

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 26, 2017

7:00 PM

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

**CLOSED SESSION - 6:15 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: 4400 Jade Street, APN 034-551-02, Capitola, CA
City Negotiator: Jamie Goldstein, City Manager
Negotiating Parties: Soquel Union Elementary School District
Under Negotiation: Terms of Joint Use Agreement

LIABILITY CLAIMS [Govt. Code § 54956.95]

Claimant: Sandra Jones
Agency claimed against: City of Capitola

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. Oath of Office Ceremony for Standby City Council Member Marilyn Warter

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

A. Item 10.A. 105 Sacramento Avenue Applicant's Withdrawal

B. Item 10.B.1. Formatting Correction

C. Item 10.B.3. Revision

D. Item 10.D. Public Communication regarding Zoning Code Update

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. Appointment of Representatives to Open City and County Boards and Commissions
RECOMMENDED ACTION: Make appointments.

- B. Appointment to New County Ad-Hoc Homelessness Governance Study Committee
RECOMMENDED ACTION: Appoint a Council Member to the County's ad-hoc committee.

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 January 12, 2017, Regular City Council Minutes
RECOMMENDED ACTION: Approve Minutes.
- B. Approval of City Check Register Reports Dated December 2, December 9, December 16 and December 23, 2016
RECOMMENDED ACTION: Approve Check Registers.
- C. Deny Liability Claim of Sandra Jones for an Undetermined Amount
RECOMMENDED ACTION: Deny liability claim.
- D. Consider Approving an Amended and Restated Joint Exercise of Powers Agreement and a Joint Community Facilities Agreement for the Libraries Facilities Financing Authority
RECOMMENDED ACTION: Approve an Amended and Restated Joint Exercise of Power Agreement for the Libraries Facilities Financing Authority and a Joint Community Facilities Agreement.
- E. Approve First Amendment to Contract with Bogard Construction for Library Project Management Services
RECOMMENDED ACTION: Approve the first contract amendment with Bogard Construction for project management services for the Capitola Library Project, adding \$210,000 of services to the contract. Further, approve a budget amendment increasing the approved expenditures in the Library Project Fund by \$210,000.
- F. Authorize Entering into a License Agreement with Parkmobile, LLC, for the Development of Trial Village Employee Parking Permit Program
RECOMMENDED ACTION: As recommended by the Traffic and Parking Commission, authorize the City Manager to enter into a License Agreement with Parkmobile, LLC, to develop a trial Village Employee Parking Program for the lower Beach and Village Parking Lot.

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.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
January 26, 2017

- 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 (Continued)
RECOMMENDED ACTION: Uphold the Planning Commission's decision to approve the project as conditioned.
- B. Consider Report on the Library Project and Provide Direction on Budget Options
RECOMMENDED ACTION: Receive update on library design and public outreach process, consider report on estimated project costs, and provide direction on project scope and budget.
- C. Introduction of an Ordinance Amending Chapter 17.98 of the Capitola Municipal Code Pertaining to Wireless Telecommunications (Continued)
RECOMMENDED ACTION: That the City Council take the following actions:
1. Adopt the Addendum to the General Plan Update Environmental Impact Report;
 2. Introduce an ordinance to amend Municipal Code Chapter 17.98 Wireless Communications Facilities;
 3. Adopt the attached Resolution directing the City Manager to submit an Amendment to the City of Capitola Local Coastal Program to the California Coastal Commission for certification.
- D. Zoning Code Update Status Report
RECOMMENDED ACTION: Receive the staff presentation and provide direction on any additional zoning topics that should be discussed in upcoming hearings.

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 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 26, 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 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 26, 2017

FROM: City Manager Department

SUBJECT: Oath of Office Ceremony for Standby City Council Member Marilyn Warter

DISCUSSION: Council Member Kristen Petersen nominated Marilyn Warter to serve as her Standby Council Member at the January 12, 2017, City Council meeting. The City Clerk will administer the oath of office.

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

1/19/2017

JAN 24 2017

1-24-17

Re: 105 Sacramento Ave.

I would like to withdraw
my current application and
resubmit a re-design at a
future date.

Lavi Foldener

Communication: Item 10.A. 105 Sacramento Avenue Applicant's Withdrawal (ADDITIONAL MATERIALS)

Capitola Library
Space Needs Assessment and Building Program
101/19/17

Facility Space Requirements

May 2011 Program		
Space	Square Feet	Subtotal
1.1 Public Entrance/Lobby	54	
1.2 Public Restrooms	IN GSF	
1.3 Community Meeting Room	1,022	
1.4 Meeting Room Storage /AV Equipment	108	
1.5 Friends of the Library Book Sale	40	
1.6 Book Donations Sorting Space	120	
1.7 Community Information	30	1,374
2.1 Self Checkout and Reserves Pickup	120	
2.2 New Books Browsing Area	298	
2.3 Media Browsing Area	278	
2.4 Service Desk	170	866
3.1 Adult Public Access Computers	409	
3.2 Reference Collection	176	
3.3 Adult Circulating Fiction Books	599	
3.4 Adult Circulating Nonfiction Books	552	
3.5 International Languages Collection	72	
3.6 Quiet Reading and Study	250	
3.7 Magazine + Newspaper Browsing	132	
3.8 Adult Seating	720	
3.9 Capitola History	140	
3.10 Group Study/Tutoring Rooms (3 or 4)	200	
3.11 blank		
3.12 Teen Area	505	
3.13 Electronic Homework Center	345	4,100
4.1 Children's New Books + Media	293	
4.2 Children's Public Access Computers	129	
4.3 Children's Circulating Books	587	
4.4 Family Space/Children's Programming Area	506	
4.5 Easy Books and Readers	454	
4.6 Storytelling and Programming Storage	64	
4.7 Parents and Teachers Collection	10	
4.8 Family Restroom	IN GSF	2,043
5.1 Library Office	75	
5.2 Staff Workroom	239	
5.3 Sorting and Returns	356	
5.4 Mail and Deliveries	104	
5.5 Supplies and Equipment Storage	70	
5.6 Computer/Telecom/Server Room	86	
5.7 Staff Entrance/Lockers/Coat Closet	44	
5.8 Staff Lounge	178	
5.9 Staff Restrooms	IN GSF	
5.10 Custodial / Maintenance Services	95	1,247
Library Net Assignable Square Feet:	9,630	9,630
Library Gross Square Feet @ 75% Efficiency:		12,840
Rounded		12,800
Estimated Cost		\$14 million

Proposed Revised Program			
Space	Square Feet	Difference	Subtotal
1.1 Public Entrance/Lobby	54		
1.2 Public Restrooms	IN GSF		
1.3 Community Meeting Room	1,000	-22	
1.4 Meeting Room Storage /AV Equipment	100	-8	
1.5 Friends of the Library Book Sale		-40	
1.6 Book Donations Sorting Space	120		
1.7 Community Information	30		1,304
2.1 Self Checkout and Reserves Pickup	120		
2.2 New Books Browsing Area	298		
2.3 Media Browsing Area	150	-128	
2.4 Service Desk	170		738
3.1 Adult Public Access Computers	200	-209	
3.2 Reference Collection		-176	
3.3 Adult Circulating Fiction Books	599		
3.4 Adult Circulating Nonfiction Books	552		
3.5 International Languages Collection		-72	
3.6 Quiet Reading and Study	250		
3.7 Magazine + Newspaper Browsing	132		
3.8 Adult Seating	720		
3.9 Capitola History		-140	
3.10 Group Study/Tutoring Rooms (3 or 4)	400	200	
3.11 blank			
3.12 Teen Area	500	-5	
3.13 Electronic Homework Center	345		3,698
4.1 Children's New Books + Media	293		
4.2 Children's Public Access Computers	129		
4.3 Children's Circulating Books	587		
4.4 Family Space/Children's Programming Area	506		
4.5 Easy Books and Readers	454		
4.6 Storytelling and Programming Storage	64		
4.7 Parents and Teachers Collection	10		
4.8 Family Restroom	IN GSF		2,043
5.1 Library Office	75		
5.2 Staff Workroom	239		
5.3 Sorting and Returns	200	-156	
5.4 Mail and Deliveries	60	-44	
5.5 Supplies and Equipment Storage	70		
5.6 Computer/Telecom/Server Room	86		
5.7 Staff Entrance/Lockers/Coat Closet	44		
5.8 Staff Lounge	178		
5.9 Staff Restrooms	IN GSF		
5.10 Custodial / Maintenance Services	95		1,047
Library Net Assignable Square Feet:	8,830	-800	8,830
Library Gross Square Feet @ 75% Efficiency:			11,711
			11,700
Estimated Cost			\$13 million

Area increases
Area decreases

Communication: Item 10.B.1. Formatting Correction (ADDITIONAL MATERIALS)

Revised Tentative Conceptual Library Financing Plan
(in millions)

	Option 1 - 11,700	Option 2 - 12,700	Option 3 - 9,120
Existing Funding	\$ 10,600,000	\$ 10,600,000	\$ 10,600,000
Cost Estimate	\$ 13,150,000	\$ 14,150,000	\$ 11,150,000
Delta	\$ (2,550,000)	\$ (3,550,000)	\$ (550,000)
New Sources			
Friends of the Capitola Library Donations	\$ 350,000	\$ 350,000	\$ 350,000
JPA/Library Fund	\$ 200,000	\$ 200,000	\$ 200,000
General Fund			
Pension Obligation Bond Closeout	\$ 450,000	\$ 450,000	\$ -
Successor Agency Loan Repayment Funds	\$ 400,000	\$ 400,000	\$ -
Other GF*	\$ 1,150,000	\$ 2,150,000	\$ -
General Fund Subtotal	\$ 2,000,000	\$ 3,000,000	\$ -
Total Sources	\$ 13,150,000	\$ 14,150,000	\$ 11,150,000
*Other GF [Over 2 Budget Cycles]			
Measure D 1/2 Year for Capital	\$ 300,000	\$ 300,000	-
ISF Fund Balance	\$ 200,000	\$ 200,000	-
Facilities Reserve Balance	\$ 200,000	\$ 200,000	-
Deferred CIP Projects	\$ 450,000	\$ 450,000	-
Total	\$ 1,150,000	\$ 1,150,000	-
Debt Financing		\$ 1,000,000	-
Total		\$ 2,150,000	-
Total Sources	\$ 13,150,000	\$ 14,150,000	\$ 11,150,000

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

From: Connie Smith <conniesmith2@comcast.net>
Sent: Tuesday, January 24, 2017 12:46 PM
To: Grunow, Rich (rgrunow@ci.capitola.ca.us); City Council; PLANNING COMMISSION;
Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
Cc: Cait Sullivan
Subject: Vacation Rental Use & 502 Beulah Dr.

Good afternoon, all-

I hope your new year is off to a terrific start!

I email you to follow-up regarding my oral and written requests made October 13th & 14th, 2016, to include our family home at 502 Beulah Dr. in the Vacation Rental Use zone.

I reviewed the most recent Draft Zoning Code discussed at the 1/19/17 Planning Commission meeting and noted (sadly) that our home is not included in the proposed Vacation Rental Use zone.

Understanding this matter will return to the Council tomorrow evening, I humbly resubmit our request for inclusion (please see the email below for further information regarding why inclusion makes sense).

I plan to attend Thursday night's meeting to seek support, clarity regarding how/when our petition will be decided, and understanding regarding what (if anything) we can do or provide to assist you all in your deliberations on this matter.

Thanks to each of you for protecting & advancing Capitola's interests!

Kindest regards,
Connie (Sullivan) Smith

From: conniesmith2@comcast.net [<mailto:conniesmith2@comcast.net>]
Sent: Friday, October 14, 2016 2:23 PM
To: City Council <citycouncil@ci.capitola.ca.us>; PLANNING COMMISSION
<planningcommission@ci.capitola.ca.us>; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
<jgoldstein@ci.capitola.ca.us>
Subject: Transient Vacation Overlay & 502 Beulah Dr.

Good afternoon Mayor, Council, Commission & Manager -

Thank you for welcoming my input at last night's meeting. I rather inarticulately expressed our family's history and desire regarding inclusion of 502 Beulah Dr. in your

expanded short term rental plan. I hope that you will take the time to read the following and fully consider our request.

As many of you know, my parents, Mark and Kathleen Sullivan, became members of the vibrant Capitola community 60 years ago when they purchased 502 Beulah as their first home. Capitola was truly their happy place. In their retirement, little gave them as much pleasure as giving back to their beloved community via my father, Mark's, service on the Arts Commission and my mom, Kathleen's, volunteerism with the Capitola Museum. Some of you may recall my dad attending every Council meeting for years (and not badgering you all too much!), and my mom being a sounding board for Council Members and Chief Escalante. My parents were definitely part of what has made Capitola so fabulous: dedicated, selfless citizens. Their love for Capitola is further underscored by both their home (which to many heralds their arrival into the village, with its quintessential coastal cottage charm) and their express wish that we keep 502 Beulah in the family so that their kids and grandkids can enjoy and support the very community they helped build and protect.

I came to you last night (after my mom's passing on 9/25) to request on our family's behalf that you consider adding the Sullivan home to your expanded transient rental overlay. Our inclusion would allow us to keep the home in the family and facilitate a property use consistent with the immediate community. We hope to have 9 month tenants during the academic year (grad student & family, ideally), and short term rentals during the summer which would generate sufficient income for us to pay the mortgage and allow the flexibility for 4-6 weeks of family use each summer.

Your current expansion plan contemplates inclusion of residences on Capitola Ave from the trestle up to Riverview. 502, directly across from Riverview & with more lot line on Capitola Ave than Beulah, is within this zone but on the other side of the street. When my folks first came to Capitola, they had a creek for a backyard and a few homes nearby. Now, 502 sits as an island at a busy intersection with parking lots behind, city buildings flanking, & a restaurant and salon across the street. There isn't much residential neighborhood to impact with this change in use. Still, mitigating potential negative impacts are the facts that 502 has two on-site parking spaces as well as a street space immediately in front, and it's "surrounded" by police (in a good way!) so occupants would stay in line. Additionally, because of the tremendous pride our family takes in the home, we would be vigilant in our screening of potential tenants (whether long or short term) thereby greatly reducing any risk of nuisance.

Please let me know if I can provide any further information to assist you in considering our request. Please also advise as to next steps in this zoning amendment process.

We are profoundly grateful for the support and collegiality many of you shared with our parents over the years. They each left this earth still embracing Capitola as their happy place, and we hope to do the same.

Kind regards,

Connie Sullivan Smith

650-704-9650



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: City Manager Department

SUBJECT: Appointment of Representatives to Open City and County Boards and Commissions

RECOMMENDED ACTION: Make appointments.

BACKGROUND: At its meeting on January 12, 2017, the City Council deferred appointments of City Council representatives to the Commission on the Environment, the alternate to the Santa Cruz County Regional Transportation Commission, and the Arts Council Santa Cruz County.

In addition, the Capitola Art and Cultural Commission received two applications for open at-large seats. The Commission met with the applicants at its January 17, 2017, meeting and made recommendations for appointment.

DISCUSSION: The Capitola Art and Cultural Commission recommends Dennis Norton for the open full two-year, at-large seat and Mary Jo Connolly for the remainder of an existing at-large term expiring December 31, 2017.

The Arts Professional seat will continue recruitment as open until filled.

The Art and Cultural Commission also recommends Commissioner Kim Hogan to serve on the Arts Council Santa Cruz County.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Mary Jo Connolly A&C app
2. Dennis Norton A&C App

Report Prepared By: Linda Fridy
City Clerk

Art & Cultural Commission Appointments
January 26, 2017

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

1/19/2017

JAN 09 2017

CITY OF CAPITOLA



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: Connolly Mary Jo
Last First

Residential Neighborhood: Jewel Box

Occupation: Massage Therapist, real estate, graphic artist

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

My back ground includes art as a focal point throughout my life. I studied art in Italy for 7 months in 1975. My career after college was working on the first computer generated system creating high end graphics in the late 70's. I was a ^{computer} graphic designer for 21 years doing all and most graphic arts applications including animation. I diverted to holistic healing for 12 yrs and then became
 (Use additional paper, if necessary) a flight attendant for 4

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.

_____ Date

_____ 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.

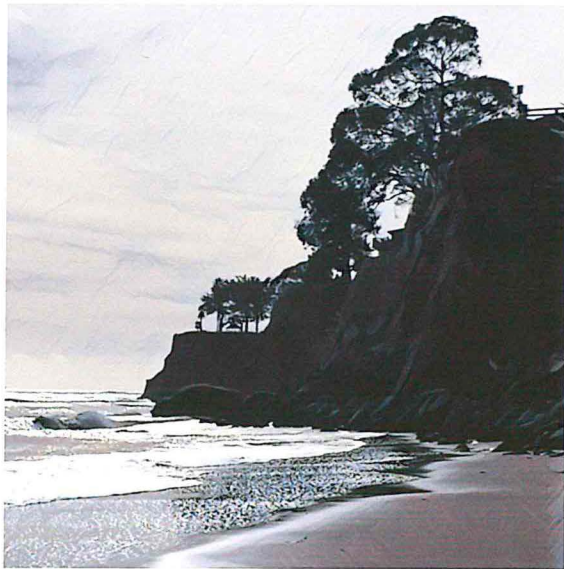
Attachment: Mary Jo Connolly A&C app (1722 : Art & Cultural Commission Appointments)

Cmt.

To save 2 houses from foreclosure. I have lived in Capitola for exactly one year now. I am producing art of the beauty and joy that I find here. I am currently reading "The Hidden Hand" whom Capitola is the character. I must say I am intrigued with Capitola! That is why I am interested in being on this board.



Capitola by the Sea



Attachment: Mary Jo Connolly A&C app (1722 : Art & Cultural Commission Appointments)



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
[Village Resident; Village Business Owner; At Large Member]
Please underline category above.
- Historical Museum Board
- Planning Commission
- Library Advisory Committee
- Other Committee _____

Name: NORTON DENNIS
Last First

Residential Neighborhood: 505 OAK DR. CAPITOLA.

Occupation: DESIGNER


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

- 46 YEAR RESIDENT.
- PAST MEMBER ARTS & CULTURAL COMMISSION 8 YEARS
- DESIGN BUSINESS 32 YEARS IN CAPITOLA
- BROUGHT THE SEA WALL PROJECT TO VILLAGE
- DESIGNER OF BANDSTAND STRUCTURE.
- CO-DESIGNER OF WHARF ENTRY GATES.

(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.

11-18-2016
Date


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: Dennis Norton A&C App (1722 : Art & Cultural Commission Appointments)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: City Manager Department

SUBJECT: Appointment to New County Ad-Hoc Homelessness Governance Study Committee

RECOMMENDED ACTION: Appoint a Council Member to the County's ad-hoc committee.

DISCUSSION: The County is requesting the City appoint a Council Member representative to its new Ad-Hoc Homelessness Governance Study Committee. The committee will study governance models from other communities and develop recommendations for Santa Cruz County jurisdictions.

The Committee will meet monthly for an estimated six months. A more detailed description is included in Attachment 1.

FISCAL IMPACT: None.

ATTACHMENTS:

1. County Ad-Hoc Homelessness Committee appointment request

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

1/20/2017



TO: **Jamie Goldstein, Capitola City Manager**
 FROM: **Rayne Marr, Homeless Services Coordinator**
 CC: **Carlos Palacios, Assistant County Administrative Officer**
 DATE: **January 11, 2017**
 RE: **Appointment of Councilmember to Ad-Hoc Homelessness Governance Study Committee**

RECEIVED
 JAN 17 2017
 CITY OF CAPITOLA

I am writing to respectfully request the appointment of one Capitola City Councilmember and one City Manager’s Office staff member to represent the City of Capitola on an *ad-hoc committee to study and make recommendations* on an inter-jurisdictional homelessness governance model to address *policy, prioritization and funding decisions*. The *All-In* Strategic Plan to address homelessness was formally adopted in spring 2015 by the County and all four Cities within the County. In keeping with that plan, and with the authorization of the County Board of Supervisors, I’m convening this ad-hoc Committee of approximately 20 participants to study governance models employed in other communities and to develop recommendations for the jurisdictions in our county. Committee membership will include one elected representative and one senior staff member from each jurisdiction, as well as representatives from the business and faith communities, Smart Solutions to Homelessness, and the Homeless Action Partnership. It’s envisioned to be a six-month commitment with members participating in monthly meetings, some of which will be professionally facilitated, and ranging from 2 to 4 hours in length. Please see the attached background paper for more in-depth information.

Please advise, if possible, by February 1st, which council-member and City Manager’s Office staff member the City Council has appointed. It is hoped that the first meeting will be convened in February, at which time the meeting calendar will be set for the duration of the project, a presentation will be given on our current governance model and alternatives in place elsewhere, and a draft work plan will be provided for consideration.

Please feel free to contact me at 831-454-3411 or rayne.marr@santacruzcounty.us with any questions you may have.

Attachment: Background – Strengthening Inter-jurisdictional Coordination Structure

Attachment: County Ad-Hoc Homelessness Committee appointment request (1725 : New County Ad-Hoc Homelessness Committee

STRENGTHENING INTER-JURISDICTIONAL HOMELESSNESS COORDINATION STRUCTURE

In April-May of 2015 the County of Santa Cruz and the Cities of Capitola, Santa Cruz, Scotts Valley and Watsonville all formally adopted *The Santa Cruz County Community Strategic Plan to Prevent, Reduce, and Eventually End Homelessness*. The plan is known as *All-In - Toward a Home for Every County Resident*. In addition to identifying eight strategic priorities with both short and long-term action strategies, the plan outlines five implementation strategies, one of which is Enhancing County and City Coordination, which includes several implementation steps.

Implementation Strategy: Enhancing County and City Coordination

Implementation Steps:

- Exploring ways to strengthen the inter-jurisdictional coordination structure; ideas to explore include expansion of the role of the [Homeless Action Partnership] Executive Committee, creation of an interagency council, or increased staff-level coordination.
- Cost sharing on projects recommended by the plan (e.g., through Community Program funding among the Cities and County).
- Promoting systems integration (e.g. between housing and health programs).
- Increasing access to mainstream resources for persons experiencing homelessness.
- Coordinating on specific population priorities, e.g. homeless youth and young adults.
- Collaborating on interim solutions and homelessness impact issues.
- Document cost savings to mainstream systems from best practices (e.g., Housing First).

The existing inter-jurisdictional structure consists of the Homeless Action Partnership (HAP) which is “*an inclusive countywide action team for designing and implementing a comprehensive Continuum of Care (CoC) homeless assistance system in Santa Cruz County. Their mission is to develop and implement a coordinated system of housing and services for preventing and ending homelessness.*” The HAP Executive Committee, which consists of representatives from the County and each of the four cities, is our current inter-agency/inter-jurisdictional model, but has historically had a role limited to approving the annual HAP Budget, “coordinating HAP funding” and approving the Winter Shelter program. There is currently no governance model in place which is charged with, and authorized to, broadly consider and recommend joint City/County policies, set priorities, and make joint funding decisions (including non-HAP funding).



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: City Manager Department

SUBJECT: Consider the January 12, 2017, Regular City Council Minutes

RECOMMENDED ACTION: Approve Minutes.

DISCUSSION: Attached for City Council review and approval are the draft minutes of the regular meeting of January 12, 2017.

ATTACHMENTS:

1. Draft minutes for the regular meeting of 1/12/17

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

1/19/2017

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, JANUARY 12, 2017 - 7:00 PM**

CALL TO ORDER

Mayor Harlan called the meeting to order at 5:45 p.m. with the following items to be discussed in Closed Session:

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

There was no one in the audience; therefore, the City Council recessed at 5:50 p.m. to the Closed Session in the City Manager's Office.

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Member Ed Bottoff: Present, Council Member Jacques Bertrand: Present, Mayor Stephanie Harlan: Present, Vice Mayor Michael Termini: Present, Council Member Kristen Petersen: Present.

City Treasurer Peter Wilk was present.

2. PRESENTATIONS

A. Presentation of Awards Recognizing Lifesaving Efforts [630-20]

Capitola Police Chief Terry McManus presented Officer Kraig Evans and Officer Jackie Yeung with Capitola Police Department Life Saving Awards and pins, and presented Tristan Grell with the Citizen Distinguished Service Commendation. Chief McManus described the situation requiring 10 minutes of CPR, resulting in the

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
January 12, 2017

victim's successful recovery from a heart attack.

3. REPORT ON CLOSED SESSION

City Attorney Tony Condotti reported that for the real property negotiations for 2091 Wharf Road the Council received a report and gave instructions. For the item of anticipated litigation, the Council received a report. For the existing litigation against Water Rock Construction, the Council authorized the City Attorney's office to seek appellate review, and for the D'Angelo litigation there was no reportable action.

4. ADDITIONAL MATERIALS

- 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

Community Development Director Rich Grunow noted that staff recommends continuing item 10.B due to an error on some public notices.

6. PUBLIC COMMENTS

Laurie Hill, president of the Capitola Begonia Festival, and Teresa Green, past president, announced that the festival will return Labor Day weekend for its 65th occurrence. Ms. Hill noted that 38,000 people read the online press release for 2017 announcing that the only remaining source for begonias (Golden State Bulb Growers) will cease growing begonias, and therefore the 2017 festival will be the last Capitola Begonia Festival. Golden State is the last commercial grower in North America and perhaps in the Western Hemisphere. She invited the community to share its memories and become involved in this final event.

Marylin Garrett spoke to concerns about the health impacts on blood circulation by cell phone exposure.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Bottorff announced that earlier today President Obama established the Cotoni-Coast Dairies National Monument.

Council Member Bertrand shared recent actions by a Capitola Police officer to aid a stranded person.

Council Member Termini noted the library design community meeting on January 11 was well attended. He asked to place on a future agenda the possible consolidation of Central and Aptos/La Selva fire districts. He also said he spoke with the Chamber of Commerce about the Begonia Festival, and the chamber is considering continuing the event with flowers of another type on the same weekend as the Art & Wine Festival.

Attachment: Draft minutes for the regular meeting of 1/12/17 (1647 : Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
January 12, 2017

Mayor Harlan thanked the utility workers who helped during recent storms to keep power on and roads open. She also offered a tribute to Wayne Fontes, who died recently. He was a city council member in the 1960s, a local school principal in the 1970s, and school board member in the 1980s. She remembered him as a character who truly cared about the community.

At the mayor's request, Police Chief McManus updated the Council on calls for service at 41st Avenue, 47th Avenue, and Monterey Avenue rail crossings regarding failed crossing arms and bells related to the Polar Express. The department worked with Iowa Pacific to address these issues. Council Member Termini noted that the City does not have jurisdiction over the use of the rails.

City Treasurer Peter Wilk addressed questions about Wharf maintenance funding, the continued use of Wells Fargo Bank, and the use of the City credit cards that he has been asked by citizens since taking office.

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[110-10]
RECOMMENDED ACTION: Provide appointments.

ACTION: There was Council consensus for the following appointments/reappointments:

ARCHITECTURAL & SITE REVIEW COMMITTEE

Frank Phanton, Architect
Carolyn Swift, Historian
Daniel Townsend, Alternate Architect
Daniel Gomez, Alternate Architect

COMMISSION ON THE ENVIRONMENT

Council Member Representative - deferred
Kristin Sullivan (appointed by Vice Mayor Termini)
Kailash Mozumder (appointed by Mayor Harlan)
Peter Wilk (appointed by Council Member Bottorff)
Cathlin Atchison (appointed by Council Member Petersen)

FINANCE ADVISORY COMMITTEE

Jacques Bertrand (Mayor's Appointee)
Michael Termini (Vice Mayor)
Peter Wilk, City Treasurer
Will OSullivan (appointed by Mayor Harlan)
Brigitte Estey (appointed by Council Member Bottorff)
Marilyn Warter (appointed by Council Member Petersen)
Matt Arthur - Business Representative

LIBRARY ADVISORY COMMITTEE

Michael Termini, Council Member Representative
Toni Campbell (appointed by Mayor Harlan)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
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Ariel Gray (appointed by Council Member Bottorff)
Gayle Ortiz (appointed by Vice Mayor Termini)
Lisa Steingrube (appointed by Council Member Petersen)
Stephen Walsh (appointed by Council Member Bertrand)

PLANNING COMMISSION

Susan Westman (appointed by Mayor Harlan)
Edward Newman (appointed by Council Member Bertrand)
Linda Smith (appointed by Vice Mayor Termini)
Troy (TJ) Welch (appointed by Council Member Bottorff)
Sam Storey (appointed by Council Member Petersen)

PUBLIC SAFETY & COMMUNITY SERVICE FOUNDATION

Vice Mayor Termini (Representative)
Council Member Petersen (Representative)

TRAFFIC AND PARKING COMMITTEE

Margaret Kinstler (Village Resident)
James Steven Ross (Village Resident)
Carin Hanna (Village Business Owner)
Willie Case (Village Business Owner)
Ron Graves (appointed by Mayor Harlan)
Molly Ording (appointed by Council Member Petersen)
Ron Burke (appointed by Council Member Bertrand)
Doug Thom (appointed by Council Member Bottorff)
Nels Westman (appointed by Vice Mayor Termini)

WHARF WORKING GROUP

Vice Mayor Termini
Council Member Petersen

ARTS COUNCIL SANTA CRUZ COUNTY

Deferred

CRIMINAL JUSTICE COUNCIL OF SANTA CRUZ COUNTY

Vice Mayor Termini (Representative)
Council Member Bertrand (Representative, if allowed to replace City Manager Goldstein)

SANTA CRUZ COUNTY INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE

Assistant to the City Manager Laurent (Representative)
Mayor Harlan (Alternate)

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Council Member Bottorff (for a four-year term expiring December 2020)

The appointment to the Santa Cruz County Regional Transportation Commission was decided by rollcall vote with a motion to appoint Council Member Bertrand to the representative position and Vice Mayor Termini to alternate. Vice Mayor Termini declined the alternate position.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
January 12, 2017

MOTION:	APPOINT COUNCIL MEMBER BERTRAND AS THE REPRESENTATIVE TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION.
RESULT:	APPROVED [3-2]
MOVER:	Kristen Petersen, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Jacques Bertrand, Stephanie Harlan, Kristen Petersen
NOES:	Ed Bottorff, Michael Termini

9. CONSENT CALENDAR

- 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 [330-05]
RECOMMENDED ACTION: Approve Budget Calendar for Fiscal Year 2017/18.
- D. 41st Avenue Adaptive Signal Control Project to Bid [490-70]
RECOMMENDED ACTION: Approve the plans, specifications, and estimate for the 41st Avenue Adaptive Signal Control project and authorize advertising the project for bidding.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Termini, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Jacques Bertrand, Ed Bottorff, Stephanie Harlan, Petersen, Michael Termini

At this point in the meeting, Mayor Harlan said she was feeling ill and turned the gavel over to Vice Mayor Termini before departing.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- 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 [730-10]
RECOMMENDED ACTION: Uphold the Planning Commission's decision to approve the project as conditioned.

Council Member Petersen will recuse herself from this item due to the proximity of her residence and therefore will not vote on the motion to continue. The Council also asked the City Attorney to clarify if Mayor Harlan must recuse herself since she is an appellant. City Attorney Condotti explained the differing situation from case law, in which a council member had taken actions to indicate a predisposition prior to the meeting, while in Mayor Harlan's case she simply asked for further discussion.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
January 12, 2017

RESULT:	TABLED [3 TO 0]	Next: 1/26/2017 7:00 PM
MOVER:	Ed Bottorff, Council Member	
SECONDER:	Jacques Bertrand, Council Member	
AYES:	Ed Bottorff, Jacques Bertrand, Michael Termini	
ABSTAIN:	Kristen Petersen	
ABSENT:	Stephanie Harlan	

- B. Introduction of an Ordinance Amending Chapter 17.98 of the Capitola Municipal Code Pertaining to Wireless Telecommunications [730-85/740-40]
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.

Community Development Director Grunow reviewed the history of the ordinance, litigation, and highlights of the updated code to meet state and federal law.

Council Member Bertrand asked if the City has worked with providers. Director Grunow said staff worked closely with Verizon and believes other carriers would also prefer the updated version. Council Member Bertrand also asked if there have been federal efforts to increase citizen input. Attorney Condotti responded he does not see a move toward more oversight and citizen input.

Becky Steinbruner, Aptos resident, expressed concern about the influence of corporations on citizens' ability to participate in these decisions due to limits placed on local governments. She acknowledged the cost of opposing these laws, but asked the Council to deny the changes.

Marylin Garrett echoed concerns about corporate influence to muffle research into the effect of microwave radiation on health.

Keith Otto asked the Council to insure that regulations are the strongest possible to preserve aesthetics such as public and private views. He also asked for robust consideration of alternatives.

Patricia Yard shared a story of brain cancer due to exposure to cell towers in San Diego.

Council Member Bertrand asked if the code could preclude certain areas of assembly such as schools or churches. Director Grunow and Attorney Condotti explained that rather than prohibit locations, which is legally difficult, the update uses preferred locations and aesthetics as the tools to regulate. Deputy Attorney Lenhardt has worked for several months with the League of California Cities attorneys to craft this ordinance.

Council Member Petersen said she is grateful for the effort and supports the proposed ordinance.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
January 12, 2017

Vice Mayor Termini clarified that a tower could theoretically be placed in a residential zone. Director Grunow said the application would have to prove that no other site would work.

The Council asked staff to confirm that this update incorporates the most enforceable restrictions and specifically to review the City of Monterey's ordinance if it was not already included in the research.

RESULT:	FIRST READING CONTINUED [UNANIMOUS] Next: 1/26/2017 7:00 PM
MOVER:	Ed Bottorff, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Michael Termini, Kristen Petersen
ABSENT:	Stephanie Harlan

C. Adopt a Resolution Setting the Interest Rate for Tenants' Security Deposits for 2017 (Continued from the December 8, 2016, City Council Meeting) [750-10]
RECOMMENDED ACTION: Adopt Resolution.

Finance Director Mark Welch reviewed research into other jurisdictions' rates following the request to continue and found little variation on the interest rate. Council Member Bertrand confirmed that monitoring the rate paid by landlords would be difficult.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Kristen Petersen, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Michael Termini, Kristen Petersen
ABSENT:	Stephanie Harlan

D. Council Consideration of Standby City Council Members [420-20]
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.

Council members concurred that since four standby members are in place, they are inclined to continue appointments.

Council Member Petersen said she will appoint Marilyn Warter as her standby.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Ed Bottorff, Jacques Bertrand, Michael Termini, Kristen Petersen
ABSENT:	Stephanie Harlan

Attachment: Draft minutes for the regular meeting of 1/12/17 (1647 : Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
January 12, 2017

11. **ADJOURNMENT**

The meeting was adjourned at 9 p.m.

Stephanie Harlan, Mayor

ATTEST:

Linda Fridy, City Clerk

Attachment: Draft minutes for the regular meeting of 1/12/17 (1647 : Approval of City Council Minutes)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: Finance Department

SUBJECT: Approval of City Check Register Reports Dated December 2, December 9, December 16 and December 23, 2016

RECOMMENDED ACTION: Approve Check Registers.

BACKGROUND: Check Registers are attached for:

Account: City Main				
Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
12/02/2016	85302	85385	91	\$360,534.08
12/09/2016	85386	85449	65	\$61,464.84
12/16/2016	85450	85514	69	\$894,353.48
12/23/2016	85515	85542	28	\$113,727.89

The City Main check register of November 23, 2016, ended with check #85301.

Account: Library				
Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
12/02/2016	4	4	1	\$1,985.00
12/16/2016	5	5	1	\$4,257.75

Account: Payroll				
Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
12/09/2016	5033	5040	100	\$176,418.91
12/23/2016	5041	5048	100	\$160,848.25

Following is a list of checks issued for more than \$10,000.00 and a brief description of the expenditure:

Check	Issued to	Dept.	Description	Amount
85330	Community Bridges	CM	Community grant funding	\$56,662.00
85346	Kimley Horn and Associates	PW	August/September traffic signal adaptive control professional	\$13,079.85

Approval of City Check Registers
January 26, 2017

			services	
85384	Watchguard Video	PD	Software maintenance, evidence library	\$15,413.75
EFT 367	CalPERS Health Insurance	FN	December health insurance	\$53,539.56
EFT 368	CalPERS Member Services	FN	PERS contributions PPE 11-19-16	\$49,013.51
EFT 370	IRS	FN	Federal taxes and Medicare PPE 11-19-16	\$29,598.46
85457	Atchison Barisone Condotti & Kovacevich	CM	November legal services	\$16,094.70
85467	Granite Rock Company	PW	Street rehabilitation project	\$724,516.36
85483	PG&E	PW	Monthly utilities	\$14,775.18
85500	Vintage Contractors Inc.	PW	Tennis court retention release	\$11,806.00
85508	Barnaby Clark	PW	Village sidewalk repairs cost share	\$17,776.12
85511	Edward Newman	PW	Village sidewalk repairs cost share	\$19,518.48
EFT 377	IRS	FN	Federal taxes and Medicare PPE 12-03-16	\$31,911.00
85537	Santa Cruz Regional 911	PD	Quarterly regional 911 service	\$102,033.25

ATTACHMENTS:

1. 12-02-16 City check register
2. 12-09-16 City check register
3. 12-16-16 City check register
4. 12-23-16 City check register

Report Prepared By: Maura Herlihy
Account Technician

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

1/20/2017

City accounts payable checks dated 12/02/2016, numbered 85302 to 85385 plus 7 EFTs, totaling \$360,534.08, plus 1 Library account payable check, totaling \$1,985.00, for a grand total of \$362,519.08, have been reviewed and authorized for distribution by the City Manager.

As of 12/02/2016, the unaudited cash balance is \$4,417,594.91.

CASH POSITION - CITY OF CAPITOLA 12/02/2016

	<u>Net Balance</u>
General Fund	\$142,958.99
Payroll Payables	\$18,365.57
Contingency Reserve Fund	\$1,893,345.66
PERS Contingency Fund	\$300,000.00
Facilities Reserve Fund	\$229,870.00
Capital Improvement Fund	\$1,264,175.72
Stores Fund	\$19,680.62
Information Technology Fund	\$86,740.44
Equipment Replacement	\$65,290.88
Self-Insurance Liability Fund	\$159,376.65
Worker's Comp. Ins. Fund	\$221,601.79
Compensated Absences Fund	\$16,188.59
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$4,417,594.91</u></u>

The Emergency Reserve Fund Balance is \$1,262,205.54 (not included above).



