faster rates because the rate at which sea level is rising is accelerating. Based on the analysis we have completed to date, we are unable to accurately predict how much future bluff recession rates will increase due to sea level rise. Nobody really knows. We modeled an acceleration in erosion rates below, with corresponding predictions of future cumulative recession.

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Period Recession During Period	Average Annual Rate of Recession (FT/YR)	Period Length (YRS)	Recession During Period (FT)	Cumulative Recession at End of Period (FT)	When (Calendar Year)
<b>Historical</b>	0.81	131	106	NA	Until Now
<b>2016 thru 2026</b>	0.85	10	8.5	8.5	2026
<b>2027 thru 2036</b>	0.9	10	9	17.5	2036
<b>2037 thru 2046</b>	1.0	10	10	27.5	2046
<b>2047 thru 2056</b>	1.1	10	11	38.5	2056
<b>2057 thru 2066</b>	1.2	10	12	<b>50.5</b>	2066

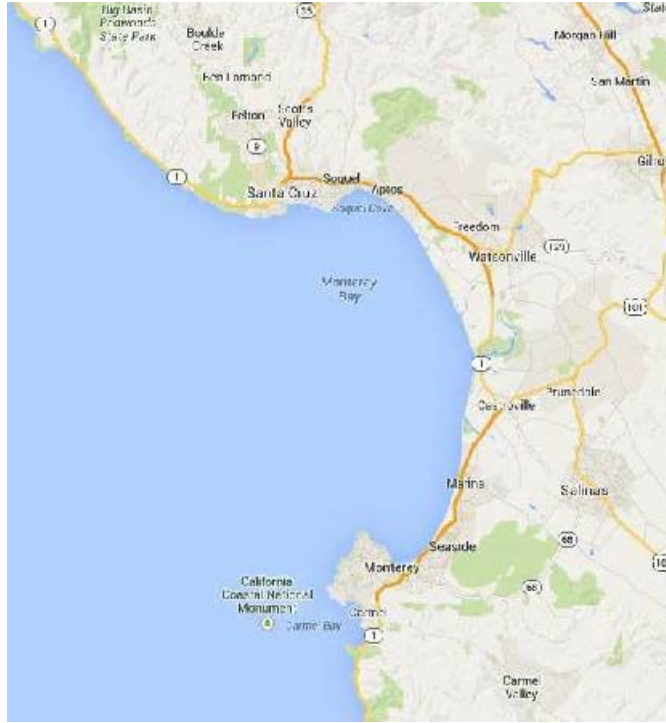
We cannot predict if the degree of recession rate acceleration in the table above is what will actually occur in the future. Assuming the stated recession rate acceleration actually occurs, then 50.5 feet of recession will occur in the next 50 years.

**Bluff Geology and Future Bluff Recession Discussion**

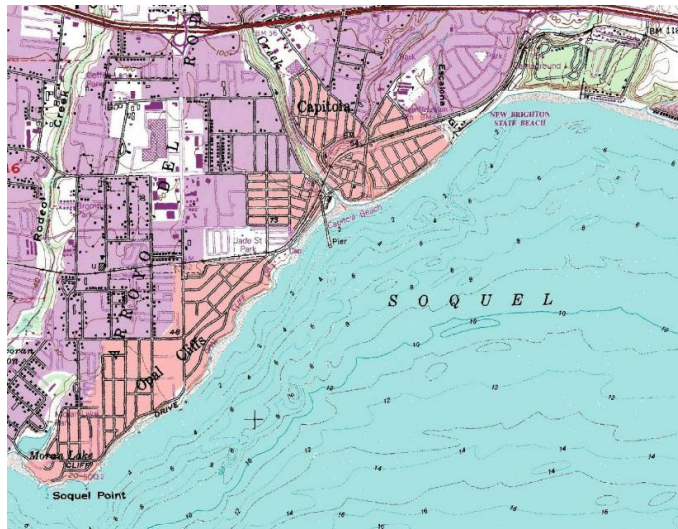
The referenced property is situated just downcoast from the City of Capitola, in northern Monterey Bay.

Attachment: Geological Report (1686 : 105 Sacramento Avenue)

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**Vicinity Map of 105 Sacramento Avenue**



**Topographic Map of 105 Sacramento Avenue**

Photographs of the bluff face at the property are shown below:

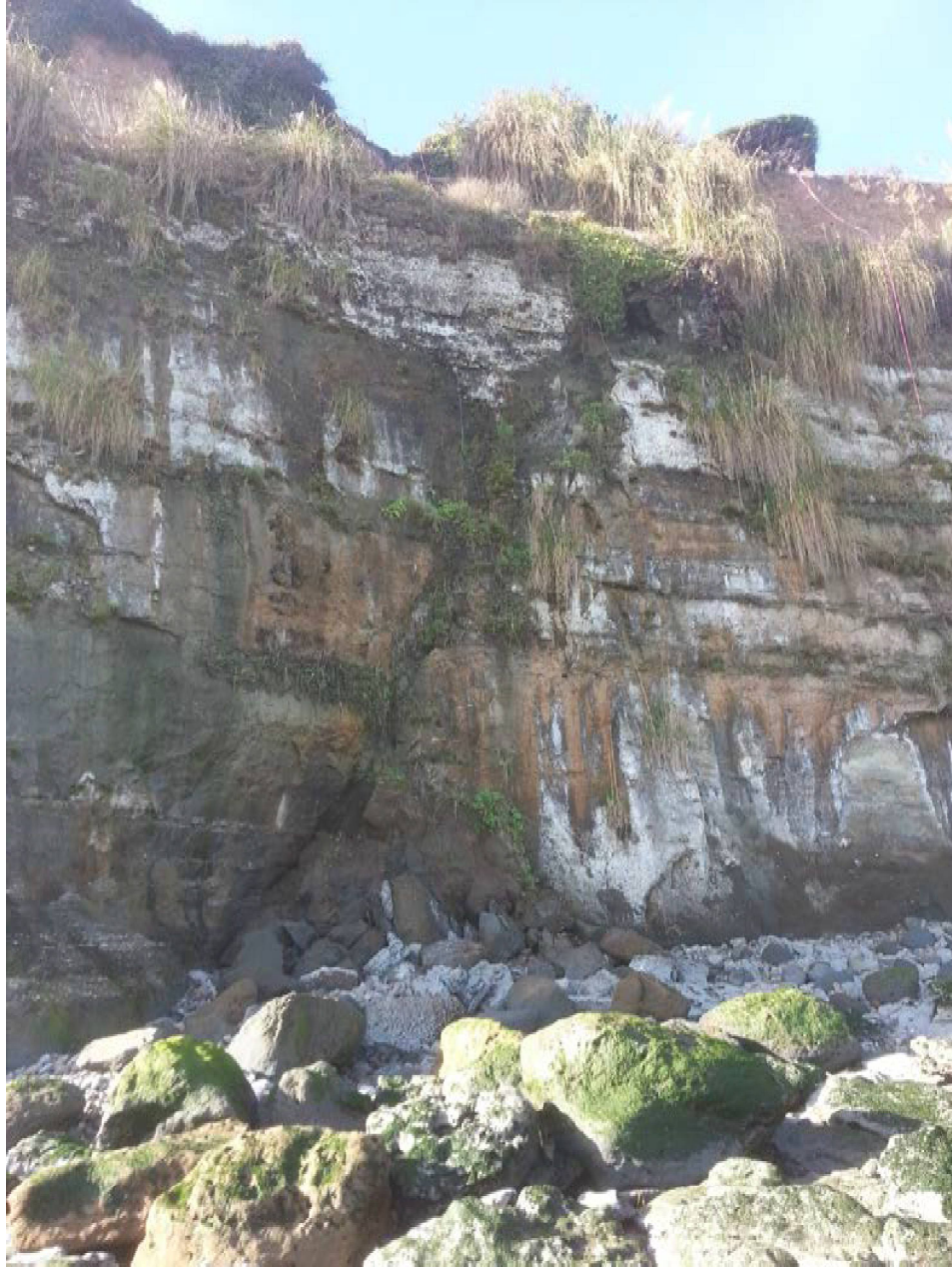
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**2013 Oblique Aerial Photograph**  
**The Property has the Single Story Home that is Left of the Center of the**  
**Photo**  
**(photo courtesy of [www.californiacoastline.org](http://www.californiacoastline.org))**

Attachment: Geological Report (1686 : 105 Sacramento Avenue)

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**Bluff Face Overview**  
**Property is in Right Half of Photo**

A pile of bedrock boulders derived from bluff erosion consisting of a rockfall exists just upcoast (toward Santa Cruz) from the property. Numerous other bedrock boulders are scattered across the beach, evidence of recent bluff erosion.

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**Bluff Face Looking Downcoast  
Showing Rockfall at Left (Not on Property)**

Attachment: Geological Report (1686 : 105 Sacramento Avenue)



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**Close Up View of Rockfall  
 Also Shows Bedrock Outcrop at Base of Bluff Just Upcoast**

We note that there is a bedrock outcrop at the base of the bluff just upcoast of the property line that provides some protection from wave impact. The property is sheltered compared to properties that are more directly exposed to waves from all directions in Monterey Bay. Because the coastal bluff at the property faces southeast, the bluff is somewhat protected from the largest and most powerful ocean waves that come from the northwest in the wintertime.

We prepared a geologic cross section from the ocean to the building site which depict the earth materials and topography on a topographic profile prepared by Hogan Land Services. Basically it shows a level blufftop area, seaward to a bluff face about 25 feet high inclined downward at about 45 degrees then nearly vertically about 55 feet to a cobbly beach surface 20 feet wide sloping at about a 25% gradient, then a sandy beach surface 60 feet wide sloping at 5 to 10%

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gradient, then an exposed bedrock platform. The beach width varies significantly based on tidal conditions and ocean wave runup. The beach serves to protect the base of the bluff from ocean wave runup impact because the lower bluff is covered by beach sand. Based on other observations of this coastline we have made in the past when beach sand elevations were naturally lower, we believe that the beach sand deposit might now be about 6 feet thick at the base of the coastal bluff, as depicted on the attached geologic cross sections. Our geologic profile shows that the beach extends up to 6 feet above sea level (9 feet above the NAVD 88 vertical survey datum), where it meets the base of the coastal bluff face.

No seacaves were observed at the base of the bluff. Wave cut notches were not visible along the bluff fronting the property, but could be present and covered by beach sand. Talus from recent bluff erosion was observed just upcoast of the property. A slump occurred a few years ago in the terrace deposits on the property just downcoast.

Historical bluff recession at the property likely include one or more episodes of localized bluff failure resulting from coastal erosion that formed small caves or wave cut notches at the base of the bluff, which subsequently collapsed and caused landward recession of the bluff.

The property is sheltered within Monterey Bay compared to properties that are more directly exposed to the Pacific Ocean. Because the coastal bluff at the property faces south, the bluff is somewhat protected from the largest and most powerful ocean waves that come from the northwest in the wintertime.

One form of bluff recession is caused by rainfall or wave splash or spray that erodes the bluff face. Slope instability (landsliding) along the coastal bluff face is another form of the coastal erosion processes that results in landward recession of the top edge of the coastal bluff. Coastal bluff landslides are caused either by undermining of the base of the bluff or from saturation of the bluff edge or bluff face. Because the upper part of the bluff is composed primarily of relatively weak sedimentary deposits (terrace deposits), the failure mechanism from landsliding is typically tabular or consists of very shallow, large radius, circular arc type failure. Field observations of the geology and geomorphology of the bluff suggest that terrace deposits in the bluff face are generally stable at a 1:1 (H:V) gradient under seismic conditions. A major earthquake occurred with the epicenter near the property in 1989. From comparison of oblique aerial photography of the bluff face prior to that earthquake compared to present day conditions, it does not appear that there was any significant instability caused by that earthquake's seismic shaking. Under expected future seismic conditions, quantitative

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evaluation suggests the terrace deposits are probably stable at a 1.25:1 (H:V) gradient. If a major earthquake occurred this year and caused the terrace deposits to fail to that gradient, the failure plane would reach about 18 feet landward of the existing bluff edge.

In our opinion, the best way to predict future bluff recession and evaluate coastal recession risk is to use long term historical average annual erosion rates as a minimum. That would suggest that a minimum of 40.5 feet of recession will occur at the subject property in the next 100 years. In addition to those minimums, we recommend that the influence of rising sea level be considered, which would accelerate those rates.

In order to allow for the possibility that future accelerating sea level rise will increase the long term average annual, rate of recession, we recommend that the average annual historical recession rate be increased by 25 percent, in order to estimate an average annual future recession rate during the next 100 years. That would suggest that 50.5 feet of recession will occur at the subject property in the next 100 years. Because of the shape of the accelerating curve, an average annual rate of approximately 1.2 feet per year is estimated to occur in the 50th year.

We note that our analysis considers the influence of both slope instability and coastal recession. It accounts for 50 years of recession that causes the bluff face to recede landward uniformly, then an episode of slope instability in the 50th year that flattens the bluff face to a 1.25 to 1 (H:V) gradient. It is statistically unlikely that an episode of slope instability will occur exactly in the 50th year; this makes the analysis conservative. The historical recession rates we calculated include the influence of both slope instability and coastal erosion. This adds a degree of conservatism to the setback line we have presented, since it considers the influence of slope instability and coastal erosion in an additive manner.

We have prepared drawings that show an Estimated 100 Year Future Coastal Bluff Recession Setback (two 11 by 17 sheets dated 12/7/2015 revised 9-26-2016) that depict the setback in plan view and on three cross sections. The Setback was developed based on where a projected failure of the bluff face to a 1.25 to 1.0 (H to V) stable gradient would come to, then an additional 40.5 feet of recession to account for 50 years of future coastal erosion at the historical rate that recession has occurred at since 1884, plus an additional 10 feet of recession to account for accelerating bluff recession resulting from accelerating sea level rise. That 10 feet represents a 25% acceleration in the long term historical recession rate at this site, and reflects an average annual recession rate in the 50th year that is approximately 50% faster than the present rate of recession.

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We recommend the proposed new home be setback landward of the Estimated 50 Year Future Coastal Bluff Recession Setback ( as shown on two 11 by 17 sheets dated 12/7/2015 revised 9-26-2016), which we believe is the distance necessary to provide a stable building site over a 50-year lifetime of the proposed structure.

We recommend that this report be reviewed in conjunction with the geotechnical report prepared by our firm for this property, and that the recommendations contained in that report also be complied with.

We also recommend that mitigating measures (i.e., landscaping and drainage control) be used and maintained to avoid increased erosion at the property.

### **Limitations**

Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to any improvements should be expected at some point in the future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

The selection of a "50 YEAR" timeframe is based on our understanding of the May 2016 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.

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### Closing

If you have any questions or concerns, please call us at (831) 722-4175 Ext. 0, and we will be happy to discuss them.