Jamie Goldstein, City Manager

12/02/2016

Date

Attachment: 12-02-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/02/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85302	12/01/2016	Open		Licensing Refund	LINDEMANN & SLOAN PROPERTIES INC.	\$26.2
	Licensee Type			Licensee Number	Transaction Date	Transaction Type
	Business			2599	11/29/2016	Pre-Payment
85303	12/02/2016	Open			B & B SMALL ENGINE REPAIR	\$39.9
	Invoice		Date	Description		Amount
	358414		09/26/2016	Trimmer line, steel carab		\$39.95
85304	12/02/2016	Open			A TOOL SHED	\$57.4
	Invoice		Date	Description		Amount
	1164629-5		11/22/2016	Tile saw - wharf bathroom 1311 - Wharf Fund		\$57.40
85305	12/02/2016	Open			ADAMSON POLICE PRODUCTS	\$1,916.4
	Invoice		Date	Description		Amount
	INV228366		11/07/2016	Range supplies		\$1,916.44
85306	12/02/2016	Open			ADVOCACY INC.	\$3,840.0
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$3,840.00
85307	12/02/2016	Open			AFLAC	\$989.1
	Invoice		Date	Description		Amount
	008634		11/30/2016	November supplemental insurance 1001 - Payroll Payables		\$989.14
85308	12/02/2016	Open			APTOS LANDSCAPE SUPPLY INC.	\$134.7
	Invoice		Date	Description		Amount
	432430		11/22/2016	Landscape rock for City Hall		\$75.44
	432701		11/29/2016	Landscape rock		\$59.31
85309	12/02/2016	Open			AQUA SAFARIS SCUBA CENTER	\$194.8
	Invoice		Date	Description		Amount
	8905		10/21/2016	Paint ball air tanks		\$194.83
85310	12/02/2016	Open			ARTS COUNCIL OF SANTA CRUZ COUNTY	\$498.5
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$498.50
85311	12/02/2016	Open			AT&T/CALNET 3	\$1,780.3
	Invoice		Date	Description		Amount
	000008862824		11/13/2016	Monthly telephone service & T-1 access		\$718.00
	000008862155		11/13/2016	Monthly telephone service & T-1 access		\$1,062.30
				1000 - General Fund	\$1,473.96	
				2211 - ISF - Information Technology	\$306.34	

Attachment: 12-02-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/02/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85312	12/02/2016	Open			AUTOMATION TEST ASSOCIATES	\$80.00
	Invoice		Date	Description		Amount
	44309		11/22/2016	November wharf meter reading and billing calculation		\$40.00
	44198		10/22/2016	October wharf meter reading and billing calculation 1311 - Wharf Fund		\$40.00
85313	12/02/2016	Open			B & B SMALL ENGINE REPAIR	\$27.31
	Invoice		Date	Description		Amount
	361538		11/22/2016	Chainsaw supplies		\$27.31
85314	12/02/2016	Open			BEAR ELECTRICAL SOLUTIONS INC.	\$7,362.00
	Invoice		Date	Description		Amount
	3974		10/30/2016	October routine traffic signal maintenance		\$616.00
	3989		10/30/2016	October traffic signal maintenance - response		\$226.00
	4027		11/28/2016	Upgrade City Hall lights to LED, new pole/fixture 1310 - Gas Tax Fund \$842.00 2212 - ISF - Equipment Replacement \$6,520.00		\$6,520.00
85315	12/02/2016	Open			BIG BROTHERS BIG SISTERS OF SC COUNTY	\$1,443.00
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$1,443.00
85316	12/02/2016	Open			BOB MURRAY & ASSOCIATES	\$4,310.39
	Invoice		Date	Description		Amount
	7012		11/18/2016	Police chief recruitment services		\$4,310.39
85317	12/02/2016	Open			CABRILLO COLLEGE STROKE CENTER	\$3,584.00
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$3,584.00
85318	12/02/2016	Open			CALE AMERICA INC.	\$1,407.87
	Invoice		Date	Description		Amount
	142774		11/07/2016	Keypad for paystation		\$302.33
	142810		11/15/2016	Paystation mainboard repair and labor		\$899.50
	141222		07/01/2016	Tech reader for paystation		\$126.58
	141674		08/15/2016	Paystation push button		\$79.47
85319	12/02/2016	Open			CALIFORNIA COAST UNIFORM COMPANY	\$576.00
	Invoice		Date	Description		Amount
	5025		11/02/2016	Class A pants - B. Long		\$188.08
	5017		10/28/2016	Uniform tailoring - Zamora		\$145.00
	5015		10/28/2016	Uniform tailoring - Gonzalez		\$145.00
	5014		10/28/2016	Uniform items for Zamora		\$27.13
	5031-2016		11/03/2016	Leather belt - B. Long		\$48.88
	5057		11/18/2016	Uniform adjustments - Gonzalez		\$22.00
85320	12/02/2016	Open			CALIFORNIA GREY BEARS INC.	\$7,432.00
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$7,432.00

Attachment: 12-02-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/02/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85321	12/02/2016	Open			CALIFORNIA LAW ENFORCEMENT ASSOCIATION	\$514.50
	Invoice		Date	Description		Amount
	CLEA111716		11/17/2016	December POA LTD		\$514.50
				1000 - General Fund	(\$24.50)	
				1001 - Payroll Payables	\$539.00	
85322	12/02/2016	Open			CAMPUS KIDS CONNECTION INC.	\$7,819.00
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$7,819.00
85323	12/02/2016	Open			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,857.75
	Invoice		Date	Description		Amount
	POA112316		11/19/2016	POA dues PPE 11-19-16		\$1,857.75
				1001 - Payroll Payables		
85324	12/02/2016	Open			CASA OF SANTA CRUZ COUNTY	\$1,584.50
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$1,584.50
85325	12/02/2016	Open			CASEY PRINTING	\$3,790.05
	Invoice		Date	Description		Amount
	32335011		11/21/2016	Winter brochure printing		\$3,790.05
85326	12/02/2016	Open			CENTRAL COAST CENTER FOR INDEPENDENT LIVING	\$5,047.50
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$5,047.50
85327	12/02/2016	Open			CODE PUBLISHING COMPANY INC.	\$75.00
	Invoice		Date	Description		Amount
	54923		11/23/2016	Municipal code services		\$75.00
85328	12/02/2016	Open			COLT'S MANUFACTURING COMPANY LLC	\$1,000.00
	Invoice		Date	Description		Amount
	120116		12/01/2016	M16 Armorer school - Sandretti/Zamora		\$1,000.00
85329	12/02/2016	Open			COMMUNITY ACTION BOARD	\$689.00
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$689.00
85330	12/02/2016	Open			COMMUNITY BRIDGES	\$56,662.00
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$56,662.00
85331	12/02/2016	Open			DIENTES COMMUNITY DENTAL CARE	\$701.50
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$701.50
85332	12/02/2016	Open			EMERGENCY VEHICLE SPECIALISTS INC	\$1,722.50
	Invoice		Date	Description		Amount
	6236		11/17/2016	Install kits and fuse holders		\$1,722.50

Attachment: 12-02-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/02/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85333	12/02/2016	Open			ENCOMPASS COMMUNITY SERVICES	\$7,446.50
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$7,446.50
85334	12/02/2016	Open			EWING IRRIGATION	\$130.72
	Invoice		Date	Description		Amount
	2516313		11/17/2016	Grass seed		\$83.14
	2516314		11/17/2016	Drainage supplies		\$32.57
	2522892		11/18/2016	Tape		\$14.72
85335	12/02/2016	Open			FAMILIES IN TRANSITION	\$1,260.50
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$1,260.50
85336	12/02/2016	Open			FAMILY SERVICE AGENCY OF THE CENTRAL COAST	\$5,880.50
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$5,880.50
85337	12/02/2016	Open			FBINAA CA SF	\$60.00
	Invoice		Date	Description		Amount
	120216		11/23/2016	Membership luncheon for Held		\$30.00
	FBINAA120216		11/23/2016	Membership luncheon for Sloma		\$30.00
85338	12/02/2016	Open			FIRST ALARM SECURITY & PATROL INC.	\$610.00
	Invoice		Date	Description		Amount
	520583		11/18/2016	Jade St. park patrol services		\$300.00
	520573		12/01/2016	McGregor park patrol services		\$310.00
85339	12/02/2016	Open			FLYERS ENERGY LLC	\$191.88
	Invoice		Date	Description		Amount
	CFS-1328212		11/15/2016	Fuel for training		\$191.88
85340	12/02/2016	Open			GARDAWORLD	\$2.00
	Invoice		Date	Description		Amount
	20191149		10/31/2016	Excess items on 10/6/16 pickup		\$2.00
85341	12/02/2016	Open			GEORGE McMENAMIN	\$625.00
	Invoice		Date	Description		Amount
	riparian5		11/30/2016	November riparian restoration		\$625.00
85342	12/02/2016	Open			HERNANDEZ, TRACIE	\$415.10
	Invoice		Date	Description		Amount
	Hernandez111816		11/18/2016	CLEARs training conference		\$415.10
85343	12/02/2016	Open			HOMELESS SERVICE CENTER OF SANTA CRUZ COUN	\$1,340.00
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$1,340.00

Attachment: 12-02-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/02/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Amount	Transaction Amount
85344	12/02/2016	Open			HUMBOLDT PETROLEUM LLC		\$97.
	Invoice		Date	Description		Amount	
	085971		11/15/2016	November vehicle cleaning		\$52.00	
	085932		10/31/2016	October vehicle cleaning		\$45.50	
85345	12/02/2016	Open			ICMA RETIREMENT TRUST 457		\$4,857.05
	Invoice		Date	Description		Amount	
	41289663		11/23/2016	457 contributions PPE 11-19-16 1001 - Payroll Payables		\$4,857.05	
85346	12/02/2016	Open			KIMLEY-HORN AND ASSOCIATES INC.		\$13,079.91
	Invoice		Date	Description		Amount	
	097763118-0816		08/31/2016	August professional services - traffic signal adaptive control		\$11,259.81	
	097763118-0916		09/30/2016	September professional services - traffic signal ACS 1310 - Gas Tax Fund		\$1,820.04	
85347	12/02/2016	Open			LABORMAX STAFFING		\$781.44
	Invoice		Date	Description		Amount	
	26-70058		11/25/2016	Seasonal labor 11/21 - 11/25		\$781.44	
85348	12/02/2016	Open			LIEBERT CASSIDY WHITMORE		\$245.00
	Invoice		Date	Description		Amount	
	1430704		10/31/2016	October overtime review, compliance review		\$245.00	
85349	12/02/2016	Open			LIFE INSURANCE CO OF NORTH AMERICA-CIGNA		\$2,305.37
	Invoice		Date	Description		Amount	
	CIGNA110116		11/23/2016	November life, AD&D, LTD, STD insurance		\$2,305.37	
				1000 - General Fund	\$8.92		
				1001 - Payroll Payables	\$2,296.45		
85350	12/02/2016	Open			LIUNA PENSION FUND		\$894.40
	Invoice		Date	Description		Amount	
	CS3664		11/23/2016	LIUNA pension dues PPE 11-19-16 1001 - Payroll Payables		\$894.40	
85351	12/02/2016	Open			MAR-KEN K-9 TRAINING CENTER		\$240.00
	Invoice		Date	Description		Amount	
	0645-16		11/15/2016	November K-9 training		\$240.00	
85352	12/02/2016	Open			MISSION PRINTERS		\$405.10
	Invoice		Date	Description		Amount	
	54058		11/17/2016	Envelopes (3,500)		\$343.48	
	54121		11/29/2016	Business cards for Linda Fridy 2210 - ISF - Stores Fund		\$62.10	
85353	12/02/2016	Open			MONARCH SERVICES		\$1,898.50
	Invoice		Date	Description		Amount	
	113016		12/01/2016	Community grant funding		\$1,898.50	

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City Checks Issued 12/02/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85354	12/02/2016	Open			NORTH BAY FORD	\$216.1
	Invoice		Date	Description		Amount
	258534		11/29/2016	motor fan		\$57.00
	258514		11/28/2016	Ford F250 door glass		\$133.32
	258509		11/28/2016	resistor assembly		\$26.59
85355	12/02/2016	Open			O'NEILL SEA ODYSSEY	\$1,471.1
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$1,471.50
85356	12/02/2016	Open			PACIFIC VETERINARY SPECIALISTS INC	\$914.1
	Invoice		Date	Description		Amount
	468968		11/17/2016	Maverick veterinarian visits		\$914.18
85357	12/02/2016	Open			PALACE OFFICE SUPPLIES	\$763.1
	Invoice		Date	Description		Amount
	399779-0		11/22/2016	office supplies		\$94.18
	399489-0		11/21/2016	office supplies		\$332.75
	398720-1		11/16/2016	office supplies		\$10.73
	398720-0		11/15/2016	office supplies		\$139.62
	399845-0		11/23/2016	Staple remover, labels, envelopes		\$133.11
	9327317-0		11/23/2016	Museum supplies		\$20.76
	9326627-0		11/21/2016	Museum supplies		\$15.21
	9327177-0		11/22/2016	Frame		\$16.79
				1000 - General Fund	\$630.04	
				2210 - ISF - Stores Fund	\$133.11	
85358	12/02/2016	Open			PARENTS CENTER OF SANTA CRUZ	\$3,250.0
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$3,250.00
85359	12/02/2016	Open			PHILLIPS PET FOOD & SUPPLIES	\$555.1
	Invoice		Date	Description		Amount
	CD12900285		11/08/2016	K-9 supplies		\$555.84
85360	12/02/2016	Open			PHOENIX GROUP INFORMATION SYSTEMS	\$1,228.1
	Invoice		Date	Description		Amount
	102016070		11/17/2016	October citation processing		\$1,228.13
85361	12/02/2016	Open			ROYAL WHOLESALE ELECTRIC	\$178.1
	Invoice		Date	Description		Amount
	7719-609712		11/23/2016	Lampholders		\$178.79
85362	12/02/2016	Open			RYDIN DECAL	\$1,478.4
	Invoice		Date	Description		Amount
	325932		11/11/2016	2017 parking permits		\$1,478.47
85363	12/02/2016	Open			SCC LAW ENFORCEMENT CHIEFS ASSOC.	\$50.0
	Invoice		Date	Description		Amount
	SSCLECA112216		11/22/2016	Chiefs' Association membership dues		\$50.00

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City Checks Issued 12/02/2016

Check Number	Invoice Number	Invoice Status	Invoice Date	Description	Payee Name	Transaction Amount
85364	12/02/2016	Open			SANTA CRUZ FIRE EQUIPMENT CO.	\$305.5
	Invoice		Date	Description		Amount
	100038		11/18/2016	Fire extinguisher maintenance		\$135.98
	100160		11/18/2016	Wharf fire service		\$169.54
				1000 - General Fund	\$135.98	
				1311 - Wharf Fund	\$169.54	
85365	12/02/2016	Open			SANTA CRUZ TODDLER CARE CENTER	\$624.0
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$624.00
85366	12/02/2016	Open			SECOND HARVEST FOOD BANK	\$5,227.5
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$5,227.50
85367	12/02/2016	Open			SENIOR NETWORK SERVICES INC.	\$1,281.5
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding		\$1,281.50
85368	12/02/2016	Open			SENIORS COUNCIL OF SC COUNTY	\$4,268.5
	Invoice		Date	Description		Amount
	113016		12/01/2016	Community grant funding - Project Scout		\$1,718.50
	113016-2		12/01/2016	Community grant funding - Companion for Life/Lifeline		\$2,550.00
85369	12/02/2016	Open			SERVPRO OF SANTA CRUZ	\$288.7
	Invoice		Date	Description		Amount
	5118		11/23/2016	Vehicle biohazard cleaning		\$288.76
85370	12/02/2016	Open			SIRCHIE	\$468.6
	Invoice		Date	Description		Amount
	0278087-IN		11/11/2016	Drug kits, syringe tubes, collection tubes		\$468.60
85371	12/02/2016	Open			SOQUEL HEARING AID CENTER (LISTENING STACK)	\$152.2
	Invoice		Date	Description		Amount
	SHAC112116		11/21/2016	Custom made radio adapter		\$125.05
	SHAC11212016		11/21/2016	Electronic radio adapter		\$27.18
85372	12/02/2016	Open			SOQUEL NURSERY GROWERS INC.	\$181.1
	Invoice		Date	Description		Amount
	335016		11/22/2016	Plants		\$181.18
85373	12/02/2016	Open			SPECTRUM BUSINESS	\$3,590.9
	Invoice		Date	Description		Amount
	SB111916		11/19/2016	Monthly internet service		\$3,590.99
				1000 - General Fund	\$1,481.80	
				2211 - ISF - Information Technology	\$2,109.19	
85374	12/02/2016	Open			STATE WATER RESOURCES CONTROL BOARD	\$5,986.0
	Invoice		Date	Description		Amount
	SW-0121785		11/16/2016	Annual permit fee		\$5,986.00

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City Checks Issued 12/02/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Amount	Transaction Amount
85375	12/02/2016	Open			STEPHANIE HARLAN		\$885.95
	Invoice		Date	Description		Amount	
	Harlan100816		10/08/2016	League of California Cities conference		\$885.95	
85376	12/02/2016	Open			SUMMIT UNIFORMS		\$1,442.00
	Invoice		Date	Description		Amount	
	36679		11/04/2016	Uniform items for Vazquez		\$632.20	
	37233		11/25/2016	Uniform items for Chief McManus		\$809.87	
85377	12/02/2016	Open			SUPPLYWORKS		\$920.42
	Invoice		Date	Description		Amount	
	384713277		11/22/2016	Cleaning supplies		\$920.42	
85378	12/02/2016	Open			THE DIVERSITY CENTER		\$536.00
	Invoice		Date	Description		Amount	
	113016		12/01/2016	Community grant funding		\$536.00	
85379	12/02/2016	Open			UNITED WAY OF SANTA CRUZ COUNTY		\$3,753.00
	Invoice		Date	Description		Amount	
	UW112316		11/23/2016	United Way contributions PPE 11-19-16		\$30.00	
	113016		12/01/2016	Community grant funding		\$3,235.00	
	113016-2		12/01/2016	Community grant funding - 211 Help Line		\$488.00	
				1000 - General Fund	\$3,723.00		
				1001 - Payroll Payables	\$30.00		
85380	12/02/2016	Open			UPEC LIUNA LOCAL 792		\$1,261.50
	Invoice		Date	Description		Amount	
	717		11/23/2016	UPEC dues PPE 11-19-16		\$1,261.50	
				1001 - Payroll Payables			
85381	12/02/2016	Open			US BANK PARS		\$210.88
	Invoice		Date	Description		Amount	
	PARS112316		11/23/2016	PARS contributions PPE 11-23-16		\$210.88	
				1001 - Payroll Payables			
85382	12/02/2016	Open			VISTA CENTER FOR THE BLIND		\$949.00
	Invoice		Date	Description		Amount	
	113016		12/01/2016	Community grant funding		\$949.00	
85383	12/02/2016	Open			VOLUNTEER CENTERS OF SC COUNTY		\$1,607.50
	Invoice		Date	Description		Amount	
	113016		12/01/2016	Community grant funding		\$1,607.50	
85384	12/02/2016	Open			WATCHGUARD VIDEO		\$15,413.75
	Invoice		Date	Description		Amount	
	WARINV001598		11/10/2016	evidence library 4 year software maint and hardware warranty		\$15,413.75	
				1300 - SLESF - Supl Law Enfc	\$10,463.75		
				2211 - ISF - Information Technology	\$4,950.00		

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City Checks Issued 12/02/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85385	12/02/2016	Open			WATSONVILLE BLUEPRINT	\$133.41
	Invoice		Date	Description		Amount
	65407		11/16/2016	Scanning, indexing, file transfers, rebinding		\$133.41
Type Check Totals:						\$219,525.00
EFT						
365	11/25/2016	Open			DISCOVERY BENEFITS	\$139.00
	Invoice		Date	Description		Amount
	0000696411-IN		10/31/2016	October COBRA and FSA admin.		\$139.00
367	11/29/2016	Open			CalPERS Health Insurance	\$53,539.56
	Invoice		Date	Description		Amount
	2163		11/14/2016	December health insurance		\$53,539.56
				1000 - General Fund	\$2,831.04	
				1001 - Payroll Payables	\$50,708.52	
368	11/30/2016	Open			CalPERS Member Services Division	\$49,013.51
	Invoice		Date	Description		Amount
	1000786793-6		11/30/2016	PERS contributions PPE 11-19-16		\$49,013.51
				1000 - General Fund	(\$0.28)	
				1001 - Payroll Payables	\$49,013.79	
369	11/29/2016	Open			EMPLOYMENT DEVELOPMENT DEPT	\$7,343.20
	Invoice		Date	Description		Amount
	1-823-580-544		11/29/2016	State tax deposit PPE 11-19-16		\$7,343.20
				1001 - Payroll Payables		
370	11/29/2016	Open			INTERNAL REVENUE SERVICE	\$29,598.46
	Invoice		Date	Description		Amount
	80289448		11/29/2016	Federal taxes & Medicare		\$29,598.46
				1001 - Payroll Payables		
371	11/28/2016	Open			STATE DISBURSEMENT UNIT	\$1,117.84
	Invoice		Date	Description		Amount
	LXTW1FB6657		11/28/2016	Garnishments PPE 11-19-16		\$1,117.84
				1001 - Payroll Payables		
372	11/25/2016	Open			ADP LLC	\$257.15
	Invoice		Date	Description		Amount
	483378191		11/25/2016	ADP payroll services		\$257.15
				2211 - ISF - Information Technology		
Type EFT Totals:						\$141,008.00

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City Checks Issued 12/02/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
Library - Library						
4	12/02/2016	Open			BOGARD CONSTRUCTION INC	\$1,985.00
	Invoice		Date	Description		Amount
	160707-03		11/28/2016	Library project management services 1360 - Library Fund		\$1,985.00
Type Check Totals:						\$1,985.00

	Counts:	Total
CITY - Main City Totals		
Checks	84	\$219,525.3
EFTs	7	\$141,008.7
All	91	\$360,534.0
Library - Library Totals		
Checks	1	\$1,985.0
EFTs	0	\$0.0
All	1	\$1,985.0
Grand Totals:		
Checks	85	\$221,510.3
EFTs	7	\$141,008.7
All	92	\$362,519.0

Attachment: 12-02-16 City check register (1716 : Approval of City Check Registers)

City accounts payable checks dated 12/09/2016, numbered 85386 to 85449 plus 1 EFT, totaling \$61,464.84, plus 8 Payroll checks and 92 Payroll EFT totaling \$176,418.91, for a grand total of \$237,883.75, have been reviewed and authorized for distribution by the City Manager.

As of 12/09/2016, the unaudited cash balance is \$4,271,056.36.

CASH POSITION - CITY OF CAPITOLA 12/09/2016

	<u>Net Balance</u>
General Fund	(\$126,657.57)
Payroll Payables	\$143,455.47
Contingency Reserve Fund	\$1,893,345.66
PERS Contingency Fund	\$300,000.00
Facilities Reserve Fund	\$229,870.00
Capital Improvement Fund	\$1,264,175.72
Stores Fund	\$19,430.98
Information Technology Fund	\$84,978.19
Equipment Replacement	\$65,290.88
Self-Insurance Liability Fund	\$159,376.65
Worker's Comp. Ins. Fund	\$221,601.79
Compensated Absences Fund	\$16,188.59
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$4,271,056.36</u></u>

The Emergency Reserve Fund Balance is \$1,262,205.54 (not included above).



Jamie Goldstein, City Manager

12/09/2016

Date

Attachment: 12-09-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85386	12/09/2016	Open			ACCESS COMPLIANCE SERVICES	\$337.50
	Invoice		Date	Description		Amount
	2325		09/03/2016	Transient occupancy consulting		\$337.50
85387	12/09/2016	Open			ADAMS ASHBY GROUP INC	\$480.00
	Invoice		Date	Description		Amount
	1890		12/01/2016	November admin/correspondence 1350 - CDBG Grants		\$480.00
85388	12/09/2016	Open			ADT SECURITY SERVICES INC.	\$162.68
	Invoice		Date	Description		Amount
	ADT112816		11/28/2016	Security services		\$162.68
85389	12/09/2016	Open			ADVANTAGE CREDIT INC.	\$10.00
	Invoice		Date	Description		Amount
	189673		11/30/2016	New employee credit check		\$10.00
85390	12/09/2016	Open			ARCHIVES & ARCHITECTURE LLC	\$4,470.00
	Invoice		Date	Description		Amount
	111716-1		11/17/2016	Secretary of the Interior standards review - #16-026		\$1,300.00
	111716-2		11/17/2016	Secretary of the Interior standards review - #16-099		\$780.00
	111716-3		11/17/2016	Historical evaluation #16-165		\$1,240.00
	111716-4		11/17/2016	Historical evaluation #16-132		\$1,150.00
85391	12/09/2016	Open			BECKY ADAMS	\$20.80
	Invoice		Date	Description		Amount
	ADAMS120116		12/01/2016	Late Fall Instructor Payments 2016		\$20.80
85392	12/09/2016	Open			BIOBAG AMERICAS INC.	\$1,273.71
	Invoice		Date	Description		Amount
	445550		12/06/2016	Dog waste bags		\$1,273.71
85393	12/09/2016	Open			CALE AMERICA INC.	\$1,829.00
	Invoice		Date	Description		Amount
	142918		11/30/2016	Monthly Cale paystation fees		\$1,829.00
85394	12/09/2016	Open			CARIN HANNA	\$1,735.77
	Invoice		Date	Description		Amount
	Hanna120616		12/06/2016	BIA PO Box renewal, stamps, advertising, lights, business cards 1321 - BIA - Capitola Village-Wharf BIA		\$1,735.77
85395	12/09/2016	Open			CHRISTINE CANDELARIA	\$1,367.85
	Invoice		Date	Description		Amount
	3		12/05/2016	BIA consultant and website maintenance 1321 - BIA - Capitola Village-Wharf BIA		\$1,367.85
85396	12/09/2016	Open			CLASSIC VAPOR CLEANERS	\$604.02
	Invoice		Date	Description		Amount
	CVC120116		12/01/2016	November uniform cleaning		\$604.02

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City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85397	12/09/2016	Open			CLEAN BUILDING MAINTENANCE CO.	\$3,719.14
	Invoice		Date	Description		Amount
	17075		11/30/2016	Monthly Facility Cleaning Fees		\$3,719.13
				1000 - General Fund	\$3,453.63	
				1311 - Wharf Fund	\$265.50	
85398	12/09/2016	Open			COASTAL WATERSHED COUNCIL	\$4,594.60
	Invoice		Date	Description		Amount
	1536		12/07/2016	November urban watch		\$1,811.58
	1537		12/07/2016	November first flush		\$2,783.02
85399	12/09/2016	Open			COMPLETE MAILING SERVICE INC.	\$1,470.93
	Invoice		Date	Description		Amount
	1340		11/30/2016	Winter brochure mail service		\$1,470.93
85400	12/09/2016	Open			CRAIG FEENEY	\$600.00
	Invoice		Date	Description		Amount
	66		11/29/2016	HVAC maintenance		\$600.00
85401	12/09/2016	Open			CRYSTAL SPRINGS WATER CO.	\$375.28
	Invoice		Date	Description		Amount
	CSW113016		11/30/2016	Monthly Drinking Water		\$375.28
85402	12/09/2016	Open			D & G SANITATION	\$480.00
	Invoice		Date	Description		Amount
	236328		11/30/2016	Fencing esplanade park		\$54.25
	236329		11/30/2016	Portable toilets McGregor park		\$425.83
85403	12/09/2016	Open			DEDE HARRINGTON	\$442.80
	Invoice		Date	Description		Amount
	Harrington120716		12/07/2016	BIA holiday event reimbursement		\$442.80
				1321 - BIA - Capitola Village-Wharf BIA		
85404	12/09/2016	Open			DEPARTMENT OF PESTICIDE REGULATION	\$60.00
	Invoice		Date	Description		Amount
	DPR120816		12/08/2016	Pesticide license renewal		\$60.00
85405	12/09/2016	Open			ELEVATOR SERVICE COMPANY INC.	\$165.00
	Invoice		Date	Description		Amount
	10146		12/01/2016	Quarterly lube and inspection		\$165.00
85406	12/09/2016	Open			ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE	\$1,530.14
	Invoice		Date	Description		Amount
	93215652		11/29/2016	ArcGIS software		\$1,530.14
				2211 - ISF - Information Technology		

Attachment: 12-09-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85407	12/09/2016	Open			EWING IRRIGATION	\$465.37
	Invoice		Date	Description		Amount
	2543098		11/23/2016	Top soil		\$56.64
	2543099		11/23/2016	Top soil		\$37.76
	2543117		11/23/2016	Irrigation supplies		\$73.36
	2548308		11/24/2016	Irrigation supplies		\$254.72
	2553971		11/29/2016	Irrigation supplies		\$33.45
	2559799		11/30/2016	Top soil		\$9.44
85408	12/09/2016	Open			FEDERAL EXPRESS	\$139.21
	Invoice		Date	Description		Amount
	5-616-22595		11/18/2016	Shipping charges		\$139.21
85409	12/09/2016	Open			FERGUSON ENTERPRISES INC.	\$33.91
	Invoice		Date	Description		Amount
	5096466		11/28/2016	Pliers		\$33.91
85410	12/09/2016	Open			FLYERS ENERGY LLC	\$2,253.70
	Invoice		Date	Description		Amount
	16-365343		11/17/2016	324 gallons ethanol		\$919.73
	16-365345		11/17/2016	50 gallons diesel		\$142.36
	16-369488		11/28/2016	70 gallons diesel		\$188.59
	16-369487		11/28/2016	367 gallons ethanol		\$1,003.02
85411	12/09/2016	Open			FRANK PERRY	\$276.57
	Invoice		Date	Description		Amount
	Perry120116		11/18/2016	Museum supplies		\$276.57
85412	12/09/2016	Open			GLOBAL ENVIRONMENTAL PRODUCTS INC	\$68.31
	Invoice		Date	Description		Amount
	635309		12/05/2016	Sweeper ball valves, nipples 1310 - Gas Tax Fund		\$68.31

Attachment: 12-09-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85413	12/09/2016	Open			HOME DEPOT CREDIT SERVICES	\$2,643.71
	Invoice		Date	Description		Amount
	3025782		11/01/2016	Waste baskets and gloves		\$17.05
	0026224		11/04/2016	Vinyl tape		\$5.27
	6580890		11/08/2016	Deadbolt and hole saw - wharf bathrooms		\$143.17
	5016141		11/09/2016	Tile and supplies - wharf bathrooms		\$744.90
	4016188		11/10/2016	Tile supplies - wharf bathroom		\$44.87
	4016238		11/10/2016	Tile supplies - wharf bathroom		\$42.03
	4563340		11/10/2016	Fleet supplies		\$193.53
	7564292		11/17/2016	gloves, rubber bumper		\$38.07
	0053385		11/14/2016	Recycling bins (3)		\$17.86
	8571023		11/16/2016	Tile supplies		\$36.60
	7053895		11/17/2016	Mortar		\$18.91
	6021232		11/18/2016	Push brooms (2)		\$53.87
	6010315		11/18/2016	Tools - Cooper		\$84.87
	7010150		11/17/2016	Voltage tester and sandpaper		\$50.82
	5011317		11/29/2016	Lights		\$100.58
	5572834		11/29/2016	Float and scrapper		\$49.62
	7050691		10/28/2016	Hedge shears		\$33.49
	7053870		11/17/2016	Tree lights		\$65.87
	1572096		11/23/2016	Sealer - wharf bathroom		\$43.06
	2054665		11/22/2016	Mortar - wharf bathrooms		\$44.49
	1054778		11/23/2016	Banner supplies		\$25.20
	2573300		12/02/2016	Extension cord for parking		\$41.64
	5011355		11/29/2016	Hex bolts and nuts		\$27.41
	4011503		11/30/2016	Wharf bathroom floor covering		\$385.08
	2573243		12/02/2016	Floor drain - wharf bathroom		\$19.85
	2050769		12/02/2016	Electrical supplies		\$25.27
	9023360		12/05/2016	Plumbing supplies		\$18.22
	8221430		12/06/2016	Partition supplies - wharf bathroom		\$174.38
	8573901		12/06/2016	Paint - wharf bathroom		\$36.78
	7023618		12/07/2016	Drill bits and anchors - wharf bathroom		\$28.22
	7560917		12/07/2016	Plumbing supplies - bathroom		\$16.02
	7574084		12/07/2016	Spackle		\$16.71
				1000 - General Fund	\$830.42	
				1311 - Wharf Fund	\$1,813.29	
85414	12/09/2016	Open			HUB INTERNATIONAL	\$166.30
	Invoice		Date	Description		Amount
	HUB112016		11/30/2016	Recreation center event insurance		\$166.30
85415	12/09/2016	Open			KBA Docusys Inc.	\$557.50
	Invoice		Date	Description		Amount
	INV493432		12/01/2016	Copier usage charges		\$382.48
	INV493431		12/01/2016	Copier usage charges		\$138.63
	INV494037		12/02/2016	Recreation copier usage charges		\$36.45
				1000 - General Fund	\$36.45	
				2211 - ISF - Information Tech	\$521.11	

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City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85416	12/09/2016	Open			LABORMAX STAFFING	\$993.4
	Invoice		Date	Description		Amount
	26-70346		12/02/2016	Seasonal labor 11/26 - 12/2/16		\$993.46
85417	12/09/2016	Open			MASTER CAR WASH	\$69.9
	Invoice		Date	Description		Amount
	MCW120116		12/01/2016	November vehicle cleaning		\$69.99
85418	12/09/2016	Open			METRO MOBILE COMMUNICATIONS	\$709.9
	Invoice		Date	Description		Amount
	38713		12/05/2016	Motorcycle helmet for Yeung		\$709.91
85419	12/09/2016	Open			MICROFLEX CORP	\$907.9
	Invoice		Date	Description		Amount
	IN1717914		11/30/2016	Latex gloves		\$907.95
85420	12/09/2016	Open			MID COUNTY AUTO SUPPLY	\$633.5
	Invoice		Date	Description		Amount
	15177		11/07/2016	Air filters		\$199.67
	15622		11/10/2016	Air filters		\$228.18
	16510		11/17/2016	accumulator		\$46.32
	16612		11/18/2016	return accumulator		(\$46.32)
	16611		11/18/2016	Auto parts		\$47.12
	16437		11/17/2016	a/c pro plus deposit		\$46.71
	16515		11/17/2016	funnels		\$37.35
	11525		10/05/2016	coolant		\$56.34
	16609		11/18/2016	Sockets - Cooper		\$18.22
85421	12/09/2016	Open			MISSION LINEN SUPPLY	\$656.6
	Invoice		Date	Description		Amount
	503661725		11/07/2016	Recreation mats & mops		\$63.65
	503682923		11/09/2016	Linen service, mats, towels		\$100.43
	503682922		11/09/2016	linen service		\$31.80
	503710162		11/14/2016	PD mat service		\$45.39
	503757252		11/21/2016	Recreation mats & mops		\$63.65
	503728667		11/16/2016	Linen service		\$77.96
	503776010		11/23/2016	Linen & mat service, towels		\$100.43
	503728666		11/16/2016	linen service, shop towels		\$31.80
	503776009		11/23/2016	linen service, shop towels		\$31.80
	503827701		11/30/2016	Linen service, towels		\$31.80
	503827702		11/30/2016	Linen service		\$77.96
85422	12/09/2016	Open			NANCY HOWELLS	\$315.9
	Invoice		Date	Description		Amount
	HOWELLS120116		12/01/2016	Late Fall Instructor Payments 2016		\$315.90

Attachment: 12-09-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transactor Amount
85423	12/09/2016	Open			ORCHARD SUPPLY HARDWARE	\$1,156.3
	Invoice		Date	Description		Amount
	021338		11/02/2016	ratchet tool		\$29.95
	052759		11/02/2016	Painting supplies		\$13.18
	039993		11/03/2016	Nut driver and blades		\$5.87
	021743		11/05/2016	Clog remover		\$6.19
	053694		11/07/2016	Deadbolt and sign - wharf bathroom		\$36.14
	022307		11/08/2016	Wonder board and supplies for wharf bathroom		\$47.47
	053928		11/08/2016	Concrete - Wharf Rd.		\$111.39
	022413		11/08/2016	Concrete - Wharf Rd. sidewalk		\$37.13
	067325		11/09/2016	Drywall nail, hose		\$22.50
	041113		11/09/2016	Cable		\$78.47
	030014		11/03/2016	Tape measure, tools		\$49.56
	030155		11/04/2016	fleet supplies		\$25.19
	031641		11/10/2016	fleet supplies		\$25.12
	031010		11/07/2016	hex bolts, impact drill		\$27.62
	053948		11/08/2016	fleet supplies		\$22.28
	023448		11/14/2016	Tape		\$10.32
	032996		11/16/2016	Furring strips		\$6.14
	024285		11/18/2016	Graffiti paint		\$40.40
	034820		11/23/2016	Hose washer		\$2.06
	034856		11/23/2016	Hose fitting		\$10.32
	034907		11/23/2016	Shovels		\$35.10
	036234		11/28/2016	Putty knife, roller, tape, brushes		\$47.25
	026529		11/28/2016	Bug spray, fly trap, ant & roach spray		\$33.02
	026809		11/29/2016	Community Center supplies		\$30.96
	024247		11/18/2016	Buckets and bucket lids		\$25.53
	027417		12/01/2016	Blank key made		\$2.58
	040823		11/08/2016	Paint and gloves		\$17.85
	054799		11/14/2016	Staple gun & staples		\$23.53
	023479		11/14/2016	Paint		\$26.20
	032527		11/14/2016	Sand paper		\$20.64
	043020		11/22/2016	Christmas tree bowl		\$7.22
	044236		11/28/2016	Graffiti paint		\$4.53
	027137		11/30/2016	Paint		\$4.53
	027153		11/30/2016	Gloves		\$20.65
	036772		11/30/2016	Hedge shears		\$30.98
	027225		11/30/2016	Tools		\$31.97
	044672		12/01/2016	Paint tray		\$4.64
	037270		12/02/2016	Nut driver set, metal saw blade, gloves, washer		\$70.21
	027446		12/01/2016	Screwdriver set, pry bar		\$47.49
	028868		12/05/2016	Light bulbs		\$12.38
	038615		12/06/2016	Roller		\$10.32
	150969		12/07/2016	Graffiti paint		\$41.48
				1000 - General Fund	\$1,017.91	
				1311 - Wharf Fund	\$138.45	

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City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85424	12/09/2016	Open			PALACE OFFICE SUPPLIES	\$263.1
	Invoice		Date	Description		Amount
	400245-0		11/29/2016	Office supplies		\$102.87
	9329517-0		11/30/2016	Stencils		\$13.83
	401522-0		12/06/2016	binder, pens, paper		\$146.44
				1000 - General Fund	\$116.70	
				2210 - ISF - Stores Fund	\$146.44	
85425	12/09/2016	Open			PAPA	\$90.0
	Invoice		Date	Description		Amount
	PAPA120816		12/08/2016	2017 memberships - Kotila and Bunter		\$90.00
85426	12/09/2016	Open			PAPE MACHINERY	\$352.3
	Invoice		Date	Description		Amount
	10208057		11/11/2016	Clamp, visor		\$266.32
	10205154		11/09/2016	Lamps		\$86.04
85427	12/09/2016	Open			PHIL ALLEGRI ELECTRIC INC.	\$848.7
	Invoice		Date	Description		Amount
	21875		11/15/2016	Tennis court lights		\$184.45
	21883		11/17/2016	Installed wiring & outlets in Captain's office		\$664.33
85428	12/09/2016	Open			PRAXAIR DISTRIBUTION INC.	\$93.3
	Invoice		Date	Description		Amount
	75158648		11/21/2016	Acetylene rental		\$93.39
85429	12/09/2016	Open			PREFERRED BENEFIT INSURANCE ADMIN.	\$5,698.9
	Invoice		Date	Description		Amount
	EIA19390		12/01/2016	December dental & vision insurance		\$5,698.90
				1000 - General Fund	\$95.00	
				1001 - Payroll Payables	\$5,603.90	
85430	12/09/2016	Open			ROBERT SEELEY & ASSOCIATES	\$640.0
	Invoice		Date	Description		Amount
	2016-031		11/29/2016	July - September citation hearings		\$640.00
85431	12/09/2016	Open			ROYAL WHOLESALE ELECTRIC	\$1,249.1
	Invoice		Date	Description		Amount
	7719-610224		11/29/2016	Street lights		\$106.58
	7719-610226		11/29/2016	Recycle lights fee		\$13.86
	7719-610227		11/29/2016	Wall lights		\$103.31
	7719-610301		12/01/2016	Wall lights		\$949.28
	7719-610333		12/02/2016	Cable ties		\$14.12
	7719-610408		12/05/2016	Light bulbs		\$61.99

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City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85432	12/09/2016	Open			SAN LORENZO LUMBER	\$1,316.7
	Invoice		Date	Description		Amount
	55-0220207		11/03/2016	Timber screw		\$14.12
	55-0220204		11/03/2016	Wharf deck screws/bolts		\$415.40
	55-0221212		11/08/2016	Wharf bathroom repairs		\$575.30
	55-0221570		11/09/2016	Wood - skatepark		\$29.28
	55-0221738		11/09/2016	Wood		\$10.55
	55-0223555		11/15/2016	Hardi board		\$41.52
	55-0224565		11/18/2016	Tools - Cooper		\$152.51
	55-0225260		11/22/2016	Plunger, gloves, fascia		\$48.23
	55-0227099		11/30/2016	Cord		\$29.87
				1000 - General Fund	\$270.44	
				1311 - Wharf Fund	\$1,046.34	
85433	12/09/2016	Open			SANTA CRUZ MUNICIPAL UTILITIES	\$73.4
	Invoice		Date	Description		Amount
	SCMU111016		11/10/2016	Monthly water service for medians		\$73.47
85434	12/09/2016	Open			SCC ENVIRONMENTAL HEALTH SVC	\$1,000.0
	Invoice		Date	Description		Amount
	2016-122		12/02/2016	Storm water resouces plan assistance - grant funding eligibility		\$1,000.00
85435	12/09/2016	Open			SHERRI BETZ	\$50.0
	Invoice		Date	Description		Amount
	BETZ120116		12/01/2016	Late Fall Instructor Payments 2016		\$50.05
85436	12/09/2016	Open			SHERWIN-WILLIAMS	\$135.2
	Invoice		Date	Description		Amount
	9865-8		12/05/2016	Red curb paint		\$135.24
85437	12/09/2016	Open			SOQUEL CREEK WATER DISTRICT	\$4,314.1
	Invoice		Date	Description		Amount
	SCWD112916		11/29/2016	Monthly water usage and irrigation fees		\$4,314.19
				1000 - General Fund	\$3,979.70	
				1311 - Wharf Fund	\$334.49	
85438	12/09/2016	Open			STAPLES ADVANTAGE	\$97.0
	Invoice		Date	Description		Amount
	8041911980		11/19/2016	Office supplies		\$29.20
	8041819886		11/12/2016	Office supplies		\$67.81
85439	12/09/2016	Open			TERRANCE MCMANUS	\$3,049.8
	Invoice		Date	Description		Amount
	McManus120816		12/08/2016	Police Chief moving expenses		\$3,049.86
85440	12/09/2016	Open			TIMES PUBLISHING GROUP	\$520.0
	Invoice		Date	Description		Amount
	8619		11/15/2016	BIA advertising		\$520.00
				1321 - BIA - Capitola Village-Wharf BIA		

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City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85441	12/09/2016	Open			TOM HELD	\$825.00
	Invoice		Date	Description		Amount
	Held112916		11/29/2016	Education reimbursement		\$825.00
85442	12/09/2016	Open			TRENISE POT	\$41.60
	Invoice		Date	Description		Amount
	POT120116		12/01/2016	Late Fall Instructor Payments 2016		\$41.60
85443	12/09/2016	Open			WATSONVILLE BLUEPRINT	\$80.75
	Invoice		Date	Description		Amount
	65718		12/02/2016	file management services		\$35.97
	65719		12/02/2016	file management services		\$44.75
				1317 - Technology Fee Fund		
85444	12/09/2016	Open			WHEELCHAIRS OF SAN MATEO & TECH	\$352.00
	Invoice		Date	Description		Amount
	00009511		07/29/2016	Wheelchair service call & labor		\$352.00
85445	12/09/2016	Open			ZEE MEDICAL SERVICE CO.	\$103.20
	Invoice		Date	Description		Amount
	66607230		11/28/2016	First aid supplies		\$103.20
				2210 - ISF - Stores Fund		
85446	12/09/2016	Open			Back Nine Grill and Bar	\$50.00
	Invoice		Date	Description		Amount
	BackNine120616		12/06/2016	Chief's luncheon McManus and Captain		\$50.00
85447	12/09/2016	Open			Beatrice Varene	\$514.05
	Invoice		Date	Description		Amount
	16-183		12/01/2016	Tree deposit refund #16-183		\$514.05
85448	12/09/2016	Open			Sharp Rees Stealy Medical Group	\$45.00
	Invoice		Date	Description		Amount
	303392875		12/03/2016	Police Chief drug screen		\$45.00
85449	12/09/2016	Open			W. Clemson	\$36.00
	Invoice		Date	Description		Amount
	188127113		12/02/2016	Citation refund		\$36.00
Type Check Totals:						\$59,617.60

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<u>EFT</u>						
373	12/06/2016	Open			CalPERS Member Services Division	\$1,847.20
	Invoice		Date	Description		Amount
	1000190078-9		12/06/2016	Unreported prior year PERS contributions - Grunow & Safty		\$1,847.20

Type EFT Totals: \$1,847.20

City Checks Issued 12/09/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
CITY - Main City Totals				Counts:		Totals
Checks						\$59,617.6
EFTs						\$1,847.2
All						\$61,464.8
WELLS - Payroll Totals						
Checks						\$5,432.0
EFTs						\$170,986.8
All						\$176,418.9
Grand Totals:						
Checks						\$65,049.6
EFTs						\$172,834.0
All						\$237,883.7

Attachment: 12-09-16 City check register (1716 : Approval of City Check Registers)

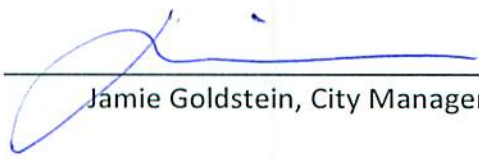
City accounts payable checks dated 12/16/2016, numbered 85450 to 85514 plus 4 EFT, totaling \$894,353.48, plus 1 Library check totaling \$4,257.75, for a grand total of \$898,611.23, have been reviewed and authorized for distribution by the City Manager.

As of 12/16/2016, the unaudited cash balance is \$4,002,346.89.

CASH POSITION - CITY OF CAPITOLA 12/16/2016

	<u>Net Balance</u>
General Fund	(\$1,205,034.34)
Payroll Payables	\$102,349.27
Contingency Reserve Fund	\$1,898,345.66
PERS Contingency Fund	\$300,000.00
Facilities Reserve Fund	\$284,870.00
Capital Improvement Fund	\$1,640,199.22
Stores Fund	\$28,180.98
Information Technology Fund	\$135,728.19
Equipment Replacement	\$109,790.88
Self Insurance Liability Fund	\$266,376.65
Worker's Comp. Ins. Fund	\$325,351.79
Compensated Absences Fund	\$116,188.59
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$4,002,346.89</u></u>

The Emergency Reserve Fund Balance is \$1,262,205.54 (not included above).



 Jamie Goldstein, City Manager

12/16/2016

 Date

Attachment: 12-16-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/16/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Type	Amount
85450	12/14/2016	Open		Licensing Refund	ERIK'S DELI CAFE - CAPITOLA		\$50.0
	Licensee Type			Licensee Number		Transaction Type	
	Food Business			529		Pre-Payment	
85451	12/14/2016	Open		Licensing Refund	MORENO ROOFING CO.		\$45.0
	Licensee Type			Licensee Number		Transaction Type	
	Business			1213		Pre-Payment	
85452	12/14/2016	Open		Licensing Refund	SCHWAN'S HOME SERVICE, INC		\$4.0
	Licensee Type			Licensee Number		Transaction Type	
	Business			872		Pre-Payment	
85453	12/15/2016	Open		Licensing Refund	INTERLITE, INC.		\$75.0
	Licensee Type			Licensee Number		Transaction Type	
	Business			106		Pre-Payment	
85454	12/16/2016	Open			ACCELA INC		\$1,134.0
	Invoice		Date	Description		Amount	
	INV-ACC26344		12/01/2016	Monthly legislative management software		\$1,134.00	
				2211 - ISF - Information Technology			
85455	12/16/2016	Open			ALLSAFE LOCK COMPANY		\$17.0
	Invoice		Date	Description		Amount	
	49055		11/29/2016	Keys		\$17.05	
85456	12/16/2016	Open			AT&T		\$9.1
	Invoice		Date	Description		Amount	
	ATT120116		12/01/2016	Monthly long distance charges		\$9.12	
				1000 - General Fund	\$4.48		
				2211 - ISF - Information Tech	\$4.64		
85457	12/16/2016	Open			ATCHISON BARISONE CONDOTTI & KOVACEVICH		\$16,094.7
	Invoice		Date	Description		Amount	
	ABCK113016		11/30/2016	November legal services		\$16,094.70	
85458	12/16/2016	Open			CA DEPARTMENT OF JUSTICE		\$64.0
	Invoice		Date	Description		Amount	
	202258		12/05/2016	Fingerprinting applications (2)		\$64.00	
85459	12/16/2016	Open			CALIFORNIA COAST UNIFORM COMPANY		\$11.0
	Invoice		Date	Description		Amount	
	5027		11/02/2016	Uniform item for Sandretti		\$11.05	
85460	12/16/2016	Open			CAPITOLA PEACE OFFICERS ASSOCIATION		\$1,707.2
	Invoice		Date	Description		Amount	
	POA120916		12/09/2016	POA Dues PPE 12-03-16		\$1,707.25	
				1001 - Payroll Payables			

Attachment: 12-16-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/16/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Amount	Transaction Amount
85461	12/16/2016	Open			CAROLYN FLYNN		\$3,480.
	Invoice		Date	Description		Amount	
	CBF-11-2016		12/05/2016	November affordable housing management		\$3,480.00	
				1000 - General Fund	\$2,160.00		
				5552 - Cap Hsg Succ- Program	\$1,320.00		
85462	12/16/2016	Open			FERGUSON ENTERPRISES INC.		\$877.
	Invoice		Date	Description		Amount	
	5067440		12/01/2016	Wharf bathroom urinal		\$822.55	
	CM535079		12/06/2016	Return of broken fixture		(\$660.17)	
	5103907		12/06/2016	Wharf bathroom urinal, thread sealant, plumbing parts		\$715.23	
				1311 - Wharf Fund			
85463	12/16/2016	Open			FIRST ALARM SECURITY & PATROL INC.		\$386.
	Invoice		Date	Description		Amount	
	521634		11/30/2016	November security services		\$386.95	
85464	12/16/2016	Open			FLYERS ENERGY LLC		\$2,663.
	Invoice		Date	Description		Amount	
	16-377074		12/09/2016	100 gallons diesel		\$266.19	
	16-377070		12/09/2016	400 gallons ethanol		\$1,051.31	
	16-373435		12/02/2016	443 gallons ethanol		\$1,209.15	
	16-373440		12/02/2016	50 gallons diesel		\$136.86	
85465	12/16/2016	Open			GARDAWORLD		\$173.
	Invoice		Date	Description		Amount	
	10262298		12/01/2016	December armored transportation service		\$173.42	
85466	12/16/2016	Open			GEORGE McMENAMIN		\$870.
	Invoice		Date	Description		Amount	
	riparian6		12/14/2016	Riparian Restoration Services 16/17		\$870.00	
85467	12/16/2016	Open			GRANITE ROCK COMPANY		\$724,516.
	Invoice		Date	Description		Amount	
	975452		11/30/2016	2016 Street Rehabilitation Project - pymt 3		\$724,516.36	
				1200 - Capital Improvement Fund			
85468	12/16/2016	Open			H. MARCHESE - PETTY CASH CUSTODIAN		\$547.
	Invoice		Date	Description		Amount	
	PC120916		12/09/2016	Petty cash expenditures		\$547.74	

Attachment: 12-16-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/16/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85469	12/16/2016	Open			HOME DEPOT CREDIT SERVICES	\$549.1
	Invoice		Date	Description		Amount
	7051584		12/07/2016	Recreation portable heater		\$43.27
	7012383		12/07/2016	Staples and drop cloth		\$13.10
	6584947		12/08/2016	Wharf bathroom caulk, sealant, screw drivers,		\$35.36
	6221530		12/08/2016	return screw driver		(\$3.22)
	5023885		12/09/2016	Hole saw, bike hook, bike hanger, adhesive, rubber wall base		\$166.15
	5585084		12/09/2016	Light switch, adhesive		\$26.84
	3133605		12/11/2016	Return of lock		(\$51.93)
	3561415		12/11/2016	Deadbolt		\$125.52
	2561388		12/12/2016	Charger cords		\$32.28
	1574925		12/13/2016	Palm tree mix		\$43.55
	5561135		12/09/2016	Fiber discs		\$77.67
	1592213		12/13/2016	Fleet supplies		\$40.49
				1000 - General Fund	\$250.36	
				1311 - Wharf Fund	\$298.72	
85470	12/16/2016	Open			HOUSING AUTHORITY OF THE COUNTY OF SANTA CRUZ	\$242.1
	Invoice		Date	Description		Amount
	17-5 CDBG		12/09/2016	November housing rehab & homeownership assistance		\$242.50
				1350 - CDBG Grants		
85471	12/16/2016	Open			HUMBOLDT PETROLEUM LLC	\$6.1
	Invoice		Date	Description		Amount
	086013		11/30/2016	Police car wash		\$6.50
85472	12/16/2016	Open			ICMA RETIREMENT TRUST 457	\$4,307.1
	Invoice		Date	Description		Amount
	41298095		12/09/2016	457 Percentage PPE 12-03-16		\$4,307.05
				1001 - Payroll Payables		
85473	12/16/2016	Open			INTERSTATE BATTERY SYSTEMS OF SAN JOSE	\$121.1
	Invoice		Date	Description		Amount
	50260623		12/14/2016	Car battery		\$121.75
85474	12/16/2016	Open			KINGS PAINT AND PAPER INC.	\$36.1
	Invoice		Date	Description		Amount
	A0245351		12/08/2016	Paint		\$36.52
85475	12/16/2016	Open			LANGUAGE LINE SERVICES INC	\$103.1
	Invoice		Date	Description		Amount
	3967298		11/30/2016	Language translation services		\$103.40
85476	12/16/2016	Open			MACKAY METERS INC	\$246.1
	Invoice		Date	Description		Amount
	1046080		11/30/2016	November meter and credit card transaction fees		\$246.40
85477	12/16/2016	Open			MILLER'S TRANSFER & STORAGE CO.	\$234.1
	Invoice		Date	Description		Amount
	88477		12/06/2016	Monthly record storage and warehouse handling		\$234.60

Attachment: 12-16-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/16/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85478	12/16/2016	Open			MISSION LINEN SUPPLY	\$241.1
	Invoice		Date	Description		Amount
	503803707		11/28/2016	PD mats		\$45.39
	503846426		12/05/2016	Center mats & mops		\$63.65
	503867075		12/07/2016	Linen service, mats, towels		\$100.43
	503867074		12/07/2016	Linen service, shop towels		\$31.80
85479	12/16/2016	Open			MODERN COMBAT SOLUTIONS	\$49.5
	Invoice		Date	Description		Amount
	224279		12/01/2016	Range supplies for Ft. Liggett		\$49.52
85480	12/16/2016	Open			MOFFATT AND NICHOL	\$338.9
	Invoice		Date	Description		Amount
	723104		12/13/2016	Condition Assessment of the Capitola Wharf 1311 - Wharf Fund		\$338.99
85481	12/16/2016	Open			NANCY HOWELLS	\$44.2
	Invoice		Date	Description		Amount
	2017-00000481		12/09/2016	Late Fall Instructor Payments 2016		\$44.20
85482	12/16/2016	Open			O'REILLY AUTO PARTS	\$232.1
	Invoice		Date	Description		Amount
	2763-252059		12/07/2016	oil filters and fluid		\$43.49
	2763-252060		12/07/2016	retainers		\$84.00
	2763-252061		12/07/2016	retainers		\$104.82
85483	12/16/2016	Open			PACIFIC GAS & ELECTRIC	\$14,775.1
	Invoice		Date	Description		Amount
	PGE101316-acct5		10/13/2016	Pac cove parking lot utilities (climate credit)		(\$790.54)
	PGE101216-acct0		10/12/2016	Rispin Mansion utilities (climate credit)		(\$18.62)
	PGE111316-acct5		11/13/2016	Pac cove parking lot utilities		\$466.66
	PGE110216-acct0		11/10/2016	Wharf Road Rispin Mansion utilities		\$9.53
	PGE121316-acct9		12/13/2016	monthly utilities		\$14,522.52
	PGE121316-acct5		12/13/2016	Pac cove parking lot utilities		\$575.77
	PGE121116-acct0		12/11/2016	Wharf Road Rispin Mansion utilities		\$9.86
				1000 - General Fund	\$5,063.59	
				1300 - SLESF - Supl Law Enfc	\$268.53	
				1310 - Gas Tax Fund	\$7,502.34	
				1311 - Wharf Fund	\$1,940.72	
85484	12/16/2016	Open			PALACE OFFICE SUPPLIES	\$266.1
	Invoice		Date	Description		Amount
	400364-0		11/29/2016	Office supplies		\$111.12
	400807-0		12/01/2016	Office supplies		\$57.82
	9332985-0		12/08/2016	Office supplies		\$24.73
	C26417-0		11/30/2016	Return mouse palm supports		(\$50.90)
	26417-0		10/11/2016	Mouse palm supports (2)		\$50.90
	402262-0		12/09/2016	Tissues, hot cups		\$72.43
				1000 - General Fund	\$193.67	
				2210 - ISF - Stores Fund	\$72.43	

Attachment: 12-16-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/16/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Amount	Transaction Amount
85485	12/16/2016	Open			PAULA BLISS		\$53.00
	Invoice		Date	Description		Amount	
	2017-00000480		12/09/2016	Late Fall Instructor Payments 2016		\$53.30	
85486	12/16/2016	Open			PITNEY BOWES		\$146.48
	Invoice		Date	Description		Amount	
	1002548988		11/26/2016	Recreation postage meter quarterly rental		\$146.48	
85487	12/16/2016	Open			ROYAL WHOLESALE ELECTRIC		\$367.43
	Invoice		Date	Description		Amount	
	7719-610228		12/08/2016	Street lights		\$67.43	
	7719-610290		12/08/2016	Street lights		\$47.85	
	7719-610340		12/08/2016	Lights		\$252.30	
85488	12/16/2016	Open			SAN LORENZO LUMBER		\$186.02
	Invoice		Date	Description		Amount	
	55-0228227		12/05/2016	Wood		\$27.33	
	55-0220471		12/06/2016	Wood		\$128.02	
	55-0228871		12/07/2016	Spackle, straps, washers		\$30.94	
85489	12/16/2016	Open			SANTA CRUZ COUNTY AUDITOR-CONTROLLER		\$9,924.00
	Invoice		Date	Description		Amount	
	SCC113016		11/30/2016	November citation processing		\$9,924.00	
85490	12/16/2016	Open			SANTA CRUZ COUNTY DEPT OF PUBLIC WORKS		\$312.00
	Invoice		Date	Description		Amount	
	30779		11/30/2016	Hazardous material recycling		\$312.00	
85491	12/16/2016	Open			SANTA CRUZ COUNTY INFORMATION SERVICES		\$521.99
	Invoice		Date	Description		Amount	
	SCC120116		12/01/2016	December open query scan charges		\$521.99	
85492	12/16/2016	Open			SANTA CRUZ OCCUPATIONAL MEDICAL CENTER		\$652.00
	Invoice		Date	Description		Amount	
	I-17240		11/30/2016	Pre-employment shots - Hutto		\$91.00	
	I-17238		11/30/2016	Pre-employment physical - Aluffi		\$209.00	
	I-17239		11/30/2016	Pre-employment physical - Hutto		\$352.00	
85493	12/16/2016	Open			SOFTWARE ONE INC		\$3,344.02
	Invoice		Date	Description		Amount	
	US-PSI-536420		11/18/2016	SQL server licenses 2211 - ISF - Information Technology		\$3,344.02	
85494	12/16/2016	Open			SOQUEL HEARING AID CENTER (THE LISTENING STACK)		\$152.23
	Invoice		Date	Description		Amount	
	SHAC120816		12/08/2016	Police radio adapter, electronics		\$152.23	
85495	12/16/2016	Open			STATE STEEL COMPANY		\$1,163.00
	Invoice		Date	Description		Amount	
	123255		12/07/2016	Lock box, wall tubing, supplies		\$1,163.00	

Attachment: 12-16-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/16/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Amount	Transaction Amount
85496	12/16/2016	Open			SUMMIT UNIFORMS		\$1,081.00
	Invoice		Date	Description		Amount	
	36846		11/10/2016	Uniform for Evans		\$264.87	
	37211		11/25/2016	Vest for Newton		\$816.41	
85497	12/16/2016	Open			SUPPLYWORKS		\$1,259.00
	Invoice		Date	Description		Amount	
	385748892		12/06/2016	Cleaning supplies		\$567.70	
	385748900		12/06/2016	Cleaning supplies		\$399.11	
	385879044		12/06/2016	Cleaning supplies		\$292.36	
85498	12/16/2016	Open			US BANCORP EQUIPMENT FINANCE INC.		\$839.00
	Invoice		Date	Description		Amount	
	319151742		12/02/2016	Copier leases		\$839.51	
				1000 - General Fund	\$358.82		
				2210 - ISF - Stores Fund	\$480.69		
85499	12/16/2016	Open			US BANK PARS		\$253.00
	Invoice		Date	Description		Amount	
	PARS120916		12/09/2016	PARS contributions PPE 12-03-16		\$253.35	
				1001 - Payroll Payables			
85500	12/16/2016	Open			VINTAGE CONTRACTORS INC.		\$11,806.00
	Invoice		Date	Description		Amount	
	Retention		12/12/2016	Jade St. tennis court project retention release		\$11,806.00	
				1200 - Capital Improvement Fund			
85501	12/16/2016	Open			WATSONVILLE BLUEPRINT		\$35.00
	Invoice		Date	Description		Amount	
	66050		12/14/2016	scan prints		\$13.35	
	66049		12/14/2016	prints		\$21.80	
85502	12/16/2016	Open			WELLS FARGO BANK		\$6,767.93
	Invoice		Date	Description		Amount	
	WF120216		12/02/2016	November credit card purchases		\$6,767.93	
				1000 - General Fund	\$1,828.72		
				1313 - General Plan Update	\$26.00		
				2210 - ISF - Stores Fund	\$75.16		
				2211 - ISF - Information	\$4,838.05		
85503	12/16/2016	Open			WESTERN EXTERMINATOR COMPANY		\$109.00
	Invoice		Date	Description		Amount	
	4646782		11/30/2016	City Hall - rodent control		\$54.50	
	4669017		11/30/2016	Turnouts - rodent control		\$54.50	
85504	12/16/2016	Open			ZEE MEDICAL SERVICE CO.		\$131.21
	Invoice		Date	Description		Amount	
	66607229		11/28/2016	Medical supplies		\$131.21	

Attachment: 12-16-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/16/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Amount	Transaction Amount
85505	12/16/2016	Open			ZEP SALES & SERVICE		\$581.98
	Invoice		Date	Description		Amount	
	9002567277		12/06/2016	Cleaning supplies		\$581.98	
85506	12/16/2016	Open			Action Auto Glass		\$325.00
	Invoice		Date	Description		Amount	
	1015857		11/30/2016	Replace windshield in Chief's work vehicle		\$325.00	
85507	12/16/2016	Open			Alison Cheroff		\$200.00
	Invoice		Date	Description		Amount	
	Cheroff121416		12/14/2016	Cheroff settlement 2213 - ISF - Self-Insurance Liability		\$200.00	
85508	12/16/2016	Open			Barnaby Clark		\$17,776.12
	Invoice		Date	Description		Amount	
	COC121216-2		12/12/2016	Village sidewalk repairs 50% cost share 1200 - Capital Improvement Fund		\$17,776.12	
85509	12/16/2016	Open			Becky Burgin		\$100.00
	Invoice		Date	Description		Amount	
	2002803.002		12/12/2016	Recreation center rental deposit refund		\$100.00	
85510	12/16/2016	Open			Bek & Adam Sabedra		\$301.00
	Invoice		Date	Description		Amount	
	2017-00000482		12/12/2016	Bandstand rent and permit refund		\$301.00	
85511	12/16/2016	Open			Edward Newman		\$19,518.48
	Invoice		Date	Description		Amount	
	COC121216-1		12/12/2016	Village sidewalk repairs 50% cost share 1200 - Capital Improvement Fund		\$19,518.48	
85512	12/16/2016	Open			Geraldine Kallaus		\$43.00
	Invoice		Date	Description		Amount	
	2002802.002		12/12/2016	Class refund		\$43.00	
85513	12/16/2016	Open			Jessica Baum		\$84.00
	Invoice		Date	Description		Amount	
	2002804.002		12/13/2016	Class refund		\$84.00	
85514	12/16/2016	Open			Terry Hollister		\$84.00
	Invoice		Date	Description		Amount	
	2002801.002		12/06/2016	Class refund		\$84.00	
Type Check Totals:							\$852,641.12

Attachment: 12-16-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/16/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
EFT						
375	12/12/2016	Open			WELLS FARGO BANK	\$606.00
	Invoice		Date	Description		Amount
	WF121216		12/12/2016	December client analysis charges		\$606.08
376	12/13/2016	Open			EMPLOYMENT DEVELOPMENT DEPT	\$8,077.36
	Invoice		Date	Description		Amount
	1-913-213-312		12/13/2016	State tax deposit PPE 12-03-16 1001 - Payroll Payables		\$8,077.36
377	12/13/2016	Open			INTERNAL REVENUE SERVICE	\$31,911.00
	Invoice		Date	Description		Amount
	95669995		12/13/2016	Federal tax deposit PPE 12-03-16 1001 - Payroll Payables		\$31,911.00
378	12/10/2016	Open			STATE DISBURSEMENT UNIT	\$1,117.84
	Invoice		Date	Description		Amount
	2UC346W6657		12/10/2016	Garnishments PPE 12-03-16 1001 - Payroll Payables		\$1,117.84
Type EFT Totals:						\$41,712.16

Library - Library

Check	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
5	12/16/2016	Open			BOWMAN & WILLIAMS INC.	\$4,257.75
	Invoice		Date	Description		Amount
	10797		12/09/2016	November 2005 Wharf Rd. surveying services 1360 - Library Fund		\$4,257.75
Type Check Totals:						\$4,257.75

CITY - Main City Totals

	Counts:	Total
Checks	65	\$852,641.16
EFTs	4	\$41,712.16
All	69	\$894,353.32
Library - Library Totals		
Checks	1	\$4,257.75
EFTs	0	\$0.00
All	1	\$4,257.75
Grand Totals:		
Checks	66	\$856,898.91
EFTs	4	\$41,712.16
All	70	\$898,611.07

Attachment: 12-16-16 City check register (1716 : Approval of City Check Registers)


City accounts payable checks dated 12/23/2016, numbered 85515 to 85542, totaling \$113,727.89, plus 8 Payroll checks and 92 Payroll efts, totaling \$160,848.25, for a grand total of \$274,576.14, have been reviewed and authorized for distribution by the City Manager.

As of 12/23/2016, the unaudited cash balance is \$4,431,813.56.

CASH POSITION - CITY OF CAPITOLA 12/23/2016

	<u>Net Balance</u>
General Fund	\$184,750.29
Payroll Payables	\$228,381.34
Contingency Reserve Fund	\$1,898,345.66
PERS Contingency Fund	\$0.00
Facilities Reserve Fund	\$284,870.00
Capital Improvement Fund	\$865,862.26
Stores Fund	\$25,725.78
Information Technology Fund	\$126,370.32
Equipment Replacement	\$109,790.88
Self Insurance Liability Fund	\$266,176.65
Worker's Comp. Ins. Fund	\$325,351.79
Compensated Absences Fund	\$116,188.59
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$4,431,813.56</u></u>

The Emergency Reserve Fund Balance is \$1,262,205.54 (not included above).



Jamie Goldstein, City Manager

12/23/2016
Date

Attachment: 12-23-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/23/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85515	12/23/2016	Open			APTOS LANDSCAPE SUPPLY INC.	\$75.4
	Invoice		Date	Description		Amount
	432733		11/30/2016	Landscape Rock - City Hall		\$75.44
85516	12/23/2016	Open			B & B SMALL ENGINE REPAIR	\$60.2
	Invoice		Date	Description		Amount
	362542		12/13/2016	Blower parts		\$49.64
	362644		12/15/2016	Filler cap		\$10.58
85517	12/23/2016	Open			BEAR ELECTRICAL SOLUTIONS INC.	\$1,226.5
	Invoice		Date	Description		Amount
	4091		11/30/2016	November traffic signal maintenance - routine		\$616.00
	4110		11/30/2016	November traffic signal maintenance - response 1310 - Gas Tax Fund		\$610.50
85518	12/23/2016	Open			BELLOWS PLUMBING HEATING & SEWER	\$599.0
	Invoice		Date	Description		Amount
	Z345167		12/14/2016	Hydrojett Jade St. line		\$599.00
85519	12/23/2016	Open			CALIFORNIA COAST UNIFORM COMPANY	\$4.5
	Invoice		Date	Description		Amount
	5087		12/08/2016	Star badge for Newton		\$4.50
85520	12/23/2016	Open			COASTAL WATERSHED COUNCIL	\$1,356.3
	Invoice		Date	Description		Amount
	1535		11/30/2016	November NPDES Public Education & Outreach		\$1,356.32
85521	12/23/2016	Open			CRITICAL REACH	\$285.0
	Invoice		Date	Description		Amount
	17-83		12/10/2016	Critical reach crime bulletin service		\$285.00
85522	12/23/2016	Open			EWING IRRIGATION	\$457.9
	Invoice		Date	Description		Amount
	2589549		12/07/2016	Irrigation supplies		\$144.23
	2594870		12/08/2016	Root barrier - Trestle Building		\$81.89
	2594871		12/08/2016	Socket adapter		\$2.21
	2599715		12/09/2016	Root barrier - Trestle Building		\$229.66
85523	12/23/2016	Open			FARWEST NURSERY	\$141.0
	Invoice		Date	Description		Amount
	773928		12/13/2016	Palm tree mix, mulch		\$141.08
85524	12/23/2016	Open			FERGUSON ENTERPRISES INC.	\$88.2
	Invoice		Date	Description		Amount
	5114286		12/08/2016	Plumbing supplies		\$11.44
	5116289		12/08/2016	Plumbing supplies 1311 - Wharf Fund		\$76.77
85525	12/23/2016	Open			FIRST ALARM SECURITY & PATROL INC.	\$225.3
	Invoice		Date	Description		Amount
	977814		12/15/2016	January - March alarm service		\$225.39

Attachment: 12-23-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/23/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
85526	12/23/2016 Invoice 21170234	Open	12/19/2016	payroll law seminar registration - Herlihy	FRED PRYOR SEMINARS	\$149.00
85527	12/23/2016 Invoice 20199450	Open	11/30/2016	Armored car service	GARDAWORLD	\$3.95
85528	12/23/2016 Invoice 121916	Open	12/19/2016	Consulting Arborists Services-Park Ave street rehab 1200 - Capital Improvement Fund	JAMES P ALLEN	\$720.00
85529	12/23/2016 Invoice INV497481	Open	12/13/2016	copier usage charges 2211 - ISF - Information Technology	KBA Docusys Inc.	\$37.16
85530	12/23/2016 Invoice 1431561	Open	11/30/2016	FLSA OT audit legal services	LIEBERT CASSIDY WHITMORE	\$629.00
85531	12/23/2016 Invoice 54222	Open	12/14/2016	note cards and announcements 2210 - ISF - Stores Fund	MISSION PRINTERS	\$258.68
85532	12/23/2016 Invoice 403069-0 402344-0 401615-0	Open	12/08/2016 12/14/2016 12/08/2016	office supplies name plates for City Council members name plates for staff 1000 - General Fund 2210 - ISF - Stores Fund	PALACE OFFICE SUPPLIES	\$199.09 \$37.85 \$37.85
85533	12/23/2016 Invoice PB121916	Open	12/19/2016	Postage machine refill & rental fee 2210 - ISF - Stores Fund	PITNEY BOWES	\$1,504.54
85534	12/23/2016 Invoice 23985	Open	12/01/2016	Command Central analytical contract Jan-March	PUBLIC ENGINES INC.	\$597.00
85535	12/23/2016 Invoice 29790	Open	12/08/2016	Name plate for Chief	QUILL CORPORATION	\$21.72
85536	12/23/2016 Invoice 4709	Open	12/13/2016	Plumbing services - CPD	SANTA CRUZ PLUMBING INC.	\$240.00

Attachment: 12-23-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/23/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Amount	Transaction Amount
85537	12/23/2016	Open			SANTA CRUZ REGIONAL 911		\$102,033.00
	Invoice		Date	Description		Amount	
	SC911-16-17-Qtr3		12/15/2016	Regional 911 service		\$94,865.75	
	SCR911-1617-Qtr3		12/15/2016	Regional 911 3rd Qtr SCRMS		\$7,167.50	
85538	12/23/2016	Open			SERVPRO OF SANTA CRUZ		\$140.89
	Invoice		Date	Description		Amount	
	5170		12/14/2016	Biohazard cleaning of vehicle #162		\$140.89	
85539	12/23/2016	Open			STAPLES ADVANTAGE		\$98.26
	Invoice		Date	Description		Amount	
	8042102807		12/03/2016	Office supplies		\$98.26	
85540	12/23/2016	Open			THE CHRISTMAS LIGHT PROS OF MONTEREY		\$2,200.00
	Invoice		Date	Description		Amount	
	CLP120916		12/09/2016	Holiday tree lights and snowflake display lights 1321 - BIA - Capitola Village-Wharf BIA		\$2,200.00	
85541	12/23/2016	Open			Jacob's Heart Children's Cancer Support Services		\$150.00
	Invoice		Date	Description		Amount	
	2017-00000505		12/12/2016	BIA window decorating contest winner 1321 - BIA - Capitola Village-Wharf BIA		\$150.00	
85542	12/23/2016	Open			Lymphoma Cancer Society		\$150.00
	Invoice		Date	Description		Amount	
	2017-00000506		12/12/2016	BIA window decorating contest winner 1321 - BIA - Capitola Village-Wharf BIA		\$150.00	
Type Check Totals:							\$113,727.00

Attachment: 12-23-16 City check register (1716 : Approval of City Check Registers)

City Checks Issued 12/23/2016

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
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	Counts:	Total:
CITY - Main City Totals		
Checks	28	\$113,727.8
EFTs	0	\$0.0
All	28	\$113,727.8
WELLS - Payroll Totals		
Checks	8	\$11,886.2
EFTs	92	\$148,962.0
All	100	\$160,848.2
Grand Totals:		
Checks	36	\$125,614.1
EFTs	92	\$148,962.0
All	128	\$274,576.1

Attachment: 12-23-16 City check register (1716 : Approval of City Check Registers)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: City Manager Department

SUBJECT: Deny Liability Claim of Sandra Jones for an Undetermined Amount

RECOMMENDED ACTION: Deny liability claim.

DISCUSSION: The following claimant has filed a liability claim against the City of Capitola:

1. Sandra Jones: Undetermined amount

Report Prepared By: Liz Nichols
Executive Assistant to the City Manager

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

1/19/2017



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: Public Works Department

SUBJECT: Consider Approving an Amended and Restated Joint Exercise of Powers Agreement and a Joint Community Facilities Agreement for the Libraries Facilities Financing Authority

RECOMMENDED ACTION: Approve an Amended and Restated Joint Exercise of Power Agreement for the Libraries Facilities Financing Authority and a Joint Community Facilities Agreement.

BACKGROUND: The Library Facilities Financing Authority (LFFA) was formed under a Joint Exercise of Powers Agreement (JPA), with an effective date of December 9, 2014. The JPA was formed to help finance improvements to regional libraries, including the new Capitola Branch library. With Measure S passed by voters last June, The JPA is now preparing to issue the first round of bonds.

The JPA was amended for the first time on December 16, 2015, to specify details regarding the terms and provisions upon which the public library improvements will be funded.

Approval of an Amended and Restated JPA is now necessary to align the agreement with the process by which special taxes and bond proceeds will be distributed to members. In addition, approval of a Joint Community Facilities Agreement (JCFA) is necessary to comply with the Mello-Roos Community Facilities Act of 1982.

DISCUSSION: The Amended and Restated JPA incorporates the following changes:

- A. Bond Expenditure Plan. Added the concept of a Bond Expenditure Plan, which will be the detailed plan laying out the anticipated facilities needs of the members, the plan for financing facilities through special taxes and net bond proceeds, the anticipated amounts of special taxes and net bond proceeds to be distributed to each member, and the phasing plan for each series of the bonds. The Bond Expenditure Plan can only be approved and revised by the unanimous vote of the JPA Board. All details regarding the timing and amounts of bond proceeds and special taxes distributed to the members is deferred to the Bond Expenditure Plan.
- B. Joint Community Facilities Agreement. Added references to the Joint Community Facilities Agreement, which is a separate agreement the Authority needs to sign with all the members in order to comply with the Mello-Roos Act, and which will be presented to the Board along with the amendments to the JPA Agreement. The Joint Community Facilities Agreement

Library Facility Financing Authority JPA agreement
January 26, 2017

includes covenants by the members regarding expenditure of bond proceeds, record-keeping and reporting, and federal tax law requirements.

- C. Separate Provisions for Special Tax Revenues and Bond Proceeds. In order to clarify the agreement, separate provisions for the receipt and accounting of special tax revenues and bond proceeds are included, since they will be subject to different rules.

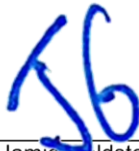
FISCAL IMPACTS: None

ATTACHMENTS:

1. Amended and Restated Joint Exercise of Powers Agreement
2. Joint Community Facilities Agreement

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

1/20/2017

SANTA CRUZ LIBRARIES FACILITIES FINANCING AUTHORITY

**AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT**

This AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (this "Agreement"), dated _____, 2017, is entered into by and among the CITY OF SANTA CRUZ, a charter city and municipal corporation duly organized and existing under the Constitution and laws of the State of California, the CITY OF SCOTTS VALLEY, a general law city and municipal corporation duly organized and existing under the laws of the State of California, the CITY OF CAPITOLA, a general law city and municipal corporation duly organized and existing under the laws of the State of California, and the COUNTY OF SANTA CRUZ, a California county duly organized and existing under the laws of the State of California.

BACKGROUND:

1 The Cities and the County wish to enter into this Agreement establishing a new and separate joint powers authority for the purpose of financing the acquisition, construction and improvement of public library facilities (the "Public Library Improvements") through the formation of a community facilities district under the Mello-Roos Community Facilities Act of 1982, constituting Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, commencing with Section 53311 of said Code (the "Mello-Roos Act") and the authorization and issuance of bonds under the Mello-Roos Act.

2. The Facilities Authority has completed proceedings for the formation of a community facilities district under the Mello-Roos Act, known as "Santa Cruz Libraries Facilities Financing Authority Community Facilities District No. 2016-1."

3. This Agreement amends and restates in its entirety the Joint Exercise of Powers Agreement among the Parties dated December 9, 2014, as subsequently amended to date.

AGREEMENT:

For and in consideration of the premises and the material covenants hereinafter contained, the Parties hereto hereby formally covenant, agree and bind themselves as follows:

SECTION 1. *Definitions.* Unless the context otherwise requires, the terms defined in this Section 2 have the meanings herein specified.

"Agreement" means this Joint Exercise of Powers Agreement, as it may be amended from time to time, creating the Facilities Authority.

"Board" means the governing board of the Facilities Authority.

Attachment: Amended and Restated Joint Exercise of Powers Agreement (1724 : Library Facility Financing Authority JPA agreement)

"Bond" or "Bonds" means any notes; bonds or other obligations issued by the Facilities Authority for the purpose of financing Public Library Improvements payable from the Special Tax.

"Bond Expenditure Plan" means the Bond Expenditure Plan approved by the Board, by the unanimous affirmative vote of all of the Directors, in accordance with Section 2 below, as it may be amended from time to time.

"Bond Trustee" means the trustee or fiscal agent to be appointed by the Board in connection with the issuance of each series of the Bonds.

"Cities" means collectively, the Cities of Santa Cruz, Scotts Valley and Capitola.

"CFD" means a community facilities district formed under the Mello-Roos Act.

"County" means the County of Santa Cruz.

"Directors" means the members of the Board, as set forth in Section 4(b).

"Facilities Authority" means the joint powers authority created by this Agreement.

"JCFA" means the Joint Community Facilities Agreement to be entered into by the Parties and the Facilities Authority under the Act and in accordance with Section 2 below.

"Joint Powers Act" means the Joint Exercise of Powers Act, constituting Chapter 5 of Division 7 of Title 1 of the California Government Code, commencing with Section 6500 of said Code.

"Library Operator" means the Library Joint Powers Authority, the Parties or any other entity established to carry out library operations.

"Mello-Roos Act" means the Mello-Roos Community Facilities Act of 1982, constituting Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, commencing with Section 53311 of said Code.

"Net Bond Proceeds" means the proceeds of each series of the Bonds available for Public Library Improvement costs, net of transaction costs that may include costs of issuing the Bonds, debt service reserve funds for the Bonds, capitalized interest with respect to the Bonds, and initial expenses of administering the CFD and the Bonds.

"Parties" means, collectively, all the parties to the Agreement, being the Cities and the County.

"Public Library Improvements" means physical improvements to the public library facilities, which are operated by the Library Operator, as defined by "Facilities" in the formation proceedings for the CFD and eligible for financing by the CFD in accordance with the formation proceedings for the CFD, the JCFA, and the Mello-Roos Act.

"Special Tax" or "Special Taxes" means the special tax levied by the CFD.

SECTION 2. *Purposes.*

(a) General. This Agreement is entered into under the Joint Powers Act for the purpose of establishing a joint powers authority which is authorized to exercise the powers granted to it under the Joint Powers Act and the Mello-Roos Act for the following purposes:

- (i) Forming a CFD.
- (ii) Calling an election under the Mello-Roos Act on, among other things, the issuance of Bonds for the purpose of raising at least \$62,000,000 of Net Bond Proceeds and net Special Taxes for the financing of Public Library Improvements.
- (iii) Issuing Bonds to finance Public Library Improvements.
- (iv) Carrying out all activities required for the proper management of the Bonds to be issued hereunder.

(b) CFD Formation and Administration.

(i) General. It is understood and agreed by the Parties that the purpose of the Facilities Authority is to form a single CFD and to conduct a single bond election for the issuance of one or more series of Bonds for the purpose of raising at least \$62,000,000 of Net Bond Proceeds and net Special Taxes and that following the initial formation of the CFD and bond election, the purposes of the Facilities Authority shall be to issue the Bonds that have been authorized at such election, to levy a tax to service the debt associated with the issuance and pay for Public Library Improvements on a pay-as-you-go basis and otherwise administer the Bonds and the Special Tax during the term thereof.

It is anticipated that the Special Tax will be levied each year at the maximum amount permitted.

Prior to the issuance of the first series of the Bonds, the Board shall take the following actions:

- (I) The Board shall approve, by the unanimous affirmative vote of all of the Directors, a Bond Expenditure Plan setting forth the anticipated Public Library Improvements needs of each Party, the plan for financing those Public Library Improvements through Special Taxes and Net Bond Proceeds, the anticipated amounts of Special Taxes and Net Bond Proceeds to be distributed to each Party, and the phasing plan for each series of the Bonds. The Bond Expenditure Plan may be amended from time to time, by the unanimous affirmative vote of all of the Directors, to further refine the financing plan for the Public Library Improvements.
- (II) The Board and the Parties shall enter into the JCFA in accordance with the Act governing the expenditure of Net Bond Proceeds by the Parties and such other matters as set forth in the JCFA.

(ii) Maximum Distributions to Parties. The Facilities Authority shall distribute the Special Taxes and Net Bond Proceeds to each of the Parties in the maximum amounts specified below using the percentages specified below (adjusted for rounding) in order to undertake and complete the construction of the Public Library Improvements:

Member	Maximum Amount	Percentage
City of Capitola	\$8,000,000	12.90%
City of Santa Cruz	\$25,000,000	40.32%
City of Scotts Valley	\$3,000,000	4.84%
County of Santa Cruz	\$26,000,000	41.94%
Total	\$62,000,000	100.00%

Changes to the total amount of the Bonds to be issued, or to the distribution of Special Taxes and Net Bond Proceeds among the Parties, shall require an amendment to this Agreement by the unanimous affirmative vote of all of the Directors, in accordance with the further requirements set forth in Section 14, and shall be subject to the requirements of the Mello-Roos Act and the Joint Powers Act.

(iii) Distribution of Special Tax Proceeds. Prior to issuance of Bonds, any net Special Tax collected in excess of amounts needed to administer the CFD shall be distributed twice annually in January and June, or as soon as practical upon receipt (but in no event less than twice annually), to each of the Parties in the percentages shown above.

After the issuance of Bonds, any net Special Tax collected in excess of amounts needed to pay each Party’s allocable share of debt service on Bonds and to administer the Bonds and the CFD shall be distributed annually on September 2 to each of the Parties in accordance with the Bond Expenditure Plan.

When the total of net Special Taxes and Net Bond Proceeds distributed to the Parties equals the maximum amounts specified in Section 2 (ii) and a total of \$62,000,000, further distribution of net Special Taxes to each of the Parties shall be made in accordance with the Bond Expenditure Plan subject to the unanimous affirmative vote of all of the Directors.

Each of the Parties shall deposit or cause to be deposited all Special Tax proceeds it receives into a separate account to track revenues, expenses and fund balance, which will also be subject to an independent audit every year during the term of this Agreement. Each of the Parties shall spend all Special Tax proceeds in accordance with the JCFA, and will be required to execute and deliver certifications and make representations and covenants regarding the administration and expenditure of net Special Taxes, as may be required by bond counsel in order to ensure compliance with applicable provisions of Mello-Roos Act.

(iv) Distribution of Net Bond Proceeds. All Net Bond Proceeds shall be held by the Bond Trustee in a separate fund or account to be maintained for that purpose.

The Bond Trustee shall disburse Net Bond Proceeds to the Parties solely in accordance with the Bond Expenditure Plan and subject to the maximum amounts set forth in subsection (ii) above.

The Bond Trustee shall disburse Net Bond Proceeds to a Party (or to a third party at the direction of that Party) only upon a written requisition from that Party:

- (l) specifying the Facilities costs for which the disbursement is requested, and date on which the cost was incurred,

(II) certifying that the Net Bond Proceeds shall be used by the Party solely in accordance with the JCFA, and

(III) certifying that the Facilities cost has been paid by the Party or will be paid by the Party no later than 30 days after the date of the written requisition.

Each of the Parties shall deposit or cause to be deposited all Net Bond Proceeds into a separate account to track revenues, expenses and fund balance, which will be subject to an independent audit every year during the term of this Agreement. Each of the Parties shall spend Net Bond Proceeds in accordance with the JCFA, and will be required to execute and deliver certifications and make representations and covenants regarding the administration, expenditure and investment of Net Bond Proceeds as may be required by bond counsel in order to ensure compliance with applicable provisions of the Mello-Roos Act and federal tax law.

(v) Construction of Public Library Improvements. Each of the Parties shall be responsible for overseeing the construction of the Public Library Improvements within its jurisdiction. The Parties shall work with their designated Library Operator to ensure that the Public Library Improvements meet the appropriate minimum deliverables for each project as well as furniture, shelving and signage standards as defined in Attachment A, which may be amended by the unanimous affirmative vote of all of the Directors to reflect updated standards.

SECTION 3. *Term*. This Agreement takes effect as of the date hereof and continues in full force and effect while any Bonds or other obligations of the Facilities Authority remain outstanding under the terms of any indenture, trust agreement, contract, agreement, lease, sublease or other instrument under which such Bonds are issued or other obligations are incurred. The Facilities Authority shall cause all records regarding its formation, existence, any Bonds issued by it, obligations incurred by it and proceedings pertaining to its termination to be retained for at least six years following termination of the Facilities Authority or final payment of any Bonds, whichever is later.

SECTION 4. *The Facilities Authority*.

(a) Creation of Facilities Authority. There is hereby created under the Joint Powers Act an agency and public entity to be known as the "Santa Cruz Libraries Facilities Financing Authority." As provided in the Joint Powers Act, the Facilities Authority is a public entity separate from the Parties. The debts, liabilities and obligations of the Facilities Authority do not and shall not constitute debts, liabilities or obligations of the Parties. Within 30 days after the effective date of this Agreement or any amendment hereto, the Facilities Authority will cause a notice of this Agreement or amendment to be prepared and filed with the office of the Secretary of State of the State of California in the manner set forth in Section 6503.5 of the Joint Powers Act.

(b) Governing Board. The Facilities Authority shall be administered by the Board consisting of four Directors, who shall consist of the chief executive officer of each of the Parties, or a designee of any such chief executive officer. In the case of the Cities, the chief executive officer shall be the City Manager of each of the Cities; and in the case of the County, the chief executive officer shall be the County Administrative Officer of the County. The Board may adopt, from time to time, such bylaws, rules and regulations necessary for the productive management of its meetings.

All voting power of the Authority shall reside in the Board. Each Director shall have one vote.

(c) Meetings of Board.

(i) Time and Place. The Board shall establish the times and dates for regular meetings by resolution adopted by the Board. Regular meetings of the Board shall be held at such location as shall be designated by the Board; except as may otherwise be permitted by the laws of the State of California in the case of a meeting held by teleconference. The initial location for regular meetings of the Board shall be 224 Church Street in the City of Santa Cruz. The Board may hold special meetings at any time and from time to time in accordance with the provisions of the Ralph M. Brown Act (Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California), or any successor legislation hereinafter enacted (the "Brown Act").

(ii) Brown Act. All meetings of the Board will be called, noticed, held and conducted in accordance with the applicable provisions of the Brown Act.

(iii) Minutes. The Board will cause minutes of all meetings of the Board to be kept and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each member of the Board and to the Parties.

(iv) Quorum. A majority of the members of the Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn meetings from time to time. The affirmative votes of at least a majority of the Directors present at any meeting at which a quorum is present shall be required to take any action by the Board. Notwithstanding the foregoing provisions of this subsection (iv), any action taken by the Board to form a community facilities district, call a bond election or issue Bonds pursuant to such election and distribute Net Bond Proceeds shall only be taken with the unanimous affirmative vote of all of the Directors.

(d) Officers; Duties; Bonds

(i) Treasurer-Controller. Pursuant to Section 6505.5 and 6505.6 of the Joint Powers Act, the Santa Cruz County Auditor-Controller-Treasurer-Tax Collector is hereby designated as the Treasurer-Controller and, as such, shall perform the functions of the treasurer and the functions of the auditor of the Facilities Authority, as such functions are set forth in Section 6505.5 of the Joint Powers Law. Pursuant to Section 6505.1 of the Joint Powers Act, the Treasurer-Controller shall have custody of, handle and have access to all accounts, funds and money of the Facilities Authority from whatever source and all records of the Facilities Authority relating thereto. The County will not charge the Facilities Authority for the services of the Santa Cruz County Auditor-Controller-Treasurer-Tax Collector's Office to issue debt, make debt service payments or make drawdowns.

The Treasurer-Controller of the Facilities Authority is hereby designated as the public officer or person who has charge of, handles, or has access to any property of the Facilities Authority. The Treasurer-Controller shall file an official bond in the amount of \$25,000 as required by Section 6505.1 of the Joint Powers Act; provided, that such bond shall not be required if the Facilities Authority does not possess or own property or funds with an aggregate value of greater than \$500 (excluding amounts held by a trustee or other fiduciary in connection with any Bonds). So long as required by Section 6505 and

Section 6505.5 of the Joint Powers Act, every year during the term of this Agreement the Treasurer-Controller of the Facilities Authority shall prepare or cause to be prepared an independent audit to be made by a certified public accountant, or a public accountant, as required under Sections 6505, 6505.5, and 6505.6 of the Joint Powers Act. Any costs associated with the independent audit shall be paid for by the Parties to this Agreement or their designated Library Operator, as determined by the Parties, proportionate to the Special Tax and Bond proceeds received, as set forth in Section 2.

(ii) Chair and Vice Chair. The Board of Directors shall elect a Chair and a Vice-Chair of the Facilities Authority at its first meeting in January of each year. The Chair shall be the presiding officer of the Facilities Authority, and shall sign all contracts on behalf of the Facilities Authority unless otherwise provided by resolution of the Board. The Vice Chair shall perform the duties of the Chair in the absence or unavailability of the Chair.

(iii) Executive Director, Secretary and Other Officers. The Board may appoint staff to conduct the business of the Facilities Authority. Said officers shall perform such functions as shall be customary in the exercise of such positions, and as may be more specifically provided by the Facilities Authority from time to time. The Executive Director shall have charge of the day-to-day administration of the Facilities Authority and shall execute the directives of the Board. The Secretary shall have charge of and access to all the records of the Facilities Authority other than those that are the responsibility of the Treasurer-Controller. The Secretary shall be responsible for recording and distributing the minutes of all meetings of the Board. The Board may appoint an attorney or firm of attorneys to serve as the general legal counsel to the Facilities Authority, who shall perform such duties as may be prescribed by the Board. Any costs associated with such appointments shall be paid for by the Parties to this Agreement or their designated Library Operator, as determined by the Parties, proportionate to the Special Tax and Bond proceeds received, as set forth in Section 2.

The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants. Any costs associated with such appointments shall be paid for by the Parties to this Agreement or their designated Library Operator, as determined by the Parties, proportionate to the Special Tax and Bond proceeds received, as set forth in Section 2.

(iv) Privileges and Immunities. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, worker's compensation and other benefits which apply to the activities of officers, agents or employees of the Parties when performing their respective functions within the territorial limits of their respective Party, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this Agreement.

(v) Employees Independent of Parties. None of the officers, agents or employees, if any, directly employed by the Facilities Authority shall be deemed, by reason of their employment by the Facilities Authority, to be employed by any Party or, by reason of their employment by the Facilities Authority, to be subject to any of the requirements of any Party.

SECTION 5. *Powers.*

The Facilities Authority shall have the power, in its own- name, to conduct proceedings under the Mello-Roos Act to form a single CFD within all or a portion of the boundaries of the Parties, to conduct a single bond election for the issuance of one or more series of Bonds for the purpose of raising at least \$62,000,000 of Net Bond Proceeds and net Special Taxes to be paid by a special tax within the CFD and to finance Public Library Improvements within the CFD, and to issue Bonds under the Mello-Roos Act for said purposes. The Facilities Authority is not authorized to take any actions inconsistent with or additional to the specific proceedings set forth above.