Respectfully submitted,

**HARO, KASUNICH AND ASSOCIATES, INC.**



Mark Foxx  
CEG 1493

MF/sr

### Attachments:

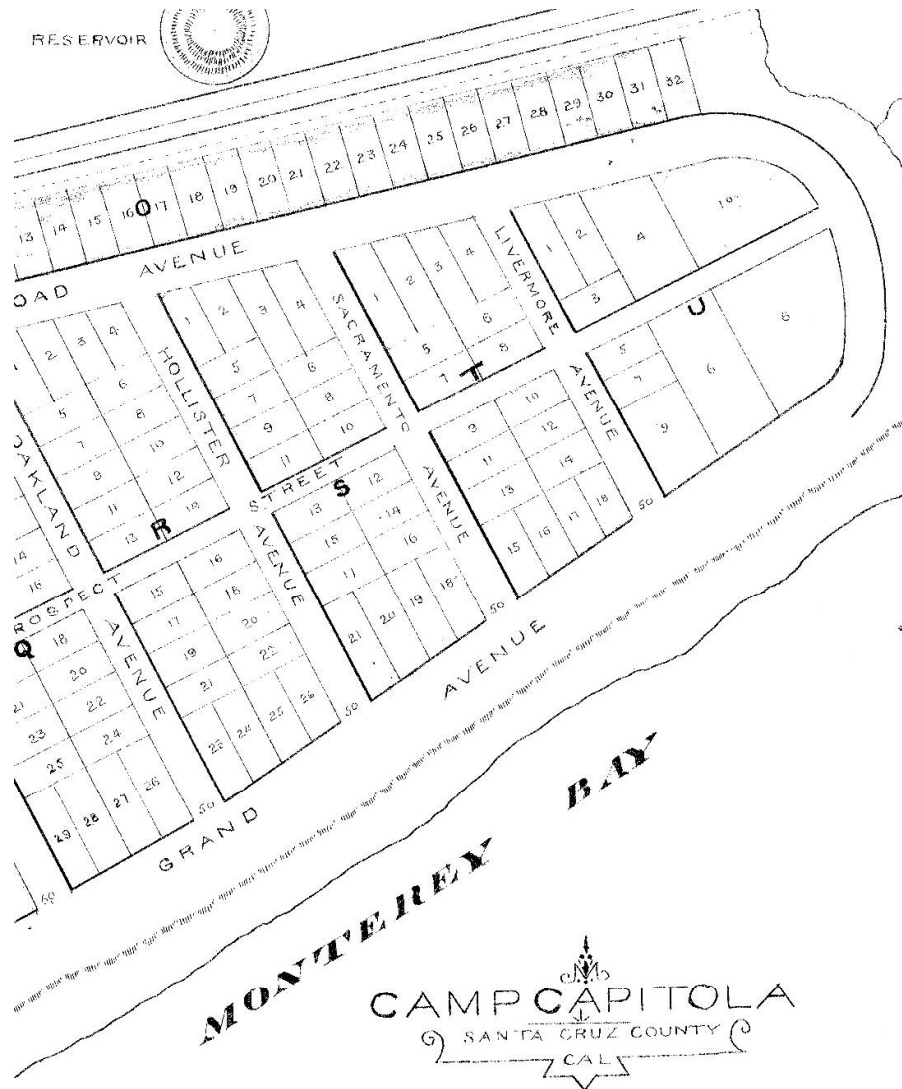
- A: 1884 Camp Capitola Subdivision Map
- B. 2015 Google Earth Image
- C. 1966 Vertical Aerial Photo
- D. 1972 Oblique Aerial Photo
- E. 1979 Oblique Aerial Photo
- F. 2002 Oblique Aerial Photo
- G. 2015 Oblique Aerial Photo
- H. Estimated 50 Year Future Coastal Bluff Recession Setback drawings  
(two 11 by 17 sheets dated 12/7/2015, revised 9/26/2016)

Copies: 4 to addressee  
1 to file

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APPENDIX A

Portion of 1884 Survey Map of "Camp Capitola"  
008M35  
Also Map Book 2 Page 35



Attachment: Geological Report (1686 : 105 Sacramento Avenue)

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**APPENDIX B**



**2016 Google Earth Image  
April 5, 2016**

**Attachment: Geological Report (1686 : 105 Sacramento Avenue)**

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**APPENDIX C**



**June 14, 1966 Aerial Photograph**

Attachment: Geological Report (1686 : 105 Sacramento Avenue)



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**APPENDIX D**

**1972 Oblique Aerial Photo  
(courtesy of californiacoastline.org)**



Attachment: Geological Report (1686 : 105 Sacramento Avenue)

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**APPENDIX E**

**1979 Oblique Aerial Photo  
(courtesy of californiacoastline.org)**



Attachment: Geological Report (1686 : 105 Sacramento Avenue)

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**APPENDIX F**

**2002 Oblique Aerial Photo  
(courtesy of californiacoastline.org)  
March 16, 2002**

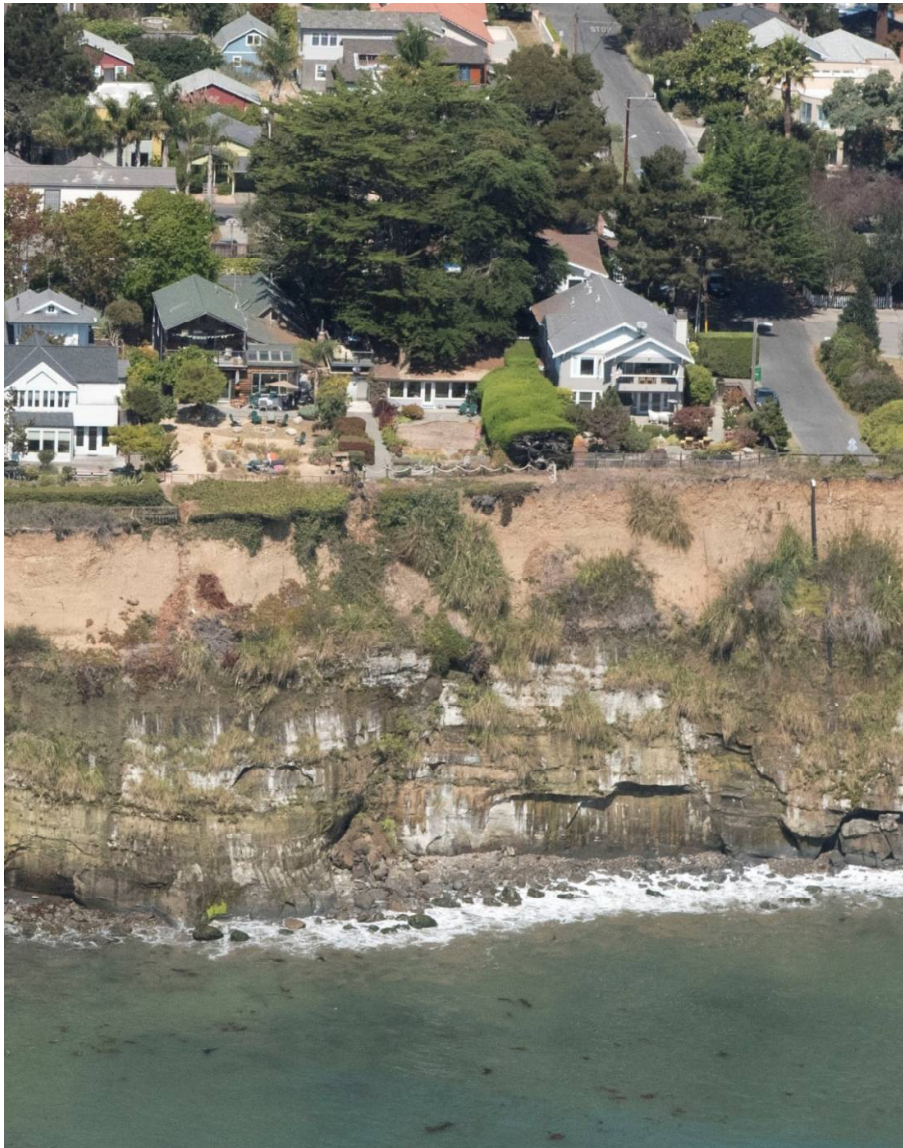


**Attachment: Geological Report (1686 : 105 Sacramento Avenue)**

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**APPENDIX G**

**2015 Oblique Aerial Photo  
(courtesy of californiacoastline.org)  
September 11, 2015**



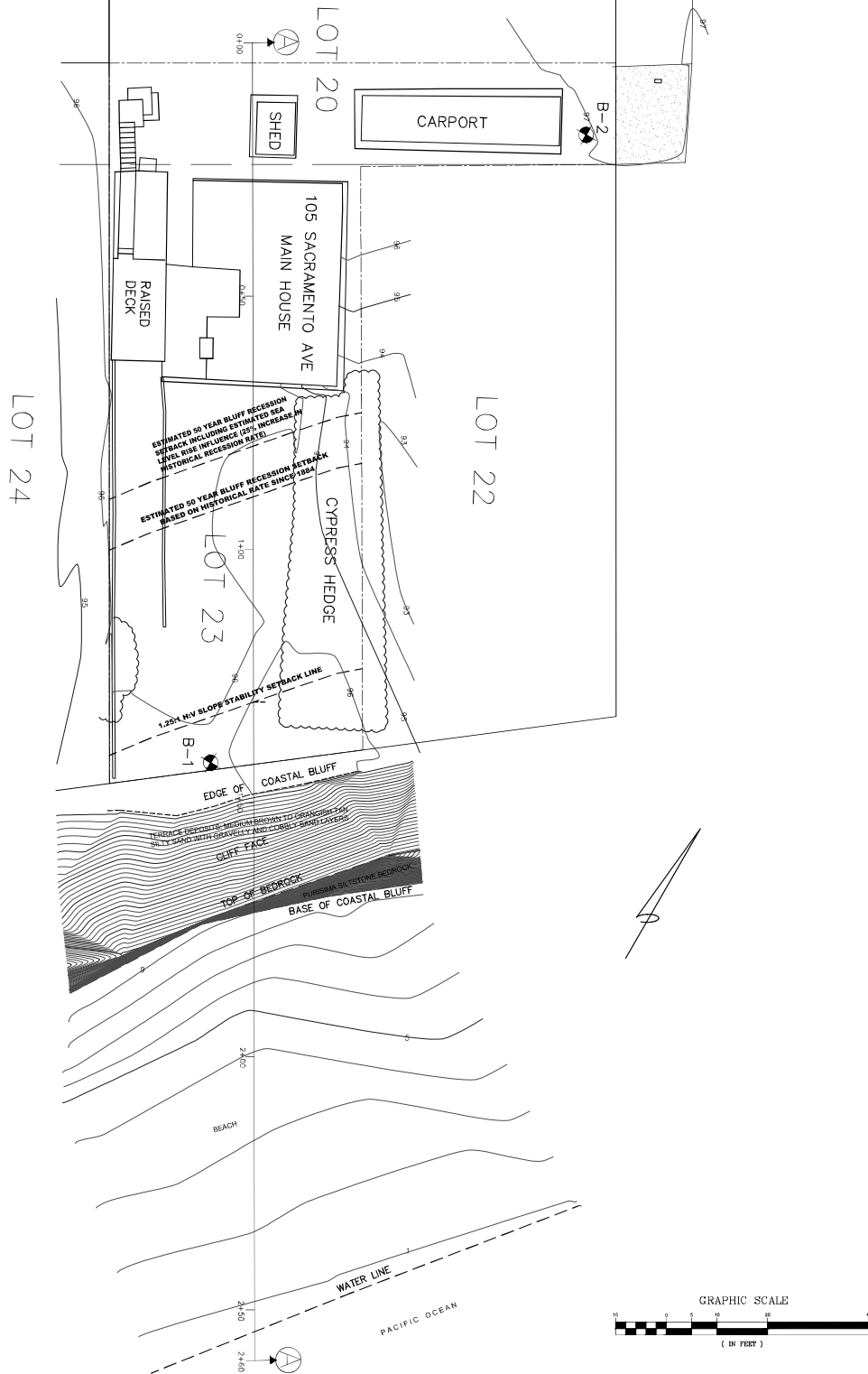
**Attachment: Geological Report (1686 : 105 Sacramento Avenue)**

Mr. and Mrs. Holdener  
Project No. SC11043  
105 Sacramento Avenue  
3 October 2016  
Page 23

## APPENDIX H

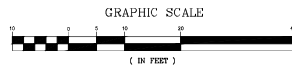
**Estimated 50 Year Future Coastal Bluff Recession Setback drawings  
(two 11 by 17 sheets dated 12/7/2015, revised 9-26-2016)**

Attachment: Geological Report (1686 : 105 Sacramento Avenue)



General Notes:

- A. Topographic Base Map dated 11/08/2015 prepared by Michael R. Hogan, PLS 7362, Hogan Land Services Job Number H0099.
- B. Vertical Elevation Datum is NAVD88.
- C. Topography at beach level may not accurately reflect actual terrain.
- D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESSON SETBACKS are for planning purposes. The selection of a "50 YEAR" timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.
- E. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to improvements should be expected at some point in the far future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

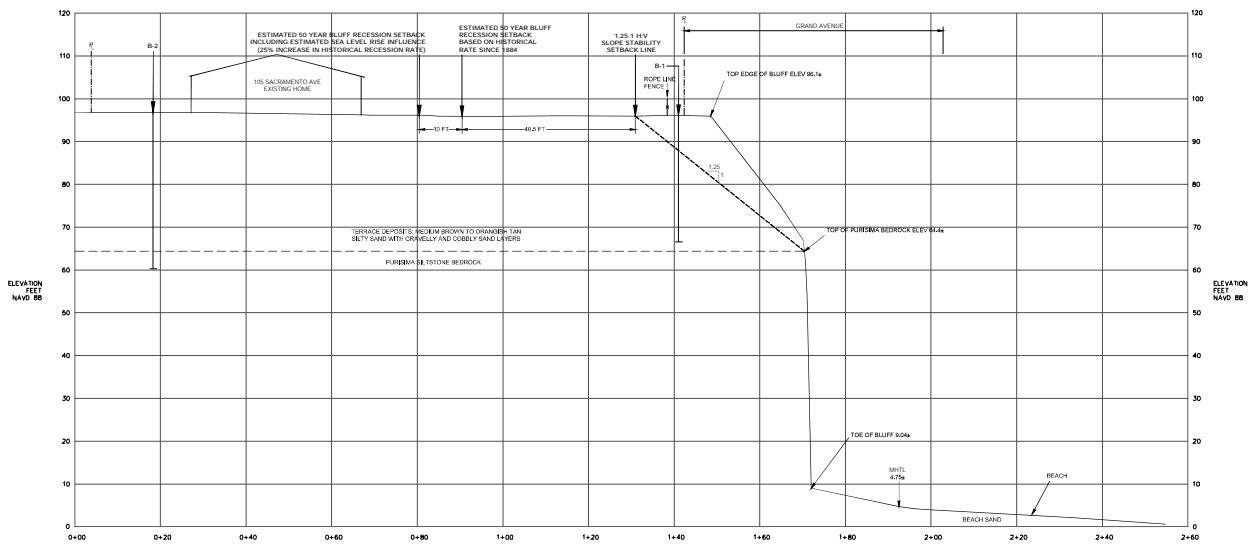


**SHEET 1:  
ESTIMATED 50 YEAR  
FUTURE COASTAL BLUFF  
RECESSON SETBACK MAP**

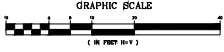
105 Sacramento Avenue, Capitola, CA  
Santa Cruz County APN 036-144-05

12/7/2015  
Revised 9-26-2016

HARO, KASUNICH AND ASSOCIATES, INC.  
CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS  
116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175



SECTION A-A  
SCALE: 1" = 10' H & V



- General Notes:
- A. Topographic Base Map dated 11/08/2015 prepared by Michael R. Hogan, PLS 7362, Hogan Land Services Job Number H0099.
  - B. Vertical Elevation Datum is NAVD88.
  - C. Topography at beach level may not accurately reflect actual terrain.
  - D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESION SETBACKS are for planning purposes. The selection of a "50 YEAR" timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.
  - E. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to improvements should be expected at some point in the far future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

**SHEET 2:  
ESTIMATED 50 YEAR  
FUTURE COASTAL BLUFF  
CROSS SECTION**

105 Sacramento Avenue, Capitola, CA  
Santa Cruz County APN 036-144-05  
12/7/2015  
Revised 9-26-2016

HARO, KASUNICH AND ASSOCIATES, INC.  
CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS  
116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175

Attachment: Geological Report (1686 : 105 Sacramento Avenue)



# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF JANUARY 12, 2017**

FROM: Community Development

SUBJECT: Introduction of an Ordinance Amending Chapter 17.98 of the Capitola Municipal Code Pertaining to Wireless Telecommunications

**RECOMMENDED ACTION:** Adopt the Addendum to the General Plan Update Environmental Impact Report and introduce an ordinance to amend Municipal Code Chapter 17.98 Wireless Communications Facilities to update regulations, development standards, and permit procedures in compliance with state and federal law.

**BACKGROUND:** The City of Capitola initiated an effort in 2014 to comprehensively update its 1975 Zoning Code. The Zoning Code update process is ongoing and public hearings to review the draft code will resume in January 2017. The City's Wireless Communications Facilities Ordinance ("Wireless Ordinance") resides in chapter 17.98 of the Zoning Code. In 2016, Verizon Wireless filed a lawsuit in federal court which challenged the City Council's decision to deny a wireless facility application and alleged that the City's Wireless Ordinance was inconsistent with federal law. Verizon and the City subsequently reached a settlement agreement which, in part, requires the City to consider for adoption an updated Wireless Ordinance. Such updated Wireless Ordinance is to be considered for final adoption no later than February 28, 2017. Consequently, the proposed updated Wireless Communications Facilities Ordinance is scheduled to be introduced and adopted prior to the Zoning Code update.

**DISCUSSION:** The proposed Wireless Communications Facilities Ordinance would ensure compliance with state and federal law while preserving the City's legitimate ability to regulate siting and design of wireless facilities. The proposed ordinance would also streamline the permitting process for wireless communication facilities which are sensitively located, comply with prescribed development standards, and provide a stealth design. Key changes included in the draft ordinance include:

### **Compliance with State and Federal Law**

The Federal Communications Commission (FCC) issued regulations that require cities to approve some collocations at previously approved facilities and allow for alterations to existing facilities if the alteration is not considered a "substantial change" pursuant to Section 6409(a) and the FCC's regulations at 47 C.F.R. § 1.40001. These new federal rules are not limited to traditional telecommunications towers but apply essentially to any wireless communications facility. In addition, California adopted new legislation that further restricts the time in which cities have to review proposed installations and collocations. The proposed ordinance is



Wireless Telecommunications Ordinance Introduction  
January 12, 2017

intended to remedy any conflict with such state or federal law. The proposed ordinance includes revised definitions which mirror those found in federal law and FCC regulations and reports and orders to ensure consistent application. The proposed ordinance would also eliminate coastal and residential setback regulations which were alleged to effectively prohibit wireless facilities in most of Capitola in the aforementioned lawsuit. In addition, the proposed ordinance would increase the standard length of permit approvals from five to ten years. Furthermore, the proposed ordinance responds to FCC's Wireless Facility Rules Implementing Section 6409(a) rules, lists general design and aesthetic standards and preferences for wireless communications facilities, provides a permitting process for "section 6409" (i.e. insubstantial changes to existing facilities) permits in compliance with federal law, and allows for an administrative review process for certain wireless facility improvement projects consistent with federal and state laws and regulations.

#### **Concealment (stealth design) Requirement**

Under the proposed ordinance, all wireless facilities would be required to incorporate concealment features unless the Planning Commission makes a finding of infeasibility (for example, it would likely be infeasible to fully conceal an 80-foot tall tower).

#### **Preferred Sites and Locations**

The draft ordinance establishes preferred sites and locations for wireless communications facilities. As drafted, facilities located in non-residential zones and within public rights-of-way are preferred. The City Council may consider modifying the preferred sites and locations which are sequentially ranked in the table below:

<b>Preferred Sites</b>	<b>Preferred Locations: Non-Residential Zones</b>	<b>Preferred Locations Residential Zones</b>
Sites on a City-owned parcel	Parcels in Industrial (I) Zone	Parcels with approved non-residential uses and do not contain residential uses
Collocations within ROW	Parcels in Commercial (C-R and C-C) Zones	Parcels with approved non-residential uses and also contain residential uses
Collocations outside ROW	Parcels in all other non-residential zones (P/OS, PF, etc.)	All other parcels
New Base Stations in ROW	N/A	
New Base Stations outside ROW		
New Towers in ROW		
New Towers outside ROW		

#### **Four-Tier Permit Review Process**

The proposed ordinance establishes a four-tier permit review process which provides a streamlined process for insubstantial modifications to existing wireless communication facilities and fully concealed facilities which meet development standards and are located in preferred locations. Facilities which do not meet specified standards would require a Conditional Use Permit and a Planning Commission hearing. The proposed permit tiers are shown in the table

Wireless Telecommunications Ordinance Introduction  
January 12, 2017

below:

	<b>Types of Facilities</b>	<b>Zoning</b>	<b>Permit</b>
<b>Tier 1</b>	<ul style="list-style-type: none"> <li>Modifications to an existing facility that qualifies as an “eligible facility request” (i.e. that does not substantially change an existing facility)</li> </ul>	All	6409(a) Permit
<b>Tier 2</b>	<ul style="list-style-type: none"> <li>Building- and facade-mounted facilities which are concealed and comply with height and noise regulations</li> <li>Pole-mounted facilities in ROW which are concealed and do not extend more than 2-ft horizontally and 5-ft vertically from pole.</li> <li>A collocation or modification that does not qualify for a 6409 permit.</li> </ul>	CC, CR, I	Admin Permit
<b>Tier 3</b>	<ul style="list-style-type: none"> <li>Building- and facade-mounted facilities that are not Tier 2 facilities.</li> </ul>	CC, CR, I	Minor Use Permit
	<ul style="list-style-type: none"> <li>Building- and facade-mounted facilities</li> </ul>	MU-V, MU-N, VA, P/OS, CF	
	<ul style="list-style-type: none"> <li>Pole-mounted facilities in ROW that are not Tier 2 facilities</li> </ul>	All	
<b>Tier 4</b>	<ul style="list-style-type: none"> <li>New towers in any zoning district</li> </ul>	All	CUP
	<ul style="list-style-type: none"> <li>Any facility in the R-1, RM, or MH zoning district</li> </ul>	R-1, RM, MH	
	<ul style="list-style-type: none"> <li>Any facility that is not a Tier 1, 2, or 3 facility</li> </ul>	All	

### Height Exception Process

The current wireless ordinance does not include a provision for the City to grant additional height for a wireless facility. Although the City has granted variances for additional height in the past, variance findings can be very difficult to support unless the project site is unusual in terms of its size, shape, topography, or other physical characteristics. Accordingly, the proposed ordinance establishes an exception process to allow additional height if necessary to meet demonstrated coverage objectives.

FISCAL IMPACT: None

### ATTACHMENTS:

1. Draft Wireless Ordinance (PDF)
2. Addendum to GPU EIR (PDF)

Report Prepared By: Rich Grunow  
Community Development Director

Wireless Telecommunications Ordinance Introduction  
January 12, 2017

**Reviewed and Forwarded by:**

A handwritten signature in blue ink, appearing to be 'JG', is written above a horizontal line.

Jamie Goldstein, City Manager

1/6/2017

## Chapter 17.98 – WIRELESS COMMUNICATIONS FACILITIES

### Sections:

- 17.98.010 Purpose and Intent
- 17.98.020 Definitions
- 17.98.030 Applicability and Exemptions
- 17.98.040 Permit Requirements
- 17.98.050 Standard Conditions of Approval
- 17.98.060 Preferred Siting and Location
- 17.98.070 Development Standards
- 17.98.080 Operation and Maintenance Requirements
- 17.98.090 Temporary Wireless Communications Facilities
- 17.98.100 Limited Exemption from Standards
- 17.98.110 Severability

### 17.98.010 Purpose and Intent

- A. Purpose.** This chapter establishes requirements for the development, siting, collocation, installation, modification, relocation, development, and operation of wireless communications facilities consistent with applicable state and federal laws. These requirements aim to protect public health, safety, and welfare while balancing the benefits of robust wireless services with the unique community character, aesthetics, and local values of Capitola.
- B. Intent.** This chapter does not intend to, and shall not be interpreted or applied to:
1. Prohibit or effectively prohibit personal wireless services;
  2. Unreasonably discriminate among wireless communications providers of functionally equivalent personal wireless services;
  3. Regulate the installation, operation, collocation, modification, or removal of wireless facilities on the basis of the environmental effects of radio frequency (RF) emissions to the extent that such emissions comply with all applicable Federal Communications Commission (FCC) regulations;
  4. Prohibit or effectively prohibit any collocation or modification that the City may not deny under state or federal law; or
  5. Preempt any applicable state or federal law.

### 17.98.020 Definitions

- A. Terms Defined.** Terms used in this chapter are defined as follows:

1. “Amateur radio facilities” are antennas and related equipment for the purpose of self-training, intercommunication, or technical investigations carried out by an amateur radio operator who operates without commercial interest, and who holds a written authorization from the Federal Communications Commission to operate an amateur radio facility.
2. “Antenna” means a device or system of wires, poles, rods, dishes, discs, or similar devices used to transmit and/or receive radio or electromagnetic waves.
3. “Applicable FCC decisions” means the same as defined by California Government Code Section 65964.1(d)(1), as may be amended, which defines that term as “In re Petition for Declaratory Ruling, 24 FCC Rcd. 13994 (2009) and In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order, 29 FCC Rcd. 12865 (2014).”
4. “Array” means one or more antennas mounted at approximately the same level above ground on tower or base station.
5. “Base station” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(1), as may be amended, which defines that term as follows:
  - a. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. Section 1.40001(b)(9) or any equipment associated with a tower.
  - b. “Base station” includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - c. “Base station” includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
  - d. “Base station” includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under 47 C.F.R. Section 1.40001, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of 47 C.F.R. Section 1.40001 that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
  - e. “Base station” excludes any structure that, at the time the relevant application is filed with the State or local government under 47 C.F.R. Section 1.40001, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of 47 C.F.R. Section 1.40001.

6. “Collocation” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition effectively means “to add” new equipment to an existing facility and does not necessarily refer to more than one wireless facility installed at a single site.
7. “Eligible facilities request” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(3), as may be amended, which defines that term as “[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment.”
8. “Eligible support structure” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(4), as may be amended, which defines that term as “[a]ny tower or base station as defined in [47 C.F.R. Section 1.40001], provided that it is existing at the time the relevant application is filed with the State or local government under [47 C.F.R. Section 1.40001].”
9. “Existing” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(5), as may be amended, which provides that “[a] constructed tower or base station is existing for purposes of the [FCC rules implementing Section 6409 of the Spectrum Act] if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.”
10. “FCC” means the Federal Communications Commission or its successor agency.
11. “Personal wireless services” has the same meaning as provided in 47 U.S.C. Section 332(c)(7)(C)(i), as may be amended, which defines the term as “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.”
12. “Section 6409(a)” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a), as may be amended.
13. “Service provider” means a wireless communications provider, company or organization, or the agent of a company or organization that provides wireless communications services.
14. “Significant gap” is a gap in the service provider’s own wireless telecommunications facilities, as defined in federal case law interpretations of the Federal Telecommunications Act of 1996.

15. “Site” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(6), as may be amended, which provides that “[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.”
16. “Stealth facility” is any facility designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade mounted antennas painted and treated as architectural elements to blend with the existing building, or elements designed to appear as vegetation or trees. Also referred to as concealed communications facilities.
17. “Substantial change” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), as may be amended, which defines that term differently based on the particular facility type and location. For clarity, the definition in this chapter organizes the FCC’s criteria and thresholds for a substantial change according to the facility type and location.
  - a. For towers outside the public right-of-way, a substantial change occurs when:
    - (1) The proposed collocation or modification increases the overall height more than 10 percent or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
    - (2) The proposed collocation or modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance (whichever is greater); or
    - (3) The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four cabinets; or
    - (4) The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
  - b. For towers in the public right-of-way and for all base stations, a substantial change occurs when:
    - (1) The proposed collocation or modification increases the overall height more than 10 percent or 10 feet (whichever is greater); or
    - (2) The proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet; or

- (3) the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four 4cabinets; or
  - (4) The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no pre-existing ground cabinets associated with the structure; or
  - (5) The proposed collocation or modification involves the installation of any ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure; or
  - (6) The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- c. In addition, for all towers and base stations wherever located, a substantial change occurs when:
- (1) The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the Community Development Director; or
  - (2) The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets, or excavation that is inconsistent with the thresholds for a substantial change described in this section.
- d. Interpretation of Thresholds.
- (1) The thresholds for a substantial change described above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur.
  - (2) The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).
18. “Temporary wireless communications facility” means a wireless communications facility located on a parcel of land and consisting of a vehicle-mounted facility, a building mounted antenna, or a similar facility, and associated equipment, that is used to provide temporary coverage for a large-scale event or an emergency, or to provide temporary replacement coverage due to the removal of an existing permitted,



permanent wireless communications facility necessitated by the demolition or major alteration of a nearby property.