The Facilities Authority shall have all powers which a joint powers authority may exercise under the Joint Powers Act (including powers which are common to the Parties in accordance with Section 6502 of the Joint Powers Act), and all powers granted to it as a public agency under the laws of the State of California (including but not limited to the powers set forth in Chapter 12, Division 6; Title 1 of the California Government Code; commencing with Section 5920 of said Code), for the purpose of carrying out the purposes for which the Facilities Authority has been established, The Facilities Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of common powers, including but not limited to making and entering into contracts, suing and being sued in its own name, incurring obligations, and carrying out and enforcing all the provisions of this Agreement.

SECTION 6. *Termination of Powers.* The Facilities Authority shall continue to exercise the powers herein conferred upon it until the termination of this Agreement in accordance with Section 3.

SECTION 7. *Fiscal Year.* Unless and until changed by resolution of the Board, the fiscal year of the Facilities Authority is the period from July 1 of each year to and including the following June 30.

SECTION 8. *Disposition of Assets.* Upon termination of this Agreement under Section 3, any surplus money in possession of the Facilities Authority or on deposit in any fund or account of the Facilities Authority, and all property of the Facilities Authority both real and personal, will be returned in proportion to any contributions made as required by Section 6512 of the Joint Powers Act, and otherwise will be divided proportionate to the amount of the Bonds set forth in Section 2. The Board is vested with all powers of the Facilities Authority for the purpose of concluding and dissolving the business affairs of the Facilities Authority.

SECTION 9. *Contributions and Advances.* Contributions or advances of public funds and of personnel; equipment or property may be made to the Facilities Authority by the Parties for any of the purposes of this Agreement. It is mutually understood and agreed that no Party of the Facilities Authority shall have any obligation to make advances or contributions to the Facilities Authority to provide for the costs and expenses of administration of the Facilities Authority, even though any Party may do so. Any Party may allow the use of personnel, equipment or property in lieu of other contributions or advances to the Facilities Authority.

SECTION 10. *Accounts and Reports.* The Facilities Authority will establish and maintain such funds and accounts as may be required by good accounting practice. The books and records of the Facilities Authority will be open to inspection at all reasonable times by the Parties and their representatives.

SECTION 11. *Conflict of Interest Code.* The Facilities Authority shall, by resolution of the Board, adopt a Conflict of Interest Code to the extent required by law.

SECTION 12. *Severability.* If any part, term, or provision of this Agreement is decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, Terms or provisions hereof will not be affected thereby.

SECTION 13. *Successors.* This Agreement is binding on and inures to the benefit of the successors of the Parties. No Party may assign any right or obligation under this Agreement without the written consent of the other Parties.

SECTION 14. *Amendment.* This Agreement may be amended by supplemental agreement executed by the Parties at any time. However, this Agreement may be terminated only in accordance with Section 3 and any such supplemental agreement is subject to any restrictions contained in any Bonds or documents related to any Bonds to which the Facilities Authority is a party.

SECTION 15. *Form of Approvals.* Whenever an approval is required in this Agreement, unless the context specifies otherwise, it shall be given by resolution duly adopted by the governing board of the affected Party, and, in the case of the Facilities Authority, by resolution duly adopted by the Board. Whenever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

SECTION 16. *Mutual Defense and indemnification of Parties and Employees.* Each Party and the Facilities Authority shall defend, indemnify, and hold harmless one another against any and all claims, actions; losses, liability or expense (including attorney's fees) arising out of, or based upon, the acts or omissions of the Facilities Authority or its Parties in executing the powers of the Facilities Authority. To the full extent permitted by law, the Board shall provide for indemnification by the Facilities Authority of any person who is or was a member of the Board, or an officer, employee or other agent of the Facilities Authority or a Party, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with any legal proceeding related to the work of the Facilities Authority, if such person acted in good faith and in the course and scope of his or her office, employment or agency. In the case of a criminal proceeding, the Board may, but is not required to, provide for indemnification and defense of a member of the Board, or an officer, employee or other agent of the Facilities Authority to the extent permitted by law. A member, officer, or employee of the Facilities Authority or any Party may not be held personally liable on any Bonds and may not be subject to any personal liability or accountability by reason of the issuance of Bonds under the Joint Powers Act and this Agreement.

(a) Liability Insurance. The Facilities Authority shall purchase a General Liability Insurance policy with coverage in the minimum amount of \$1,000,000 combined single limit, including coverage for: (a) bodily injury, (b) personal injury, (c) broad form property damage, (d) contractual liability, and (e) cross-liability. Any costs associated with the insurance policy shall be paid for by the Facilities Authority out of the Special Tax or Bond proceeds. The named insured shall be the Facilities Authority and, accordingly, the Facilities Authority shall have responsibility for exercising all rights conferred by the insurance policy upon the insured.

(b) Uninsured Claims. Any uninsured costs of providing liability defense, including payments for legal fees and costs and including payment of adjusted and settled claims and judgments must be approved by the Parties. Where it is necessary to employ special legal counsel given the nature of the claim, the Facilities Authority shall select said special legal counsel. Legal counsel shall report to the Facilities Authority with respect to said claims in recognition of the Facilities Authority's status as defendant and client. Legal counsel shall therefore enjoy an attorney-client privilege with the Facilities Authority and the Facilities Authority shall have the authority to make all decisions for which a client is customarily responsible in an attorney-client relationship, including final decisions with respect to the adjustment and settlement of uninsured claims and the rejection of settlement offers. Any costs associated with uninsured claims shall be paid for by the Parties to this Agreement or their designated Library Operator, as determined by the Parties, proportionate to the Special Tax and Bond proceeds received, as set forth in Section 2.

SECTION 17. *Notices*. Notices to any Party hereunder shall be sufficient if delivered to the representatives of the Parties serving as Directors on the Board.

SECTION 18. *Section Headings*. All section headings contained herein are for convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

SECTION 19. *Law Governing*. This Agreement is made in the State of California under the Constitution and laws of the State of California and is to be so construed.

SECTION 20. *Enforcement by Facilities Authority*. The Facilities Authority is hereby authorized to take any or all legal or equitable actions necessary or permitted by law to enforce this Agreement.

Approved As To Form:



Attorney-at-law

Date: January 6, 2017

Attachment: Amended and Restated Joint Exercise of Powers Agreement (1724 : Library Facility Financing Authority JPA agreement)

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed, as of the day and year first above written.

CITY OF SANTA CRUZ

By: _____

Attest:

CITY OF SCOTTS VALLEY

By: _____

Attest:

CITY OF CAPITOLA

By: _____

Attest:

COUNTY OF SANTA CRUZ

By: _____

Attest:

Attachment: Amended and Restated Joint Exercise of Powers Agreement (1724 : Library Facility Financing Authority JPA agreement)

ATTACHMENT A
FURNITURE, SHELVING & SIGNAGE STANDARDS

Attachment: Amended and Restated Joint Exercise of Powers Agreement (1724 : Library Facility Financing Authority JPA agreement)

JOINT COMMUNITY FACILITIES AGREEMENT

For

SANTA CRUZ LIBRARIES FACILITIES FINANCING AUTHORITY Community Facilities District No. 2016-1

THIS JOINT COMMUNITY FACILITIES AGREEMENT (this "**Agreement**"), dated as of _____, 2017, is by and among the Santa Cruz Libraries Facilities Financing Authority (the "**Authority**") and the following members of the Authority (collectively, the "**Members**"): the County of Santa Cruz (the "**County**"), the City of Santa Cruz (the "**City of Santa Cruz**"), the City of Scotts Valley (the "**City of Scotts Valley**"), and the City of Capitola (the "**City of Capitola**").

BACKGROUND

A. The Authority was formed by the Members under a Joint Exercise of Powers Agreement, with an effective date of December 9, 2014, as amended and restated by an Amended and Restated Joint Exercise of Powers Agreement, with an effective date of _____, 2017 (as amended, the "**Joint Powers Agreement**").

B. In accordance with the Joint Powers Agreement, the Authority has conducted proceedings to establish the Santa Cruz Libraries Facilities Financing Authority Community Facilities District No. 2016-1 (the "**CFD**"), under the Mello-Roos Community Facilities Act of 1982, as amended, Part 1 (commencing with Section 53311) of Division 2 of Title 5 of the California Government Code (the "**Act**").

C. The CFD has been established for the purpose of financing the acquisition of public library facilities set forth in Exhibit A to Resolution No. 2016-001, entitled "Resolution of Formation of Community Facilities District," adopted by the Board of Directors of the Authority on February 11, 2016 (the "**Resolution of Formation**"). The description of authorized facilities is attached as Exhibit A hereto.

D. Certain authorized facilities will be owned or operated by one or more of the Members, or owned by another local agency but controlled, in whole or in part, by a Member (collectively, the "**Facilities**").

E. It is anticipated that the Authority will issue, for and on behalf of the CFD, one or more series of bonds or incur other forms of indebtedness (collectively, the "**Bonds**") secured by special taxes to be levied on non-exempt property located within the boundaries of the CFD. Under Section 53316.2 of the Act, the Authority may finance through the CFD the Facilities to be owned or operated by the Members only pursuant to a joint community facilities agreement among the Authority and the Members.

F. The Authority and the Members have determined that it would be of benefit to the residents of each of their respective jurisdictions to enter into this Agreement to provide for the financing of the Facilities by the Authority through the CFD.

AGREEMENTS

In consideration of the mutual promises and covenants set forth herein, and for other valuable consideration, the sufficiency of which is hereby acknowledged, the Authority and the Members agree as follows:

1. Agreement. This Agreement constitutes a "joint community facilities agreement," within the meaning of Section 53316.2 of the Act pursuant to which the CFD will be authorized to finance the acquisition and construction of the Facilities.

2. Bond Proceeds. The Board of Directors of the Authority, acting as the legislative body of the CFD, may, in its sole discretion, authorize the issuance of Bonds.

If and to the extent the Bonds are issued, the Authority will allocate the amount of the proceeds of each series of Bonds toward the cost of the Facilities for each Member in accordance with the Joint Powers Agreement.

3. Expenditure of Bond Proceeds. Each Member hereby makes the following covenants regarding its proposed use of the Bond Proceeds and the Facilities.

a. Eligible Projects. Each Member shall spend proceeds of the Bonds, and any Special Taxes received by that Member for directly paying for Facilities costs, solely on Facilities authorized to be financed by the CFD as set forth in Exhibit A hereto. In accordance with the Act, all Facilities shall be publicly owned facilities having a useful life of 5 years or more.

b. Federal Tax Matters. Each Member hereby makes the following covenants

i. Expenditure within Three Years; Capital Expenditures. Each Member will proceed with due diligence to complete its respective Facilities and to spend the proceeds it receives from any series of Bonds no later than three years after that series of Bonds is issued. Each Member will ensure that all expenditures of Bond proceeds will be capital expenditures.

ii. Documentation. To assist the Authority in complying with federal tax law matters in connection with the issuance of any Bonds, each Member agrees that, at or before the issuance of a Series of Bonds, each Member will execute and deliver such certifications and covenants as may be reasonably required for the Authority's bond counsel to conclude that interest on such Bonds will be excluded from gross income for federal income tax purposes.

Each Member will retain its records of all accounting and monitoring it carries out with respect to its investment (if any) and expenditure of Bond proceeds for at least 3 years after the Bonds mature or are redeemed (whichever is earlier); however, if the Bonds are redeemed and refunded, each Member will retain its records of accounting and monitoring at least 3 years after the earlier of the maturity or redemption of the obligations that refunded the Bonds.

iii. Private Business Tests; Private Loan Financing Test. Each Member shall assure that the Facilities are not used so as to cause the Bonds to satisfy the private business tests of section 141(b) of the Internal Revenue Code of 1986, as amended (the “Code”), or the private loan financing test of section 141(c) of the Code.

iv. Maintenance of Tax-Exemption. Each Member will take all actions necessary to assure the exclusion of interest on the Bonds from the gross income of the owners of the Bonds to the same extent as such interest is permitted to be excluded from gross income under the Code as in effect on the date of issuance of the bonds.

v. Investment of Bond Proceeds. To the extent that any Member holds any Bond proceeds, that Member shall trace and periodically report to the Authority all investment earnings, if any, received by that Member, and shall apply all such investment earnings toward the cost of Facilities. Each Member shall comply with all legal requirements for the investment of Bond proceeds under the Code.

vi. Reimbursement of Prior Capital Expenditures. Any Member intending to use proceeds of any series of Bonds to reimburse itself for capital expenditures made by it prior to the issuance of that series of Bonds shall:

(I) provide prior written notice to the Authority of the proposed date and amount of such expenditure and the Facility for which the expenditure is intended,

(II) adopt a resolution of its legislative body expressing official intent to reimburse itself with Bond proceeds (in form and substance acceptable to the Authority) no later than 60 days after the first such expenditure is made, and

(III) promptly provide a signed copy of the resolution to the Authority.

4. Annual Reporting. Each Member shall, no later than 90 days after the end of the Member’s fiscal year, file with the Authority a written report (the “Annual CFD Report”) containing the following information for the prior fiscal year:

i. The amount of Bond proceeds received and expended during such fiscal year, any cash balance of Bond proceeds remaining on hand at the end of such fiscal year, and a summary of the Facilities for which Bond proceeds were expended.

ii. The amount of Special Taxes received and expended during such fiscal year, any cash balance of Special Taxes remaining on hand at the end of such fiscal year, and a summary of the Facilities for which Special Taxes were expended.

The Authority shall use the information contained in the Annual CFD Reports in preparing and filing any annual reports required by law, including without limitation any reports required to

be filed with the California Debt and Investment Advisory Commission and the Municipal Securities Rulemaking Board.

5. Ongoing Operation and Maintenance. The Authority and each Member agree that the Members shall be solely responsible for the maintenance and operation of the Facilities.

6. Indemnification. Each Member shall assume the defense of, indemnify and save harmless, the Authority, its officers, employees and agents, and each and every one of them, from and against all actions, damages, claims, losses or expenses of every type and description to which they may be subjected or put, by reason of, or resulting from, any act or omission of that Member with respect to this Agreement, and the ownership, operation and maintenance of the Facilities by that Member; provided, however, that no Member shall be required to indemnify any person or entity as to damages resulting from negligence or willful misconduct of such person or entity or their officers, agents or employees.

7. Severability. If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

8. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. This Agreement may not be assigned by either of the parties thereto.

9. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

10. Amendments. Amendments to this Agreement shall be made only by written instrument executed by each of the parties hereto.

11. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

Approved As To Form:



Attorney-at-law

Date: January 6, 2017

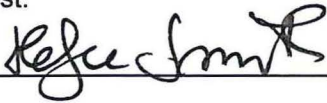
Attachment: Joint Community Facilities Agreement (1724 : Library Facility Financing Authority JPA agreement)

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first-above written.

SANTA CRUZ LIBRARIES FACILITIES FINANCING AUTHORITY

By 

Attest:



CITY OF SANTA CRUZ

By _____

Attest:

CITY OF SCOTTS VALLEY

By _____

Attest:

CITY OF CAPITOLA

By _____

Attest:

COUNTY OF SANTA CRUZ

By _____

Attest:

Attachment: Joint Community Facilities Agreement (1724 : Library Facility Financing Authority JPA agreement)

EXHIBIT A

DESCRIPTION OF FACILITIES TO BE FINANCED BY THE CFD

The types of Facilities proposed to be financed or funded in whole or in part by the Community Facilities District No. 2016-1 (the "CFD") of the Santa Cruz Libraries Facilities Financing Authority (the "Authority") of the under the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") are as follows:

The Facilities means library facilities in the County of Santa Cruz, including but not limited to Aptos, Boulder Creek, Branciforte, Capitola, Downtown Santa Cruz, Felton, Garfield Park, La Selva Beach, Live Oak and Scotts Valley, but excluding library facilities in the City of Watsonville. The Facilities shall include any of the following: new construction, building renovations and service model upgrades needed to provide service desks, an area for displaying materials, separate areas for teens and children, flexible spaces and/or meeting rooms and study rooms, places to display art, new flooring, paint, shelving, furniture and technology, power/data to support library technology, and other upgrades.

The Facilities shall also include, without limitation, the attributable costs of engineering, design, planning, materials testing, coordination, construction staking, and construction, together with the expenses related to issuance and sale of any "debt", as defined in Section 53317(d) of the Act, including underwriters' discount, appraisals, market studies, reserve fund, capitalized interest, bond counsel, special tax consultant, financial advisor, bond and official statement printing, administrative expenses of the Authority, the CFD and bond trustee or fiscal agent related to the CFD, and any such debt and all other incidental expenses. The Facilities shall be constructed or modified, upgraded or otherwise renovated, whether or not acquired in their completed states, pursuant to plans and specifications approved by the Parties to the Authority's Joint Exercise of Powers Agreement.

The Facilities listed in this Exhibit A are representative of the types of improvements to be furnished by the CFD. Detailed scope and limits of specific projects will be determined as appropriate by the Parties. Addition, deletion or modification of descriptions of Facilities may be made consistent with the requirements of the Authority, the CFD and the Act.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: Public Works Department

SUBJECT: Approve First Amendment to Contract with Bogard Construction for Library Project Management Services

RECOMMENDED ACTION: Approve the first contract amendment with Bogard Construction for project management services for the Capitola Library Project, adding \$210,000 of services to the contract. Further, approve a budget amendment increasing the approved expenditures in the Library Project Fund by \$210,000.

BACKGROUND: On July 28, 2016, the City Council approved the first phase of a contract with Bogard Construction for project management services for the Capitola Library project. The initial phase of the contract, in the amount of \$21,600, included collection of project and site data, advising the City of a project delivery method, and assisting the City with selection of a project architect. Bogard was able to complete these task below the initial contract amount. The project is now moving forward into conceptual design work.

DISCUSSION: This first amendment to Bogard's contract should take it through completion of the project. The scope of work, which is detailed in Attachment 1, includes overseeing management of consultants, coordinating meetings, utility coordination, managing project budgets, document review, and construction management services. The cost of these additional services will not exceed \$210,000, raising the total value of the contract to \$231,600, which is within the initial range of \$200,000 to \$300,000 anticipated at contract award.

It should be noted that the Public Works Department is analyzing the possibility of adding a full-time staff project management position as a result of recently approve tax measures dedicated to capital improvement projects (Measures F and D). Staff is still recommending utilizing Bogard Construction for the library project due to its extensive experience with library projects, current project timelines and the significant amount of other on-going and anticipated projects that may require the additional position.

FISCAL IMPACT: Funding is available within the Library Project Fund, which received funds from Measure S and the Successor Agency. A budget amendment is necessary to increase the approved expenditure levels in the project fund.

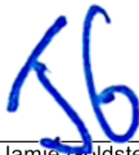
ATTACHMENTS:

1. Bogard Additonal Scope of Services
2. Budget Adjustment

Library Project Manager Contract Amendment
January 26, 2017

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

1/20/2017



December 27, 2016

City of Capitola
 Mr. Steven E. Jesberg
 Public Works Director
 420 Capitola Avenue
 Capitola, CA 95010

Re: Project Management Services for Capitola Library

Dear Mr. Jesberg,

We have enjoyed working with the city on the Capitola Library project and are looking forward to continuing to provide project management services. This letter is to request authorization to continue providing consulting services as needed to assist the city with the project.

We understand our scope is to provide services as the project manager, representing the city, for planning and project management of the new library. Our services include, but are not necessarily limited to, the following:

- Under the direction of city staff, represent the city in managing the city's contract with the chosen architect
- Review and advise city staff regarding documents prepared by the selected architect including design, plans, specifications and cost estimates
- Manage the services of any required consultants
- Attend meetings, review and gather site-related documents as requested
- Coordinate and interface with local jurisdiction and utility companies as needed
- Assist with value engineering and document peer reviews
- As owner's representative, provide project management during the construction phase, including general observation of quality (does not inspection services)
- Oversee overall project budgets and schedules
- Oversee project documentation including prevailing wage documents
- Organize, coordinate, and/ or facilitate meetings with project stakeholders, including citizen groups and outside agencies
- Make presentations to boards, commissions and the City Council as requested
- Provide other services as requested by the city staff related to the construction of the new library
- Also, refer to tasks listed in attached Project Management Services Fee Calculation, for additional information

Based on the services listed above, and the attached anticipated schedule, we have estimated our time commitment over the duration of the project to be as follows:

Pre-Construction	423 hours
Bidding	256 hours
Construction Phase	1070 hours
Post-Construction	140 hours

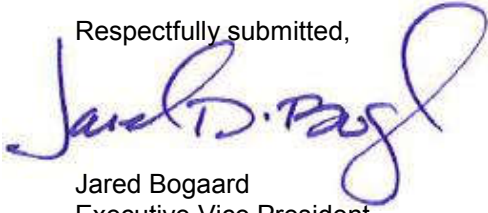
This letter is to request an amount of \$210,000 (Two Hundred and Ten Thousand Dollars) for the remaining services. This will result in a total fee of \$231,000 (Two Hundred and Thirty One Thousand Dollars). Our initial authorization was for \$21,600 (Twenty One Thousand Six Hundred Dollars) for services through September 2016. It should be noted that we have been able provide the initial services through 2016 within this amount.

Page 2

Upon authorization we continue our services on an hourly basis.

We look forward to continuing working with you on this exciting project. If you have any questions, or require additional information, please do not hesitate to contact us.

Respectfully submitted,



Jared Bogaard
Executive Vice President
Bogard Construction, Inc.

Attachment: Project Management Services (Anticipated Schedule) Fee Calculation

Attachment: Bogard Additional Scope of Services (1723 : Library Project Manager Contract Amendment)

City of Capitola Budget Adjustment Form



Date 2/26/2017

Requesting Department _____

Administrative Council

Item # _____
Council Date _____
Council Approval _____

Revenues		
Account #	Account Description	Increase/Decrease
Total		-

Expenditures		
Account #	Account Description	Increase/Decrease
1360-00-00-000-4390.100	Library Contractual Services	\$ 210,000
Total		210,000

Net Impact (210,000)

Purpose: Library Project Management Services

Department Head Approval _____

Finance Department Approval _____

City Manager Approval _____

Attachment: Budget Adjustment (1723 : Library Project Manager Contract Amendment)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: Public Works Department

SUBJECT: Authorize Entering into a License Agreement with Parkmobile, LLC, for the Development of Trial Village Employee Parking Permit Program

RECOMMENDED ACTION: As recommended by the Traffic and Parking Commission, authorize the City Manager to enter into a License Agreement with Parkmobile, LLC, to develop a trial Village Employee Parking Program for the lower Beach and Village Parking Lot.

BACKGROUND: One of the Traffic and Parking Commission's work items for the past year has been to reduce the number of village employees parking in the village proper and in surrounding residential neighborhoods. The commission quickly identified the Beach and Village parking lots as having parking space available on all but the busiest summer days. Three commissioners conducted interviews with the businesses, and the commission utilized an online survey, which was made available to village employees, to measure their interest in various parking ideas.

An agenda report to the Traffic and Parking Commission on this matter from March 9, 2016, is included as Attachment 2. This report details information on the business interviews and the results of the online polling. As a result of the favorable input received from both businesses and employees, the commission began putting together a permit program that would sell permits in the lower lot to employees at a reduced price.

DISCUSSION: After conferring with the Police Department staff, who administer and enforce the existing parking permit programs, and looking at options on how best to set up a program, the commission is recommending the City contract with Parkmobile to develop a web-based parking pass program that provides monthly passes for a fee of \$6.50/month, which is comprised of a fee of \$5 paid to the City and a \$1.50/permit fee paid to Parkmobile. The passes would be valid only in the lower Beach and Village Parking Lot and vehicle license plate numbers would be used to track the permits. The non-recurring contractual cost to develop the program is \$500. The City currently contracts with Parkmobile for a mobile parking meter payment option that is used by approximately 20 percent of those paying for parking. A copy of Parkmobile's standard agreement for development and use of a permit parking site is included as Attachment 1.

Similar Parkmobile programs are used throughout the United States to issue and monitor daily, monthly, and annual parking permits. A user establishes an account with Parkmobile and then goes online to purchase a permit. The user must enter the license plate of the car s/he will be using to discourage sharing the permit. The user may print out a permit or simply rely on the license plate information. Enforcement officers will receive a monthly list of permit holders.

Trial Village Employee Permit Parking Program
January 26, 2017

The commission developed the following guidelines, implementation plan, and program evaluation for this proposed program:

Guidelines:

1. Monthly permits can be purchased year-round
2. Limit of 200 permits issued per month
3. Good in the lower parking lot
4. Not transferable
5. \$6.50 per month
6. Review in late 2017

Implementation Plan:

January: Sign a development contract with Parkmobile
 February: Parkmobile customizes software and website
 March: Training and testing of the website with City personnel
 Mar/Apr: Perform a trial run of the program with one or two businesses to work out any kinks or problems, and make adjustments as necessary.
 May: Communicate the new program to businesses and enroll participant businesses
 June 1: Turn on and roll out the program to all enrolled businesses

Program Evaluation:

At the end of calendar year 2017 the commission will report back to the City Council on the success of the program based on feedback from businesses, permit holders, and the Capitola Police Department and will make any recommendations for the possible continuance of the program.

FISCAL IMPACT The City currently sells up to 100 parking permits directly to the businesses that are good year-round in both the upper and lower Beach and Village Parking Lots for \$50 per year. Based on information received directly from the business owners, most of these permits are used by owners and managers, or not used at all.

The proposed permit program would cost employees \$78 a year if they purchase a permit for 12 months. The monthly permit program allows them flexibility in when and if they purchase a permit. It is impossible to predict how many permits would be purchased. The city will receive \$5 a permit per month. The \$500 set-up fee will be paid out of the Parking Fund, which will then be reimbursed by the permit revenue received.

ATTACHMENTS:

1. Parkmobile e-Permixx License Agreement September 2016
2. Traffic and Parking Commission Employee permit agenda item report

Report Prepared By: Steve Jesberg
Public Works Director

Trial Village Employee Permit Parking Program
January 26, 2017

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

1/20/2017



LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this “Agreement”) is made and entered into as of this 20th day of September, 2016 (the “Effective Date”) by and between **PARKMOBILE, LLC** a Delaware limited liability company (“Parkmobile”), and **CITY OF CAPITOLA**, a California municipality (“Client”).

RECITALS:

WHEREAS, Parkmobile is engaged in the business of providing integrated solutions for the management of all parking-related matters, including non-gated visitor parking, on-street parking, parking permits and back-office administration (“Services”); and

WHEREAS, Parkmobile and Client desire to enter into a mutually beneficial license arrangement, pursuant to which Parkmobile will provide certain services and license certain software to Client, upon the terms and subject to the conditions contained herein.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, and in order to effectuate the above arrangement, the parties hereto agree as follows:

ARTICLE 1 DEFINITIONS

1.1 Certain Defined Terms. For purposes of this Agreement, the following capitalized terms shall have the following meanings:

“**Documentation**” means materials in hard copy or electronic form describing the use and operation of the Software, including any manuals and programming tools, provided by Parkmobile.

“**Error**” means a failure of the Software to substantially conform to the Documentation, which may be reported by Parkmobile to Client or vice versa.

“**Error Corrections**” means revisions, modifications, alterations and additions to the Software, bug fixes or workarounds provided by Parkmobile to Client to correct Errors.

“**Software**” means computer software programs (i.e., e-Permixx) and Documentation developed and owned by Parkmobile (or its affiliates) and identified on Schedule 1 as the same may from time to time be amended and upgraded.

“**Term**” has the meaning set forth in Section 4.1 hereof.

1.2 Other Definitional Provisions. Singular terms shall include the plural, and vice versa, unless the context otherwise requires. The words “hereof,” “herein” and “hereunder” and words of similar import when used in this Agreement shall refer to this Agreement and not to any particular provision of this Agreement, and Section and Schedule references are to this Agreement, unless otherwise specified. The term “including” shall mean “including without limitation.”

ARTICLE 2 LICENSE; SERVICES

2.1 License and Services Provided by Parkmobile. Effective as of the Effective Date, Parkmobile hereby grants to Client a nonexclusive, nontransferable, limited license during the Term, to use the Software in object code form, in the conduct of Client's own internal business operations in accordance with the terms hereof.

2.2 Help and Support. Parkmobile agrees to use its reasonable efforts to assist Client with any technical support that Client may reasonably require in relation to using the Software. In furtherance of the foregoing, Parkmobile agrees to provide Client with preventative maintenance, corrective maintenance, adaptive maintenance and online, on-site and telephone support with respect to the Software. Client shall promptly notify Parkmobile of any Errors that arise during Client's use of the Software, and Parkmobile shall notify Client of any Errors that arise during the Term.

2.3 New Versions of Software. For a separate negotiated fee, Client may request modifications, improvements or amendments to the Software during the Term of this Agreement.

2.4 Reservation of Rights. All rights not expressly granted to Client herein are reserved to Parkmobile.

2.5 No Performance Warranty. The Software is provided to Client "AS IS" with no warranty of any kind. Notwithstanding the foregoing, Parkmobile agrees that the Software shall be provided hereunder in accordance with the service levels set forth on Schedule 2, as the same may be amended from time to time.

2.6 Error Corrections. Notwithstanding Section 2.5, in the event of an Error in the Software, Parkmobile's sole and exclusive obligation shall be to use reasonable efforts to repair that portion of the Software. Repair may take the form, at the option of Parkmobile, as the case may be, of: (i) corrected Software; (ii) corrected Documentation; (iii) instructions or procedures to bypass the problem until a more permanent correction can be implemented; or (iv) correction/clarification of the functional definition of the Software.

2.7 Publicity of Services. All brochures and promotional materials to be distributed by Client in connection with the Services shall be in a form mutually agreed upon by the parties.

2.8 Cooperation. Each party shall reasonably cooperate with the other party to permit such party to perform its duties and obligations under this Agreement in a timely manner.

2.9 Exclusivity. Parkmobile shall be the exclusive provider for all Services for Client during the Term of this Agreement.

2.10 Authority of the Parties. Each party acknowledges and agrees that it has no authority to act on behalf of the other party other than as set forth in this Agreement or to enter into any contract or to incur any liability on behalf of the other party, except with prior written consent of an authorized officer of such party. Each party covenants that it shall not at any time represent, either orally or in writing, that it has any right, power or authority with respect to the other party not expressly granted to the other party by such party.

2.11 Technology Sublicense. Parkmobile hereby grants Client the nonexclusive, non-transferable, non-sub-licensable, revocable right and sublicense to use the proprietary technology that relates to the Services (the "Technology") in connection with the Services. Client shall not

use the Technology for any use other than in connection with the Services. Client acknowledges and agrees that (a) Parkmobile shall be its exclusive source of the Technology for the Term; and (b) all Services obtained by Client shall use the Technology as necessary. Client has no interest in or right to use the Technology or any improvements thereto or modifications thereof except as set forth herein. In all instances, Client's use of the Technology shall inure to Parkmobile's benefit. During the Term or at any time thereafter, Client shall not commit, or cause any third party to commit, any act challenging, contesting or impairing or attempting to impair Parkmobile's right, title and interest in and to the Technology or the validity thereof.

ARTICLE 3 FEES; PAYMENT

3.1 Fees. The fees (the "Fees") applicable to the license of the Software granted to Client hereunder and services related thereto are set forth on Schedule 3. Schedule 3 may be updated from time to time in writing upon the mutual agreement of the parties to reflect any changes or modifications in the Fees payable hereunder.

3.2 Payment. Payment is due not later than thirty (30) days after invoice. Late payment interest of ten percent (10%) per annum may be assessed by Parkmobile on any payment past due, in which case such interest shall accrue from the payment due date to the date payment is received.

3.3 Taxes. Parkmobile's prices do not include sales, use, revenue or excise taxes, and accordingly, in addition to the price specified herein, the amount of any sales, use, excise or other similar tax applicable to the services provided hereunder shall be paid by Client, or, in lieu thereof, Client shall provide Parkmobile with a tax exemption certificate issued by the appropriate taxing authority.

3.4 Billing Disputes. Client shall not be entitled to suspend payment of any disputed invoices. Any disputes must be submitted to Parkmobile in writing and with an explanation of the reason for the dispute. In the event that any payment dispute is resolved in favor of Client, Parkmobile shall credit Client on the immediately subsequent invoice issued to Client.

ARTICLE 4 TERM; TERMINATION

4.1 Term. The initial term of this Agreement shall commence as of the Effective Date and terminate on September 20, 2019 (the "Initial Term"). Following the Initial Term, the Agreement shall be automatically extended for two (2) consecutive one (1) year renewal terms (each a "Renewal Term"), provided that neither Parkmobile nor Client gives written notice to the other of its intent not to renew this Agreement at least sixty (60) days prior to the end of the then-current Renewal Term. The date on which this Agreement is terminated or expires as provided herein is called the "Termination Date," and the period from the Effective Date through the Termination Date is herein called the "Term."

4.2 Termination for Cause.

(a) Either party may terminate this Agreement and the rights granted herein if the other party breaches any of the provisions of this Agreement and (i) fails to remedy such breach within forty-five (45) days after receiving written notice thereof, or (ii) provided the breach does not relate to a monetary obligation, fails to (A) commence a good faith action to remedy such breach within five (5) days after receiving written notice thereof, and (B) diligently pursue such action to conclusion.

(b) Should either party (i) make a general assignment for the benefit of creditors; (ii) institute liquidation proceedings or proceedings to be adjudicated as voluntarily bankrupt; (iii) consent

to the filing of a petition of bankruptcy against it; (iv) be adjudicated by a court of competent jurisdiction as being bankrupt or insolvent; (v) seek reorganization under any bankruptcy act; (vi) consent to the filing of a petition seeking such reorganization; or (vii) have a decree entered against it by a court of competent jurisdiction appointing a receiver, liquidator, trustee, or assignee in bankruptcy or in an insolvency covering all or substantially all of such party's property or providing for the liquidation or dissolution of such party's property or business affairs; then, in any such event, the other party, at its option and without prior notice, may terminate this Agreement effective immediately.

4.4 Effect of Termination.

(a) Upon termination or expiration of this Agreement, (i) Client shall pay to Parkmobile any portion of the Fees then accrued and properly payable under this Agreement; and (ii) Client shall promptly return to Parkmobile all Documentation and other materials in its possession provided by Parkmobile or otherwise created or produced by Parkmobile in connection with the performance of the services provided by Parkmobile hereunder.

(b) Notwithstanding the exercise by any party of its rights under this Article 4, no termination of this Agreement shall relieve either party of its liability for the payment or performance of any obligation accrued prior to the Termination Date (including any indemnification obligation arising hereunder, whether or not notice of such indemnification claim has been given before such termination or of any rights or obligations under any other provisions which, by their meaning or content, are intended to survive the termination hereof).

ARTICLE 5 ADDITIONAL COVENANTS OF THE PARTIES

5.1 Insurance. Parkmobile shall keep all of its insurable properties adequately insured against losses, damages and hazards as are customarily insured against by businesses engaging in similar activities or owning similar properties and at least the minimum amount required by law, regulation, legal or regulatory process or government agency, rules or regulations (collectively, "Law") and any other agreement to which Parkmobile is a party or pursuant to which Parkmobile provides any services, including liability, property and business interruption insurance, as applicable.

5.2 Confidentiality.

(a) Each party acknowledges that all information and trade secrets relating to any of the other party's products and the services hereunder, including, without limitation, pricing, software, business and financial information, marketing and promotion plans, any changes or improvements therein, including any cost savings measures, is the confidential and proprietary information of such other party ("Confidential Information"). Except as otherwise set out herein, neither party shall disclose any Confidential Information of the other party to any third party or use it for its own benefit or the benefit of a third party, and each party shall take all commercially reasonable measures to protect the confidentiality of Confidential Information of the other party and prevent its disclosure to others.

(b) Each party may disclose the Confidential Information of the disclosing party to its affiliates and their respective employees and agents who are directly involved in the performance of this Agreement, who have a need to know and who are obligated to honor the restrictions on disclosure and use of such Confidential Information set forth in this Agreement (the persons to whom such disclosure is permissible being collectively known as "Representatives"). Each party shall be responsible for any breach of this Section 5.2 by its Representatives. The parties shall not disclose, without the prior written consent of the disclosing party, any of such disclosing party's Confidential Information that it has learned either during the course of this Agreement or in discussions and proposals leading up to this Agreement, except

as may be required by Law. The parties shall not use the Confidential Information of a disclosing party for any purpose other than that for which it was disclosed.

(c) All Confidential Information of Parkmobile and Client shall remain the property of each respective party. Upon any termination or expiration of this Agreement, each party shall return to the other party the other party's original version of all Confidential Information of such other party in document form, including any electronic media version, such as CD-ROM or computer disk, and shall confirm to such other party in writing that all such documents and things have been so provided and that all copies thereof have been destroyed subject to compliance with applicable Law. The foregoing shall not apply to any Confidential Information that is in the public domain without breach of this Agreement, Confidential Information that a party can demonstrate was known prior to receipt from the other party or Confidential Information that was subsequently received from a third party without any obligation of confidentiality to the other party.

(d) To the extent any party determines it necessary or advisable to file a copy of this Agreement with a governmental agency, including the United States Securities and Exchange Commission, or otherwise in accordance with Law, that party and its counsel shall work with the non-disclosing party and its counsel to obtain confidential treatment of relevant portions of this Agreement, including, without limitation, product and service specifications and pricing information.

(e) Each party agrees that irreparable damage would occur, and that monetary damages would be an insufficient remedy at Law, in the event that any of the provisions of this Section 4.1 were not performed by the other party in accordance with the terms hereof and that the each party shall be entitled to specific performance of the terms hereof, in addition to any other remedy at Law or equity.

(f) Each party's obligation with respect to the Confidential Information of a disclosing party shall expire three (3) years after the termination or expiration of this Agreement; provided, however, that each party's obligations with respect to the trade secrets of a disclosing party shall remain in effect throughout the Term and at all times thereafter, but only for so long as such information remains a trade secret.

5.3 Information. Subject to Section 5.2 and any applicable Laws and privileges, each party covenants and shall provide the other party with all information regarding itself and the transactions under this Agreement that the other party reasonably believes is required to comply with all applicable Law and to satisfy the requesting party's obligations hereunder. Any information owned by one party that is provided to any other party pursuant to this Agreement shall remain the property of the providing party. Unless specifically set forth herein, nothing contained in this Agreement shall be construed as granting or conferring rights of license or otherwise in any such information.

5.4 Records. Each party shall maintain and retain records related to the provision of the Services under this Agreement consistent with such party's historical policies regarding retention of records. As needed from time to time during the period in which Services are provided, and upon termination of the provision of any Service, unless otherwise prohibited by applicable Law, the parties shall provide each other with records related to the provision of the Services under this Agreement to the extent that (a) such records exist in the ordinary course of business, and (b) such records are reasonably necessary for the requesting party to comply with its obligations under this Agreement or applicable Law.

5.5 Privacy. Client agrees (a) to comply with all applicable Law; (b) not to use the information provided to it by Parkmobile to market similar goods or services; (c) that it will use reasonable security measures to safeguard the information; and (d) not to disclose to others the information.

**ARTICLE 6
REPRESENTATIONS AND WARRANTIES; INDEMNIFICATION**

6.1 Representations and Warranties. Each of Parkmobile and Client hereby represents, warrants and covenants to the other party hereto as follows:

- (a) It is duly organized and validly existing under the laws of the state of its incorporation and has full power and authority to carry on its business as it is now being conducted and to own and operate its properties and assets;
- (b) The execution, delivery and performance of this Agreement by such party has been duly authorized by all requisite corporate or limited liability company action, as applicable;
- (c) It has the power and authority to execute and deliver this Agreement and to perform its obligations hereunder; and
- (d) The execution, delivery and performance by it of this Agreement and its compliance with the terms and provisions hereof do not and will not conflict with or result in a breach of any of the terms or provisions of or constitute a default under the provisions of its charter documents or bylaws, or any order, writ, injunction or decree of any court or governmental authority entered against it or by which any of its property is bound.

6.2 Disclaimer of Warranties. THE SERVICES ARE PROVIDED “AS IS” AND WITH ALL FAULTS. CLIENT ACKNOWLEDGES AND AGREES THAT PARKMOBILE SHALL NOT BE LIABLE FOR ANY ERROR, OMISSION, DEFECT, DEFICIENCY OR NONCONFORMITY IN THE TRIAL PROGRAM OR SERVICES. WITHOUT LIMITING THE FOREGOING, CLIENT ASSUMES ALL RISKS ASSOCIATED WITH THE SERVICES. OTHER THAN AS SPECIFICALLY SET FORTH HEREIN, NEITHER OF THE PARTIES MAKES ANY REPRESENTATIONS, WARRANTIES OR GUARANTEES, EXPRESS OR IMPLIED, DIRECTLY OR INDIRECTLY, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY OF CONDITION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE, WITH RESPECT TO, ARISING OUT OF OR IN CONNECTION WITH THE SERVICES TO BE PERFORMED HEREUNDER BY SUCH PARTY OR THE RESULTS OBTAINED THEREBY.

6.3 Indemnification.

(a) Indemnification by Parkmobile. Parkmobile shall indemnify, defend and hold harmless Client, its affiliates, their respective successors and assigns, and their respective officers, directors, employees, consultants, agents and representatives from any liability, damage, diminution in value, loss, cost, claim or expense, including reasonable attorneys’ fees and expenses that result from or arise out of: (i) the breach or inaccuracy of any of Parkmobile’s representations or warranties in this Agreement; (ii) the breach of any of Parkmobile’s covenants or agreements in this Agreement; or (iii) any violations of Law by Parkmobile in performing its obligations in connection with this Agreement.

(b) Indemnification by Client. Client shall indemnify, defend and hold harmless Parkmobile, its affiliates, their respective successors and assigns, and their respective officers, directors, employees, consultants, agents and representatives from any liability, damage, diminution in value, loss, cost, claim or expense, including reasonable attorneys’ fees and expenses that result from or arise out of: (i) the breach or inaccuracy of any of Client’s representations or warranties in this Agreement; (ii) the breach of any of Client’s covenants or agreements in this Agreement; or (iii) any violations of Law by Client in performing its obligations in connection with this Agreement.

6.4 Limitation of Liability. PARKMOBILE'S TOTAL LIABILITY FOR ANY AND ALL LOSSES AND DAMAGES ARISING OUT OF ANY CAUSE WHATSOEVER (WHETHER SUCH CAUSE BE BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY, OTHER TORT OR OTHERWISE) UNDER THIS AGREEMENT SHALL IN NO EVENT EXCEED AN AMOUNT EQUAL TO THE TOTAL AMOUNT PAID FOR THE SERVICES PURCHASED HEREUNDER. EACH PARTY HERETO AGREES THAT THE OTHER PARTY SHALL NOT BE LIABLE TO SUCH PARTY OR ANYONE ACTING THROUGH SUCH PARTY UNDER ANY LEGAL THEORY (INCLUDING, WITHOUT LIMITATION, BREACH OF CONTRACT, STRICT LIABILITY, NEGLIGENCE OR ANY OTHER LEGAL THEORY) FOR INCIDENTAL, CONSEQUENTIAL, INDIRECT, SPECIAL OR EXEMPLARY DAMAGES ARISING OUT OF OR RELATING TO THIS AGREEMENT.

ARTICLE 7 MISCELLANEOUS

7.1 Force Majeure. Neither party shall be liable for failure or delay in performance of its obligations under this Agreement to the extent such failure or delay is caused by an act of God, act of a public enemy, war or national emergency, rebellion, insurrection, riot, epidemic, quarantine restriction, fire, flood, explosion, storm, earthquake, interruption in the supply of electricity, power or energy, terrorist attack, labor dispute or disruption or other event beyond the reasonable control of such party and without the fault of or negligence by such party (each, a "Force Majeure Event"). If a party's performance under this Agreement is affected by a Force Majeure Event, such party shall give prompt written notice of such event to each other party, stating the date and extent of such suspension and the cause thereof, and shall at all times use commercially reasonable efforts to mitigate the impact of the Force Majeure Event on its performance under this Agreement; provided, that such party shall take measures to overcome the condition that are consistent in all material respects with the measures taken in connection with such party's business. The parties shall promptly confer, in good faith, on what action may be taken to minimize the impact, on both parties, of such condition. In the event of a Force Majeure Event that affects either or both parties' ability to perform under this Agreement, the parties agree to cooperate in good faith to resume the affected services as soon as commercially possible to the extent commercially reasonable.