19. “Tower” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(9), as may be amended, which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles, mono-trees, and lattice towers.
  20. “Transmission equipment” means the same as defined by the FCC in 47 C.F.R. Section 140001(b)(8), as may be amended, which defines that term as “[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.”
  21. “Wireless” means any FCC-licensed or authorized wireless communications service transmitted over frequencies in the electromagnetic spectrum.
  22. “Wireless communications facility” is a facility that sends and/or receives radio frequency signals, AM/FM, microwave, and/or electromagnetic waves for the purpose of providing voice, data, images or other information, including, but not limited to, cellular and/or digital telephone service, personal communications services, and paging services. Wireless communications facilities include antennas and all other types of equipment for the transmission or receipt of such signals; towers or similar structures built to support such equipment; equipment cabinets, base stations, and other accessory development; and screening and concealment elements. (Also referred to as “facility”).
  23. “Wireless communications provider” is any company or organization that provides or who represents a company or organization that provides wireless communications services. (Also referred to as “service provider”).
  24. “Zoning Code” means the City of Capitola Zoning Code.
- B. Terms Not Defined.** Terms not defined in this section shall be interpreted to give this chapter its most reasonable meaning and application, consistent with applicable state and federal law.

**17.98.030 Applicability and Exemptions**

- A. Applicability.** This chapter applies to all new facilities and all modifications to existing facilities proposed after the effective date of this chapter unless exempted by Subsection B (Exemptions) below.
- B. Exemptions.** This chapter does not apply to:
  1. Amateur radio facilities;
  2. Direct-to-home satellite dishes, TV antennas, wireless cable antennas, and other OTARD antennas covered by the Over-the-Air Reception Devices rule in 47 Code of Federal Regulations (C.F.R.) Section 1.4000 et seq.;
  3. Non-commercial wireless communications facilities owned and operated by a public agency, including but not limited to the City of Capitola; and
  4. All antennas and wireless facilities identified by the FCC or the California Public Utilities Commission (CPUC) as exempt from local regulations.

**17.98.040 Permit Requirements**

- A. Required Permits.** Wireless communications facilities are grouped into four tiers, each with its own permit requirement as shown in Table 17.98-1.

**TABLE 17.98-1: WIRELESS COMMUNICATIONS FACILITY TIERS AND REQUIRED PERMITS**

	Types of Facilities	Permit Required
<b>Tier 1</b>	Modifications to an existing facility that qualify as an “eligible facility request” as defined in Section 17.98.020.A.7	Section 6409(a) Permit
<b>Tier 2</b>	<p>Building- and facade-mounted facilities in the C-C, C-R, or I zoning district when the proposed facility (1) is a stealth facility, (2) does not generate noise in excess of the City’s noise regulations and (3) does not exceed the applicable height limit in the applicable zoning district.</p> <p>Pole-mounted facilities in the public right-of-way consistent with Section 17.98.070.D when the facility is either (1) incorporated into a steel pole with all antennas, equipment, and cabling entirely concealed from view, or (2) mounted to a wood pole with all equipment other than antennas located substantially underground and pole-mounted equipment, where necessary, extends no more than 2 feet horizontally and 5 feet vertically from the pole.</p> <p>A collocation that is not a Tier 1 Facility.</p> <p>A modification to an eligible support structure that is not a Tier 1 Facility.</p>	Administrative Permit
<b>Tier 3</b>	Building- and facade-mounted facilities in the C-C, C-R, or I zoning district that are not Tier 2 Facilities.	Minor Use Permit

	Building- and facade-mounted facilities in the MU-V, MU-N, VA, or CF zoning district. Pole-mounted facilities in the public right-of-way consistent with Section 17.98.070.D that are not Tier 2 Facilities.	
<b>Tier 4</b>	New towers in any zoning district Any facility in the R-1, RM, or MH zoning district <sup>1</sup> Any facility within a public park or open space Any facility that is not a Tier 1, 2, or 3 Facility	Conditional Use Permit
<sup>1</sup> Except pole-mounted facilities located in a public right-of-way that qualify as either a Tier 2 or 3 Facility.		

**B. Review Authority.**

1. **Tier 1 and Tier 2 Facilities.** The Community Development Director shall review and take action on all Section 6409(a) Permit applications for Tier 1 facilities and Administrative Permit applications for Tier 2 facilities.
2. **Tier 3 Facilities.** The Community Development Director shall review and take action on Minor Use Permit applications for Tier 3 facilities. If a member of the public requests a public hearing in accordance with Subsection F.3 (Tier 3 Facilities (Minor Use Permit)) below, the Community Development Director may refer the application to the Planning Commission for review and final decision.
3. **Tier 4 Facilities.** The Planning Commission shall review and take action on Conditional Use Permit applications for Tier 4 facilities.

**C. Conflicting Provisions.** Conditional Use Permits required for a wireless communications facility shall be processed in compliance with Chapter 17.60 (Conditional Use Permits) and with this chapter. In the event of any conflict between this chapter and Chapter 17.60 (Conditional Use Permits), this chapter shall govern and control.

**D. Pre-Application Conference.**

1. The City encourages prospective applicants to request a pre-application conference with the Community Development Department before completing and filing a permit application.
2. The purpose of this conference is to:
  - a. Inform the applicant of City requirements as they apply to the proposed project;
  - b. Inform the applicant of the City’s review process;
  - c. Identify information and materials the City will require with the application; and

Attachment: Draft Wireless Ordinance (1632 : Wireless Telecommunications Ordinance Introduction)

- d. Provide guidance to the applicant of possible project alternatives or modifications.
3. The pre-application conference and any information provided to prospective applicants by City staff shall not be construed as a recommendation for approval or denial of an application.
4. Failure by City staff to identify all permit requirements shall not constitute a waiver of those requirements.

#### **E. Permit Application and Review.**

1. **Application Required.** All permits granted under this chapter shall require an application filed and reviewed in compliance with this chapter. All permit applications shall be filed with the Community Development Department on an official City application form. Applications shall be filed with all required fees, information, and materials as specified by the Community Development Department.
2. **Eligibility for Filing.**
  - a. An application may only be filed by the property owner or the property owner's authorized agent.
  - b. The application shall be signed by the property owner or the property owner's authorized agent if written authorization from the owner is filed concurrently with the application.
3. **Application Contents.** All applications shall include the following:
  - a. The applicable application fee(s) established by the City. Fees required to process permit applications are identified in the Planning Fee Schedule approved by the City Council.
  - b. A fully completed and executed application using an official City application form.
  - c. The application must state what approval is being sought (i.e., Conditional Use Permit, Minor Use Permit, Administrative Permit, or Section 6409(a) Permit). If the applicant believes the application is for a Section 6409(a) Permit, the applicant must provide a detailed explanation as to why the applicant believes that the application qualifies as an eligible facilities request subject to a Section 6409(a) Permit;
  - d. A completed and signed application checklist available from the City, including all the information, materials, and fees specified in the City's application checklist for proposed wireless communications facilities;
  - e. If the proposed facility is to be located on a City-owned building or structure, the application must be signed by an authorized representative of the City;

- f. For Section 6409(a) Permits and Administrative Permits involving a collocation or modification to an eligible support structure, the application must be accompanied by all prior approvals for the existing facility (including but not limited to all conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment), as well as all permit applications with required application materials for each separate permit required by the City for the proposed facility, including but not limited to a building permit and an encroachment permit (if applicable); and
- g. All other materials and information required by the Community Development Director as publicly stated in the application checklist(s).

**4. Application Fees.**

- a. The City may deem an application complete only after all required fees have been paid.
- b. Failure to pay any required supplemental application fees is a basis for denial or revocation of a permit application.
- c. The City will not refund fees for a denied application.

**5. Application Review.**

- a. The application processing time for applications subject to this chapter shall be in conformance with the time periods and procedures established by applicable FCC decisions, adjusted for any tolling due to incomplete application notices or mutually agreed upon extensions of time.
- b. The Community Development Department shall review each application for completeness and accuracy before it is accepted as being complete. The Community Development Department's determination of completeness shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in a pre-application conference and during the initial application review period.
- c. Within 30 calendar days of the Community Development Department's receipt of an application, the Community Development Department shall inform the applicant in writing that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information is required.
- d. When an application is incomplete as filed, the applicable timeframe for the City's review and action on such application does not include the time that the applicant takes to respond to the Community Development Department's request for additional information. The applicable timeframe for the City's review and action on the application shall be tolled until the applicant makes a supplemental submission, responding to the Community Development Department's request for additional information. The timeframe for review

begins running again when the applicant makes a supplemental submission in response to the Community Development Department's notice of incompleteness.

- e. Additional required information shall be submitted in writing.
  - f. After an applicant responds to an incomplete notice and submits additional information, the Community Development Department will notify the applicant within ten (10) days of the Community Development Department's receipt of the supplemental submission if the additional information failed to complete the application. The applicable timeframe for the City's review and action on the application shall be tolled until the applicant makes a supplemental submission, responding to the Community Development Department's request for additional information.
6. **Project Evaluation and Staff Report.**
- a. The Community Development Department shall review all applications to determine if they comply with this chapter, the Zoning Code, the General Plan, and other applicable federal and state laws and City policies and regulations.
  - b. For all applications requiring review by the Planning Commission, the Community Development Department shall prepare a staff report describing the proposed project and including, where appropriate, a recommendation to approve, approve with conditions, or deny the application.
7. **Applications Deemed Withdrawn.**
- a. If an applicant does not pay required supplemental fees or provide information requested in writing by the Community Development Department within nine (9) months following the date of the letter requesting such fees and/or information, the application shall expire and be deemed withdrawn without any further action by the City.
  - b. After the expiration of an application, future City consideration shall require the submittal of a new complete application and associated filing fees.

**F. Public Notice and Hearing.**

- 1. **All Facilities.** Public notice of pending decision or hearing for all facilities shall contain the following:
  - a. A description of the proposed facility, collocation, or modification.
  - b. The location of the subject property.
  - c. Required permits and approvals.
  - d. How the public can obtain additional information on the proposed project.
- 2. **Tier 1 Facilities (Section 6409(a) Permit) and Tier 2 Facilities (Administrative Permit).**

- a. City approval or denial of a Tier 1 or Tier 2 facility is a ministerial action which does not require a public hearing.
- b. The applicant shall post notice of pending action on a Tier 1 or Tier 2 facility application on the subject property at least ten (10) calendar days prior to the City taking action on the application.
- c. In addition to the information identified in Subsection F.1 (All Facilities) above, the notice of a pending action shall contain the following:
  - (1) For Tier 1 facilities, the following statement: “Federal law may require approval of this application. Further, Federal Communications Commission Regulations may deem this application granted by the operation of law unless the City timely approves or denies the application, or the City and applicant reach a mutual tolling agreement.”
  - (2) For Tier 2 facilities, the following statement: “The proposed wireless communication facility is allowed with an Administrative Permit and will be approved by the Community Development Director if the project complies with all applicable standards and regulations.”

3. **Tier 3 Facilities (Minor Use Permit).**

- a. A public hearing for a Tier 3 facility is required only if the Community Development Director receives a written request for a public hearing from the public.
- b. The City shall mail public notice of a pending action on a Tier 3 facility to the owners of the real property located within a radius of 100 feet from the exterior boundaries of the subject property at least ten (10) calendar days prior to the City taking action on the application.
- c. In addition to the information identified in Subsection F.1 (All Facilities) above, the notice of a pending action shall contain a statement that the City is considering the application and that the Community Development Director will hold a public hearing for the application only upon receiving by a specified date written request for a hearing.
- d. If the City receives a request for a public hearing by the specified date, the Community Development Director shall hold a noticed public hearing on the application or refer the application to the Planning Commission for review and final decision. Public notice of the requested public hearing will be mailed to the owners of real property located within a radius of 100 feet from the exterior boundaries of the subject property.
- e. If no written request for a public hearing is received by the specified date, the Community Development Director shall act on the application without a public hearing.

4. **Tier 4 Facilities.**

- a. The Planning Commission shall review and take action on Tier 4 facility applications at a noticed public hearing in conformance with this chapter and Chapter 17.60 (Conditional Use Permits), as may be amended from time to time.
- b. At least ten (10) calendar days prior to the scheduled hearing date, the City shall provide public notice of the hearing by:
  - (1) Mailing public notice of the hearing to the following recipients:
    - a) The owners of the subject property or the owner's authorized agent and the applicant;
    - b) The owners of the real property located within a radius of 600 feet from the exterior boundaries of the subject property;
    - c) Each local agency expected to provide essential facilities or services to the subject property;
    - d) Any person who has filed a written request for notice with the Community Development Department; and
    - e) Any other person, whose property, in the judgment of the Community Development Department, might be affected by the proposed project; and
  - (2) Posting a printed notice at the project site.
- c. If the number of property owners to whom notice would be mailed in compliance with Subsection 4.b.1 above is more than 1,000, the Community Development Department may choose to provide notice by placing a display advertisement of at least one-eight page in one or more local newspapers of general circulation at least ten (10) calendar days prior to the scheduled hearing date.
- d. In addition to the types of notice required above, the Community Development Department may provide additional notice as determined necessary or desirable.
- e. The validity of the hearing shall not be affected by the failure of any resident, property owner, or community member to receive a mailed notice.
- f. In addition to the information identified in Subsection F.1 (All Facilities) above, the notice of a public hearing shall identify the date, location, and time of the hearing.

**G. Applicant Notifications for Deemed Granted Remedies.** Under state and/or federal law, the City's failure to act on a wireless communications facility permit application within a reasonable period of time in accordance with the time periods and procedures established by applicable FCC decisions, accounting for tolling, may result in the permit being deemed granted by operation of law. To the extent federal or state law provides a "deemed granted" remedy for wireless communications facility applications not timely



acted upon by the City, no such application shall be deemed granted unless and until the applicant satisfies the following requirements:

1. For all Tier 2, Tier 3 and Tier 4 Facility applications:
  - a. Completes all public noticing required pursuant to Section 17.98.040.F (Public Notice and Hearings) and California Government Code Section 65091 to the Community Development Director's satisfaction.
  - b. No more than 30 days before the date by which the City must take final action on the application (as determined in accordance with the time periods and procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide the following written notice to the City and other specified recipients as follows:
    - (1) For Tier 2 Facilities, the written notice shall be delivered to the City and posted on the subject property.
    - (2) For Tier 3 Facilities, the written notice shall be delivered to the City and mailed to the owners of the subject property (or the owner's authorized agent), and the owners of the real property located within a radius of 100 feet from the exterior boundaries of the subject property and any person who has filed a written request for notice with the Community Development Department.
    - (3) For Tier 4 Facilities, the written notice shall be delivered to the City and mailed to the owners of the subject property (or the owner's authorized agent), the owners of the real property located within a radius of 600 feet from the exterior boundaries of the subject property, each local agency expected to provide essential facilities or services to the subject property, any person who has filed a written request for notice with the Community Development Department, and any other person identified by the Community Development Department as a person whose property might be affected by the proposed project.
    - (4) The notice shall be delivered to the City in person or by certified United States mail.
    - (5) The notice must state that the applicant has submitted an application to the City, describe the location and general characteristics of the proposed facility, and include the following statement: "Pursuant to California Government Code Section 65964.1, state law may deem the application approved in 30 days unless the City approves or denies the application, or the City and applicant reach a mutual tolling agreement."
2. For all facility applications:

- a. Submits a complete application package consistent with the application procedures specified in this chapter and applicable federal and state laws and regulations.
- b. Following the date by which the City must take final action on the application (as determined in accordance with the time periods and procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide notice to the City that the application is deemed granted by operation of law.