7.2 Notices. All notices, requests, claims, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given when delivered (a) in person; (b) by any national overnight courier or other service providing evidence of delivery, or by registered or certified mail (postage prepaid, return receipt requested); or (c) by facsimile with a copy delivered the next business day by any overnight courier or other service providing evidence of delivery, to the respective parties at the following addresses:

To Parkmobile:	Parkmobile, LLC 3200 Galleria Parkway, Suite 100 Atlanta, Georgia 30339 Attention: Cherie Fuzzell Telephone: (770) 818-9036 Facsimile: (770) 818-9039 Email: Cherie.fuzzell@parkmobileglobal.com
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To Client: City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 Attention: Jamie Goldstein – City Manager
 Telephone: 831-475-7300
 Facsimile: 813-479-8879
 Email: jgoldstein@ci.capitola.ca.us

or to such other address (or fax number, if applicable) as the party to whom notice is given may have previously furnished to the others in writing in the manner set forth above (provided that notice of any change of address or fax number shall be effective only upon receipt thereof).

7.3 Independent Contractors. The parties are independent contractors under this Agreement, which shall not be construed to create any employment relationship, partnership, joint venture, franchisor-franchisee or agency relationship that did not already exist prior to the Effective Date, or to authorize any party to enter into any commitment or agreement binding on the other party except as expressly stated herein. The parties have no authority to make statements, warranties, or representations or to create any liabilities on behalf of the other.

7.4 Entire Agreement. This Agreement and the documents and schedules referred to herein contain the complete agreement between the parties hereto and supersede any prior understandings, agreements or representations by or between the parties, written or oral, which may have related to the subject matter hereof in any way; provided, however, that this provision is not intended to abrogate any other written agreement between the parties executed with or after this Agreement.

7.5 Amendment and Waiver. The parties hereto may not amend or modify this Agreement, except as may be agreed upon by a written instrument executed by the parties hereto. No waiver of any provision hereunder or any breach or default thereof shall extend to or affect in any way any other provision or prior or subsequent breach or default.

7.6 Successors and Assigns. This Agreement and all of the provisions hereof shall be binding upon and inure to the benefit of the parties and their respective successors and permitted assigns, except that neither this Agreement nor any of the rights, interests or obligations hereunder may be assigned or delegated by either party without the prior written consent of the other party; provided that Parkmobile may assign its rights, interests or obligations under this Agreement without the consent of Client to (i) any affiliate of Parkmobile so long as Parkmobile remains the primary obligor under this Agreement or (ii) any lender to Parkmobile or its affiliates as security for borrowings.

7.7 Third-Party Beneficiaries. The parties to this Agreement do not intend this Agreement to benefit or create any right or cause of action in or on behalf of any person or entity other than Parkmobile and Client.

7.8 Severability. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable Law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable Law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement.

7.9 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, without giving effect to any choice or conflict of law provision or rule that would cause the application of the laws of any other jurisdiction.

7.10 Arbitration. Should there be any ambiguity, contradiction or inconsistency in this Agreement, or should any disagreement or dispute arise between the parties in connection with this Agreement, the component representatives of the parties shall first attempt in good faith amicably to settle the matter by mutual negotiations. If such negotiations are unsuccessful, any controversy, dispute or claim arising out of, or in connection with, this Agreement must be settled by final and binding arbitration to be held exclusively in Atlanta, Georgia or Santa Cruz County, California in accordance with the Commercial Arbitration Rules, as amended and in effect from time to time, of the American Arbitration Association (the “Rules”). The procedures and law applicable during the arbitration of any controversy, dispute or claim shall be both the Rules and the internal laws of the State of California excluding, and without regard to, its or any other jurisdiction’s rules concerning any conflict of laws. The arbitrator shall have the power to order injunctive relief or provide further equitable remedies. All fees and expenses relating to the work performed by the arbitrator(s) shall be shared equally between the parties. Nothing in this paragraph shall prevent a party from seeking injunctive relief from any the state or federal courts located in Atlanta, Georgia or Santa Cruz County, California. The parties consent to the exclusive jurisdiction and venue of such courts with respect to any matter not within the arbitrator’s jurisdiction. Any award of the arbitrator may be enforced in any court of competent jurisdiction.

7.11 No Strict Construction; Headings. The language used in this Agreement shall be deemed to be the language chosen by the parties hereto to express their mutual intent, and no rule of strict construction shall be applied against any party. The headings used in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

7.12 Counterparts; Delivery. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument. The parties agree that this Agreement may be executed and delivered by facsimile or other electronic transmission.

(Signatures begin on following page)

IN WITNESS WHEREOF, this License Agreement has been executed as of the day and year first above written.

“PARKMOBILE”:

PARKMOBILE, LLC

By: _____
Name: _____
Title: _____

“CLIENT”:

CITY OF CAPITOLA

By: _____
Name: _____
Title: _____

Attachment: Parkmobile e-Permixx License Agreement September 2016 (1704 : Trial Village Employee Permit Parking Program)

SCHEDULE 1

SYSTEM DESCRIPTION

Parkmobile's digital permit management system offers permit holders, new applicants and parking staff a 24/7 web-based permit management solution (the "Services"). Processes are online available, from the application to the payment process and from changing, renewing, or canceling the permit. The total lifecycle of a permit is automated and integrated. Virtual "e-permits" are based on license plate numbers with the added functionality of allowing permit holders the ability to print a hang tag receipt upon the purchase of a permit if so desired.

The system is designed with scalability and flexibility needed to support functionality required to configure permit rules, tariffs, zones, and work flows managed by Parkmobile. On-line management of digital permits will increase the customer experience, reduce the administrative burden of permit management, and improve accuracy. The permit system can be configured to mirror the look and feel of the municipality or operator.

Digital permits will help reduce fraud, reduce overhead associated with back office support and fulfillment, save time for the applicant and, as a bonus provide a green initiative (no travel to the permit office, no parking, no queue). In addition, Parkmobile's digital permit system will support both wait list management and multiple payment methods.

The registration and application processes are easy, fast, and secure. Email alerts provide applicants with the necessary status information in order to complete the process. The web based personal pages allow permit holders to apply for, purchase or renew permits manually or automatically, and manage their personal information.

In order to limit fraud, the Parkmobile digital permit system utilizes the vehicle's license plate number (LPN) as a main identifier. Each permit is valid for only one LPN / vehicle – so customers cannot "share" permits among multiple vehicles.

The system is designed to support the enforcement of permit parking through a number of methods:

1. Integration with license plate recognition (LPR) software service providers
2. Integration with enforcement partners utilizing web-enabled hand held devices
3. Native mobile enforcement application designed by Parkmobile to run on web-enabled mobile devices
4. Physical hang tags

The following table represents a description of Parkmobile's Permit Management functionality:

Client Functionality (the Permit Holder)	Supplier Functionality (the Parking Authority)
Register for an Account Apply for and purchase Permits Payment Management Access Payment History Manage Personal Information Manage Account Information	Same Functionality & Options as Client Payment Options: Check and Credit Card Communication to Client Application & Permit Management Renew Expiring Permits Ability to Disable and/or End Permit

SCHEDULE 2

SERVICE LEVELS

1. Operation, Management and Maintenance of the System

(a) Scheduled Maintenance – Scheduled maintenance shall be performed outside of business hours.

(b) Emergency Maintenance – Emergency maintenance, defined as an outage condition, may be performed at any time. Parkmobile will use its best efforts to minimize the impact of any such maintenance and will communicate updates on status at regular intervals

(b) Parkmobile performs daily backups of data. Backups are retained for three months.

2. Errors and Interruptions

(a) When an error or interruption occurs in the Services, Client shall inform Parkmobile as soon as possible. Parkmobile shall confirm its receipt of such notification either verbally or in writing. Time spent by Parkmobile to restore and support interruptions and errors caused by Client and not attributable to Parkmobile shall be charged at the hourly rate of \$180.

(b) In the event that Client and Parkmobile disagree about whether an error or interruption has been resolved, Client and Parkmobile shall discuss in good faith and reach a mutual resolution regarding whether such error or interruption has been adequately resolved.

3. Security and Authorization

Parkmobile shall protect and authenticate a limited number of representatives that shall have access to the system and confidential information. The parties shall respect and utilize security access codes.

4. Reports

Parkmobile shall provide Client via the Internet, access to a set of standard reports related to the Services such as: monthly parking history, active permit holders and permit parking revenues. Custom reports can be developed for the Client on a fee for services basis at the hourly rate of \$180. All access to online reports shall be protected by secure user login credentials.

SCHEDULE 3

FEES

Standard offer

The Digital Permit System will be offered “as is”, based upon the current version operational at the Metro North Railroad in NY; Atlanta, GA; and Boston, MA. This Standard Offer includes the following:

- ✓ **Banner customization with Client’s logo** is included.
- ✓ Parkmobile will provide a **specific link** which needs to be added to the Client’s website (as appropriate) **to access the personal permit pages**. Customers can register, apply and pay for a permit, and manage their account information online 24x7.
- ✓ **Hosting fee** is included. The system will be offered as a hosted solution only.
- ✓ **Configuration** of the required permit types according the permit regulations provided by Client is included.
- ✓ **Project management** is included until the system has been officially deployed.
- ✓ **Training**: A one (1) week training period (equivalent of forty hours) for the first year, and one (1) week refreshment training (equivalent of forty hours) for the second and per consecutive year, is included. All travel expenses shall be reimbursed at cost.
- ✓ **Technical Support Helpdesk** is included. Customer Service Support available for an additional cost.
- ✓ **Administrative Support** is not included. Transition of parker information and relevant parker communication support is available for an additional cost.
- ✓ **Hang Tag Option**: Permits are either validated on license plate number or via hang tag delivered by email and printed by the customer (no fulfillment costs necessary).
- ✓ **LPR Integration for Enforcement**: Access to Parkmobile’s enforcement database is available at no cost to Client. However, any and all equipment or hardware costs associated with LPR enforcement are specifically excluded from this offer.
- ✓ **Total duration of developing, configuring, and testing Standard Offer is 2 months**

In lieu of any desire by Client for additional enhancements to Parkmobile’s Standard Offer, Parkmobile is willing to provide the additional services on an hourly basis + travel expenses if/when necessary:

- ✓ Data Migration
- ✓ Expanded features & functionality above and beyond the current version
- ✓ Additional integrations to third-party solutions not covered above
- ✓ Configuration changes after implementation/acceptance
- ✓ Non-Integrated Gateway Service
- ✓ Marketing/Advertising
- ✓ Customized Reporting
- ✓ Citation/Enforcement support
- ✓ Additional Training
- ✓ Permit Administration Service
- ✓ Permit Fulfillment
- ✓ Miscellaneous

Pricing

Parkmobile proposes no initial license fee to install the system. However, a one-time set-up cost and recurring subscription for every permit *either purchased or renewed utilizing the system* is assessed. A price matrix reflecting the proposed pricing structure can be observed below:

	Fees
Hosting Fee	Free
Maintenance Fee	Free
Initial Set Up (one-time)	\$500
Permit Pricing (per permit)	\$1.50/per permit per month

****Pricing excludes all credit card costs associated with the processing of permit payments. Any costs incurred by Parkmobile for processing credit card payments on behalf of Client shall be reimbursed.**

Notwithstanding the foregoing, if the permit fees increase to Five Dollars (\$5.00) per month, Parkmobile agrees to pay the credit card processing fees.

The Total Fee outlined in the Standard Pricing Offer above shall be billed monthly in arrears. Additionally, any credit card costs borne by Parkmobile for the processing of permits shall be included in this monthly invoice. All invoices submitted by Parkmobile shall be due and payable 30 days after the invoice date.

Parkmobile reserves the right to increase permit and additional service fees upon sixty (60) days written notice to Client.

CITY OF CAPITOLA TRAFFIC AND PARKING COMMISSION Agenda Report

Meeting Date: March 9, 2016

Agenda Item: 4

Subject: Employee permit parking program

At the last commission meeting the commission discussed modifications to the Village employee permit program. It was the consensus of the commission to reach out to the businesses and employees to get their input in developing new program guidelines.

Commissioners Ording, Welch, and Graves have met with approximately 44 business owners in the Village. They asked each business a set of questions developed by this group. The commissioners will provide an oral report on their findings. The Business Owner Questionnaire is attached.

In addition to reaching out business owners, an on-line survey was developed for Village employees to gauge their interest in a permit program. As of Friday 3/4/16, 19 employees had taken the survey. The questions and results are attached. Updated results report will be provided at the meeting.

The commission should review the input from the owners and employees and discuss possible modifications to the employee permit program. Suggested topics for consideration could be as follows:

1. Permit Responsibility (Owner or Employee)
2. Permits good seasonally or year around
3. Limit on number of permits issued
4. Permits good in both parking lots of just the lower parking lot
5. Are permits transferable
6. Cost per permit

It is recommended that the commission discuss this matter and draft a set of recommendations to forward to the City Council. If time does not permit these recommendations to be completed, it is recommended that commission consider holding a special meeting in April to complete this work so that the item can get before the City Council in time for implementation this summer.

Business Owner Questions

Project Goal: Reducing the impacts on surrounding residential neighborhoods and providing a safe and readily available space for employees to park by providing use of City Hall parking lots by Village employees.

1. Do you currently buy employee parking permits from the City?
 - a. If yes, how many?
 - b. How do you share them with your employees?
 - c. On a typical day are the permits used?
 - i. Summer?
 - ii. Winter?
2. Do you advise or discuss parking with your employees?
3. What are some of the biggest issues you have with employee parking as a business owner?
4. Do you have any recommendations to increase usage of the permits by employees?
5. Would you be interested in changes in the Village employee parking permit program that would deemphasize the business owner being the middleman and having interested owners and employees purchase their permits directly from the City?
6. Would you be will to forgo the existing permit program in exchange for a revised program that could go into effect this summer?
7. Do you feel that employees would be willing to purchase a permit?
8. The Traffic and Parking Commission would like to survey the employees throughout the Village. Would you be willing to help promote the survey to your employees? Can we email you a link to an online survey that you can share with your employees?

Thank you.

Existing Program:

100 permits available annually
 Sold to businesses
 Each business may purchase up to 35% of their employee base
 Minimum 2 per business
 Permits are good in upper and lower parking lots 365 days per year

Employee Survey

The Traffic and Parking Commission for the City of Capitola is undertaking a review of the Village employee parking permit program with the goal to provide more and consistently available parking for employees.

This is an anonymous survey and we are hoping to collect the best available data we can. No information is being collected on who or where the survey is being completed. We ask that you provide accurate information to help us identify problems and solutions.

The survey should only take a couple of minutes to complete.

Questions

1. Are you aware of the public parking lots behind City Hall?
 - a. Yes or No
2. Do you feel there is adequate parking for employees?
 - a. Yes or No
3. Where do you typically park now?
 - a. Lots behind City Hall - Pay meter
 - b. Lots behind City Hall - Use permit provided by employer
 - c. In Village metered parking area
 - d. On public streets - Residential neighborhood
 - e. On public street - Major street (such as Bay Avenue)
4. If you were able to purchase a permit to park in one of the parking lots behind City Hall that was good every day except for weekends and holidays in the summer, would you?
 - a. Yes or No
5. If no to question 4, would you change your mind if the permit had no exclusions?
 - a. Yes or No
6. If yes to either question 4 or 5, how much would you be willing to pay for the permit?



Upgrade to get meaningful results: View all your responses and get powerful analysis. [View Pricing](#) →

Village Employee Survey

CURRENT VIEW

+ FILTER + COMPARE + SHOW

No rules applied

Rules allow you to FILTER, COMPARE and SHOW results to see trends and patterns. [Learn more](#) »

SAVED VIEWS (1)

Original View (No rules applied)

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RESPONDENTS: 18 of 18

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Question Summaries

Data Trends

Individual Responses

All Pages

PAGE 2

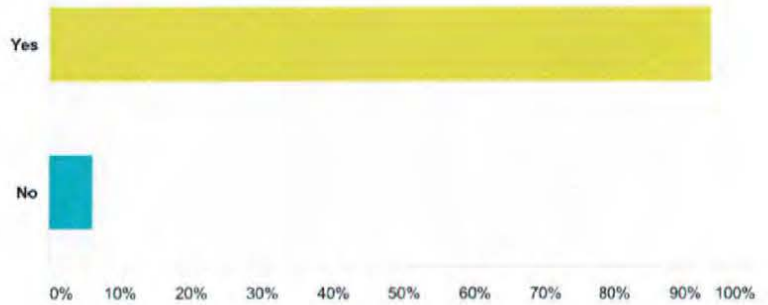
Q1

Customize

Export

Are you aware of the public parking lots behind City Hall?

Answered: 16 Skipped: 2



Answer Choices	Responses	
Yes	93.75%	15
No	6.25%	1
Total		16

Q2

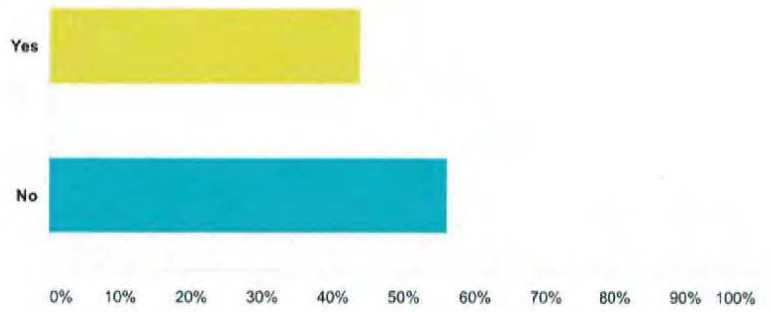
Customize

Export

Do you feel there is adequate parking for employees?

Answered: 16 Skipped: 2

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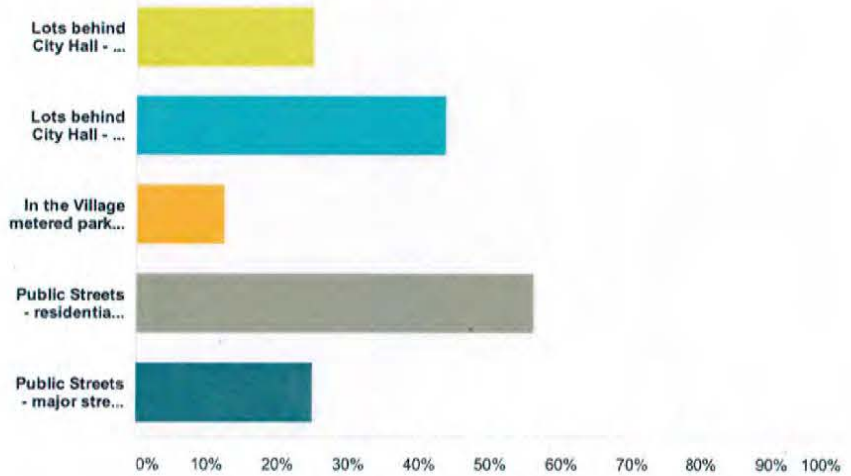
Answer Choices	Responses
Yes	43.75% 7
No	56.25% 9
Total	16

Q3

Customize Export

Where do you typically park now?

Answered: 16 Skipped: 2



Answer Choices	Responses
Lots behind City Hall - pay meter	25.00% 4
Lots behind City Hall - use parking permit provided by employer	43.75% 7
In the Village metered parking area	12.50% 2
Public Streets - residential neighborhood	56.25% 9
Public Streets - major streets (such as Bay Ave)	25.00% 4

Total Respondents: 16

Q4

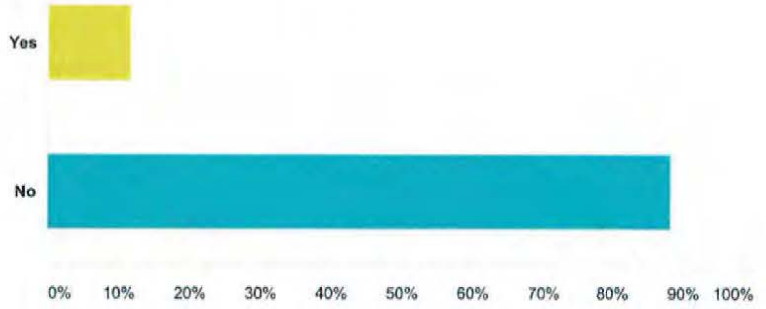
Customize Export

If you were able to purchase a permit to park in one of the parking lots behind City Hall that was good everyday except for weekends and holidays in the summer,

Attachment: Traffic and Parking Commission Employee permit agenda item report (1704 : Trial Village Employee Permit Parking Program)

would you?

Answered: 17 Skipped: 1



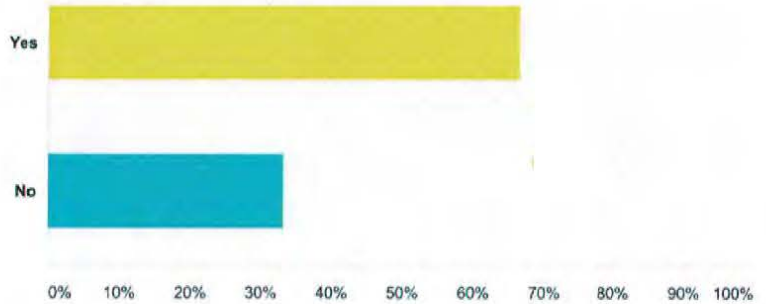
Answer Choices	Responses	
Yes	11.76%	2
No	88.24%	15
Total		17

Q5

Customize Export

If no to Question 4, would you change your mind if the permit had no exclusions?

Answered: 15 Skipped: 3



Answer Choices	Responses	
Yes	66.67%	10
No	33.33%	5
Total		15

Q6

Export

If yes to either Question 4 or 5, how much would you be willing to pay for the permit?

Answered: 10 Skipped: 8

Responses (10)

PRO FEATURE

Use text analysis to search and categorize responses; see frequently-used words and phrases. To use Text Analysis, upgrade to a GOLD or PLATINUM plan.

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Categorize as... Filter by Category ?

Showing 10 responses

half- yearly- \$40 yearly-\$60
2/28/2016 1:46 PM [View respondent's answers](#)

I live in the village so I park at my house :)
2/25/2016 4:42 PM [View respondent's answers](#)

10-20/year. In case the CT&P Commission is unaware, a number of us work at minimum wage. Any further cost to working here is a significant burden. Thank you.
2/24/2016 5:07 PM [View respondent's answers](#)

\$25 annually
2/24/2016 12:07 PM [View respondent's answers](#)

\$50.00 per year is a good amount
2/23/2016 9:48 AM [View respondent's answers](#)

\$50.00 for the year
2/22/2016 12:56 PM [View respondent's answers](#)

60
2/22/2016 9:48 AM [View respondent's answers](#)

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Showing 10 responses

- 2/24/2016 12:01 PM [View respondent's answers](#)
- \$50.00 per year is a good amount
2/23/2016 9:48 AM [View respondent's answers](#)
- \$50.00 for the year
2/22/2016 12:56 PM [View respondent's answers](#)
- 60
2/22/2016 9:48 AM [View respondent's answers](#)
- \$60 per month.
2/20/2016 5:38 PM [View respondent's answers](#)
- \$40
2/20/2016 5:01 PM [View respondent's answers](#)
- Free parking is usually available somewhere if you're fine with walking - summer can be challenging. I would like to have a consistent location to park, but would only pay 10-15 monthly. I wouldn't buy an annual pass. Month to month only
2/19/2016 10:23 AM [View respondent's answers](#)

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Attachment: Traffic and Parking Commission Employee permit agenda item report (1704 : Trial Village Employee Permit Parking Program)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 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 (Continued)

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 3). 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 26, 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

105 Sacramento Avenue
January 26, 2017

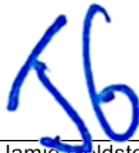
relationship with the applicant may have compromised his ability to act in a neutral manner. In accordance with Municipal Code section 2.52.050, appeals of Planning Commission decisions shall be de novo by the City Council. This effectively vacates previous actions by the Planning Commission. Consequently, 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 for Approval
2. California Coastal Commission comments to City Council 1-11-17
3. Appeal Letters
4. Revised Project Plans Updated 12/6/16
5. Planning Commission Minutes 11-3-16
6. Planning Commission 11-3-16 Report and Plans
7. Applicant's Variance Request
8. Coastal Bluff Recession Study and Geological Report
9. Arborist Report

Report Prepared By: Ryan Safty
Assistant Planner

Reviewed and Forwarded by:



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 26th, 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.

CALIFORNIA COASTAL COMMISSION

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



January 11, 2017

Capitola City Council
 c/o Ryan Safty, Project Planner
 420 Capitola Avenue
 Capitola, CA 95010

Subject: 105 Sacramento Avenue Appeal; City Application No. 16-133

Dear City Council Members:

We understand that the above-referenced project has been appealed to the City Council. Because the project raises numerous complex issues centering on geologic hazards, significant tree protection, and community character, and there is potential for the project to be appealed to the Coastal Commission, we would like to offer our observations on these important coastal resources issues.

With respect to the geologically hazardous site, the LCP requires that new development is adequately set back to ensure stability for the economic life of the structure, and minimize risks to life and property. In addition, both the Coastal Act and the LCP include provisions to ensure that shoreline protection devices are only used to protect *existing structures* in danger of erosion. It is therefore imperative that the Applicant understands that they are electing to develop in a highly geologically hazardous area, and that they are not entitled to future shoreline armoring (because the Coastal Act and the LCP include provisions to ensure that shoreline protection devices are only used to protect *existing structures* in danger of erosion). In order to ensure this happens, the project should be conditioned to prohibit future shoreline armoring and require eventual restoration and removal of the structure as the bluff naturally recedes. The Commission staff therefore recommends that the City impose conditions of approval to reflect these requirements. Attachment A includes sample condition language (used by both the Commission and Santa Cruz County) to achieve these purposes.

The Planning Commission approval also includes variances that appear unwarranted and the partial removal of several prominent trees. The justification for the variances and the partial removal of the trees appears to be because of the required 50-year bluff setback. However, given the substantial size of the proposed development and the lot (3,673 square feet and 7,653 square feet, respectively), the it appears entirely feasible and appropriate to redesign the project to avoid any impacts to the trees (consistent with IP Section 12.12.020(A) and 12.12.180) and to comply with applicable zoning standards in order to maintain the neighborhood's unique community character. Furthermore, we do not believe that the findings necessary to grant a variance can be made, particularly because this would constitute the grant of a special privilege to this applicant, which would be inconsistent with the limitation on surrounding properties. (IP Section 17.66.090). Rather, we agree with City staff's original recommendation to the Planning Commission that a more appropriate solution would be to simply redesign the residence (via a small size reduction) in order to meet the zoning standards without the need for a variance.

Attachment: California Coastal Commission comments to City Council 1-11-17 (1686 : 105 Sacramento Avenue)

Capitola City Council
105 Sacramento Avenue
January 11, 2017
Page 2

Thank you for your consideration. We look forward to working with the City and Applicant on this project as it continues through the local permitting process.

Sincerely,



Rainey Graeven
Coastal Planner
Central Coast District Office

Cc: Applicant

Attachments

Attachment A:

Sample hazard condition:

XX. Coastal Hazards Risk. By acceptance of the CDP, the Applicant acknowledges and agrees, on behalf of itself and all successors and assigns, to the following:

- (a) **Coastal Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, coastal flooding, liquefaction and the interaction of same;
- (b) **Assume Risks.** To assume the risks to the Applicant and the properties that are the subject of this CDP of injury and damage from such coastal hazards in connection with the permitted development;
- (c) **Waive Liability.** To unconditionally waive any claim of damage or liability against the [City], its officers, agents, and employees for injury or damage from such coastal hazards;
- (d) **Indemnification.** To indemnify and hold harmless the [City], its officers, agents, and employees with respect to the [City's] approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and
- (e) **Property Owner Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner.

XX. Coastal Hazards Response. By acceptance of the CDP, the Applicant acknowledges and agrees, on behalf of itself and all successors and assigns, that:

- (a) **Intent of CDP.** The intent of this CDP is to allow for the approved development to be constructed and used consistent with the terms and conditions of the CDP for only as long as the approved development remains safe for occupancy and use without additional measures beyond ordinary repair and/or maintenance to protect it from coastal hazards. The intent is also to ensure that development is removed and the affected area restored under certain circumstances (including as further described and required in this condition), including that endangered development is required to be removed as described in this condition.
- (b) **Shoreline Protective Structures Prohibited.** Shoreline protective structures that protect the approved development (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.) shall be prohibited.
- (c) **Section 30235 and LCP Waiver.** Any rights to construct such shoreline protective structures, including rights that may exist under Public Resources Code Section 30235, the Santa Cruz County Local Coastal Program, or any other applicable law are waived.

(d) **Reporting Requirement/Ten-foot Trigger.** In the event the blufftop edge recedes to within ten feet of residential development, but no government agency has yet ordered that the residence not be occupied, the Applicant shall retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation that addresses whether any portions of the residence and related development are threatened by coastal hazards. The report shall identify all those immediate or potential future ordinary repair and/or maintenance measures that could be applied to address the threat without shoreline protective structures, including but not limited to removal or relocation of threatened development. The investigation shall be submitted to the Executive Director of the Coastal Commission and City Planning Director for review and approval. If the approved geotechnical investigation concludes that the residence or any portion of the residence is unsafe for occupancy, the Applicant shall submit a Removal and Restoration Plan (see subsection (XX) below).

XX. Removal and Restoration. If an appropriate government agency or the above-referenced approved geotechnical investigation determines that any portion of the approved development is not to be occupied or used due to any coastal hazards, and such safety concerns cannot be abated by ordinary repair and/or maintenance, the Applicant shall remove such development or portions of such development. Prior to removal, the Applicant shall submit two copies of a Removal and Restoration Plan to the [Planning] Director for review and approval. If the Director determines that an amendment to the CDP or a separate CDP is legally required, the Applicant shall immediately submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Director approval, or County approval of the CDP or CDP amendment application, if necessary.

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,

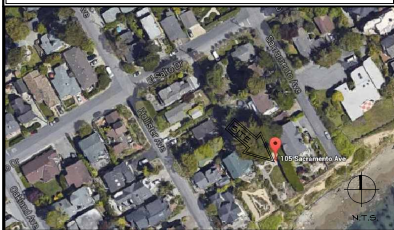


Denise Ryan and Chris O'Connell
106 Hollister Avenue,
Capitola, CA 95010

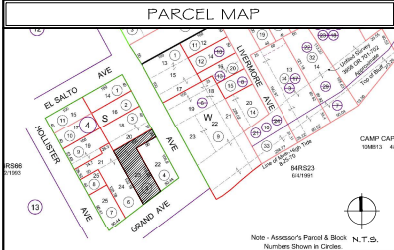
HOLDENER RESIDENCE



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.	-	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:
R1

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
1335 SCARBOROUGH AVE SUITE 200
SANTA CRUZ, CA 95062
P: (831) 426-8400
FAX: (831) 426-8446
derek@vanalstine.com

SURVEY:
TARO, KASUNICH AND ASSOC., INC.
JOHN KASUNICH, G.E.
16 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 RECESION SETBACK SECTION
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.
1335 SCARBOROUGH AVE SUITE 200, SANTA CRUZ, CALIFORNIA
(831) 426-8400 FAX: (831) 426-8446

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

TITLE SHEET

11

Attachment: Revised Project Plans Updated 12/16/16 (1686 : 105 Sacramento Avenue)

DEREK VAN ALSTINE RESIDENTIAL DESIGN INC. 1333 BARBERRY AVENUE SUITE 100 SANTA CRUZ, CALIFORNIA 95061-3807 PHONE: (408) 558-9544 FAX: (408) 558-9544

HOLDENER RESIDENCE 105 SACRAMENTO AVE. CAPITOLA, CA 95010

Table with columns: ISSUE DESCRIPTION, DATE, and REVISIONS. Includes entries for SUBMITTALS, PLANNING SUBMITTAL, BUILDING SUBMITTAL, and REVISIONS from 036-14-005 to 036-23-2016.

036-14-005
ISSUE DESCRIPTION
SUBMITTALS
JUNE 01, 2014
DESIGN DEVELOPMENT
PLANNING SUBMITTAL
JULY 15, 2016
BUILDING SUBMITTAL
REVISIONS
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036-14-005
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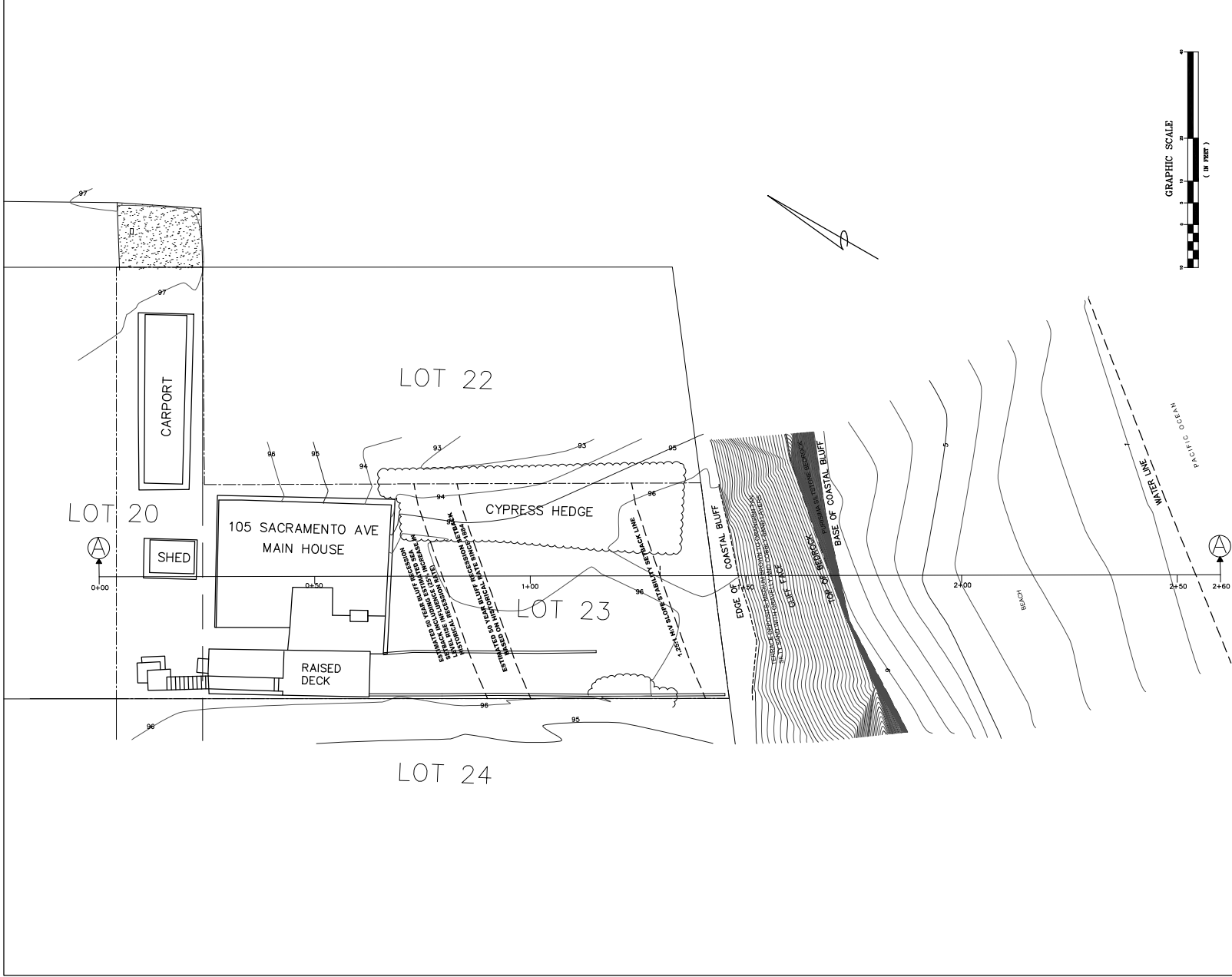
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NOV. 22, 2016
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Stormwater Pollution Prevention and Protection for Construction Projects. Includes sections for General Construction & Site Supervision, General Practices, Landscaping, Gardening & Ponds/Fountains/Pool/Spa Maintenance, Preventing Water & Sediment Runoff, Painting, Varnish & Application of Solvents & Adhesives, Handing of Surface Coatings, Removal of Surface Coatings, Clean Up of Surface Coatings, Disposal of Surface Coatings, Roadwork & Paving, Concrete, Cement, & Masonry Products, and Site Clean Up. Includes City of Capitola logo and drawing information.

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13252/26.16.16-20-001

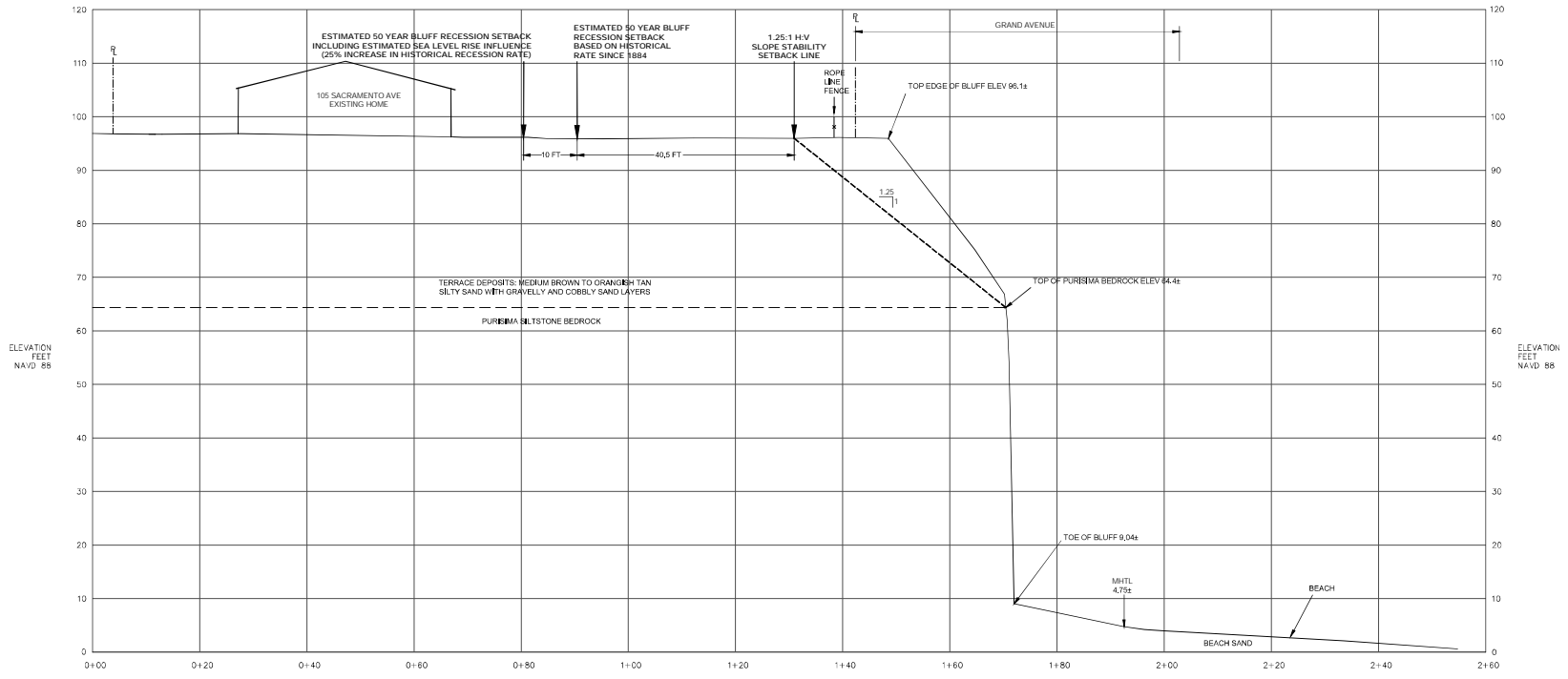


General Notes:

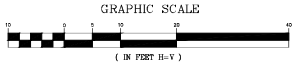
- A. Topographic Base Map prepared by Hogan Land Services.
- B. Vertical Elevation Datum is NAVD88.
- C. Topography at beach level may not accurately reflect actual terrain.
- D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF REVISION SETBACKS are for planning purposes. The selection of a "50 YEAR" timeframe 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
REVISION 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

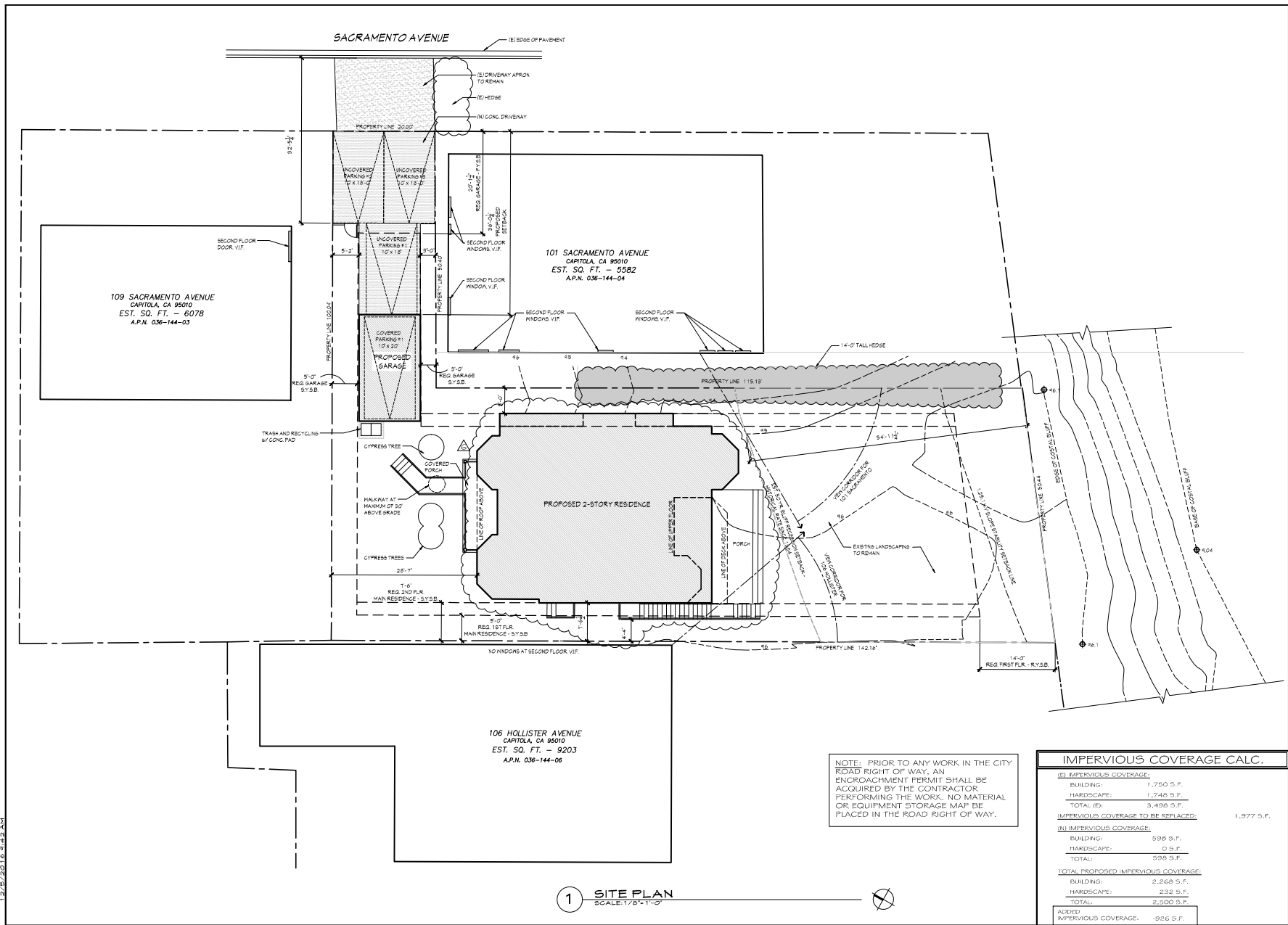


- General Notes:
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 - B. Vertical Elevation Datum is NAVD88.
 - C. Topography at beach level may not accurately reflect actual terrain.
 - D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESSON SETBACKS are for planning purposes. The selection of a "50 YEAR" 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.

IMPERVIOUS COVERAGE CALC.	
(1) IMPERVIOUS COVERAGE:	
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.
(2) IMPERVIOUS COVERAGE:	
BUILDING:	998 S.F.
HARDSCAPE:	0 S.F.
TOTAL:	998 S.F.
TOTAL PROPOSED IMPERVIOUS COVERAGE:	
BUILDING:	2,262 S.F.
HARDSCAPE:	232 S.F.
TOTAL:	2,500 S.F.
ADDED IMPERVIOUS COVERAGE:	-926 S.F.

1 SITE PLAN
SCALE: 1/8" = 1'-0"

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

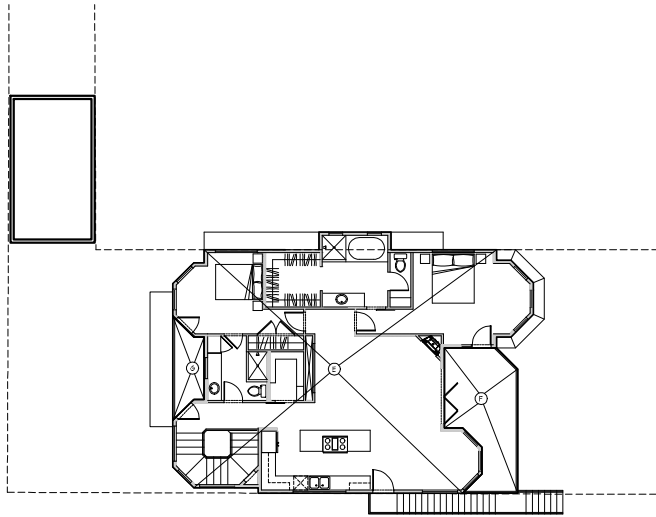
ISSUE DESCRIPTION
SCHEMATIC DESIGN
JUNE 01, 2016
DESIGN DEVELOPMENT
PLANNING SUBMITTAL
JULY 15, 2016
BUILDING SUBMITTAL

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

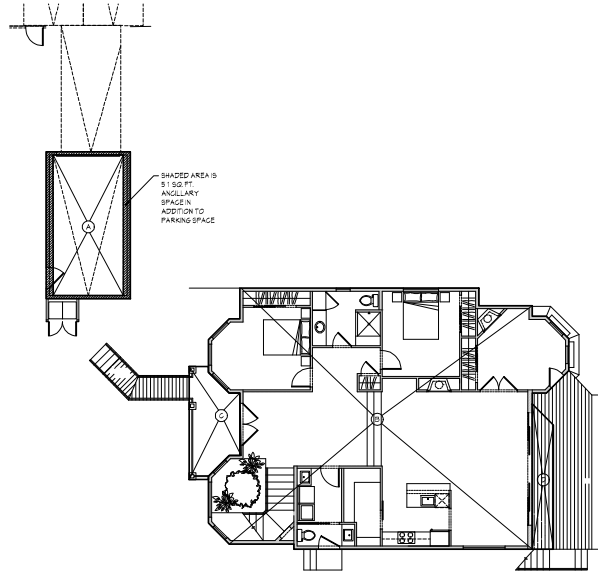
SITE PLAN



Attachment: Revised Project Plans Updated 12/6/16 (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%) = 3,870 SF

PROPOSED FLOOR AREA: 3,510 SF

SHADED AREA IS
3' x 50' FT
ANGULAR
SPACES
ADDITION TO
PARKING SPACE

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HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

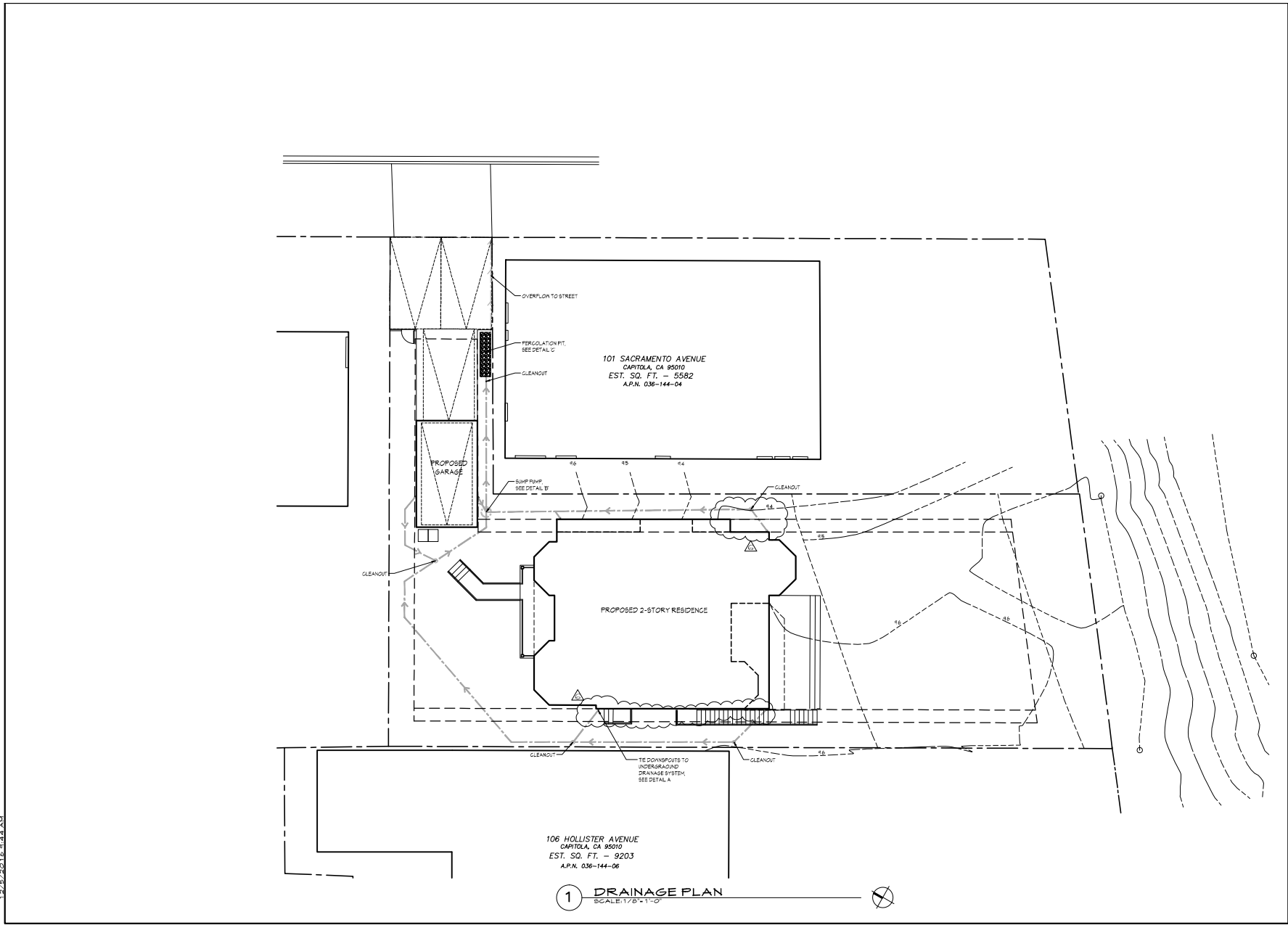
036-14-405

ISSUE DESCRIPTION
SCHEMATIC DESIGN JUNE 01, 2016
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PLANNING SUBMITTAL JULY 15, 2016
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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)



12/2/2016 9:44 AM

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RESIDENTIAL DESIGN INC.
1035 SEABRANT AVENUE SUITE 200 SAN FRANCISCO, CALIFORNIA
(831) 426-8800 PHONE (831) 426-8869 FAX

DVRD
DESIGN REVIEW BOARD

HOLDNER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION

SCHEMATIC DESIGN

JUNE 01, 2016

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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

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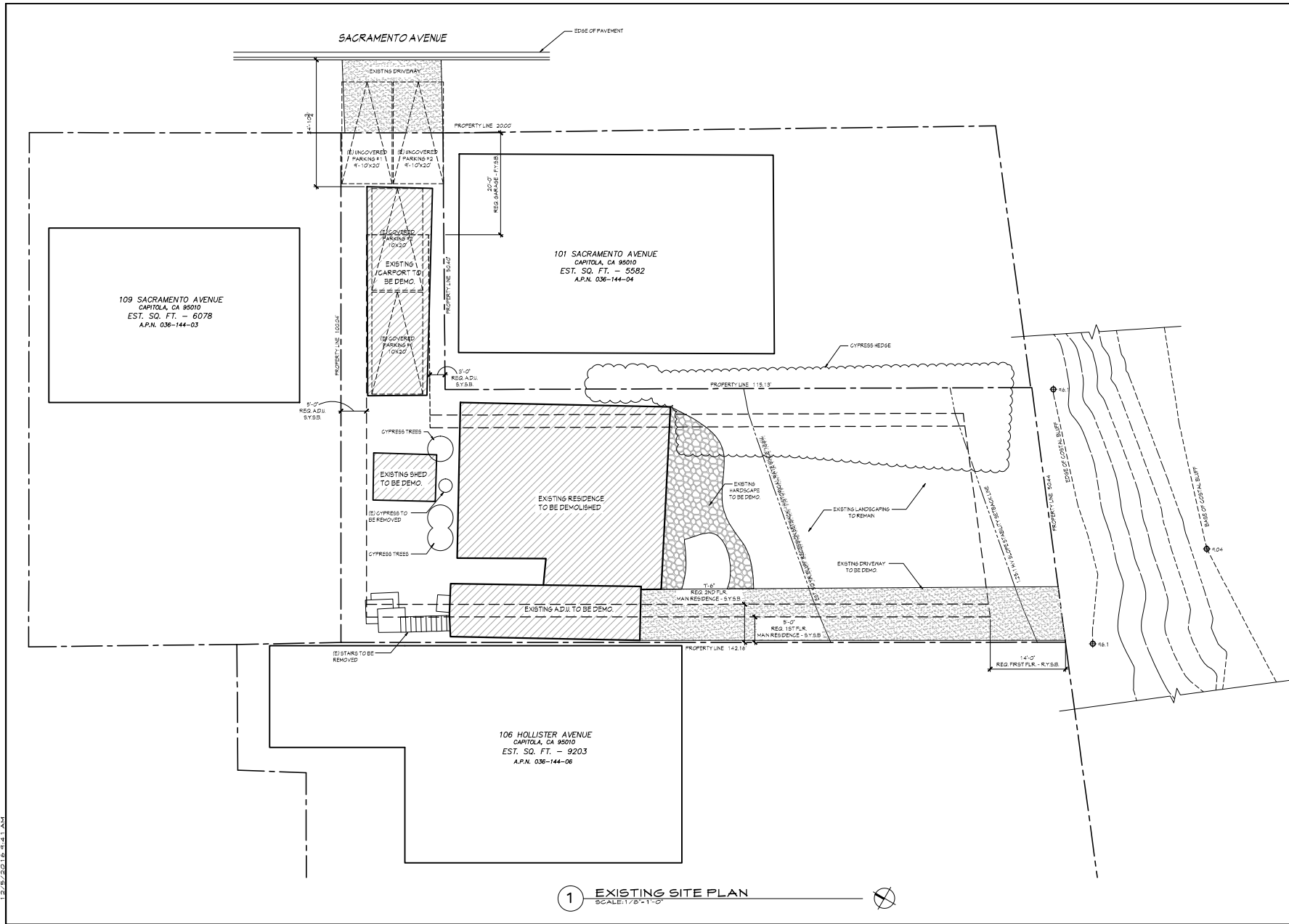
NOV. 22, 2014

PLANNING REVIS.

DRAINAGE PLAN



Attachment: Revised Project Plans Updated 12/6/16 (1686 : 105 Sacramento Avenue)



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1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIF. ORNIA
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HOLDENER RESIDENCE
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036-14-405

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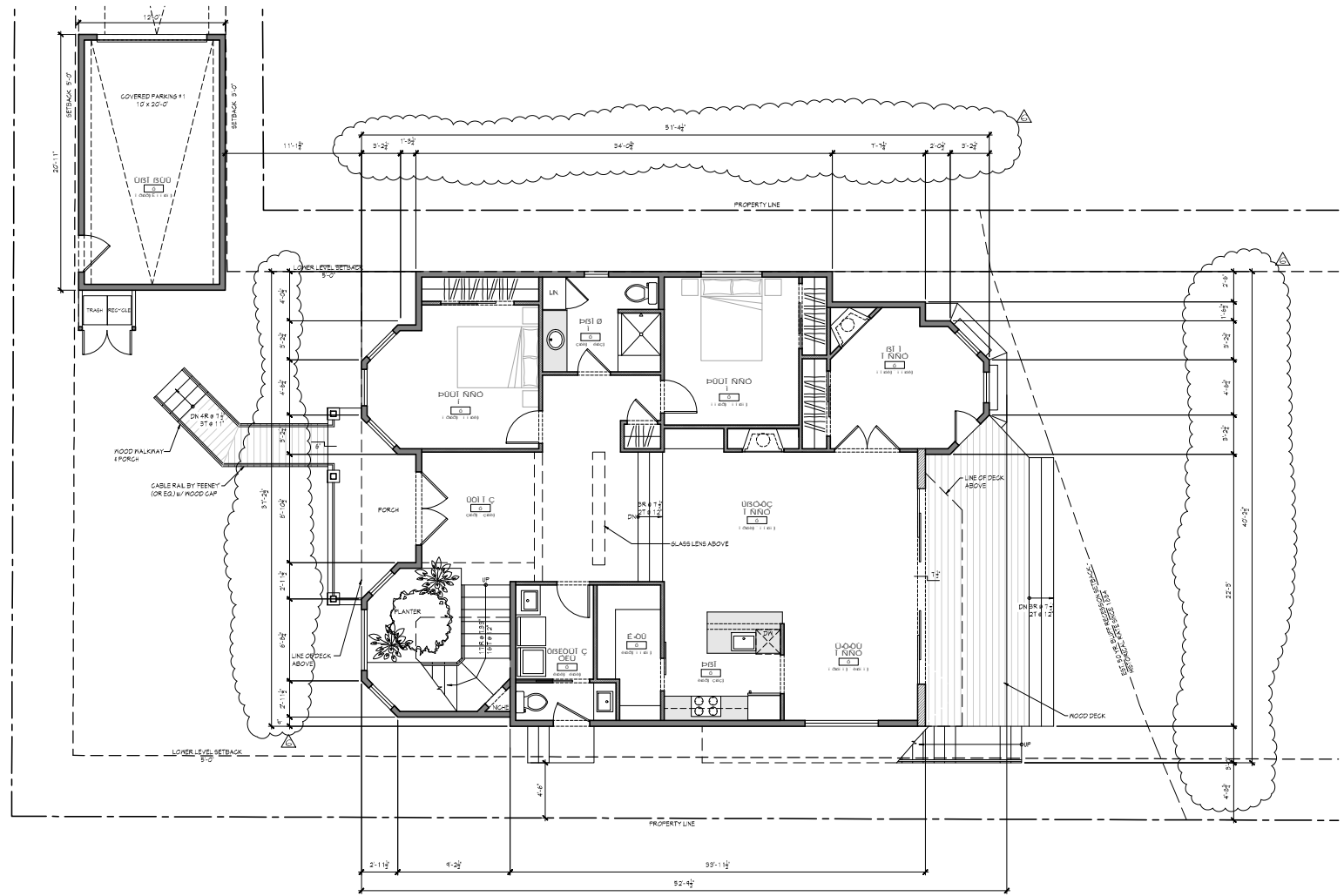
NOV. 22, 2016

PLANNING REVS.

EXISTING
DIFF. PLAN

Bi

Attachment: Revised Project Plans Updated 12/6/16 (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
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DEREK VAN ALSTINE
DESIGNER

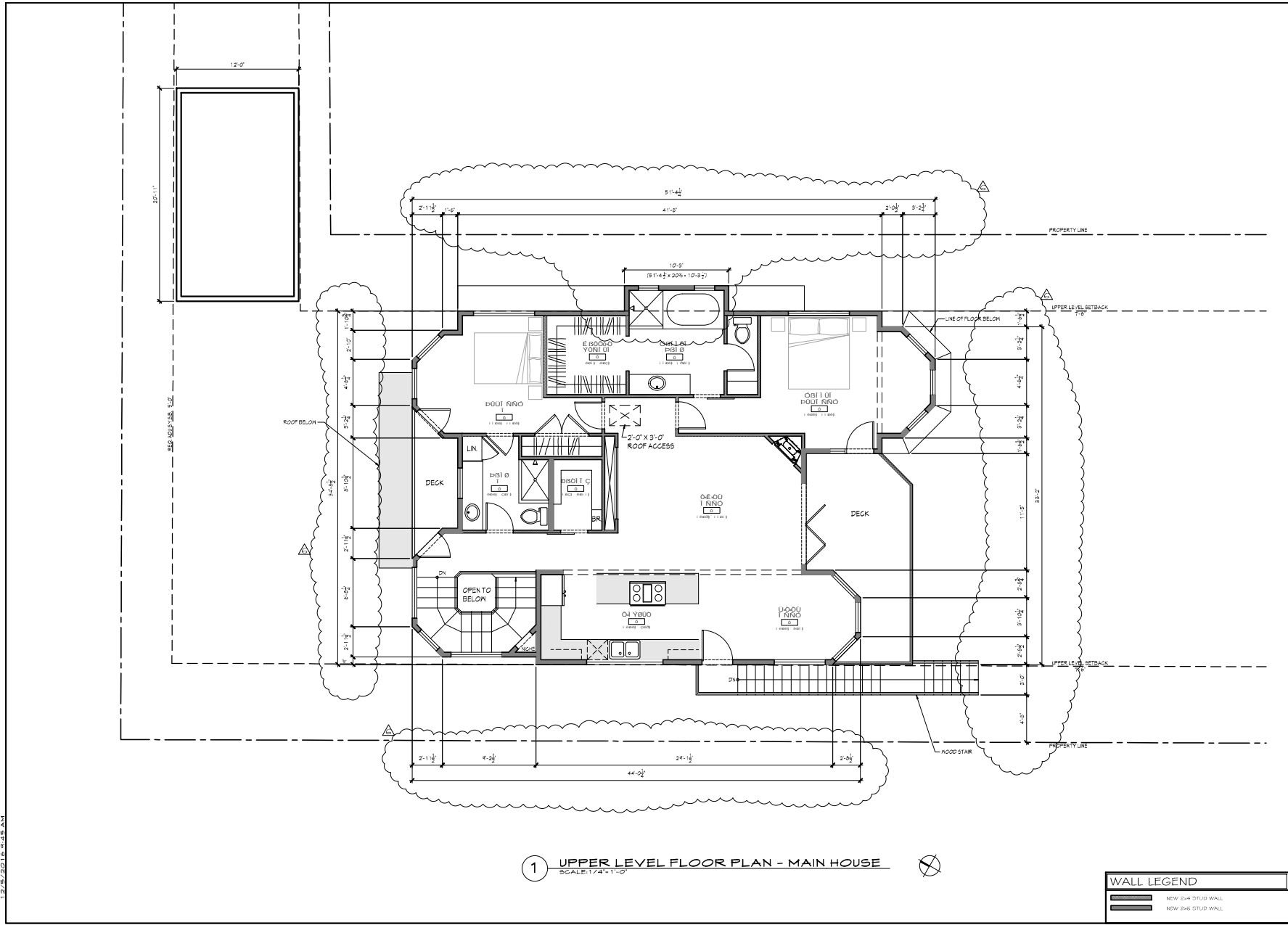
HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

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LOWER LEVEL FLOOR PLAN MAIN HOUSE



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
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HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

036-14-405

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UPPER LEVEL FLOOR PLAN
MAIN HOUSE



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HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION

SCHEMATIC DESIGN

JUNE 01, 2016

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PLANNING SUBMITTAL

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ABC COMMENTS

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ABC COMMENTS

SEPT. 23, 2016

OWNER REVS.

OCT. 24, 2016

PLANNING REVS.

OCT. 25, 2016

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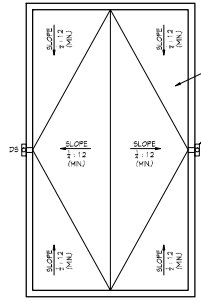
NOV. 22, 2016

PLANNING REVS.

ROOF PLAN

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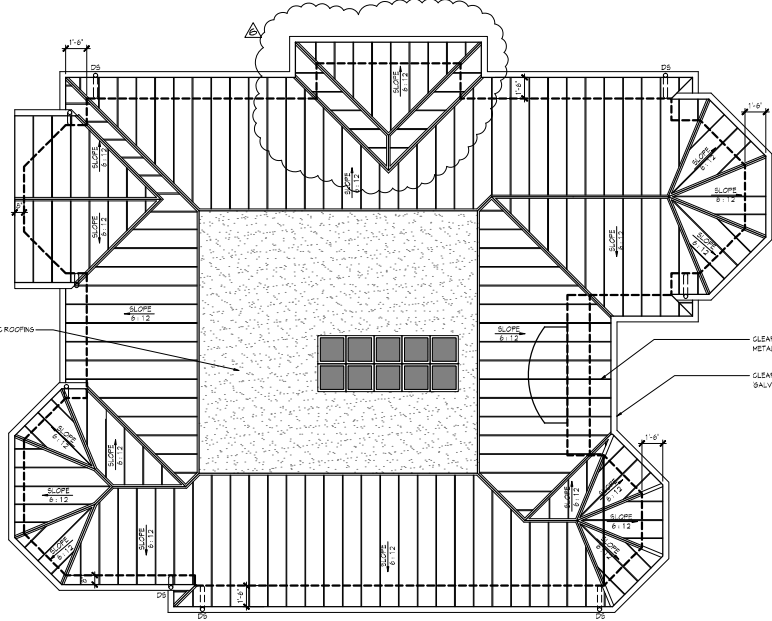
Attachment: Revised Project Plans Updated 12/6/16 (1686 : 105 Sacramento Avenue)



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"



152.15.2016.10.A.4.B.dwg



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE
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DEREK VAN ALSTINE
DESIGNER

HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

036-14-005

ISSUE DESCRIPTION

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ARC COMMENTS

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OCT. 24, 2016

PLANNING REVS.

OCT. 25, 2016

PLANNING REVS.

NOV. 22, 2016

PLANNING REVS.

OUTERIOR ELEVATIONS

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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"

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1535 SEABRIGHT AVENUE, SUITE 200, SANTA CRUZ, CALIF. 95061
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DEREK VAN ALSTINE
DESIGNER

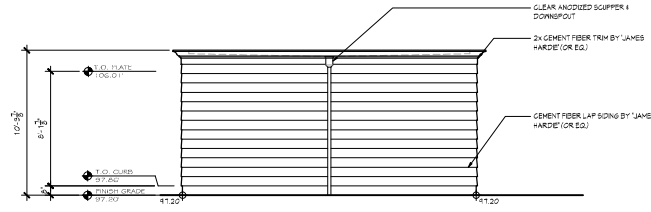
HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

036-14-405
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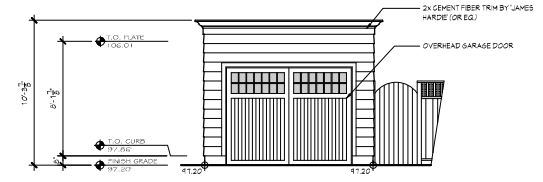
EXTERIOR ELEVATIONS

Bê

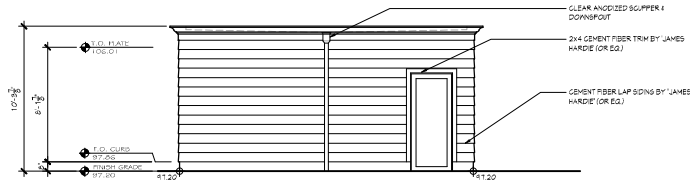
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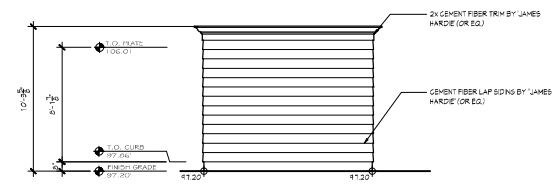
2 NORTH ELEVATION - GARAGE
SCALE: 1/4" = 1'-0"



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
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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

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BUILDING SUBMITTAL

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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.

EXTERIOR 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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gayle Ortiz, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Ortiz, Newman, Welch, Westman
ABSENT:	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.

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.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Susan Westman, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Ortiz, Newman, Welch, Westman
ABSENT:	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



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 24th, 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 2nd 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. VARIANCE
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 nd 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.
TOTAL FAR			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 st Story	15 ft.		28 ft.-7 in. from property line
Front Yard 2 nd Story	20 ft.		28 ft.-7 in. from property line
Side Yard 1 st 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 nd Story	15% of width	Lot width 50 7.5 ft. min	5 ft. from property line – East VARIANCE 6 ft. from property line – West VARIANCE
Rear Yard 1 st and 2 nd 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 VARIANCE

	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
Encroachments (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.	
Parking		
	Required	Proposed
Residential (from <u>2,601</u> sq.ft. to 4,000 sq.ft.)	4 spaces total 1 covered 3 uncovered	4 spaces total 1 covered 3 uncovered
Garage	Complies with Standards?	List non-compliance
	No	Does not meet setbacks. VARIANCE
Underground Utilities: required for 25% increase in FAR		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.

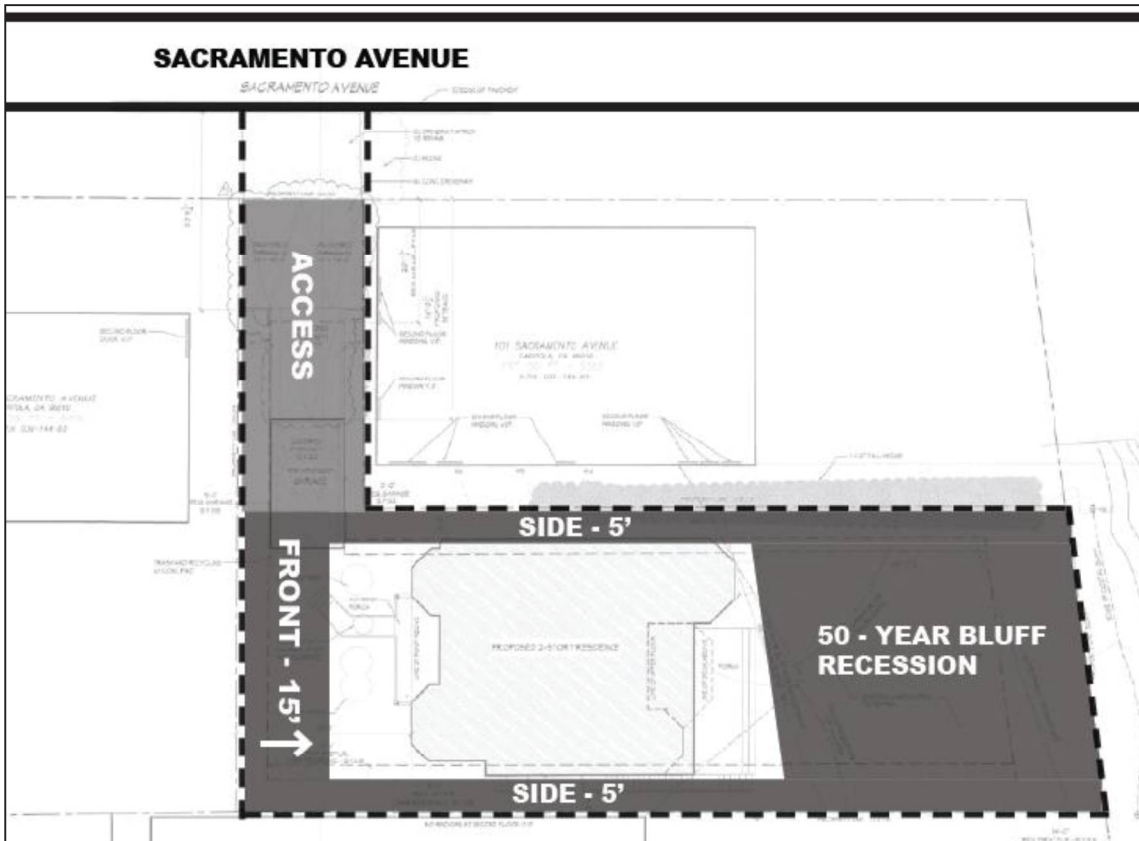
Pursuant to section 17.66.090 of the municipal code, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds a special circumstance applicable to the subject property or where strict application of the code would deprive the property owner 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 3rd, 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) 233-1047

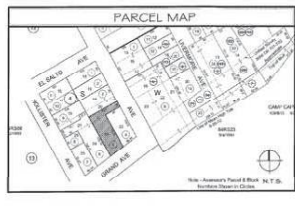
DVRD
DESIGN REVIEW
11700 HERRINGTON AVENUE SUITE 100 DUBLIN, CALIFORNIA 94568
TEL: (925) 233-1047

HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

PLANNING COMMISSION
11700 HERRINGTON AVENUE SUITE 100 DUBLIN, CALIFORNIA 94568
TEL: (925) 233-1047

T 1

HOLDENER RESIDENCE



STRUCTURAL DATA			
SETBACKS	REQUIRED	PROPOSED	
FRONT YARD			
1st STORY - GARAGE	20'-0"	20'-0"	
1st STORY	1'-0"	1'-0"	
2nd STORY	1'-0"	1'-0"	
REAR YARD			
1st STORY	1'-0"	1'-0"	
2nd STORY	1'-0"	1'-0"	
SEMI YARD			
1st STORY - MAIN HOUSE	5'-0" S.I. + 3'-0" R.O.	6'-0" S.I. + 3'-0" R.O.	
2nd STORY - MAIN HOUSE	7'-0" S.I. + 0"	6'-0" S.I. + 3'-0" R.O.	
1st STORY - GARAGE	3'-0" S.I. + 3'-0" R.O.	3'-0" S.I. + 3'-0" R.O.	
HEIGHT	27'-0"	28'-0"	

FLOOR AREA RATIO			
LOT AREA	MAX. AREA	PROPOSED AREA	TOTAL
7,213 sq. ft.	3,273 sq. ft.	3,273 sq. ft.	
1st FLOOR			
2nd FLOOR			
3rd FLOOR			
4th FLOOR			
5th FLOOR			
6th FLOOR			
7th FLOOR			
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100th FLOOR			

BUILDING INFORMATION

PROJECT DESCRIPTION:
DEMOLITION OF EXISTING 800 sq. ft. SINGLE FAMILY RESIDENTIAL, 400 sq. ft. A.D.U. (S.I. AND GARAGE), SINGLE FAMILY DETACHED AND A NEW 2000 sq. ft. CONSTRUCTION OF A NEW 2-STORY, 3.18 S.F.R. ACCESSORY DWELLING UNIT, WITH 474 sq. ft. GARAGE.

PROJECT ADDRESS:
105 SACRAMENTO AVE
CAPITOLA, CA 95010

PARCEL NUMBER:
035-14-405

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 FIREWORK CODE, STRUCTURAL ENGINEERING SHALL CONFORM TO 2013 CALIFORNIA BUILDING CODE.

CONTACTS

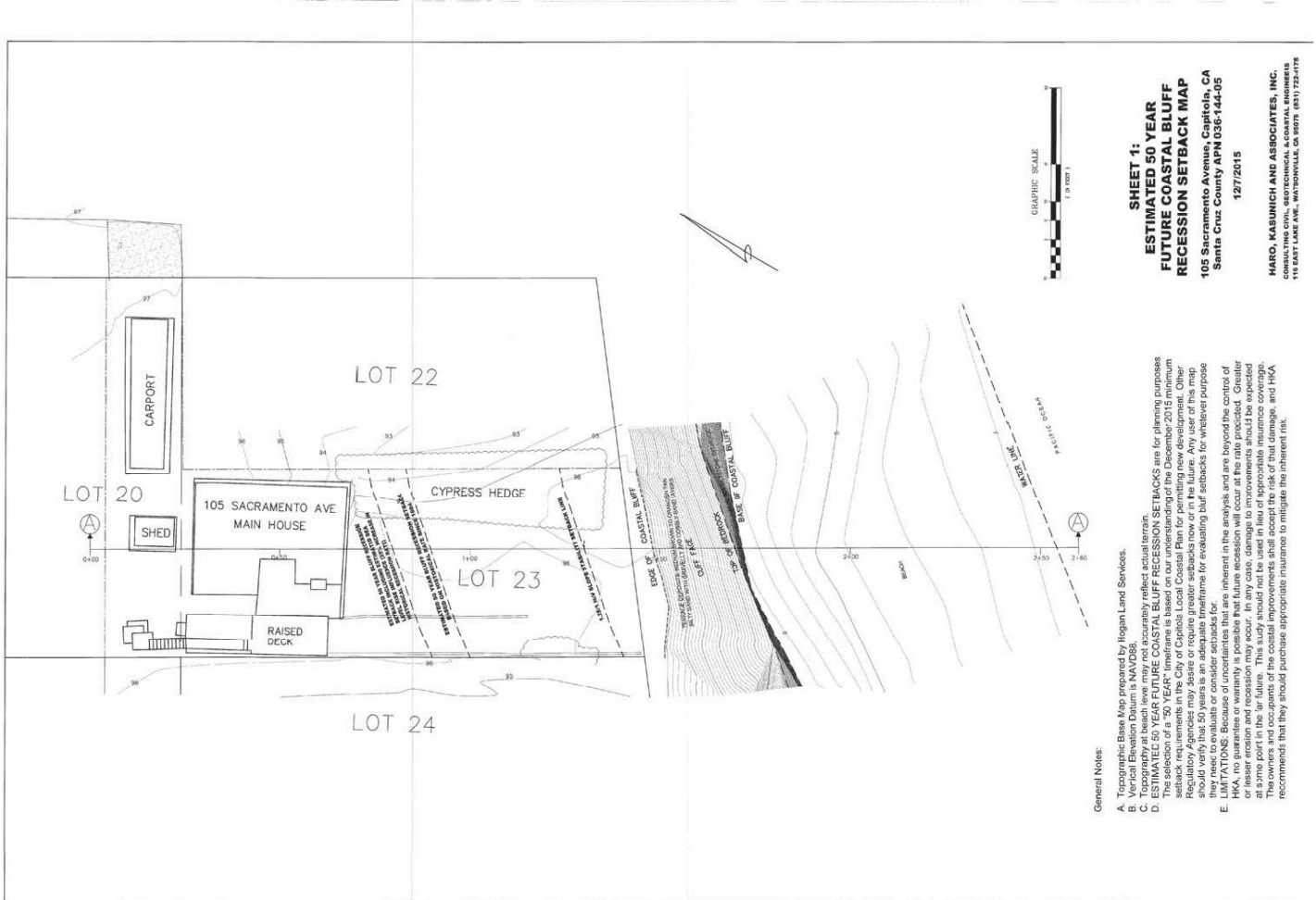
OWNER:
JAN & TRU HOLDEN
105 SACRAMENTO AVE
CAPITOLA, CA 95010
TEL: (831) 426-2442

PROJECT DESIGNER:
DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.
3825 VAN ALSTINE
4325 SACRAMENTO AVE SUITE 200
SANTA CRUZ, CA 95062
TEL: (831) 426-2442
FAX: (831) 426-2442
dvanalstine@drdesign.com

SURVEY:
HARD, KORNBLICH AND ASSOC., INC.
3000 KORNBLICH, S.E.
F.S. LANE
MARTINVILLE, CA 95076
TEL: (831) 722-4175
FAX: (831) 722-0502
hks@hks.com

DRAWING INDEX

NO.	TITLE
T1	TITLE SHEET
T2	SPRM-DUP
	BUFFY REDEVELOP SETBACK SECTION
	BUFFY REDEVELOP SETBACK SECTION
A1	EXISTING SITE PLAN
A1.1	SITE PLAN
A1.2	FLOOR AREA DIAGRAM
A1.3	DEMOLITION 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

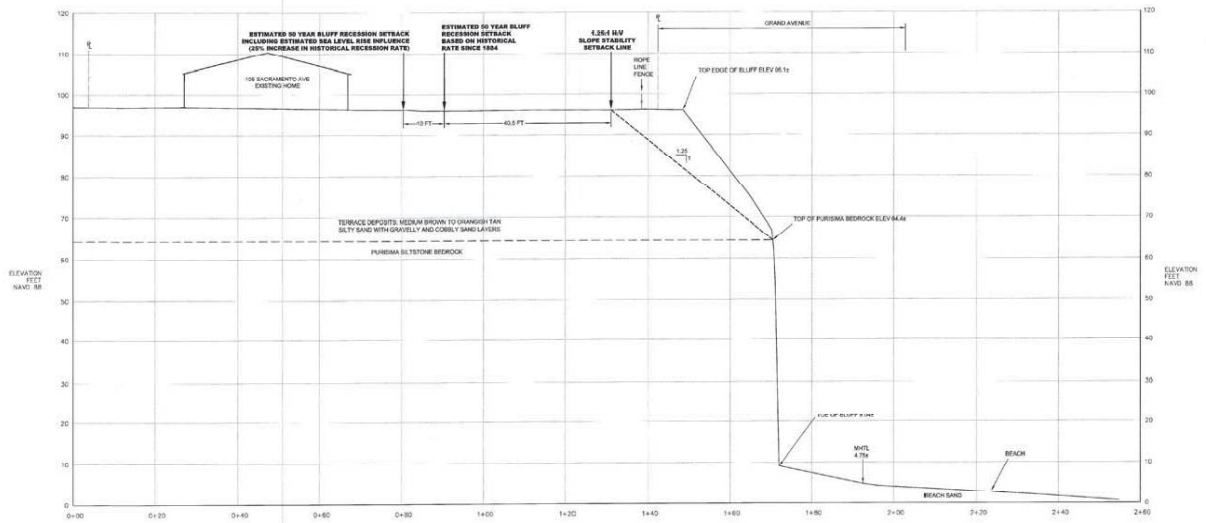


SHEET 1:
ESTIMATED 50 YEAR
FUTURE COASTAL BLUFF
RECESSION SETBACK MAP
 105 Sacramento Avenue, Capitola, CA
 Santa Cruz County APN 036-144-05
 12/7/2015

HARO, KASUNICH AND ASSOCIATES, INC.
 CONSULTING CIVIL, GEO-TECHNICAL & COASTAL ENGINEERS
 115 EAST LAKE AVENUE, SAN JOSE, CA 95128 (408) 732-1175

General Notes:

- Topographic Bluff Map prepared by Hogan Land Services.
- Topography at beach level may not accurately reflect actual terrain.
- 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.
- LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of the engineer, the estimated bluff recession setbacks are not a guarantee of future bluff recession or 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.