#### H. Basis for Approval – Tier 1 Facilities.

1. This subsection shall be interpreted and applied so as to be consistent with the Telecommunications Act of 1996, Section 6409(a), and the applicable FCC and court decisions and determinations relating to the same. In the event that a court of competent jurisdiction invalidates all or any portion of Section 6409(a) or a FCC rule or regulation that interprets Section 6409(a), such that federal law would not mandate approval for any eligible facilities request, then all proposed modifications to existing facilities subject to this section must be approved by an Administrative Permit, Minor Use Permit, or Conditional Use Permit, as applicable, and subject to the discretion of the Community Development Director.
2. The Community Development Director shall approve a Section 6409(a) Permit for a Tier 1 facility upon finding that the proposed facility qualifies as an eligible facilities request and does not cause a substantial change as defined in Section 17.98.020 (Definitions).
3. In addition to any other alternative recourse permitted under federal law, the Community Development Director may deny a Section 6409(a) Permit upon finding that the proposed facility:
  - a. Defeats the effect of existing concealment elements of the support structure;
  - b. Violates any legally enforceable standard or permit condition related to compliance with generally applicable building, structural, electrical and/or safety codes;
  - c. Violates any legally enforceable standard or permit condition reasonably related to public health and/or safety; or
  - d. Otherwise does not qualify for mandatory approval under Section 6409(a) for any lawful reason.

- I. **Basis for Approval – Tier 2 Facilities.** To approve an Administrative Permit for a Tier 2 facility, the Community Development Director must find that the proposed facility complies with the requirements of this chapter and all other applicable requirements of the Zoning Code.

**J. Basis for Approval – Tier 3 and 4 Facilities.** To approve a Minor Use Permit or Conditional Use Permit for a proposed Tier 3 or Tier 4 facility, the review authority must make all of the following findings:

1. The facility is consistent with the requirements of this chapter.
2. The facility is allowed in the applicable zoning district.
3. The facility is consistent with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
4. The location, size, design, and operating characteristics of the facility will be compatible with the existing and planned land uses in the vicinity of the property.
5. The facility will not be detrimental to the public health, safety, and welfare.
6. The facility is properly located within the city and adequately served by existing or planned services and infrastructure.

**K. Appeals.**

1. **Tier 1 Facilities:** Community Development Director decisions on a Section 6409(a) Permit are final and may not be appealed.
2. **Tier 2 and 3 Facilities.** Community Development Director decisions on an Administrative Permit for a Tier 2 Facility and a Minor Use Permit for a Tier 3 Facility may be appealed to the Planning Commission in a manner consistent with the process described in Chapter 2.52 (Appeals to City Council). Planning Commission decisions on such an appeal may be appealed to the City Council.
3. **Tier 4 Facilities.** Planning Commission decisions on a Conditional Use Permit for a Tier 4 facility may be appealed to the City Council in accordance with Chapter 2.52 (Appeals to City Council).

**L. Permit Revocation.**

1. **Basis for Revocation.** The City may revoke a permit for a wireless communications facility for noncompliance with any enforceable permit, permit condition, or law applicable to the facility.
2. **Revocation Procedures.**
  - a. When the Community Development Director finds reason to believe that grounds for permit revocation exist, the Director shall send written notice to the permit holder that states the nature of the violation or non-compliance and a means to correct the violation or non-compliance. The permit holder shall have a reasonable time from the date of the notice (not to exceed 60 calendar days from the date of the notice or a lesser period if warranted by a public emergency) to correct the violation or cure the noncompliance, or show that the violation has not occurred or the facility is in full compliance.

- b. If after receipt of the notice and opportunity to cure described in Section 17.98.040.L.2.a above, the permit holder does not correct the violation or cure the noncompliance (or demonstrate full compliance), the Community Development Director may schedule a public hearing before the Planning Commission at which the Planning Commission may modify or revoke the permit.
- c. For permits issued by the Community Development Director, the Community Development Director may revoke the permit without such public hearing. The Community Development Director decision to revoke may be appealed to the Planning Commission.
- d. The Planning Commission may revoke the permit upon making one or more of the following findings:
  - (1) The permit holder has not complied with any enforceable permit, permit condition, or law applicable to the facility.
  - (2) The wireless communications provider has failed to comply with the conditions of approval imposed.
  - (3) The permit holder and/or wireless communications provider has failed to submit evidence that the wireless communications facility complies with the current FCC radio frequency standards.
  - (4) The wireless communications facility fails to comply with the requirements of this chapter.
- e. The Planning Commission's decision may be appealed to the City Council in accordance with Chapter 2.52 (Appeals to City Council).
- f. Upon revocation, the City may take any legally permissible action or combination of actions necessary to protect public health, safety and welfare.

#### M. Cessation of Operations

1. **Notice to City.** Wireless communications providers shall provide the City with a notice of intent to vacate a site a minimum of 30 days prior to the vacation.
2. **New Permit Required.** A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six months have lapsed since cessation of operations.
3. **Removal of Equipment.** The service provider or property owner shall remove all obsolete and/or unused facilities and associated equipment from the site within 180 days of the earlier of:
  - a. Termination of the lease with the property owner; or
  - b. Cessation of operations.

#### N. Abandonment

1. To promote the public health, safety and welfare, the Community Development Director may declare a facility abandoned or discontinued when:
  - a. The permit holder or service provider abandoned or discontinued the use of a facility for a continuous period of 90 days; or
  - b. The permit holder or service provider fails to respond within 30 days to a written notice from the Community Development Director that states the basis for the Community Development Director's belief that the facility has been abandoned or discontinued for a continuous period of 90 days; or
  - c. The permit expires and the permit holder or service provider has failed to file a timely application for renewal.
2. After the Community Development Director declares a facility abandoned or discontinued, the permit holder or service provider shall have 60 days from the date of the declaration (or longer time as the Community Development Director may approve in writing as reasonably necessary) to:
  - a. Reactivate the use of the abandoned or discontinued facility subject to the provisions of this chapter and all conditions of approval; or
  - b. Remove the facility and all improvements installed in connection with the facility (unless directed otherwise by the Community Development Director), and restore the site to its original pre-construction condition in compliance with all applicable codes and consistent with the previously-existing surrounding area.
3. If the permit holder and/or service provider fail to act as required in Section 17.98.040.N.2 within the prescribed time period, the following shall apply:
  - a. City may but is not obligated to remove the abandoned facility, restore the site to its original pre-construction condition, and repair any and all damages that occurred in connection with such removal and restoration work.
  - b. The City may but is not obligated to store the removed facility or any part thereof, and may use, sell or otherwise dispose of it in any manner the City deems appropriate.
  - c. The last-known permit holder (or its successor-in-interest), the service provider (or its successor-in-interest), and, if on private property, the real property owner shall be jointly liable for all costs and expenses incurred by the City in connection with its removal, restoration, repair and storage, and shall promptly reimburse the City upon receipt of a written demand, including, without limitation, any interest on the balance owing at the maximum lawful rate.
  - d. The City may but is not obligated to use any financial security required in connection with the granting of the facility permit to recover its costs and interest.
  - e. Until the costs are paid in full, a lien shall be placed on the facility, all related personal property in connection with the facility and, if applicable, the real private property on which the facility was located for the full amount of all costs

for removal, restoration, repair and storage (plus applicable interest). The City Clerk shall cause the lien to be recorded with the County of Santa Cruz Recorder's Office. Within 60 days after the lien amount is fully satisfied including costs and interest, the City Clerk shall cause the lien to be released with the County of Santa Cruz Recorder's Office.

4. If a permit holder, service provider, and/or private property owner fails to comply with any provisions of this Section 17.98.040.N (Abandonment), the City may elect to treat the facility as a nuisance to be abated as provided in Municipal Code Title 4 (General Municipal Code Enforcement).

**O. Relocation for Facilities in the Right-of-Way.**

1. The Public Works Director may require a permit holder to relocate and/or remove a facility in the public right-of-way as the City deems necessary to:
  - a. Change, maintain, repair, protect, operate, improve, use, and/or reconfigure the right-of-way for other public projects; or
  - b. Take any actions necessary to protect the public health, safety and welfare.
2. The Public Works Director shall provide the permit holder with adequate written notice identifying a specified date by which the facility must be relocated and/or removed.
3. The relocation and/or removal of the facility shall be at the permit holder's sole cost and expense and in accordance with the standards in this chapter applicable to the facility.

**P. Transfer of Ownership.**

1. **Notice.** Any wireless communications provider that is buying, leasing, or is considering a transfer of ownership of a previously approved facility shall submit a letter of notification of intent to the Community Development Director a minimum of 30 days prior to the transfer.
2. **Responsibilities.** In the event that the original permit holder sells its interest in a wireless communications facility, the succeeding carrier shall assume all facility responsibilities and liabilities and shall be held responsible for maintaining consistency with all permit requirements and conditions of approval.
3. **Contact Information.** A new contact name for the facility shall be provided by the succeeding provider to the Community Development Department within 30 days of transfer of interest of the facility.

**17.98.050 Standard Conditions of Approval**

All wireless communications facilities approved through a City permit or deemed granted by operation of law shall comply with the following standard conditions of approval. Standard conditions of approval shall apply in addition to other conditions of approval attached to the

project by the review authority in compliance with the Zoning Code and as allowed by state and federal law.

**A. All Facilities.** The following standard conditions of approval apply to all facilities and shall be included in all Administrative Permits, Minor Use Permits, and Conditional Use Permits:

1. **Compliance with Chapter.** The facility shall comply with the requirements of this chapter, including but not limited to requirements in Section 17.98.070 (Development Standards) and Section 17.98.080 (Operation and Maintenance Requirements).
2. **Compliance with Applicable Laws.** The permit holder and service provider shall at all times comply with all applicable provisions of the Zoning Code, any permit issued under the Zoning Code, and all other applicable federal, state and local laws, rules and regulations. Failure by the City to enforce compliance with applicable laws shall not relieve any applicant of its obligations under the Municipal Code (including, but not limited to, the Zoning Code), any permit issued under the Zoning Code, or any other applicable laws, rules, and regulations.
3. **Compliance with Approved Plans.** The facility shall be built in compliance with the approved plans on file with the Community Development Department.
4. **Approval Term.** The validly issued Administrative Permit, Minor Use Permit, or Conditional Use Permit for the wireless communications facility shall be valid for an initial maximum term of ten years, except when California Government Code Section 65964(b), as may be amended, authorizes the City to issue a permit with a shorter term. The approval may be administratively extended by the Community Development Director from the initial approval date for a subsequent five years and may be extended by the Director every five years thereafter upon verification that the facility continues to comply with this chapter and conditions of approval under which the facility was originally approved. Costs associated with the review process shall be borne by the service provider, permit holder, and/or property owner.
5. **Inspections; Emergencies.** The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permit holder. The permit holder and service provider shall cooperate with all inspections. The City reserves the right to enter or direct its designee the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
6. **Contact Information for Responsible Parties.** The permit holder and service provider shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address, and email address for at least one person. All such contact information for responsible parties shall be provided to the Community Development Director upon request.

7. **Graffiti Removal.** All graffiti on facilities must be removed at the sole expense of the permit holder within 48 hours after notification from the City.
  8. **FCC (including, but not limited to, RF Exposure) Compliance.** All facilities must comply with all standards and regulations (including, but not limited to, those relating to RF exposure) of the FCC and any other state or federal government agency with the authority to regulate such facilities. The City may require submission on an ongoing basis of documentation evidencing that the facility and any collocated facilities complies with applicable RF exposure standards and exposure limits and affirmations, under penalty of perjury, that the subject facilities are FCC compliant and will not cause members of the general public to be exposed to RF levels that exceed the maximum permissible exposure (MPE) levels deemed safe by the FCC.
  9. **Implementation and Monitoring Costs.** The permit holder and service provider (or their respective successors) shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval, including, without limitation, costs incurred by the Community Development Department, the Public Works Department, the City Manager's Department, the office of the City Attorney and/or any other appropriate City department or agency. The Community Development Department shall collect costs on behalf of the City
  10. **Indemnities.** The permit holder, service provider, and, if applicable, the non-government owner of the private property upon which the facility, tower and/or base station is installed (or is to be installed) shall defend (with counsel satisfactory to the City), indemnify and hold harmless the City of Capitola, its officers, officials, directors, agents, representatives, and employees (i) from and against any and all damages, liabilities, injuries, losses, costs and expenses and from and against any and all claims, demands, lawsuits, judgments, writs of mandamus and other actions or proceedings brought against the City or its officers, officials, directors, agents, representatives, or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from and against any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, lawsuits, judgments, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of, in connection with or relating to the acts, omissions, negligence, or performance of the permit holder, the service provider, and/or, if applicable, the private property owner, or any of each one's agents, representatives, employees, officers, directors, licensees, contractors, subcontractors or independent contractors. It is expressly agreed that the City shall have the right to approve (which approval shall not be unreasonably withheld) the legal counsel providing the City's defense, and the property owner, service provider, and/or permit holder (as applicable) shall reimburse City for any and all costs and expenses incurred by the City in the course of the defense.
- B. Tier 1 Facilities.** In addition to the applicable conditions in Subsection A (All Facilities), all Tier 1 facilities shall comply with and all Section 6409(a) Permits shall include the following standard conditions of approval:



1. **No Permit Term Extension.** The City's grant or grant by operation of law of a Section 6409(a) Permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. The City's grant or grant by operation of law of a Section 6409(a) Permit will not extend the permit term for any Conditional Use Permit, Minor Use Permit, Administrative Permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station. If requested in writing by the applicant at the time of application submittal, the permit term for the underlying Conditional Use Permit, Minor Use Permit, Administrative Permit or other underlying regulatory approval may be administratively extended by the Community Development Director (at his/her discretion) from the initial approval date upon verification that the facility continues to comply with this chapter and conditions of approval under which the facility was originally approved.
2. **No Waiver of Standing.** The approval of a Section 6409(a) Permit (either by express approval or grant by operation of law) does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a), or any eligible facilities request.