SECTION A-A
SCALE: 1" = 10' H & V

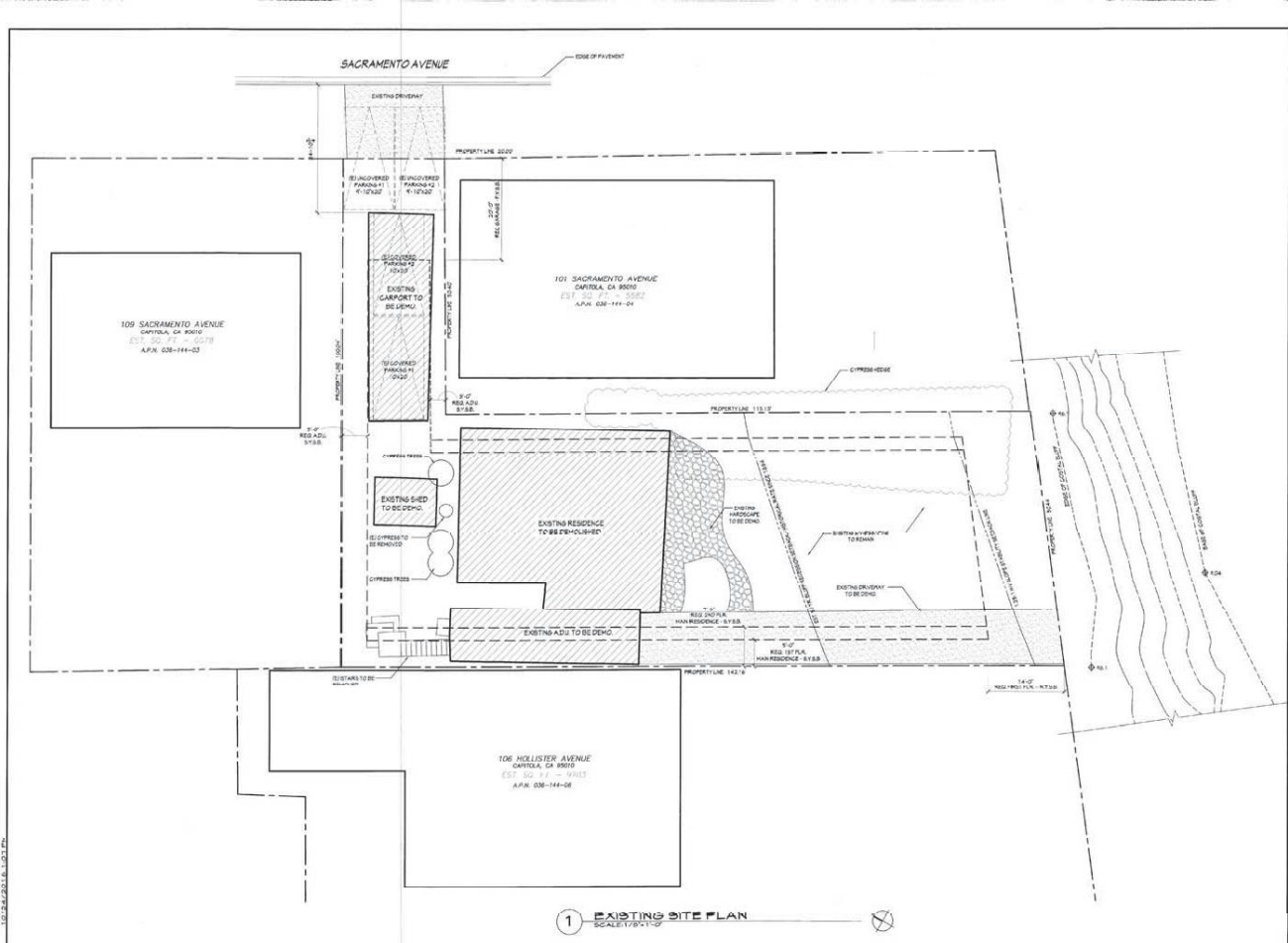


General Notes:

- 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 RESSION 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

HARO, 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 BIRCH AVE SUITE 100, CAPITOLA, CA 95010
PH: (831) 338-1111

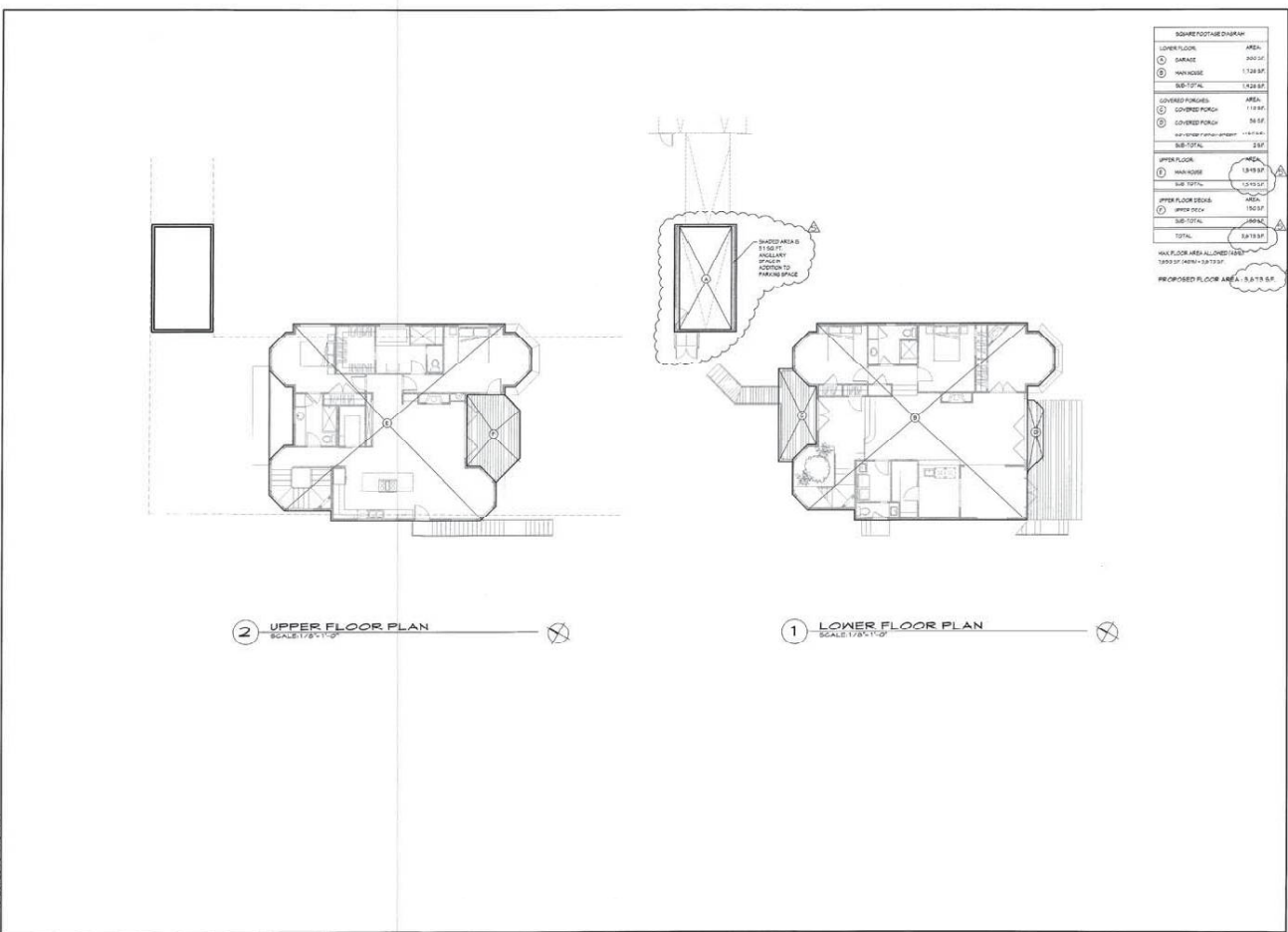
DVRD
DESIGN REVIEW BOARD
APPROVED FOR THE CITY OF CAPITOLA

HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

DATE	11-14-2016	
DESIGNED BY	DEREK VAN ALSTINE	
DATE	01-20-2017	
DESIGNED BY	DEREK VAN ALSTINE	
DATE	07-15-2016	
REVISIONS		
NO.	DATE	DESCRIPTION
1	11-14-2016	INITIALS
2	01-20-2017	REVISED
3	07-15-2016	REVISED
4	01-20-2017	REVISED
5	07-15-2016	REVISED
6	01-20-2017	REVISED
7	07-15-2016	REVISED
8	01-20-2017	REVISED
9	07-15-2016	REVISED
10	01-20-2017	REVISED

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 SACRAMENTO AVENUE, SUITE 100
SACRAMENTO, CA 95811

DVRD
DESIGN REVIEW BOARD

HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

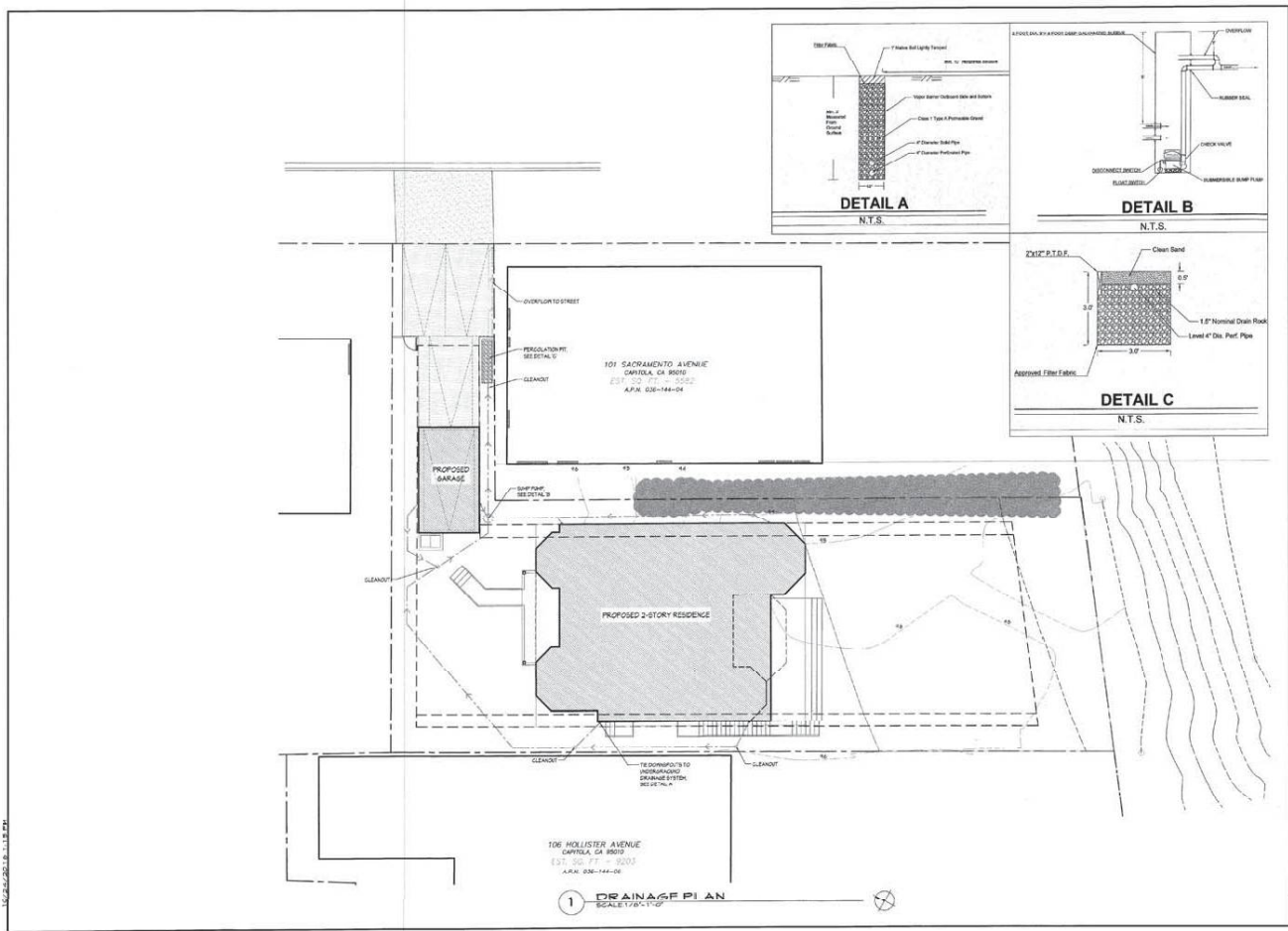
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DATE PREPARED
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DATE OF ISSUE
REVISIONS

CLASSIFICATION:
JULY 15, 2018
REVISIONS

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Attachment: Project Plans (1640 · 105 Sacramento Avenue)
Attachment: Planning Commission 11-3-16 Report and Plans (1686 · 105 Sacramento Avenue)



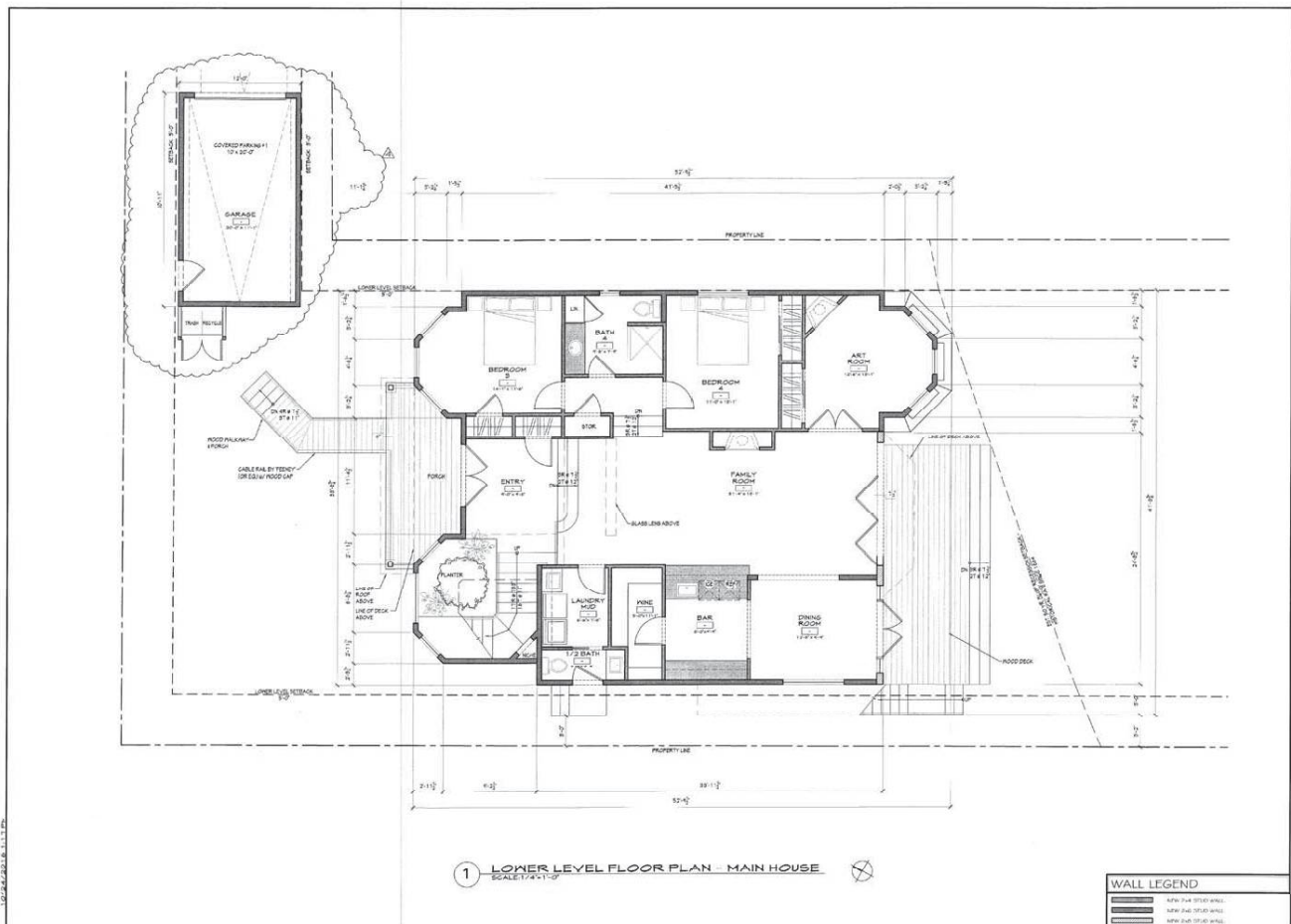
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1015 HOLLISTER AVENUE, SUITE 100
CAPITOLA, CA 95010

DVRD
DESIGN REVIEW BOARD
1015 HOLLISTER AVENUE, SUITE 100
CAPITOLA, CA 95010

HOLDNER RESIDENCE
101 SACRAMENTO AVE.
CAPITOLA, CA 95010

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DRAWN: DEREK VAN ALSTINE
CHECKED: DEREK VAN ALSTINE
DATE: 11-14-2014
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NO. 100: 11-14-2014

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.
11118 BIRCH AVE. SUITE 100, SACRAMENTO, CA 95834
(916) 486-1111

DVRU
DESIGN REVIEW UNIT
11118 BIRCH AVE. SUITE 100, SACRAMENTO, CA 95834
(916) 486-1111

HOLDNER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

DATE: 11-14-16
SHEET NO.: 11-3-16
SCHEDULED PERIOD:
DATE: 11-14-16
OWNER: HOLDNER RESIDENCE
DATE: 11-14-16
ARCHITECT: DEREK VAN ALSTINE
DATE: 11-14-16
REVISIONS:
NO. DATE DESCRIPTION
1 11-14-16 11-3-16 MAIN HOUSE

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 HARBOR AVENUE SUITE 200, SAN JOSE, CALIFORNIA
415.934.0000

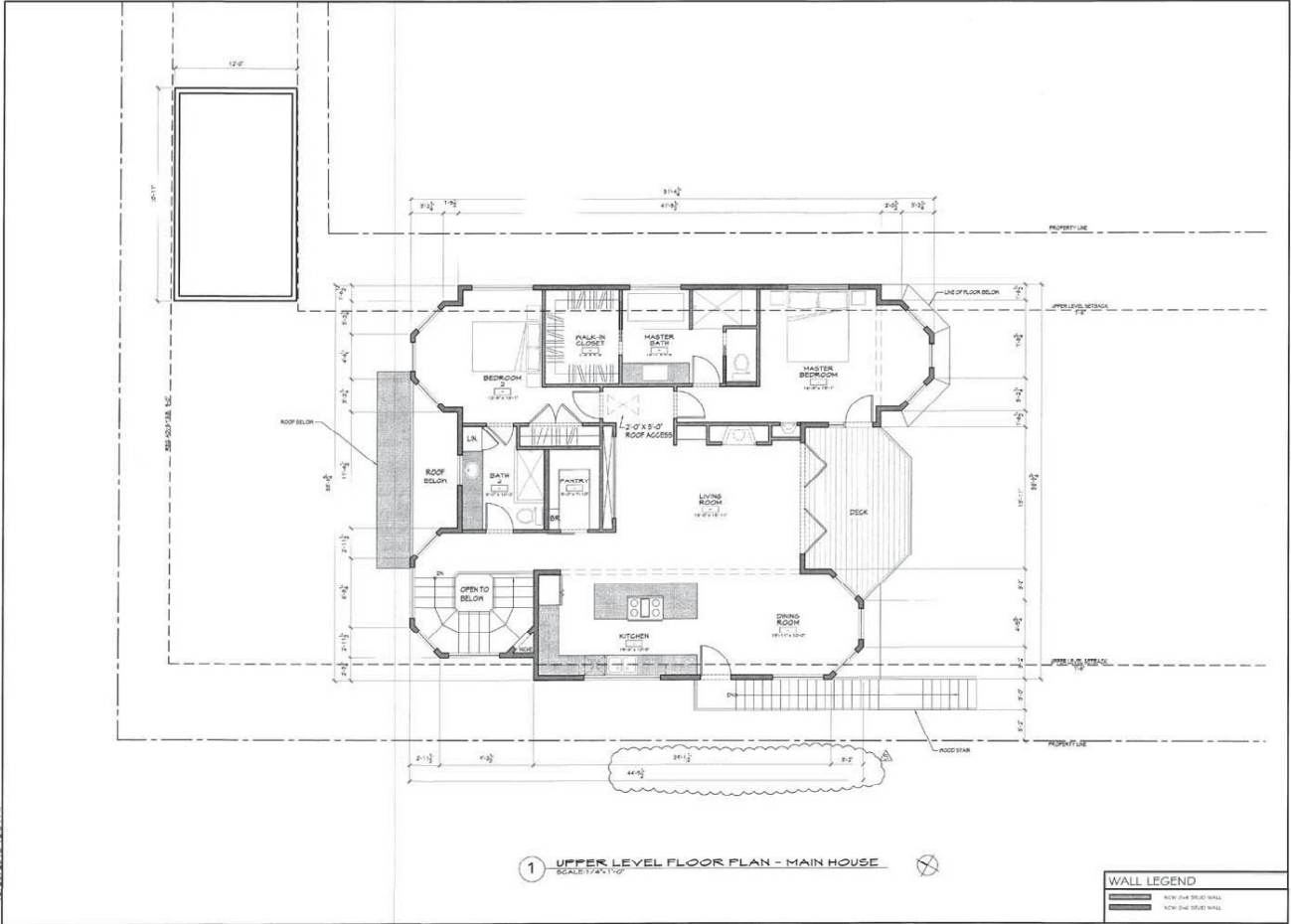
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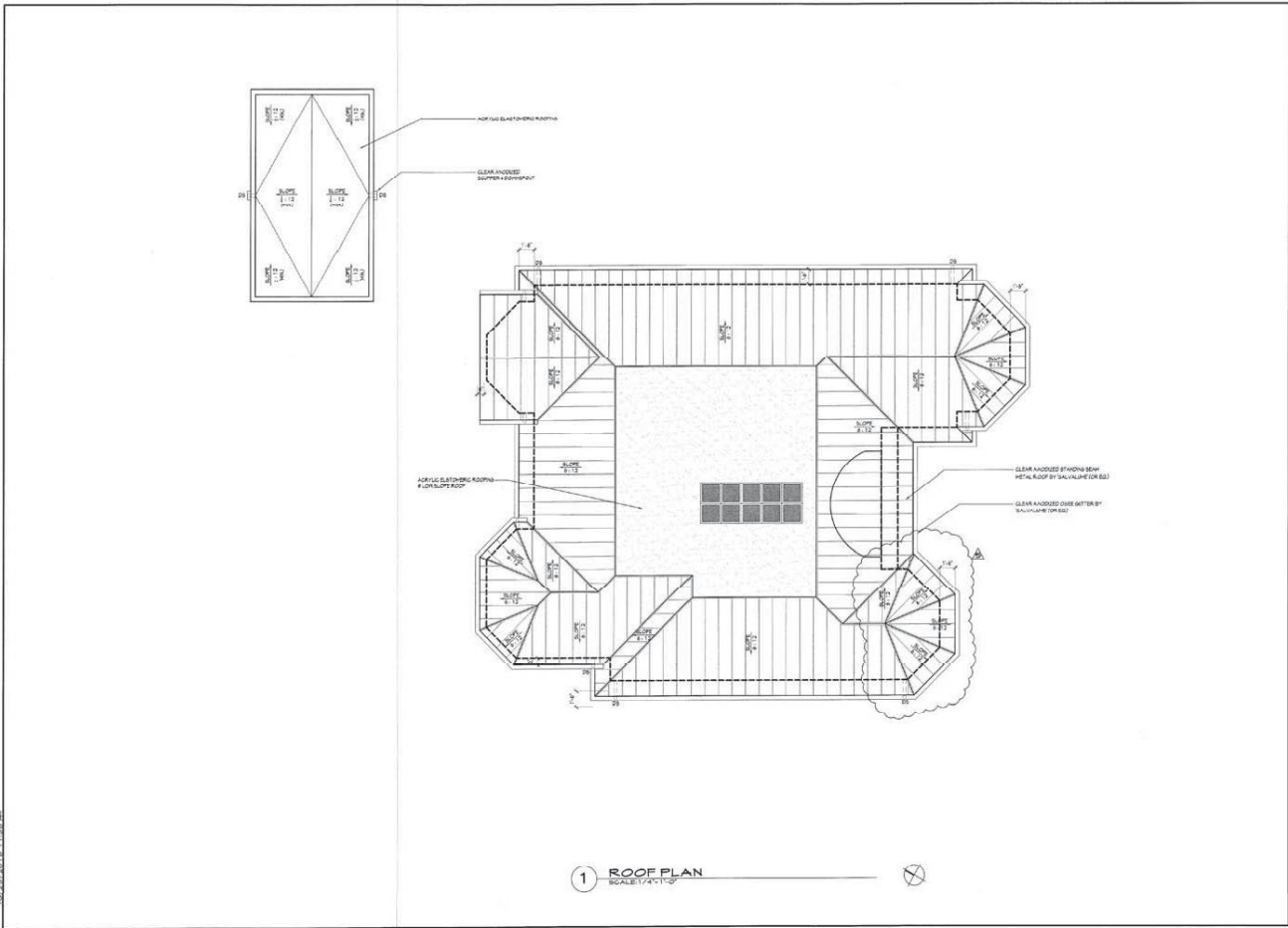
HOLDNER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

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ISSUE	REVISIONS

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)





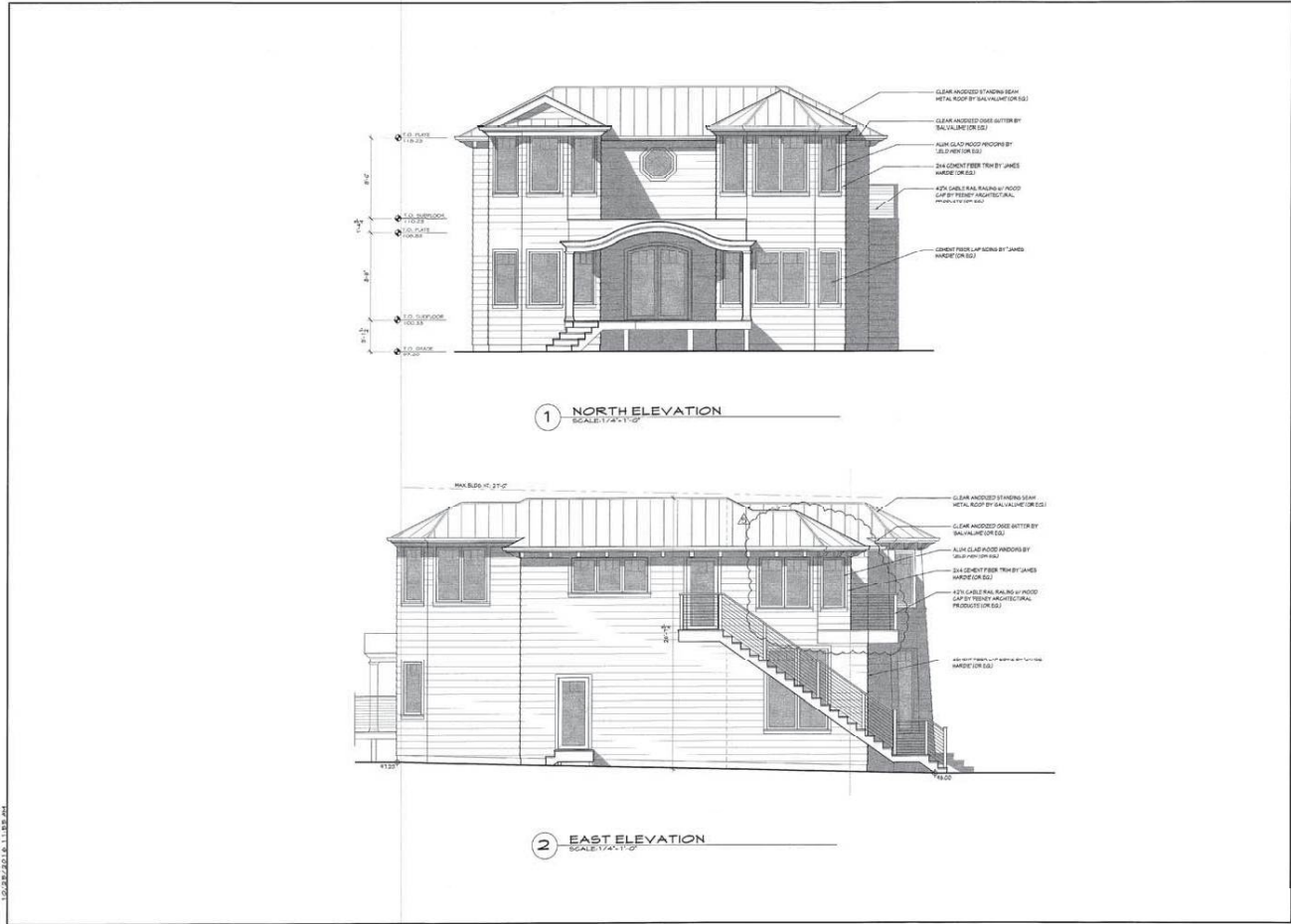
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1511 MARKET AVENUE SUITE 200 DUNELAKE CALIFORNIA
95015-2703 TEL: 831-426-3444 FAX: 831-426-3445

DVRD
DUNELAKE RESIDENTIAL DESIGN
1511 MARKET AVENUE SUITE 200 DUNELAKE CALIFORNIA
95015-2703 TEL: 831-426-3444 FAX: 831-426-3445

HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

DATE CHECKPOINTS	
APPROVED FOR PERMIT	JUNE 29, 2016
PERMIT ISSUED	JULY 15, 2016
PERMIT EXPIRES	AUGUST 15, 2016

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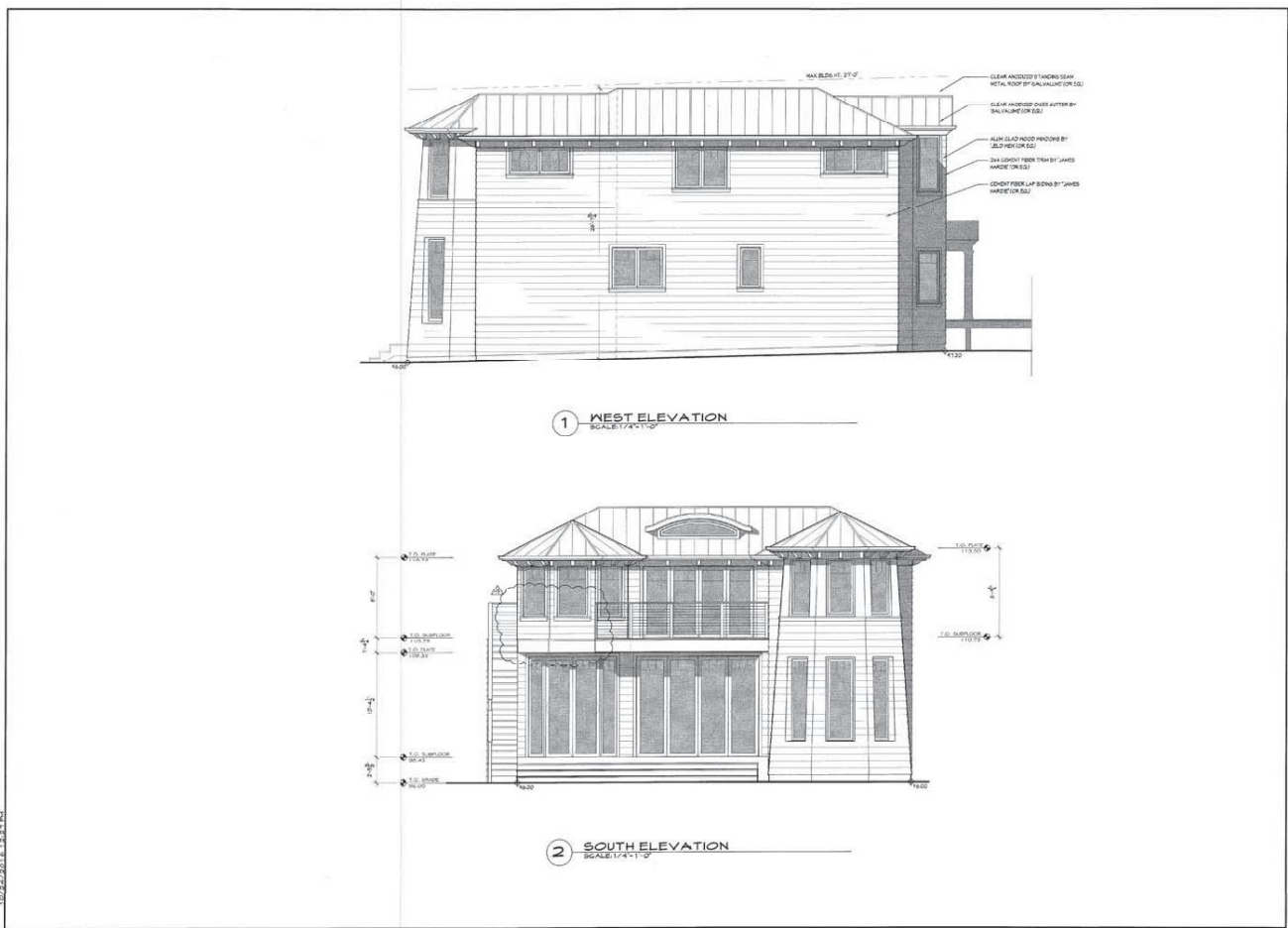
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
12130 BURNBURY AVENUE SUITE 100 DUBLIN, CALIFORNIA 94568
(925) 885-2000
WWW.DVARD.COM

DVRD
Derek Van Alstine Residential Design
12130 BURNBURY AVENUE SUITE 100 DUBLIN, CA 94568
(925) 885-2000
WWW.DVARD.COM

HOLJEMER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

DATE	11-14-2016	
DRAWN BY	DEREK VAN ALSTINE	
CHECKED BY	DEREK VAN ALSTINE	
DATE	11-14-2016	
PROJECT	HOLJEMER RESIDENCE	
DATE	11-14-2016	
DESIGNER	DEREK VAN ALSTINE	
DATE	11-14-2016	
REVISIONS		
NO.	DATE	DESCRIPTION
1	11-14-2016	ISSUED FOR PERMITS
2	11-14-2016	ISSUED FOR PERMITS
3	11-14-2016	ISSUED FOR PERMITS
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Attachment: Permit Plans (1640 - 105 Sacramento Avenue)
Attachment: Planning Commission 11-3-16 Report and Plans (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.
15151 BIRCHMOUNT AVENUE, SUITE 100, SACRAMENTO, CALIFORNIA 95828
PH: 916.486.1111 FAX: 916.486.1112

DVRD
DESIGN RESIDENTIAL
ARCHITECTURE

HOLDENER RESIDENCE
105 SACRAMENTO AVE.
CAPITOLA, CA 95010

NO. 105-14-001
DATE: 08/28/16
PROJECT: HOLDENER RESIDENCE
DATE: 07/20/16
DESIGNER: DEREK VAN ALSTINE
DATE: 08/28/16
DRAWN: DEREK VAN ALSTINE
DATE: 08/28/16
REVISIONS:
NO. 105-14-001
DATE: 08/28/16
BY: DEREK VAN ALSTINE
DATE: 08/28/16
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DATE: 08/28/16
BY: DEREK VAN ALSTINE
DATE: 08/28/16

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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.

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)

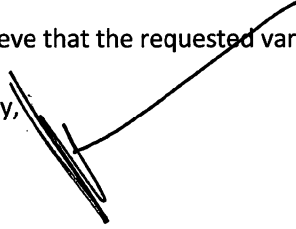
DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.

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

Attachment: Applicant's Variance Request (1686 : 105 Sacramento Avenue)

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

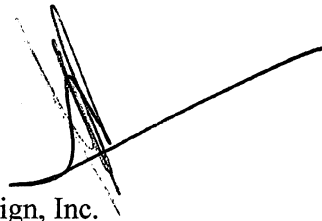
Ryan:

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
105 Sacramento Avenue
3 October 2016
Page 2

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.

Mr. and Mrs. Holdener
 Project No. SC11043
 105 Sacramento Avenue
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 Page 3

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

Mr. and Mrs. Holdener
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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.

Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

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 105 Sacramento Avenue
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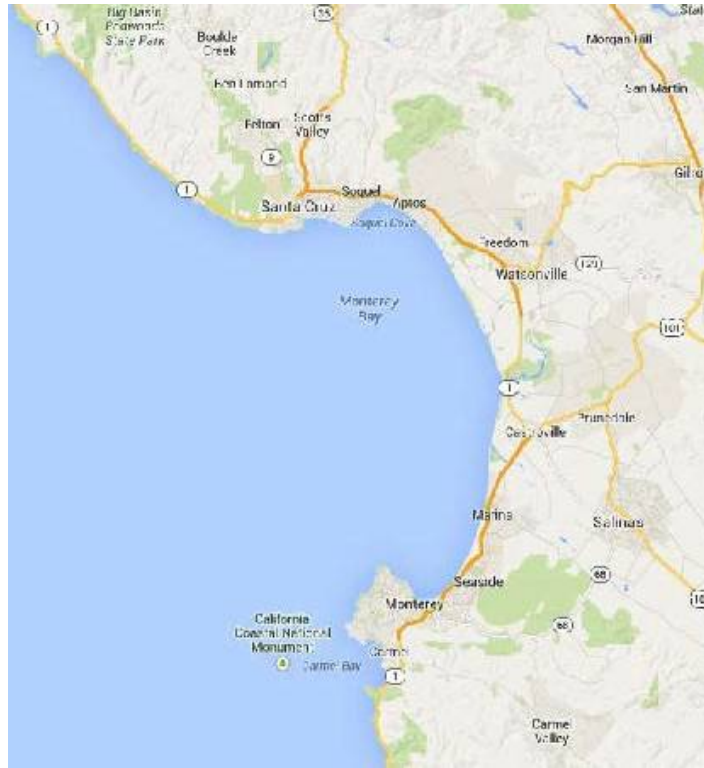
Period Recession During Period	Average Annual Rate of Recession (FT/YR)	Period Length (YRS)	Recession During Period (FT)	Cumulative Recession at End of Period (FT)	When (Calendar Year)
Historical	0.81	131	106	NA	Until Now
2016 thru 2026	0.85	10	8.5	8.5	2026
2027 thru 2036	0.9	10	9	17.5	2036
2037 thru 2046	1.0	10	10	27.5	2046
2047 thru 2056	1.1	10	11	38.5	2056
2057 thru 2066	1.2	10	12	50.5	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.

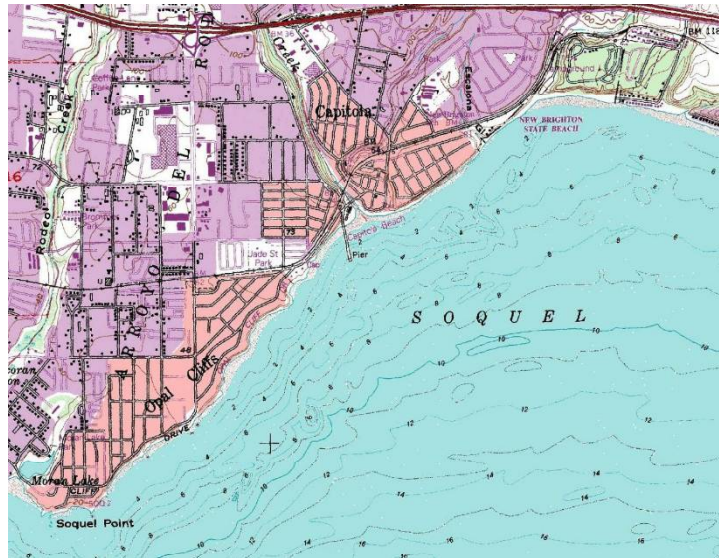
Bluff Geology and Future Bluff Recession Discussion

The referenced property is situated just downcoast from the City of Capitola, in northern Monterey Bay.

Mr. and Mrs. Holdener
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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:

Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

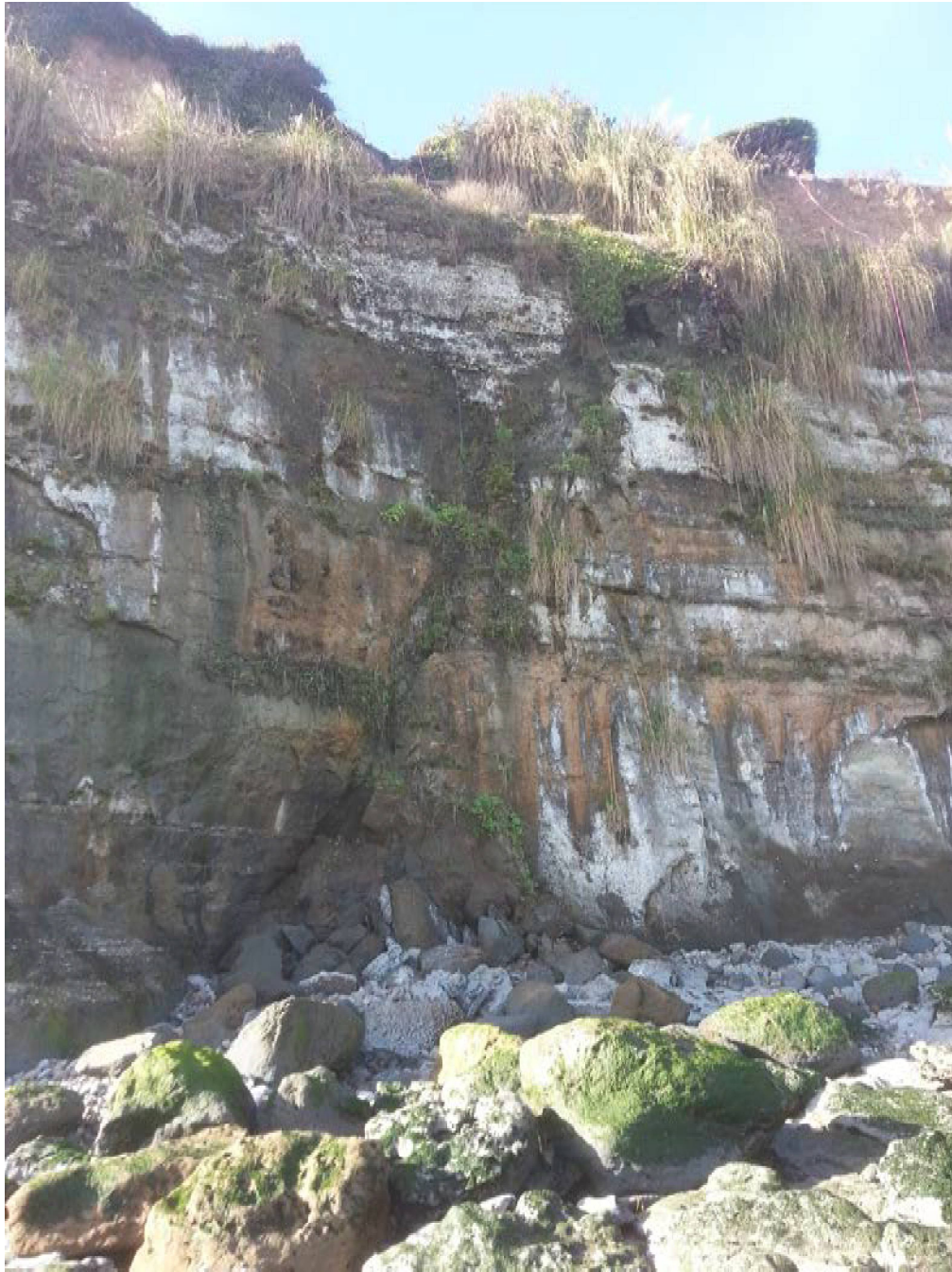
Mr. and Mrs. Holdener
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2013 Oblique Aerial Photograph
The Property has the Single Story Home that is Left of the Center of the
Photo
(photo courtesy of www.californiacoastline.org)

Attachment: Coastal Bluff Recession Study and 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: Coastal Bluff Recession Study and 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

Mr. and Mrs. Holdener
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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)

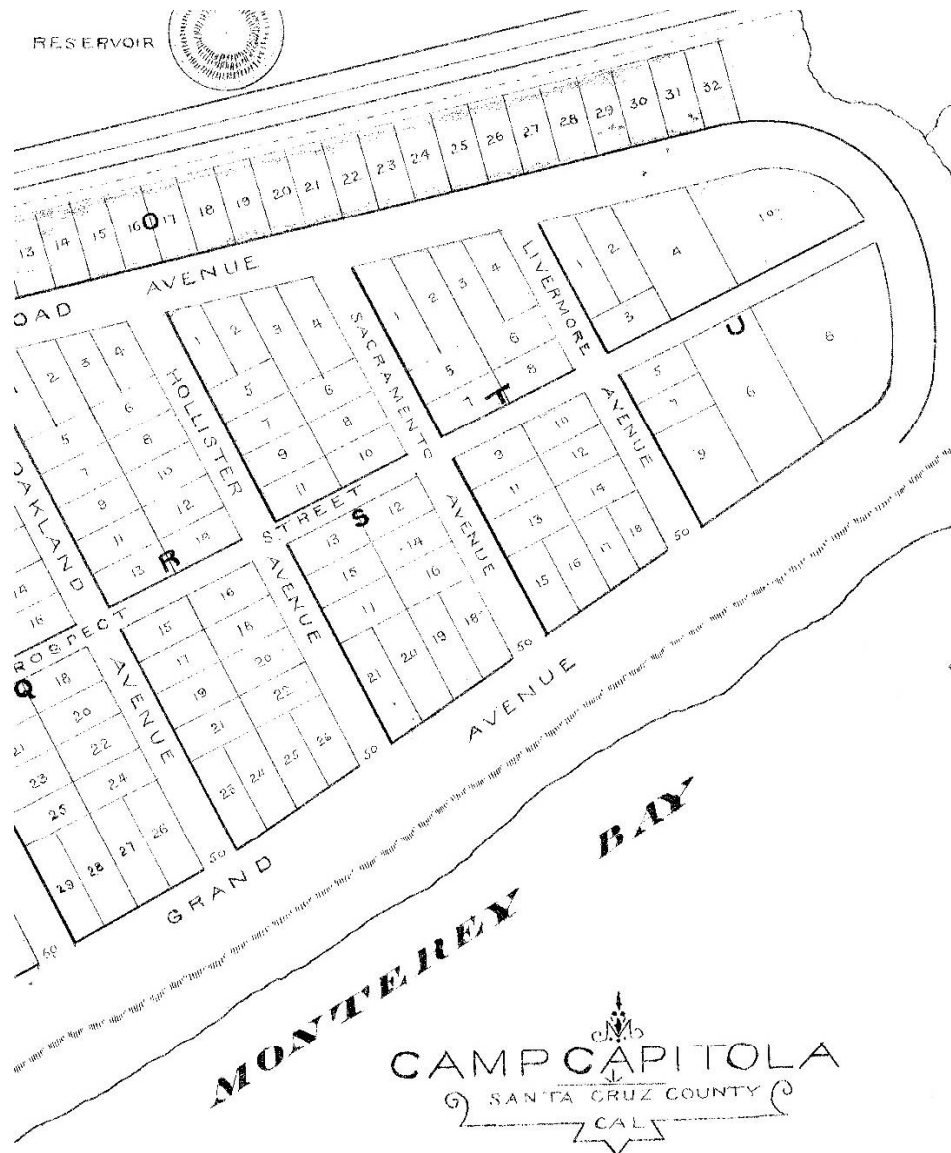
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1 to file

Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

Mr. and Mrs. Holdener
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3 October 2016
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APPENDIX A

Portion of 1884 Survey Map of "Camp Capitola"
008M35
Also Map Book 2 Page 35



Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

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APPENDIX B



**2016 Google Earth Image
April 5, 2016**

Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

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APPENDIX C



June 14, 1966 Aerial Photograph

Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

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APPENDIX D

**1972 Oblique Aerial Photo
(courtesy of californiacoastline.org)**



Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

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APPENDIX E

**1979 Oblique Aerial Photo
(courtesy of californiacoastline.org)**



Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

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APPENDIX F

2002 Oblique Aerial Photo
(courtesy of californiacoastline.org)
March 16, 2002

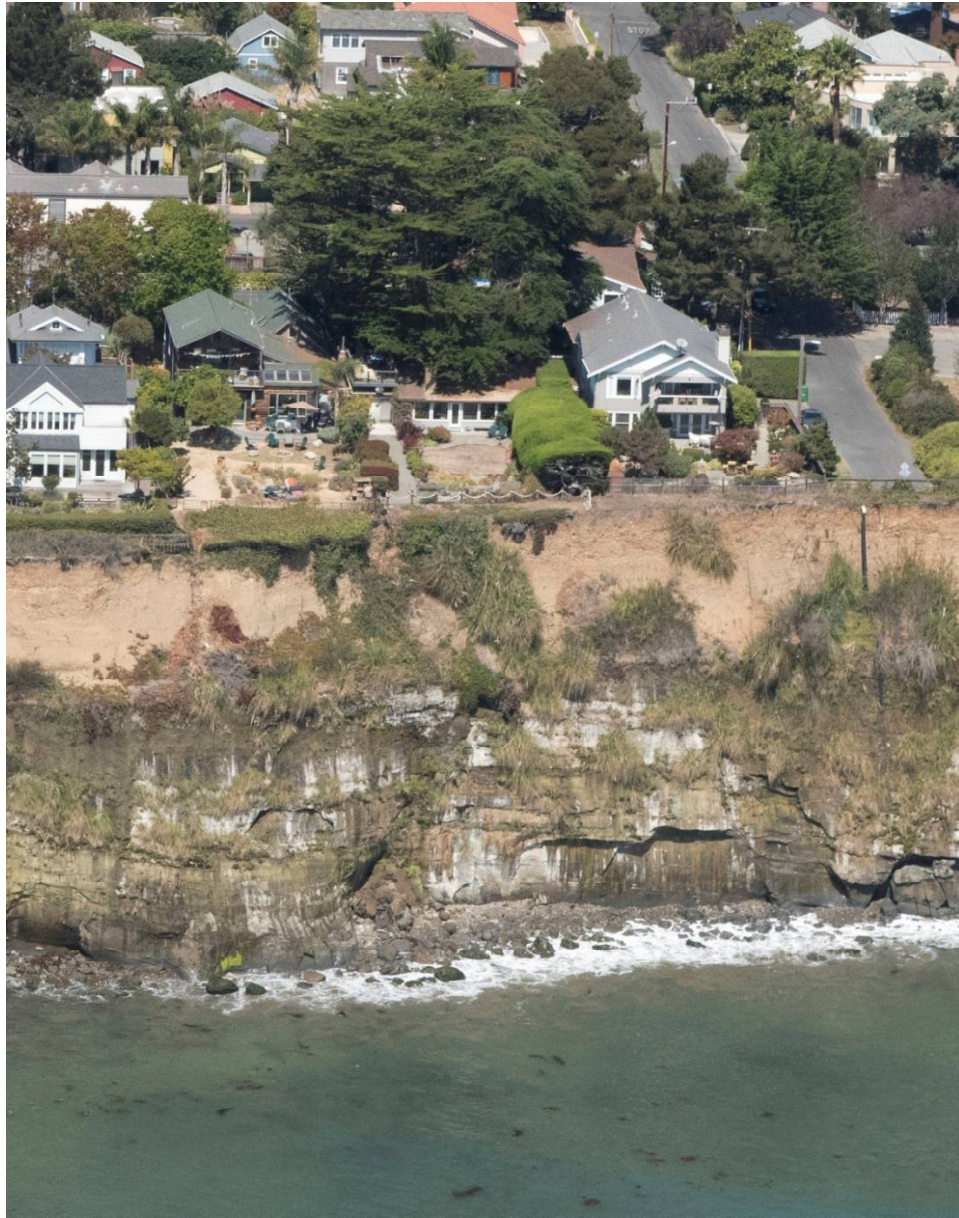


Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

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APPENDIX G

**2015 Oblique Aerial Photo
(courtesy of californiacoastline.org)
September 11, 2015**



Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

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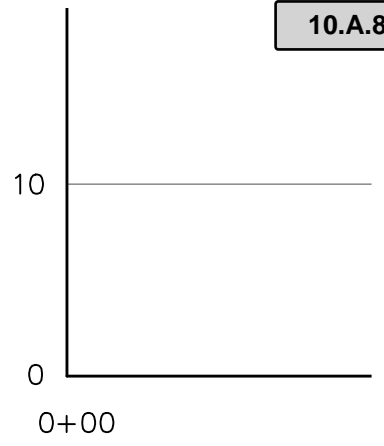
APPENDIX H

**Estimated 50 Year Future Coastal Bluff Recession Setback drawings
(two 11 by 17 sheets dated 12/7/2015, revised 9-26-2016)**

Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

General Notes:

- A. Topographic Base Map dated 11/08/2015 pre Services Job Number H0099.
- B. Vertical Elevation Datum is NAVD88.
- C. Topography at beach level may not accurately
- D. ESTIMATED 50 YEAR FUTURE COASTAL E
The selection of a "50 YEAR" timeframe is ba setback requirements in the City of Capitola L Regulatory Agencies may desire or require gr should verify that 50 years is an adequate tim they need to evaluate or consider setbacks fo
- E. LIMITATIONS: Because of uncertainties that ; HKA, no guarantee or warranty is possible tha or lesser erosion and recession may occur. In at some point in the far future. This study shc The owners and occupants of the coastal imp recommends that they should purchase appr



Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

Safty, Ryan (rsafty@ci.capitola.ca.us)

From: foxxmark@aol.com
Sent: Monday, January 09, 2017 11:28 AM
To: Safty, Ryan (rsafty@ci.capitola.ca.us)
Subject: 105 Sacramento Ave.Project # 16-133

Hello Ryan,

We performed a bluff recession analysis report for 105 Sacramento Avenue (our Project # SC11043) that analyzed coastal bluff recession for a fifty (50) year time period. The results of that analysis are depicted on the drawings attached to our report. It has come to our attention that inadvertently reference was made in the report text to a 100 year coastal bluff recession timeframe due to a typographical error.