#### 17.98.060 Preferred Siting and Location

The following siting and location preferences apply to all proposed new facilities and substantial changes to existing facilities. The Community Development Director may require the applicant to submit an alternative sites analysis and evidence to demonstrate that a proposed facility could not be feasibly installed in a preferred site or location.

- A. **Preferred Siting.** To the extent feasible, all proposed facilities should be sited according to the following preferences, ordered from most preferred to least preferred:
  1. Sites on a City owned or controlled parcel (excluding public parks and/or open spaces); then
  2. Collocations on eligible support structures in the public right-of-way; then
  3. Collocations on eligible support structures outside of the public right-of-way; then
  4. New base stations in the public right-of-way; then
  5. New base stations outside of the public right-of-way; then
  6. New towers in the public right-of-way, then
  7. New towers outside the public right-of-way.
- B. **Discouraged Siting – Utility Poles in Planned Utility Undergrounding Project Areas.** The City discourages the placement of new facilities on utility poles within the public right-of-way in areas where there is a planned utility undergrounding project. In such cases, new facilities should be placed on utility poles within the planned utility undergrounding project area only if an alternative placement is infeasible or undesirable based on the standards and/or criteria contained in this chapter. If a utility

undergrounding project is initiated, the City may require the removal of any facilities on utility poles in the public right-of-way in accordance with Section 17.98.040.L (Relocation for Facilities in the Right-of-Way).

- C. Preferred Locations – General.** All applicants should, to the extent feasible, locate proposed facilities in non-residential zoning districts.
- D. Preferred Locations – Non-Residential Zoning Districts.** To the extent feasible, all proposed facilities in non-residential zoning districts should be located according to the following preferences, ordered from most preferred to least preferred:
1. Parcels in the industrial park (I-P) zoning district; then
  2. Parcels in the commercial (C-N, C-R, and C-C) zoning districts; then
  3. Parcels in all other non-residential zoning districts.
- E. Preferred Locations – Residential Zoning Districts.** If a facility is proposed in a residential (R-1, R-M, MHE) zoning district, all facilities should be located according to the following preferences, ordered from most preferred to least preferred:
1. Parcels that contain approved non-residential uses and do not contain residential uses; then
  2. Parcels that contain approved non-residential uses and also contain residential uses; then
  3. All other parcels.
- F. Additional Alternative Sites Analysis.** If an applicant proposes to locate a new facility or substantial change to an existing facility on a parcel that contains a single-family or multi-family residence, the applicant shall provide an additional alternative sites analysis that at a minimum shall include a meaningful comparative analysis of all the alternative sites in the more preferred locations that the applicant considered and states the underlying factual basis for concluding why each alternative in a more preferred location was (i) technically infeasible, (ii) not potentially available and/or (iii) more intrusive.

#### 17.98.070 Development Standards

- A. General Design Standards.** All new facilities and substantial changes to existing facilities shall conform to the following design standards:
1. **Concealment.** To the maximum extent feasible, all facilities shall incorporate concealment measures and/or techniques appropriate for the proposed location and design. All ground-mounted equipment on private property shall be completely concealed to the maximum extent feasible according to the following preferences, ordered from most preferred to least preferred:
    - a. Within an existing structure including, but not limited to, an interior equipment room, mechanical penthouse or dumpster corral; then

- b. Within a new structure designed to integrate with or mimic the adjacent existing structure; then
  - c. Within an underground equipment vault if no other feasible above-ground design that complies with subsections (a) or (b) exists.
2. **Height.**
- a. All facilities may not exceed the height limit in the applicable zoning district except as allowed in subsections (b) or (c) below.
  - b. The review authority may approve a height exception up to 8 feet above the height limit when a proposed facility is:
    - (1) Mounted on the rooftop of an existing building;
    - (2) Completely concealed; and
    - (3) Architecturally integrated into the underlying building.
  - c. The review authority may approve a height exception for towers or utility poles when:
    - (1) The proposed facility is no taller than the minimum necessary to meet service objectives;
    - (2) The height exception is necessary to address a significant gap in the applicant's existing service coverage;
    - (3) The applicant has demonstrated to the satisfaction of the Planning Commission that no alternative location, siting technique, or type of facility is feasible to meet service objectives; and
    - (4) The proposed facility complies with design standards and preferences in Section D (Tower-Mounted Facilities) below to the maximum extent feasible.
3. **Setbacks.** All facilities shall comply with all setback requirements in the applicable zoning district.
4. **Collocation.** Facilities shall be designed, installed, and maintained to accommodate future collocated facilities to the extent feasible.
5. **Landscaping.** Landscaping shall be installed and maintained as necessary to conceal or screen the facility from public view.
6. **Lights.** Security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties.
7. **Noise.** All transmission equipment and other equipment (including but not limited to air conditioners, generators, and sump pumps) associated with the facility must not emit sound that exceeds the applicable limit established in Municipal Code Chapter 8.28 (Noise).

8. **Public Right-of-Way.** Facilities located within or extending over the public right-of-way require City approval of an encroachment permit.
9. **Signage.**
  - a. A facility may not display any signage or advertisements unless expressly allowed by the City in a written approval, recommended under FCC regulations, or required by law or permit condition.
  - b. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.
10. **Advertising.** No advertising signage or identifying logos shall be displayed on wireless communications facilities, except for small identification plates used for emergency notification or hazardous or toxic materials warning, unless expressly allowed by the City in a written approval, recommended under FCC regulations, or required by law or permit condition.
11. **Historic Features.** A facility which modifies the exterior of a historic feature as defined in Chapter 17.87 (Historic Features) shall comply with the requirements of Chapter 17.87.

## B. Tower-Mounted Facilities.

1. **General Design Preferences.** To the extent feasible and appropriate for the proposed location, all new towers should be designed according to the following preferences, ordered from most preferred to least preferred:
  - a. Faux architectural features (examples include, but are not limited to, bell towers, clock towers, lighthouses, obelisks and water tanks); then
  - b. Faux trees; then
  - c. Monopoles that do not conceal the antennas within a concealment device.
2. **Tower-mounted Equipment.** All tower-mounted equipment shall be mounted as close to the vertical support structure as possible to reduce its visual profile. Applicants should mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors, and utility demarcation boxes) directly behind the antennas to the maximum extent feasible.
3. **Ground-mounted Equipment.** Ground-mounted equipment shall be concealed with opaque fences or other opaque enclosures. The City may require additional design and/or landscape features to blend the equipment or enclosure into the surrounding environment.
4. **Concealment Standards for Faux Trees.** All faux tree facilities shall comply with the following standards:

- a. The canopy shall completely envelop all tower-mounted equipment and extend beyond the tower-mounted equipment at least 18 inches.
- b. The canopy shall be naturally tapered to mimic the particular tree species.
- c. All tower-mounted equipment, including antennas, equipment cabinets, cables, mounts and brackets, shall be painted flat natural colors to mimic the particular tree species.
- d. All antennas and other tower-mounted equipment cabinets shall be covered with broadleaf or pine needle “socks” to blend in with the faux foliage.
- e. The entire vertical structure shall be covered with permanently-affixed three-dimensional faux bark cladding to mimic the particular tree species.

**C. Building and Facade Mounted Facilities.**

1. **General Design Preferences.** To the extent feasible and appropriate for the proposed location, all new building and facade mounted facilities should be designed according to the following preferences, ordered from most preferred to least preferred:
  - a. Completely concealed and architecturally integrated facade or rooftop mounted base stations which are not visible from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials); then
  - b. Completely concealed new structures or appurtenances designed to mimic the support structure’s original architecture and proportions (examples include, but are not limited to, cupolas, steeples, and chimneys); then
  - c. Facade-mounted facilities incorporated into “pop-out” screen boxes designed to be architecturally consistent with the original support structure.
2. **Ground-mounted Equipment.** Outdoor ground-mounted equipment associated with base stations must be avoided whenever feasible. In locations visible or accessible to the public, outdoor ground-mounted equipment shall be concealed with opaque fences or landscape features that mimic the adjacent structures (including, but not limited to, dumpster corrals and other accessory structures).

**D. Pole-Mounted Facilities in the Public Right-of-Way.**

1. **All Facilities.** All facilities mounted to steel light poles and wood utility poles in the public right-of-way shall comply with the following design standards:
  - a. Antennas, brackets, and cabling shall all be painted a single color that matches the pole color.
  - b. Unnecessary equipment manufacturer decals shall be removed or painted over.

- c. The facility shall not alter vehicular circulation or parking within the public right-of-way or impede vehicular or pedestrian access or visibility along the public right-of-way.
  - d. All pole-mounted transmission equipment (including, but not limited to, antennas) shall be installed as close to the pole as technically and legally feasible to minimize impacts to the visual profile.
  - e. Colors and materials for facilities shall be chosen to minimize visibility. All visible exterior surfaces shall be constructed with non-reflective materials and painted and/or textured to match the support pole. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the maximum extent feasible.
  - f. An applicant may request an exemption from one or more standards in this Section 17.98.070.D (Pole-Mounted Facilities in the Public Right-of-Way) on the basis that such exemption is necessary to comply with Public Utilities Commission General Order 95. The applicant bears the burden to demonstrate why such exemption should be granted.
2. **Steel Pole Facilities.** Facilities mounted to a steel light pole in the public right-of-way shall comply with the following design standards:
- a. All equipment and cabling shall be located in the pole and concealed from view.
  - b. Antennas shall be located on the top of the pole as a vertical extension of the pole. Antennas and equipment may not be mounted onto the side of the pole.
  - c. To the extent technically feasible, antennas shall be contained within a maximum 14-inch wide enclosure on the top of the pole.
3. **Wood Pole Facilities.** Facilities mounted to a wood utility pole in the public right-of-way shall comply with the following design standards:
- a. Equipment enclosures shall be as narrow as feasible with a vertical orientation to minimize its visibility when attached to the pole. The equipment mounting base plates may be no wider than the pole.
  - b. Side-mounted equipment may extend no more than five feet horizontally from the side of the pole.
  - c. Equipment shall be stacked close together on the same side of the pole.
  - d. A line drop (no electric meter enclosure) shall be used if allowed by the utility company.
  - e. Shrouds, risers, or conduit shall be used to reduce the appearance of cluttered or tangled cabling.
  - f. Side-mounted antennas shall be attached to the pole using an arm with flanges/channels that reduces the visibility of cabling and passive RF gear.

- g. To the extent technically feasible, top-mounted antennas may be no wider than the width of the pole top.

### 17.98.080 Operation and Maintenance Requirements

All wireless communications facilities approved through a City permit or deemed granted by operation of law shall comply with the following operation and maintenance requirements.

- A. **General Compliance.** All facilities shall comply with all applicable goals, objectives and policies of the General Plan/Local Coastal Program, area plans, zoning regulations and development standards; the California Coastal Act; and the California Environmental Quality Act (CEQA).
- B. **Access Control.** All facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances. The Community Development Director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, antenna facilities have the potential to become an attractive nuisance.
- C. **Noise.** All facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. At any time, noise attenuation measures may be required by the Community Development Director when deemed necessary. Facilities shall comply with all applicable noise standards in the General Plan and Municipal Code. Testing and maintenance activities of wireless communications facilities which generate audible noise shall occur between the hours of eight a.m. and five p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the Community Development Director.
- D. **General Maintenance.** The site and the facility, including but not limited to all landscaping, fencing, transmission equipment, antennas, towers, equipment, cabinets, structures, accessory structures, signs, and concealment and/or stealth features and standards shall be maintained in a state of good repair, in a neat and clean manner, and in accordance with all approved permits and conditions of approval. Damage to the site and the facility shall be repaired promptly. This shall include keeping all wireless communications facilities graffiti free and maintaining security fences in good condition.
- E. **Change in Federal or State Regulations.** All facilities shall meet the current standards and regulations of the FCC, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate wireless communications providers. If such standards and/or regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facility into compliance with revised standards and regulations shall constitute grounds for the

immediate removal of the facility at the wireless communications provider's expense.

- F. Service after Natural Disaster.** All wireless communications facilities providing service to the government or general public shall be designed to survive a natural disaster without interruption in operation.

**17.98.090 Temporary Wireless Communications Facilities.**

- A.** A temporary wireless communications facility, such as a "cell-on-wheels" (COW), may be used to replace wireless communications facility services during the relocation or rebuilding process of an existing facility, during festivals or other temporary events and activities that otherwise require a permit under this chapter, and during public emergencies.
- B.** A temporary wireless communications facility shall be processed as an administrative use permit under a proposed or existing permit when used during the relocation or rebuilding process of an existing wireless communications facility, or when used for a festival or other temporary event or activity.
- C.** A temporary wireless communications facility to protect public health, safety or welfare during an emergency shall be processed as a Tier 2 Administrative Permit. The applicant shall submit an application for a temporary emergency use permit before installation of such temporary wireless communications facility.
- D.** The Community Development Director may approve a temporary wireless communications facility for no more than ninety (90) days.
- E.** A temporary wireless facility may be approved for a period of up to one year if the following requirements are met:
1. The Planning Commission determines that the temporary wireless communications facility shall be sited and constructed so as to:
    - a. Avoid proximity to residential dwellings to the maximum extent feasible;
    - b. Be no taller than needed;
    - c. Be screened to the maximum extent feasible; and
    - d. Be erected for no longer than reasonably required, based on the specific circumstances.
  2. Permits and/or authorizations in excess of ninety (90) days for temporary wireless communications facilities shall be subject to the notice and review procedures required by Section 17.98.040.F (Public Notice and Hearing).
- F.** The property owner and service provider of the temporary wireless communications facility installed pursuant to this section 17.98.090 (Temporary Wireless Communications Facilities) shall immediately remove such facility from the site at the end of the specified term or the conclusion of the relocation or rebuilding process, temporary event, or emergency, whichever occurs first. The property owner and service provider of the



temporary wireless communications facility shall be jointly and severally liable for timely removal of such temporary facility. The City may (but is not obligated to) remove any temporary wireless communications facility installed pursuant to this section 17.140.090 (Temporary Wireless Communications Facilities) at the owner and provider's cost immediately at the end of the specified term or conclusion of the relocation or rebuilding process, temporary event, or emergency, whichever occurs first.

#### **17.98.100 Limited Exemption from Standards**

- A. Request for Exemption.** An applicant may request an exemption from one or more requirements in this chapter on the basis that a permit denial would effectively prohibit personal wireless services in Capitola.
- B. Basis for Approval.** For the City to approve such an exemption, the applicant must demonstrate with clear and convincing evidence all of the following:
  1. A significant gap in the applicant's service coverage exists;
  2. All alternative sites identified in the application review process are either technically infeasible or not potentially available; and
  3. Permit denial would effectively prohibit personal wireless services in Capitola.
- C. Applicant Must Demonstrate Basis for Approval.** The applicant always bears the burden to demonstrate why an exemption should be granted.

#### **17.98.110 Severability**

If any section or portion of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the chapter, which shall continue in full force and effect.



**ADDENDUM TO PROGRAM ENVIRONMENTAL IMPACT REPORT  
CITY OF CAPITOLA GENERAL PLAN UPDATE (SCH #2013072002)  
For the  
CITY OF CAPITOLA ZONING CODE UPDATE**

**INTRODUCTION**

This addendum has been prepared to document compliance with the California Environmental Quality Act (CEQA) for the City of Capitola's proposed Zoning Code update. The proposed Zoning Code update would implement the City of Capitola's 2014 General Plan Update and includes both text and map amendments to reflect the goals, policies, and implementation measures in the 2014 General Plan.

This addendum provides an analysis of whether the adoption of the Zoning Code update would result in any new or more severe adverse environmental effects which were not previously analyzed in the 2014 General Plan Update Program EIR pursuant to CEQA Guidelines Sections 15162, 15164, and 15168.

**PROJECT DESCRIPTION**

The City of Capitola proposes a comprehensive update to its Zoning Code (Municipal Code Chapter 17) which includes both text and map amendments to reflect the goals, policies, and implementation measures in the 2014 General Plan update. The existing Zoning Code has not been comprehensively updated since 1975.

The Zoning Code update would establish new and modified land use regulations which will guide future development and design throughout the City of Capitola. The proposed Zoning Code update includes new and revised zoning districts, permitting procedures, and development standards throughout the City of Capitola. Development standards and uses in the Zoning Code update have been modified from the existing code to be consistent with current federal and state regulations, better reflect current conditions, desired development trends, and best planning practices.

The proposed Zoning Code update would also move the City's Green Building and Floodplain District Ordinances from Municipal Code Chapter 17 (Zoning Code) to Chapter 15 (Buildings and Construction). No changes are currently proposed to the Green Building or Floodplain Ordinances other than moving it to another chapter of the Municipal Code.

Changes to the Zoning Code are primarily administrative in nature, including a new and more user-friendly format, improved organization and clarity, revised nomenclature and naming conventions, and previously uncodified procedural requirements. The updated Code presents information and standards in table formats and relies more heavily on graphics to illustrate the meaning and intent of various regulations.

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – ZONING CODE UPDATE

A summary of notable changes included in the proposed Zoning Code update are outlined below:

- Improved organization and format to improve clarity and usability;
- A new user guide to help citizens access, understand, and apply the Zoning Code;
- Revised regulations to comply with federal and state law;
- Streamlined permitting process for routine permits including signs, design permits, rooftop solar systems, and tenant improvements;
- Combined the current Commercial-Residential and Neighborhood-Commercial zoning districts into a new Neighborhood Mixed-Use zoning district to be consistent with the General Plan land use designation;
- Consolidated/eliminated 6 overlay zones which were redundant with other zoning and/or CEQA regulations to simplify the zoning map;
- Updated coastal overlay chapter with significantly improved organization and clarity;
- Improved historic preservation chapter which codifies process to review and modify historic structures and provides incentives and exceptions to promote preservation;
- Simplified legal non-conforming standards which eliminates the existing 80% valuation standard and adds a new replication allowance;
- Revised parking standards for take-out restaurants in the Village to replace the current 6-seat rule with a square-footage allowance;
- Relaxed development standards for secondary dwelling units;
- Planned Developments would no longer be allowed in R-1 zones;
- Better defined community benefits to qualify for a Planned Development or General Plan allowances for increased floor area ratio;
- Simplified formula to calculate Floor Area Ratio;
- New lighting standards to prevent light trespass;
- New regulations to control unattended donation boxes;
- Improved guidance on when post-approval changes to a project trigger review by the Planning Commission;
- New standards to limit the allowable area of outdoor commercial displays;
- Incentives to encourage non-conforming multi-family uses in single-family zones to make needed property improvements. Also reduced allowable extensions from 50 to 25 years.
- New standards to allow parklets and sidewalk dining areas;
- New minor modification process to allow the Planning Commission to authorize minor deviations to certain development standards which don't meet variance findings;
- New standards to regulate the placement of outdoor decks in residential zones;
- Modified Design Review process to allow a second architect to review major projects;

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – ZONING CODE UPDATE

- New requirements for large commercial and residential projects to provide bike and electric vehicle parking.

While some of the above-listed revisions will result in modest changes to existing development standards, none of the revisions would allow increased density, reduced lot size requirements, or substantial changes to lot coverage, floor area ratio, height, or requirements for on-site parking.

Use regulations have also been revised in the proposed code to account for modern use types not contemplated in the current code and to remove outdated and inapplicable use classifications. Like the current code, the updated code would require a discretionary use permit for use types which have the potential to adversely affect existing community character.

### CEQA ADDENDUM PROCEDURES

This document has been prepared in accordance with CEQA Guidelines sections 15164 and 15168 to explain the rationale for determining that the proposed Capitola Zoning Code update would not create any new or substantially more severe significant effects on the environmental that were not analyzed in the General Plan Update EIR.

In determining whether an Addendum is the appropriate document to analyze modifications to the General Plan EIR, State CEQA Guidelines Section 15164 states:

- (a) *The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (b) *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) *The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) *A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Since the General Plan EIR has been certified, the environmental impacts of subsequent activities proposed under the General Plan must be examined in light of the impact analysis in the certified EIR to determine if additional CEQA documentation must be prepared. One of the standards that applies is whether, under Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162 and 15163, there are new significant effects or other grounds that require preparation of a subsequent EIR or supplemental EIR in support of further agency action on the project. Under these guidelines, a subsequent or supplemental EIR shall be prepared if any of the following criteria are met:

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – ZONING CODE UPDATE

(a) *When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:*

- 1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- 2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- 3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
  - A. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
  - B. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
  - C. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
  - D. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

As demonstrated in the environmental analysis contained herein, none of the conditions that had been analyzed in the General Plan EIR would change with adoption of the proposed Zoning Code update. Furthermore, no new information of substantial importance meeting the criteria listed in State CEQA Guidelines Section 15162 has been identified.

#### **PRIOR ENVIRONMENTAL DOCUMENT**

The Capitola City Council adopted the General Plan Update and certified the associated EIR on June 26, 2014. The certified EIR found that adoption of the GPU would have significant, unavoidable effects to air quality, hydrology and water quality, traffic, utilities and service systems, and greenhouse gas emissions. In accordance with CEQA section 15091, the Capitola City Council adopted findings of overriding considerations to certify the EIR.

## ENVIRONMENTAL REVIEW UPDATE CHECKLIST

### I. AESTHETICS

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings.; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?*

Response: The proposed Zoning Code update would not result in new or increased severity of significant visual and light/glare impacts beyond what was addressed in the General Plan EIR. The amendments to the Zoning Code are consistent with the development assumptions under the adopted General Plan. Housing and commercial uses would be developed in the same locations and within prescribed densities and intensities as contemplated in the General Plan EIR. All future development projects would be subject to applicable City requirements pertaining to visual resources, as well as to further CEQA analyses of project specific impacts.

### II. AGRICULTURAL AND FORESTRY RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agricultural resources including: conflict with zoning for or result in rezoning of forest land; result in the loss of forest land or conversion of forest land to non-forest use; convert Important Farmland and/or conflict with existing zoning for agricultural use or Williamson Act contract?*

Response: There are no forest lands, farmlands of state or local importance, or agriculturally zoned properties in the City of Capitola. Consequently, the GP EIR concluded that there would be no significant impacts to agriculture or forestry resources. The proposed Zoning Code update would not result in any new impacts not previously considered by the GP EIR.

### III. AIR QUALITY

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to*

*substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?*

Response: The General Plan EIR found that implementation of the Plan could result in significant, unavoidable impacts to air quality through an increase in mobile and stationary source emissions and cumulative contributions to regional air quality standards. The proposed Zoning Code update would not increase any residential densities or commercial intensities nor does it include new allowances which could facilitate development which could result in direct or indirect air quality impacts. Therefore, there are no project changes or any new information of substantial importance which indicate that the proposed Zoning Code update would exacerbate air quality impacts beyond the analysis and conclusions in the General Plan EIR.

#### IV. BIOLOGICAL RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to biological resources. The proposed Zoning Code update does not include any policies or actions which would involve new or altered physical changes to the environment which have the potential to adversely affect biological resources. There have been no changes in the project or is there any new information of substantial importance to indicate that the proposed Zoning Code update would result in new or more severe impacts to biological resources.

#### V. CULTURAL RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?*

Response: The General Plan EIR found that implementation of the Plan could result in significant impacts to cultural resources, but that mitigation measures could be applied to reduce the impact to a less than significant level. The proposed Zoning Code update does not include any residential density or commercial intensity increases which could result in additional housing development above what was evaluated in the General Plan EIR. Therefore, there have been no changes to the project or new information of substantial importance which indicate that the proposed Zoning Code update could result in new or more severe impacts to cultural resources.

## VI. GEOLOGY AND SOILS

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Response: The General Plan EIR found that implementation of the Plan would have no potential to result in significant impacts to/from geology and soils. There have been no changes to the project or new information of substantial importance which indicate that the proposed Zoning Code update could result in new or more severe impacts to/from geology and soils.

## VII. GREENHOUSE GASES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that show the project may generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?*

Response: The General Plan EIR found that implementation of the Plan would result in significant, unavoidable impacts to greenhouse gases and climate change. The proposed Zoning Code update includes the same residential densities and commercial intensities as what was evaluated by the General Plan EIR, therefore, there have not been any changes to



the project or new information of substantial importance which indicate that the proposed Zoning Code update could result in new or more severe impacts to greenhouse gas emissions.

### VIII. HAZARDS AND HAZARDOUS MATERIALS

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to/from hazards and hazardous materials. There have been no changes to the project, or new information of substantial importance which indicate that the proposed Zoning Code update would result in a new or more severe impact to hazards and hazardous materials.

### X. HYDROLOGY AND WATER QUALITY

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff;*

*place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including City Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?*

Response: The General Plan EIR found that the implementation of the Plan could result in significant unavoidable impacts to groundwater supply, but found no significant impacts to water quality, drainage, erosion, or flooding. The proposed Zoning code update would not increase residential densities or commercial intensities which would facilitate new water-dependent development. Therefore, there have been no changes to the project or any new information of substantial importance which indicate that the proposed Zoning code update would result in new or more severe impacts to hydrology or water quality.

## **XI. LAND USE AND PLANNING**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to land use and planning. There have been no changes in the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to land use and planning.

## **XII. MINERAL RESOURCES**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Response: There are no mineral resource deposits in the City of Capitola which could be reasonably extracted given existing non-compatible land uses. Accordingly, the General Plan EIR found that implementation of the Plan would not result in any impacts to mineral resources. There have been no changes to the project or new information of substantial

importance which indicate that the proposed Zoning code update would result in new or more severe impacts to mineral resources.

### XIII. NOISE

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

Response: The General Plan EIR found that implementation of the Plan could result in significant impacts from noise resulting from construction of future projects authorized by the Plan. Consequently, the General Plan EIR included mitigation measures to reduce impacts from noise to a less than significant level. However, there have been no changes in the project or new information of substantial importance which indicate that the proposed Zoning code update would result in new or more severe impacts to/from noise.

### XIV. POPULATION AND HOUSING

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to population and housing. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to population and housing.

### XV. PUBLIC SERVICES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to public services. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to public services.

## **XVI. RECREATION**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to recreation. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to recreation.

## **XVII. TRANSPORTATION/TRAFFIC**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; cause a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in*

*substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

Response: The General Plan EIR found that implementation of the Plan could result in significant, unavoidable impacts to transportation. The proposed Zoning code update does not include any increased residential densities or commercial intensities which would facilitate new development, which could result in additional traffic. Therefore, there have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to transportation.

#### **XVIII. UTILITIES AND SERVICE SYSTEMS**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?*

Response: The General Plan EIR found that implementation of the Plan could result in significant unavoidable impacts to utilities and service systems due to the potential for groundwater overdraft. The proposed Zoning code update would not increase residential densities or commercial intensities which would facilitate new water-dependent development or the need for new or expanded wastewater treatment facilities or landfills. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to utilities and service systems.

#### **XIX. MANDATORY FINDINGS OF SIGNIFICANCE:**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new

information of substantial importance" that result in any mandatory finding of significance listed below?

*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

*Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

*Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

Response: There have been no changes to the project or any new information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to the quality of the environment, including adverse impacts to habitat for sensitive species, cumulative environmental impacts, or adverse direct or cumulative effects on human beings.



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF JANUARY 12, 2017**

FROM: Finance Department

SUBJECT: Adopt a Resolution Setting the Interest Rate for Tenant's Security Deposits for 2017 (Continued from the December 8, 2016, City Council Meeting)

RECOMMENDED ACTION: Adopt Resolution.

BACKGROUND: The City Council adopted Ordinance No. 804 on February 12, 1998, adding Chapter 5.48 to the Municipal Code requiring interest on security deposits for residential rental properties. Pursuant to the first sentence of Municipal Code Section 5.48.025, *"On or before December 31 of each year, the City Council shall set the minimum interest rate (for tenant security deposits) for the next calendar year,"* the City Council reviews the interest rate and adopts a Resolution setting the rate for the next year.

It has been the City Council's practice to set its interest rate for tenant security deposits consistent with the amount set by the Board of Supervisors of Santa Cruz County. However, in recent years, with the passbook savings rate near zero, the City has set the tenant security deposit rate at zero to simplify the process. A history of interest rates since adoption of the implementing Ordinance is also attached for your information.

DISCUSSION: The Santa Cruz County Investment Officer completed a survey of annual simple interest on passbook savings and recommended to the County Board of Supervisors to set the interest rate for tenants' security deposits for 2017 at 0.01%. The Board of Supervisors meet on November 22, 2016, and adopted Resolution No. 265-2016 setting the interest rate for tenant's security deposits effective January 1, 2017, at 0.01% (Attachment 1).

Based on the past Council's action, staff has prepared a Resolution setting the rate at zero percent (0.00%) given the very low passbook savings rate.

Notices were mailed and/or emailed to all interested parties on Friday, January 6, 2017, along with the agenda report (Attachment 2).

This item was continued on December 8, 2016, to the January 12, 2017, meeting. City Code Section 5.48.025 states that "The rate shall approximate then-current savings passbook account interest rates, unless good cause is shown for using a different method."

Tenant's Security Deposits  
January 12, 2017

In a survey of other jurisdictions that have implement interest on security deposit no jurisdiction currently charges over 1%. San Francisco charges 0.1%, Berkeley 0.1%, West Hollywood 0.0%, and Los Angles 0.06%.

Another option for the interest on security deposits could be the average return on a 6-month certificate of deposit. The national average for a 6-month Certificate of Deposit (CD) is 0.13% as of 12/23/2016.

FISCAL IMPACT: None

ATTACHMENTS:

1. Santa Cruz County Resolution No. 265-2016 (PDF)
2. Tenant Security Deposit History (DOCX)
3. Tenant Interest on Security Deposit\_2017 Notice 010616 (PDF)

Report Prepared By: Mark Welch  
Finance Director

**Reviewed and Forwarded by:**



Jamie Goldstein, City Manager

1/6/2017



Tenant's Security Deposits  
January 12, 2017

DRAFT RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
SETTING INTEREST RATE FOR TENANT SECURITY DEPOSITS FOR 2017  
AT ZERO PERCENT (0.00 %) IN THE CITY OF CAPITOLA**

**WHEREAS**, Municipal Code Section 5.48.025 contemplates the City Council setting the minimum interest rate for tenant security deposits; and

**WHEREAS**, the 2016 rate of interest for residential rental security deposits is zero percent (0.00%); and

**WHEREAS**, the County of Santa Cruz Board of Supervisors, at its meeting of November 22, 2016, voted to set the rate at 0.01% as recommended by the Santa Cruz County Investment Officer; and

**WHEREAS**, although it has been the practice of the Capitola City Council to set its interest rate for tenant security deposits consistent with other jurisdictions within the County of Santa Cruz, the City Council finds the rate of 0.01% to be burdensome to property owners in the City of Capitola; and

**WHEREAS**, based on the City Council's action to set the interest rate at zero percent (0.00%) last year, which is the average current rate for savings passbook accounts, the City Council established the interest rate at zero percent (0.00%) for year 2017; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Capitola that the rate of simple interest payable annually on residential rental security deposits by landlords shall be zero percent (0.00%) effective January 1, 2017.

**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 12<sup>th</sup> day of January, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Stephanie Harlan, Mayor

ATTEST:

\_\_\_\_\_  
Linda Fridy, City Clerk



# County of Santa Cruz

**Auditor-Controller-Treasurer-Tax Collector**

701 Ocean Street, Suite 100, Santa Cruz, CA 95060

Phone:(831) 454-2500 Fax:(831) 454-2660

Edith Driscoll, Auditor-Controller-Treasurer-Tax Collector

APPROVED AND FILED  
BOARD OF SUPERVISORS

DATE: 11/22/16  
COUNTY OF SANTA CRUZ

SUSAN MAURIELLO

CLERK OF THE BOARD  
*Alicia Mauriello*  
DEPUTY

**Meeting Date:** November 22, 2016  
**Date:** November 2, 2016  
**To:** The Board of Supervisors  
**From:** Edith Driscoll, Auditor-Controller-Treasurer-Tax Collector  
**Subject:** Tenant's Interest on Security Deposits for Residential Rental Property

Section 8.42.010 of the County Code sets forth the County's procedure to annually set the rate for tenant's interest on security deposits. As provided in the Code, the Treasurer contacts a minimum of three major banking or savings and loan institutions in November of each year to determine the interest rate currently paid on savings passbook accounts. The Treasurer then computes the average of these rates as the recommended interest rate to be paid on security deposits in the following calendar year. The recommendation is transmitted to your Board with a proposed resolution for adoption, specifying the recommended interest rate.

All banks surveyed reported a rate on passbook savings account of 0.01%. The Treasurer is recommending a rate of 0.01% for calendar year 2017.

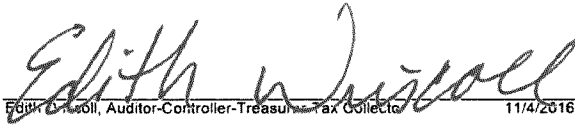
A rental agreement may provide for a tenant's interest at a percentage rate greater than that established by the Board resolution in effect; however, under no circumstances shall a rental agreement provide for a tenant's interest at a percentage rate less than the rate established by your Board's action. Your Board has historically requested the District Attorney's Consumer Affairs Division to include the new rate information along with a history of prior rates in the material distributed by their office to consumers throughout the County.

It is, therefore, RECOMMENDED that your Board:

1. Adopt the attached resolution to establish a 0.01% per annum simple interest rate on tenant's rental security deposits effective January 1, 2017; and
2. Request the District Attorney's Consumer Affairs Division to include information concerning current and prior interest rates on tenant security deposits in the materials distributed by their office.

Attachment: Santa Cruz County Resolution No. 265-2016 (1691 : Tenant's Security Deposits)

**Submitted by:**

  
Edith Whiswell, Auditor-Controller-Treasurer-Tax Collector 11/4/2016

**Recommended:**

Susan A. Mauriello, County Administrative Officer

**Attachments:**

- a Tenant Interest Rate Survey 2017
- b Resolution Setting Interest

Survey of Annual Simple Interest on Passbook Savings

Tenant's Interest on Security Deposits

Subsection B of Section 842.010

Rate Quote Date : 11/1/16	Regular Passbook
Bank of the West	0.01
JP Morgan Chase	0.01
Bank of America	0.01
Wells Fargo	0.01
Union Bank	0.01
Comerica	0.01
<b>AVERAGE:</b>	<b>0.01</b>

Regular Passbook based on Savings Accounts less than \$5000

djz / 11/01/16

Attachment: Tenant Interest Rate Survey 2017 (2971 : Tenant's Interest on Security Deposits for

Attachment: Santa Cruz County Resolution No. 265-2016 (1691 : Tenant's Security Deposits)

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

Resolution No. 265-2016

On the motion of Supervisor Leopold  
duly Seconded by Supervisor Friend  
the following resolution is adopted:

RESOLUTION SETTING INTEREST RATE FOR TENANT'S SECURITY DEPOSITS

WHEREAS, Santa Cruz County Code Section 8.42.010 requires the Board of Supervisors to establish the rate of simple interest payable by landlords to tenants on residential rental security deposits; and,

WHEREAS, the current rate of interest for residential rental security deposits is 0.01%; and,

WHEREAS, the County's Treasurer has conducted a survey in November 2016 of annual simple interest rates paid on savings passbook accounts, and all survey respondents reported a rate of 0.01% on savings accounts.

NOW, THEREFORE BE IT RESOLVED that the rate of simple interest payable annually on residential rental security deposits by landlords shall be 0.01% effective January 1, 2017.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 22nd day of November 2016, by the following vote:

AYES:	SUPERVISORS	Leopold, Friend, Coonerty, Caput, McPherson
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

ATTEST:

**SUSAN GALLOWAY**

Clerk of the Board

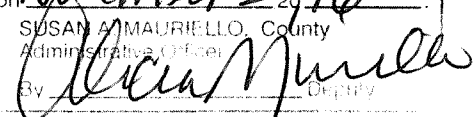
APPROVED AS TO FORM:

  
Office of the County Counsel

Distribution: Auditor-Controller-Treasurer-Tax Collector, District Attorney Consumer Affairs, Clerk of the Board, Each City Clerk.

**BRUCE MCPHERSON**  
Chairperson, Board of Supervisors

STATE OF CALIFORNIA )  
COUNTY OF SANTA CRUZ )  
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on November 29, 2016

SUSAN A. MAURIELLO, County Administrative Officer  
By  Deputy

Attachment: Santa Cruz County Resolution No. 265-2016 (1691 : Tenant's Security Deposits)



420 Capitola Avenue  
 Capitola, California 95010  
 Telephone: (831) 475-7300  
 FAX: (831) 479-8879  
 Website: [www.ci.capitola.ca.us](http://www.ci.capitola.ca.us)

## HISTORY INFORMATION REGARDING TENANT'S INTEREST ON SECURITY DEPOSITS FOR RESIDENTIAL RENTAL PROPERTIES

### ORDINANCES ADOPTED

Ordinance No. 804, Ordinance adding Chapter 5.48 to the Municipal Code requiring interest on security deposits for residential rental properties, adopted February 12, 1998, effective March 14, 1998.

Ordinance No. 813, Ordinance Amending Section 5.48.040 of the Municipal Code regarding Payment of Tenant's Interest, adopted December 19, 1999, effective January 18, 2000.

### RESOLUTIONS ADOPTED

Resolution No. 2948	Two Percent (2.00%)	Effective March 14, 1998
Resolution No. 3007	Two Percent (2.00%)	January 1, 1999
Resolution No. 3067	Two Percent (2.00%)	January 1, 2000
Resolution No. 3107	Two Percent (2.00%)	January 1, 2001
Resolution No. 3180	One Percent (1.00%)	January 1, 2002
Resolution No. 3258	.58 Percent (0.58%)	January 1, 2003
Resolution No. 3322	.32 Percent (0.32%)	January 1, 2004
Resolution No. 3416	.32 Percent (0.32%)	January 1, 2005
Resolution No. 3510	.43 Percent (0.43%)	January 1, 2006
Resolution No. 3594	.34 Percent (0.34%)	January 1, 2007
Resolution No. 3671	.31 Percent (0.31%)	January 1, 2008
Resolution No. 3731	.23 Percent (0.23%)	January 1, 2009
Resolution No. 3791	.10 Percent (0.10%)	January 1, 2010
Resolution No. 3849	Zero Percent (0.00%)	January 1, 2011
Resolution No. 3898	Zero Percent (0.00%)	January 1, 2012
Resolution No. 3945	Zero Percent (0.00%)	January 1, 2013
Resolution No. 3973	Zero Percent (0.00%)	January 1, 2014
Resolution No. 4009	Zero Percent (0.00%)	January 1, 2015
Resolution No. 4040	Zero Percent (0.00%)	January 1, 2016

Revised 11/28/16



420 Capitola Avenue  
Capitola, California 95010  
Telephone: (831) 475-7300  
FAX: (831) 479-8879  
Website

January 6, 2017

RE: NOTICE OF CAPITOLA CITY COUNCIL CONSIDERATION OF A RESOLUTION  
SETTING INTEREST RATE FOR TENANT SECURITY DEPOSITS IN 2017

Interested Parties:

This is to inform you that at the December 8, 2016, Capitola City Council meeting action was taken to continue an item regarding approving a Resolution setting the interest rate for tenant security deposits in 2017. Attached is a copy of the agenda report.

The Santa Cruz County Board of Supervisors, at its meeting held November 22, 2016, adopted a Resolution setting the interest rate for tenant's security deposits effective January 1, 2017, at 0.01%. Based on the Council's action to set the interest rate a zero percent (0.00%) last year, staff is recommending setting the interest rate at 0.00% for 2017.

A copy of the City Council's Resolution will be sent to you once it has been adopted.

Should you have questions regarding this information, please feel free to contact me at 831-475-7300 or email at [lfridy@ci.capitola.ca.us](mailto:lfridy@ci.capitola.ca.us).

Sincerely,

**CITY OF CAPITOLA**

Linda Fridy  
City Clerk

Enclosure

Attachment: Tenant Interest on Security Deposit\_2017 Notice 010616 (1691 : Tenant's Security Deposits)



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF JANUARY 12, 2017**

FROM: City Manager Department

SUBJECT: Council Consideration of Standby City Council Members

**RECOMMENDED ACTION:** Council discretion to determine if standby council members remain necessary given improved technology that allows remote contact during emergencies. If Council decides to continue the process, Member Petersen may nominate from one to three people to serve as her standby city council member pursuant to Municipal Code Section 2.04.165, and Council Members Bertrand, Bottorff, Termini, and Mayor Harlan will review their appointments and make any changes desired.

**BACKGROUND:** Following all general municipal elections this matter is brought to the City Council so that newly elected Council Members may appoint their standby city council members to serve in an emergency situation if they are not available. These appointments are not required by law.

**DISCUSSION:** Attached is an excerpt from Capitola Municipal Code 2.04.165, which references the State's Government Code and Emergency Services Act and gives City Council members the option to nominate standbys. These standbys would only serve during a dire emergency. Council may discuss whether it wishes to continue to the process of nominating and swearing in standby members.

Given changes in technology, which make it increasingly easy to remain connected, and flexibility in the Municipal Code that allows the City to take emergency action when necessary, the appointment of standby council members may not be as critical as it was at one time.

Should Council choose to continue the practice, attached is the 2015 roster of standby city council members. Current Council Members should review their appointments and the contact information to make sure it is up-to-date.

To become effective, nominations must be approved by the City Council. Council Members may make their nominations at the meeting and approve the nominations and direct staff to invite all newly appointed standby council members to a future City Council meeting where the City Clerk will administer the Oath of Office.

Government Code Section 8640 stipulates: *"Each standby officer shall take the oath of office required for the officer occupying the office for which he stands by. Persons appointed...shall serve in their posts as standby officers at the pleasure of the governing body appointing them and may be removed and replaced at any time with or without cause."*



Standby City Council Member Appointments  
January 12, 2017

FISCAL IMPACT: None.

ATTACHMENTS:

1. 2.04.165 Municipal Code Excerpt
2. Current Standby Council Appointments

Report Prepared By: Linda Fridy  
City Clerk

**Reviewed and Forwarded by:**



---

Jamie Goldstein, City Manager

1/6/2017

**2.04.165 Appointment of standby city council members.**

Government Code Sections 8635 and following provide that the city council shall have the authority to appoint up to three standby city council members per council position. Such standby members would serve as city council persons in the event that a council member is “unavailable” in an “emergency” as those words are defined in the California Emergency Services Act. Each council member may nominate from one to three persons to serve as his or her standby members. In making that nomination, the council member shall follow the criteria of Government Code Section 8639 which reads as follows:

Consideration shall be given to places of residence and work, so that for each office for which standby officers are appointed there shall be the greatest probability of survivorship. Standby officers may be residents or officers of a political subdivision other than that to which they are appointed as standby officers.

The duties of such standby council members shall be as set forth in Government Code Section 8641. To become effective the nomination must be approved by the city council, and the nominee must take the oath of office. Terms of office and method of removal shall be as provided in Government Code Section 8640. (Ord. 782, 1995)

**CITY OF CAPITOLA**  
**Standby City Council Members**  
(Capitola Municipal Code Section 2.04.165)

**COUNCIL MEMBER JACQUES BERTRAND'S APPOINTMENT:**

Nathan Cross  
Appointed 1/8/15

**COUNCIL MEMBER ED BOTTORFF'S APPOINTMENT:**

Troy (TJ) Welch  
Appointed 1/10/13

**COUNCIL MEMBER STEPHANIE HARLAN APPOINTMENT:**

Ron Graves  
Appointed 1/13/11

**COUNCIL MEMBER MICHAEL TERMINI'S APPOINTMENT:**

Michael Banks  
Appointed 1/13/11