The purpose of this email is to clarify that our analysis of coastal bluff recession was for a fifty (50) year time period (and to apologize for the typographical error).

Best Regards

Mark Foxx
CEG 1493
Haro Kasunich and Associates Inc.
831-234-7001

Attachment: Coastal Bluff Recession Study and Geological Report (1686 : 105 Sacramento Avenue)

Maureen Hamb-WCISA Certified Arborist WE2280
Professional Consulting Services



October 21, 2015

Vicki Malandra
 David Lyng Real Estate
ocnvuhomes@aol.com

Project: 105 Sacramento/Cypress Tree Evaluation

As you requested I completed a site visit to 105 Sacramento in Capitola on September 25, 2015. At that time I completed a cursory visual assessment of three mature Monterey cypress (*Hesperocyparis macrocarpa*) trees growing at the front of the residence and a large Monterey cypress hedge in the rear yard.

The mature trees in front are growing in a limited space surrounded by a flagstone walkway, small shed and the residence. The tree trunks are against the outside wall of the residence and the shed has been lifted off the ground by root development.

The root crown (where the trunk meets the ground) is raised at least two feet higher than the adjacent walkway. It appears that root development is forcing the base of the tree out of the ground. This can occur when large structural roots encounter a rocky layer that cannot be penetrated. Due to the limited area for root development large diameter structural roots have concentrated near the soil surface under the residence.

The tree canopies spread over the entire property. Dead and broken branching is visible throughout the canopies along with crossing and excessively long branches.

Damage to the interior of the residence has occurred as a result of root development. The walls are cracking and the floor has lifted.

The cypress hedge is healthy and has been pruned regularly to maintain its appearance. There are no signs of decline or structural weaknesses.

On October 13, 2015 we met with Ed Morrison, representative from the City of Capitola. The purpose of the site visit was to determine if the any of the trees or hedge met the criteria for a City of Capitola tree removal permit.

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Mr. Morrison stated that the three mature Monterey cypress growing against the residence met the criteria for a tree removal permit due to the structural damage to the building. He reviewed the application process and subsequent public posting.

He inspected the cypress hedge and stated that it did not meet the necessary criteria for tree removal, but that trimming was allowed. He also stated that if desired the length of the hedge (toward the bluff) could be reduced by a few feet.

There are options for pruning the hedge that can include exposing the trunks, keeping the foliage concentrated at the top. Pruning to radically reduce the height or width of the hedge cannot be completed without exposing the dead material just under the layer of green foliage.

If the large cypress at the front of the residence are retained pruning must be completed by a qualified professional to reduce the risk of branch failure. There are no treatments available to improve the stability of the structural root system or prevent continued damage to the residence.

Please call my office with any questions regarding the trees on this property.

Respectfully submitted,

Maureen Hamb-Certified Arborist WE2280



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: Public Works Department

SUBJECT: Consider Report on the Library Project and Provide Direction on Budget Options

RECOMMENDED ACTION: Receive update on library design and public outreach process, consider report on estimated project costs, and provide direction on project scope and budget.

BACKGROUND: The design and planning of the Capitola Library is underway. On January 11, 2017, a workshop was held, attended by approximately 35 members of the public. The project architect, Noll and Tam, presented the preliminary schematic designs for the site and building and received positive feedback from a majority of those in attendance.

As this work is being completed, the project team has also been updating the project cost estimates including design costs, permitting costs, and construction estimates. The primary funding sources for the library project are \$8 million of Measure S funds and \$2.6 million of Successor Agency funds. The level of funding provided through Measure S was based on a 2011 needs assessment of the entire County library system. The Successor Agency funding was developed in the early 2000s as part of an agreement with the County over adding the Rispin property to the Redevelopment Agency. Staff anticipates another \$550,000 can be brought into the project through fundraising and other outside sources, bringing the total funding level at this time to \$11.15 million.

Unfortunately, project costs have escalated since the 2011 estimate was prepared. In 2011 a base value of \$525 per square foot was used for building construction and \$30 per square foot for site improvements. Based on recently bid projects, the current estimates are \$680 and \$50 for building and site costs respectively.

The 2011 Needs Assessment identified a 12,800-square-foot library for Capitola. Based on this square footage, the current project cost estimate is in excess of \$14 million.

Unrelated to the budget review, the architectural team and County library staff have been reviewing the 2011 Needs Assessment to determine if it meets today's needs and current library design trends. This needs assessment update slightly reduced the total project size to 11,700 square feet. Attachment 1 shows the original and revised programs. Library staff have indicated that a properly designed, modern, 11,700-square-foot library would meet today's program demands and also provide flexibility to adapt in the future.

DISCUSSION: Given the budget constraints and updated needs assessment, the design team and staff are looking for direction from the City Council on finalizing the building size and project budget. The project architect has indicated that it would not be advisable to proceed any further

Library Project Cost Update
January 26, 2017

with the schematic design until the budget and building size are established. To avoid project delays that could further raise costs, it is important the Council provide direction at this meeting.

Following are three options for the Council's consideration. Attachment 2 breaks down the costs for these options.

Option 1 - Use the Updated Needs Assessment

This project would build a 11,700-square-foot library at a cost of \$13 million and meet the program demands while reducing the estimated cost by \$1 million. Library staff have indicated that all anticipated programs and services could be met with a library of this size.

Option 2 - Use 2011 Needs Assessment

This project would build a 12,800-square-foot library at a cost of \$14 million, which is the largest library under consideration and would provide the best options and flexibility for current and future programs.

Option 3. Work within existing budget

This project would build a 9,250-square-foot library at a cost of \$11.15 million. While big enough to meet the demands of Capitola residents, our library is part of a larger library system, and more than half of its users are from adjacent communities. As a result, based on the needs assessment and direction from library staff, a library this size would reduce overall service levels from the originally planned library. However, an 8,100-square-foot library would meet the terms of the contract with Santa Cruz County, and would essentially double the size of the existing facility.

There are other options to build a library between 9,250 and 12,700 square feet. At a rough estimate level, each 1,000 square feet adds approximately \$1 million to the project cost.

FISCAL IMPACT: The framework for funding all potential library options vary.

Option 1 can be funded using existing Fund Balances in Internal Service Funds, Facilities Reserve Fund and deferring some CIP projects over the next two budget cycles.

Option 2 can be funded partially by the same sources as Option 1, but would require an additional \$1 million, which would likely require the issuance of debt or refinancing existing debt.

Option 3 can likely be funded through already identified sources and should not require any additional City funds.

All the potential funding options rely upon receiving donations from the Friends of the Capitola Library along with additional funds from the Library JPA. Options 1 and 2 further rely full repayment of the outstanding loan between the City and the Successor Agency and utilizing the projected fund balance in the Pension Obligation Bond Fund at 2017 POB closeout.

The attachment includes a tentative financing plan for all options.

On January 20, the City received a letter from CalPERS projecting the impacts of its Board's recent decision to lower the discount rate. The decreased discount rate impacts the annual normal cost contributions along with the Unfunded Actuarial Liability payment. Based on CalPERS projections, staff projects an additional \$1 million in retirement contributions above the figures used in the long-range financial plan by 2020/21.

Mall redevelopment also presents a potential revenue risk in the next several years. The sales tax generated from the current mall might temporarily decrease during redevelopment causing a

Library Project Cost Update
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short-term need for reserve funding. The potential impact, and long-term benefits, will not be known until such time as plans are presented for consideration.

ATTACHMENTS:

1. Program Needs Assessment Analysis
2. Budget Option Analysis
3. Tentative Library Financing Plan

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

1/20/2017

Capitola Library
Space Needs Assessment and Building Program
 10/19/17

Facility Space Requirements

Space	Square Feet	Subtotal
1.1 Public Entrance/Lobby	54	
1.2 Public Restrooms	IN GSF	
1.3 Community Meeting Room	1,022	
1.4 Meeting Room Storage /AV Equipment	108	
1.5 Friends of the Library Book Sale	40	
1.6 Book Donations Sorting Space	120	
1.7 Community Information	30	1,374
2.1 Self Checkout and Reserves Pickup	120	
2.2 New Books Browsing Area	298	
2.3 Media Browsing Area	278	
2.4 Service Desk	170	866
3.1 Adult Public Access Computers	409	
3.2 Reference Collection	176	
3.3 Adult Circulating Fiction Books	599	
3.4 Adult Circulating Nonfiction Books	552	
3.5 International Languages Collection	72	
3.6 Quiet Reading and Study	250	
3.7 Magazine + Newspaper Browsing	132	
3.8 Adult Seating	720	
3.9 Capitola History	140	
3.10 Group Study/Tutoring Rooms (3 or 4)	200	
3.11 blank		
3.12 Teen Area	505	
3.13 Electronic Homework Center	345	4,100
4.1 Children's New Books + Media	293	
4.2 Children's Public Access Computers	129	
4.3 Children's Circulating Books	587	
4.4 Family Space/Children's Programming Area	506	
4.5 Easy Books and Readers	454	
4.6 Storytelling and Programming Storage	64	
4.7 Parents and Teachers Collection	10	
4.8 Family Restroom	IN GSF	2,043
5.1 Library Office	75	
5.2 Staff Workroom	239	
5.3 Sorting and Returns	356	
5.4 Mail and Deliveries	104	
5.5 Supplies and Equipment Storage	70	
5.6 Computer/Telecom/Server Room	86	
5.7 Staff Entrance/Lockers/Coat Closet	44	
5.8 Staff Lounge	178	
5.9 Staff Restrooms	IN GSF	
5.10 Custodial / Maintenance Services	95	1,247
Library Net Assignable Square Feet:	9,630	9,630
Library Gross Square Feet @ 75% Efficiency:		12,840
Rounded		12,800
Estimated Cost		\$14 million

Space	Square Feet	Difference	Subt
1.1 Public Entrance/Lobby	54		
1.2 Public Restrooms	IN GSF		
1.3 Community Meeting Room	1,000	-22	
1.4 Meeting Room Storage /AV Equipment	100	-8	
1.5 Friends of the Library Book Sale		-40	
1.6 Book Donations Sorting Space	120		
1.7 Community Information	30		1,
2.1 Self Checkout and Reserves Pickup	120		
2.2 New Books Browsing Area	298		
2.3 Media Browsing Area	150	-128	
2.4 Service Desk	170		
3.1 Adult Public Access Computers	200	-209	
3.2 Reference Collection		-176	
3.3 Adult Circulating Fiction Books	599		
3.4 Adult Circulating Nonfiction Books	552		
3.5 International Languages Collection		-72	
3.6 Quiet Reading and Study	250		
3.7 Magazine + Newspaper Browsing	132		
3.8 Adult Seating	720		
3.9 Capitola History		-140	
3.10 Group Study/Tutoring Rooms (3 or 4)	400	200	
3.11 blank			
3.12 Teen Area	500	-5	
3.13 Electronic Homework Center	345		3,
4.1 Children's New Books + Media	293		
4.2 Children's Public Access Computers	129		
4.3 Children's Circulating Books	587		
4.4 Family Space/Children's Programming Area	506		
4.5 Easy Books and Readers	454		
4.6 Storytelling and Programming Storage	64		
4.7 Parents and Teachers Collection	10		
4.8 Family Restroom	IN GSF		2,
5.1 Library Office	75		
5.2 Staff Workroom	239		
5.3 Sorting and Returns	200	-156	
5.4 Mail and Deliveries	60	-44	
5.5 Supplies and Equipment Storage	70		
5.6 Computer/Telecom/Server Room	86		
5.7 Staff Entrance/Lockers/Coat Closet	44		
5.8 Staff Lounge	178		
5.9 Staff Restrooms	IN GSF		
5.10 Custodial / Maintenance Services	95		1,
Library Net Assignable Square Feet:	8,830	-800	8,
Library Gross Square Feet @ 75% Efficiency:			11,
Rounded			11,
Estimated Cost			\$13 mill

Area increases
 Area decreases

Attachment: Program Needs Assessment Analysis (1705 : Library Project Cost Update)

City of Capitola - New Library
Project Budget Analysis

	Original Budget	Option 1 Updated Budget <i>for 11,700 sf</i>	Option 2 Updated Budget <i>for 12,800 sf</i>	Option 3 Updated Budget <i>for 9,120 sf (to meet budget)</i>
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1. Construction								
TOTAL	\$ 7,545,000	71.09%	\$ 9,656,000	73.41%	\$ 10,413,846	73.79%	\$ 7,860,600	70.41%
2. Contingency								
TOTAL	\$ 800,000	7.54%	\$ 1,000,000	7.60%	\$ 1,200,000	8.50%	\$ 950,000	8.51%
3. Architectural and Engineering Fees								
TOTAL	\$ 1,075,000	10.13%	\$ 1,295,000	9.84%	\$ 1,295,000	9.18%	\$ 1,150,000	10.30%
4. Permits /Special Inspections								
TOTAL	\$ 130,000	1.22%	\$ 130,000	0.99%	\$ 130,000	0.92%	\$ 130,000	1.16%
5. PM and Other Fees								
TOTAL	\$ 329,000	3.10%	\$ 338,400	2.57%	\$ 338,400	2.40%	\$ 338,400	3.03%
6. Miscellaneous								
TOTAL	\$ 35,000	0.33%	\$ 35,000	0.27%	\$ 35,000	0.25%	\$ 35,000	0.31%
7. Total Costs (items 1 through 6 above)								
TOTAL	\$ 9,914,000	93.40%	\$ 12,454,400	94.68%	\$ 13,412,246	95.04%	\$ 10,464,000	93.73%
8. Furniture, Fixtures and Equipment								
TOTAL	\$ 700,000	6.60%	\$ 700,000	5.32%	\$ 700,000	4.96%	\$ 700,000	6.27%
9. Total Project Cost								
TOTAL	\$ 10,614,000	100.00%	\$ 13,154,400	100.00%	\$ 14,112,246	100.00%	\$ 11,164,000	100.00%

Difference from Original Budget (Total Project Costs)	\$0	\$2,540,400	\$3,498,246	\$550,000
Anticipated Supplemental Funding		\$550,000	\$550,000	\$550,000
Additional Funding Needed		\$1,990,400	\$2,948,246	\$0

Building / Site Analysis					
Square Feet (Building)		13,000	11,700	12,800	9,120
Building (New Construction)	\$	6,800,000	7,956,000	8,713,846	6,200,600
Per Square Cost (Building)	\$	523.08	680.00	680.77	679.89
Square Feet (Site)		30,000	30,000	30,000	30,000
Site Work	\$	470,000	1,500,000	1,500,000	1,500,000
Per Square Cost (Site)	\$	15.67	50.00	50.00	50.00
Construction Cost (Building + Site)		\$7,270,000	\$9,456,000	\$10,213,846	\$ 7,700,600

Tentative Financing Plan
(in millions)

	Option 1 - 11,700	Option 2 - 12,700	Option 3 -9,250
Existing Funding	\$ 10.60	\$ 10.60	\$ 10.60
Cost Estimate	\$ 13.15	\$ 14.15	\$ 11.15
Delta	\$ (2.55)	\$ (3.55)	\$ (0.55)
New Sources			
Friends of the Capitola Library Donations	\$ 0.35	\$ 0.35	\$ 0.35
JPA/Library Fund	\$ 0.20	\$ 0.20	\$ 0.20
General Fund			
Pension Obligation Bond Closeout	\$ 0.45	\$ 0.45	\$ -
Successor Agency Loan Repayment Funds	\$ 0.40	\$ 0.40	\$ -
Other GF*	\$ 1.15	\$ 2.15	\$ -
General Fund Subtotal	\$ 2.00	\$ 3.00	\$ -
Total Sources	\$ 13.15	\$ 14.15	\$ 11.15

*Other GF [Over 2 Budget Cycles]	
Measure D 1/2 Year for Capital	\$ 0.30
ISF Fund Balance	\$ 0.20
Facilities Reserve Balance	\$ 0.20
Deferred CIP Projects	\$ 0.45
Total	\$ 1.15
Debt Financing	\$ 1.00
Total	\$ 2.15

Attachment: Tentative Library Financing Plan (1705 : Library Project Cost Update)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: Community Development

SUBJECT: Introduction of an Ordinance Amending Chapter 17.98 of the Capitola Municipal Code Pertaining to Wireless Telecommunications (Continued)

RECOMMENDED ACTION: That the City Council take the following actions:

1. Adopt the Addendum to the General Plan Update Environmental Impact Report;
2. Introduce an ordinance to amend Municipal Code Chapter 17.98 Wireless Communications Facilities;
3. Adopt the attached Resolution directing the City Manager to submit an Amendment to the City of Capitola Local Coastal Program to the California Coastal Commission for certification.

BACKGROUND: The City Council considered the updated Wireless Communications Facilities Ordinance at its January 12, 2017, hearing. Following public testimony and deliberations, the Council voted to continue the discussion to January 26 and directed staff to review the City of Monterey's wireless ordinance.

DISCUSSION: Staff and the City Attorney's office have reviewed the City of Monterey's wireless ordinance (Attachment 4). The City of Monterey updated its wireless ordinance in October 2016 to comply with state and federal laws pertaining to wireless facilities, to address technological changes, and to clarify regulatory procedures.

Similar to Capitola's proposed ordinance, Monterey identifies preferred sites and locations for wireless facilities and requires all facilities to incorporate stealth design elements. Consistent with Federal law, neither ordinance prohibits wireless facilities in specific zoning districts or requires setbacks for specific land uses.

The City of Monterey requires all wireless facilities to obtain a Conditional Use Permit (CUP) from the Planning Commission. The City of Capitola's proposed ordinance would establish a tiered permit process which would streamline the permitting process for well-designed facilities located in preferred sites and locations, whereas facilities which are not stealth designed and/or located in non-preferred locations would be required to obtain a CUP. The proposed tiered permit process was endorsed by the Planning Commission, during which commissioners expressed frustration that they could only legally consider aesthetic issues despite frequent public expectations that they deny wireless applications based on health concerns.

Wireless Telecommunications Ordinance Introduction
January 26, 2017

Overall, it is staff and the City Attorney's opinion that Capitola's proposed ordinance is more comprehensive, more protective of the City's rights, and better suited to address the uniqueness of Capitola.

FISCAL IMPACT: None

ATTACHMENTS:

1. Draft Wireless Ordinance (PDF)
2. Addendum to GPU EIR (PDF)
3. LCP Amendment Resolution (PDF)
4. City of Monterey Wireless Ordinance (PDF)
5. LCP Amendment Resolution (PDF)

Report Prepared By: Rich Grunow
Community Development Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

1/20/2017

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
Tier 1	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
Tier 2	<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
Tier 3	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.	
Tier 4	New towers in any zoning district Any facility in the R-1, RM, or MH zoning district ¹ Any facility within a public park or open space Any facility that is not a Tier 1, 2, or 3 Facility	Conditional Use Permit
¹ 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 (1727 : 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;

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- 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:

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(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.

RESOLUTION NO. _____

**RESOLUTION OF THE CAPITOLA CITY COUNCIL
AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE
CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM
AMENDING CHAPTER 17.98 (WIRELESS COMMUNICATIONS FACILITIES) OF THE
CAPITOLA MUNICIPAL CODE**

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

WHEREAS, the Capitola City Council conducted a duly noticed public hearing on January 26, 2017, and at this meeting the City Council passed the proposed Ordinance to a second reading, and on February 9, 2017, adopted an Ordinance of the City Council of the City of Capitola amending Chapter 17.98, Wireless Communications Facilities; and

WHEREAS, the City Council approved an Addendum to the General Plan Update Environmental Impact report which found that the proposed ordinance and LCP amendment would not have a significant effect on the environment; and

WHEREAS, Public Notice was provided as required under Coastal Act 30514 et seq.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the City of Capitola that this Resolution declares and reflects the City’s intent to amend the LCP Implementation Plan as it pertains to wireless telecommunications facilities within the City of Capitola, as drafted, if certified by the California Coastal Commission, in full conformity with the City of Capitola LCP and provisions of the California Coastal Act.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit the said Coastal Commission LCP Amendments to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 26th day of January, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Linda Fridy, City Clerk

Attachment: LCP Amendment Resolution (1727 : Wireless Telecommunications Ordinance Introduction)

38-112.4 Personal Wireless Service Facilities (Ord. 3443; 03/2010) Revised 11/16**A. Purpose.**

1. This section is enacted to provide reasonable standards for the placement, design, construction and modification of wireless facilities within the City of Monterey. These regulations are designed to protect and promote public safety, community welfare, and the unique visual quality of the City, while at the same time recognizing the benefit of robust wireless services to the community. This section is intended to use the City's power to regulate the use of land under Federal and State law, but not to exceed the scope of the City's authority.
2. This section does not intend to, and shall not be interpreted or applied to:
 - a. Prohibit or effectively prohibit personal wireless services; or
 - b. Unreasonably discriminate among providers of functionally equivalent personal wireless services; or
 - c. Regulate the installation, operation, collocation, modification or removal of wireless facilities on the basis of the environmental effects of RF emissions to the extent that such emissions comply with all applicable FCC regulations; or
 - d. Prohibit or effectively prohibit any collocation or modification that the City may not deny under California or Federal law;
 - e. Preempt any applicable California or Federal law.

B. Applicability--Exemptions.

1. **Applicable Facilities.** The provisions in this section shall be applied to all applications for new wireless facilities and all applications for changes to existing wireless facilities pending a final decision on or before the effective date of this section, unless the application qualifies for an exemption.
2. **Exempt Facilities.** The provisions in this section shall not be applied to applications for the following wireless facilities:
 - a. Amateur radio antennas (including ham and shortwave).
 - b. Over-the-air reception devices ("OTARDs") as defined in [47 CFR Section 1.4000](#) et seq., as may be amended or superseded, which include without limitation direct-to-home satellite antennas smaller than two feet in diameter.
 - c. Wireless facilities owned and operated by the City for its use.

d. Facilities owned and operated by California Public Utilities Commission-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D.

C. Prohibited Facilities. Any wireless facilities that do not comply with the most current regulatory and operations standards, including but not limited to radio frequency (RF) emission standards adopted by the FCC, are prohibited. Applicant is required to affirm, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the levels deemed safe by the FCC. Documentation must be submitted proving that the permit applicant has whatever certificate or license the FCC requires to operate the facility.

D. Planning Applications and Approvals Required.

1. Use Permit Review. All new wireless facilities and all substantial changes to existing wireless facilities shall first require an application for a use permit pursuant to Section [38-156](#) et seq. and approval by the Zoning Administrator.

2. Section 6409(a) Approval. Any application for a collocation or modification to an existing wireless tower or base station submitted for approval pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (codified as [47](#) U.S.C. Section [1455](#)(a)) shall require a written application subject to administrative review and approval or denial by the Zoning Administrator pursuant to subsection (D)(2)(a) of this section.

a. Administrative Review Procedures.

i. Section 6409(a) Approval Findings. The use permit for existing facilities will be reopened for review by the Zoning Administrator. The Zoning Administrator may grant a Section 6409(a) approval only when he or she finds all the following:

I. The public notice required by law has occurred.

II. The project involves the collocation, replacement or removal of transmission equipment on an existing wireless tower or base station.

III. All prior regulatory approvals required for the initial construction and any later modifications to the tower or base station, if any, were properly obtained.

IV. The project would not substantially change the physical dimensions of the existing wireless tower or base station.

ii. Denied Applications for Section 6409(a) Approvals. Any denial of an application for Section 6409(a) approval shall be in writing, contain the reasons for the denial, and be without prejudice to the applicant or the project. The applicant may immediately submit an application for a use permit or a Section 6409(a) approval for substantially the same

project; provided, however, that the applicant has paid all fees and costs payable to the City in connection with the previously denied application.

iii. Referral to the Planning Commission. Any interested party or City staff member may request that a specific application for Section 6409(a) approval be referred to the Planning Commission for review and a decision at a noticed public meeting. The Planning Commission's review shall be limited to only whether the proposed collocation or modification qualifies for approval pursuant to [47 U.S.C. Section 1455\(a\)](#). Upon referral, the applicant shall be required to pay the applicable fee for Planning Commission review.

E. Applications and Submittals.

1. Application Content. The Planning Department shall develop and maintain detailed application submittal requirements, which shall be made available to the public, and shall be subject to review and oversight by the Planning Commission on an annual basis. All fees for application review shall be nonrefundable unless specifically provided otherwise in a resolution by the City Council.
2. Presubmittal Conference. Before application submittal, applicants are strongly encouraged to schedule and attend a presubmittal conference with City staff for all wireless facilities applications. The presubmittal conference is intended to foster cooperative discussion between applicants and staff, identify potentially avoidable issues and generally streamline the application review process to occur after the applicant formally submits its application. City staff will endeavor to provide applicants with an appointment between approximately five and 15 working days after a written request for an appointment is received. The Zoning Administrator, in its sole discretion, may waive in writing the required appointments in subsection (E)(3) of this section for an applicant that participates in a presubmittal conference meeting.
3. Application Submittal Appointment. All applications must be submitted to the City at a prescheduled appointment. Applicants may submit one application per appointment but may schedule successive appointments for multiple applications whenever feasible for the City. City staff will endeavor to provide applicants with an appointment within approximately five working days after a request.
4. Incomplete Applications Deemed Withdrawn. In the event that an applicant fails to respond to an incomplete notice within 90 calendar days from the notice date, the City shall deem the application withdrawn and the fee is nonrefundable. Upon an applicant's written request, the Zoning Administrator, in its sole discretion, may extend the 90-day time limit up to an additional 60 calendar days.

F. Design and Development Standards.

1. Preferred Designs. All applicants should, to the extent feasible, collocate new facilities and substantial changes to existing facilities with existing wireless facilities. Collocations should, to the extent feasible, be proposed on structures in accordance with the following preferences. The City prefers the following designs, ordered from most preferred to least preferred:

- a. Building-mounted facilities with rooftop-mounted antennas; then
- b. Building-mounted facilities with facade-mounted antennas; then
- c. Public rights-of-way facilities and non-communications utility facilities; then
- d. Freestanding tower facilities.

2. Preferred Locations. All applicants should propose new facilities and substantial changes to existing facilities in locations according to the following preferences, ordered from most preferred to least preferred:

- a. City-owned or controlled parcels outside of open space districts, residential districts or the H-1, H-2, D-1 overlay zones; then
- b. Parcels in industrial districts; then
- c. Parcels in commercial districts.

3. Discouraged Locations. All applicants should avoid proposing new facilities and substantial changes to existing facilities in the following locations:

- a. Open space districts;
- b. Residential districts; and
- c. H-1, H-2, D-1, and overlay zones.

4. General Design and Aesthetic Standards. All new facilities and substantial changes to existing facilities must conform to the standards in this section.

- a. Concealment. Wireless facilities must incorporate concealment measures sufficient to render the facility either camouflaged or stealth, as appropriate for the proposed location and design. All facilities must be designed to visually blend into the surrounding area in a manner compatible with the local community character.
- b. Height. Wireless facilities must not exceed the applicable height limit for structures in the applicable zoning district.

- c. Setbacks. Wireless facilities may not encroach into any applicable setback for structures in the applicable zoning district.
- d. Collocation. Applicants must design their facilities to accommodate future collocated facilities to the extent feasible.
- e. Noise. A wireless facility and all equipment associated with a wireless facility must not generate noise that exceeds the applicable ambient noise limit in the zone where the wireless facility is located. The approval authority body may require the applicant to install noise attenuating or baffling materials and/or other measures, including but not limited to walls or landscape features, as the approval authority deems necessary or appropriate to ensure compliance with the applicable ambient noise limit.
- f. Lights. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The City may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need. All aircraft warning lighting must use lighting enclosures that avoid illumination impacts to properties in the City to the maximum extent feasible.
- g. Signs. No facility may 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. 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.
- h. Fencing or Enclosures. Any fencing or enclosures proposed in connection with a wireless facility must blend with the natural and/or manmade surroundings. Additional landscape features may be required to screen fences. Barbed wire, razor ribbon, electrified fences and similar measures for securing a wireless facility may not be appropriate, except when the applicant demonstrates that the need for such measures significantly outweighs the potential danger to the public.
- i. Landscaping. Landscaping may be required to visually screen facilities from adjacent properties or public view or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to architectural review approval by the Zoning Administrator, unless the Zoning Administrator refers the landscaping plan to the Architectural Review Committee. Landscaping may be required for the purposes that include, but are not limited to, the following:
- i. To preserve existing on-site and associated access way vegetation and trees to the extent feasible at all times before, during and after construction.

- ii. To minimize disturbance of the existing topography.
- iii. Plant additional trees and other vegetation around the facility, in the vicinity of the site, and along access roads where such vegetation is appropriate to provide screening of wireless facilities and related access roads.

5. Building-Mounted Facilities.

a. General Design Preferences. All applicants should, to the extent feasible, propose new nontower facilities according to the following preferences, ordered from most preferred to least preferred:

- i. Completely concealed and architecturally integrated facade or rooftop-mounted base stations with no visible impacts 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
- ii. 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, chimneys and water tanks).

b. Rooftop-Mounted Equipment. The City may approve unscreened rooftop transmission equipment only when it expressly includes a condition of approval that such equipment is effectively concealed due to its low height and setback from the roofline.

c. Facade-Mounted Equipment. Applicants must conceal all facade-mounted transmission equipment behind screen walls as flush to the facade as practicable. The City may not approve any "pop-out" screen boxes unless such design is architecturally consistent with the original support structure. The City may not approve any exposed facade-mounted antennas, which includes exposed antennas painted to match the facade.

d. Ground-Mounted Equipment. Outdoor ground-mounted equipment associated with base stations must be avoided whenever feasible. In locations visible or accessible to the public, applicants must conceal outdoor ground-mounted equipment with opaque fences or landscape features that mimic the adjacent structure(s) (including, but not limited to, dumpster corrals and other accessory structures).

6. Public Rights-of-Way Facilities.

a. Impact on Public Use. The City shall not approve any facilities, or any equipment or improvements in connection with a facility, in the rights-of-way that unreasonably subject the public use to inconvenience, discomfort, trouble, annoyance, hindrance, impediment or

obstruction. As used in this subsection (F)(6)(a), the term “public use” includes physical travel and occupancy as well as social, expressive, and aesthetic functions.

b. Concealment. All facilities in the rights-of-way must be concealed to the extent feasible with design elements and techniques that blend with the underlying support structure, surrounding environment and adjacent uses.

c. Undergrounded Equipment. To conceal the non-antenna equipment, applicants shall install all non-antenna equipment underground when proposed in an area where utilities or other equipment or in the right-of-way is primarily located underground. In all other areas, applicants shall underground its non-antenna equipment to the extent feasible, subject to the City’s standard archaeological sensitivity practices. Additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement, except where the applicant demonstrates by clear and convincing evidence that this requirement will effectively prohibit the provision of personal wireless services. Nothing in this subsection (F)(6)(c) is intended to require the applicant to install any electric meter required by the applicant’s electrical service provider underground.

d. Ground-Mounted Equipment. To the extent that the equipment cannot be placed underground as required, applicants must install ground-mounted equipment in the location so that it does not obstruct pedestrian or vehicular traffic. The City may require landscaping as a condition of approval to conceal ground-mounted equipment. Ground-mounted equipment shall not be permitted in connection with a street light, traffic signal, utility pole or other similar infrastructure in the public right-of-way. In the event that the City approves ground-mounted equipment, the applicant must conform to the following requirements:

i. Self-Contained Cabinet or Shroud. The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view.

ii. Concealment. The City may require the applicant to incorporate concealment elements into the proposed design, including but not limited to public art displayed on the cabinet, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

e. Pole-Mounted Equipment. All pole-mounted equipment must be installed as close to the pole as technically and legally feasible to minimize impacts to the visual profile. All required or permitted signage in the rights-of-way must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.

i. Antennas. The City prefers compact radomes at top of the pole, preferably flush with the pole, rather than equipment that creates arms or hanging appendages. The antenna

must be top-mounted and concealed within a radome that also conceals the cable connections, antenna mount and other hardware. A side-mounted antenna may be approved if the City determines that the side-mounted antenna would be more appropriate given the built environment, neighborhood character, and overall site appearance. GPS antennas must be placed within the radome or directly above the radome not to exceed six inches. Pole-mounted antennas shall not increase the pole height by more than two feet and generally shall not exceed the diameter of the pole.

ii. Pole-Mounted Equipment Cabinets. When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cage not extending more than 10 inches beyond the pole centerline on either side. The equipment cage must be nonreflective and painted, wrapped or otherwise colored to match the existing pole. All pole-mounted equipment must be installed as flush to the pole as possible. Any standoff mount for the equipment cage may not exceed four inches and must include metal flaps (or “wings”) to conceal the space between the cage and the pole.

iii. New and Replacement Poles. If an applicant proposes a new facility in the public rights-of-way, then the applicant must use existing above-ground structures. Replacement of utility poles to support pole-mounted equipment shall be placed as close to the edge of the lot as possible and the centerline of the new pole must be aligned with the centerlines of existing poles within the right-of-way. New poles within the right-of-way, such as monopoles, new street lights and/or faux flag poles, are discouraged, especially where the appearance would be out of character with the surrounding area, and will be permitted only when the applicant demonstrates that no existing or replacement above-ground structures are available. If permitted, new poles shall utilize materials and colors similar to and compatible with existing streetlight or utility poles in the area so as to not be visually obtrusive. In addition, the approval authority may require the applicant to install a decorative or integrated pole designed to conceal the equipment.

iv. Decorative Light Poles. Pole-mounted facilities are prohibited on decorative light pole fixtures.

f. Nonreflective Finishes. All above-ground or pole-mounted equipment in the rights-of-way must not be finished with reflective materials as approved by the approval authority.

7. Freestanding Tower Facilities.

a. General Design Preferences. All applicants should, to the extent feasible and appropriate for the proposed location, design new towers according to the following preferences, ordered from most preferred to least preferred:

i. Faux architectural features including, but not limited to, sculptures, clock towers, and flagpoles; then

ii. Faux trees.

b. Tower-Mounted Equipment. All tower-mounted equipment must 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.

c. Ground-Mounted Equipment. Applicants must conceal ground-mounted equipment with opaque fences or other opaque enclosures. The City may require, as a condition of approval, design and/or landscape features in addition to other concealment when necessary to blend the equipment or enclosure into the surrounding environment.

d. Concealment Standards for Faux Trees. All permits for faux tree facilities approved under this section are subject to the following required conditions of approval:

i. The canopy must completely envelop all tower-mounted equipment and extend beyond the tower-mounted equipment at least 18 inches;

ii. The canopy must be naturally tapered to mimic the particular tree species;

iii. All tower-mounted equipment, including all antennas, equipment cabinets, cables, mounts and brackets, must be painted flat natural colors to mimic the particular tree species;

iv. All antennas and other tower-mounted equipment cabinets must be covered with broadleaf or pine needle "socks" to blend in with the faux foliage; and

v. The entire vertical structure must be covered with permanently affixed three-dimensional faux bark cladding to mimic the particular tree species.

G. Abandoned or Decommissioned Facilities--Transfer of Ownership.

1. Procedures for Abandoned or Discontinued Facilities.

a. To promote the public health, safety and welfare, the Zoning Administrator may declare a facility abandoned or discontinued when:

i. The permittee notifies the Zoning Administrator that it abandoned or discontinued the use of a facility for a continuous period of 90 days; or

- ii. The permittee fails to respond within 30 days to a written notice sent by certified U.S. Mail, return receipt requested, from the Zoning Administrator that states the basis for the Zoning Administrator's belief that the facility has been abandoned or discontinued for a continuous period of 90 days; or
 - iii. After 10 years, when the permit expires, in the case where the permittee has failed to file a timely application for renewal.
- b. After the Zoning Administrator declares a facility abandoned or discontinued, the permittee shall have 90 days from the date of the declaration (or longer time as the Zoning Administrator may approve in writing as reasonably necessary) to:
 - i. Reactivate the use of the abandoned or discontinued facility subject to the provisions of this chapter and all conditions of approval;
 - ii. Transfer its rights to use the facility, subject to the provisions of this chapter and all conditions of approval, to another person or entity that immediately commences use of the abandoned or discontinued facility; or
 - iii. Remove the facility and all improvements installed solely in connection with the facility, and restore the site to a condition compliant with all applicable codes consistent with the then-existing surrounding area.
- c. If the permittee fails to act as required in subsection (G)(1)(b) of this section within the prescribed time period, the City Council may deem the facility abandoned at a noticed public meeting. The Zoning Administrator shall send written notice by certified U.S. mail, return receipt requested, to the last-known permittee or real property owner that provides 30 days (or longer time as the Zoning Administrator may approve in writing as reasonably necessary) from the notice date to:
 - i. Reactivate the use of the abandoned or discontinued facility subject to the provisions of this chapter and all conditions of approval;
 - ii. Transfer its rights to use the facility, subject to the provisions of this chapter and all conditions of approval, to another person or entity that immediately commences use of the abandoned or discontinued facility; or
 - iii. Remove the facility and all improvements installed solely in connection with the facility, and restore the site to a condition compliant with all applicable codes and consistent with the then-existing surrounding area.
- d. If the permittee fails to act as required in subsection (G)(1)(c) of this section within the prescribed time period, the City may remove the abandoned facility, restore the site to a

condition compliant with all applicable codes and consistent with the then-existing surrounding area, and repair any and all damages that occurred in connection with such removal and restoration work. The City may, but shall not be 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. The last-known permittee or its successor-in-interest and, if on private property, the real property owner shall be jointly liable for all costs 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 any interest on the balance owing at the maximum lawful rate. The City may, but shall not be obligated to, use any financial security required in connection with the granting of the facility permit to recover its costs and interest. 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. The City Clerk shall cause the lien to be recorded with the County of Monterey 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 Monterey Recorder's Office.

2. Transfer of Ownership. Within 30 days after a permittee transfers any interest in the facility or permit(s) in connection with the facility, the permittee shall deliver written notice to the City. The written notice required in this section must include: (a) the transferee's legal name; (b) the transferee's full contact information, including a primary contact person, mailing address, telephone number and email address; and (c) a statement signed by the transferee that the transferee shall accept all permit terms and conditions. Failure to submit the notice required herein shall be a cause for the City to revoke the applicable permits pursuant to and following the procedure set out in Section [38-221](#).

H. Notices--Findings--Decisions.

1. Notice.

a. Notice Required for a Use Permit. The Zoning Administrator (or, if referred, the Planning Commission) or its designee shall conduct a noticed public hearing in accordance with Section [38-159](#).

b. Deemed-Approval Notice. No more than 30 days before the applicable time frame for review expires, the applicant must provide written notice to all persons entitled to notice under this subsection (H)(1) and the City Manager's office. The notice must contain 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. Use Permit Findings. In addition to the findings required by Section [38-161](#), the Zoning Administrator (or, if referred, the Planning Commission) shall approve an application for a use permit if supported by substantial evidence, and on the basis of the application, plans, materials and testimony submitted, the Zoning Administrator finds:

- a. The facility is not detrimental to the public health, safety and welfare.
- b. The facility complies with all applicable design and development standards in the City Code.
- c. The facility is designed, constructed and operated in such a manner to minimize the amount of noise impacts to adjacent uses and activities and shall be in conformance with the General Plan and Zoning Ordinance noise exposure standards.
- d. The facility is 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.
- e. The facility does not unreasonably impair or diminish views of and vistas from adjacent properties and designated scenic corridors.
- f. The facility is necessary or desirable for, and compatible with, the neighborhood or community. The City may consider a number of factors, which may include, but shall not be limited to, the proportionality and scale of the facility relative to the surrounding natural and/or manmade environment, the proximity of the facility to residential structures, the compatibility of the facility with uses on adjacent and nearby properties, the surrounding topography, the surrounding tree coverage and foliage, and the compatibility with the values and objectives expressed in the General Plan and any applicable specific plan.

3. Limited Exception to Required Findings.

- a. **Effective Prohibition.** In the event that an applicant alleges that strict compliance with any provision in the code would effectively prohibit the applicant's ability to provide personal wireless services, the Planning Commission may grant an exemption from any requirement in this section when an applicant for a personal wireless services facility demonstrates with clear and convincing evidence that: (i) a gap in the applicant's service coverage exists; and (ii) all alternative designs and locations identified in the application review process are either technically infeasible or not potentially available as demonstrated through a meaningful comparative analysis. The applicant always bears the burden to demonstrate why an exemption should be granted. The City may rebut the applicant's showing of a lack of available and feasible alternative sites.

b. Scope of Exemption. The exemption pursuant to subsection (H)(3)(a) of this section shall be (i) granted on a case-by-case basis; and (ii) narrowly tailored to minimize any deviation from the requirements in the code to the maximum extent feasible.

4. Written Decision. The reviewing authority shall send the applicant written notice that contains both the decision and the reasons for the decision.

5. Appeals. Subject to the applicable time frame for application review, and accounting for any tolling periods, any interested party may appeal an action of the approval authority in accordance with Chapter [38](#), Article 27.

I. Independent Consultant Review.

1. Authorization. The City Council authorizes the City Manager or designee to, in his or her discretion, select and retain an independent consultant with expertise in telecommunications satisfactory to the City Manager or designee in connection with any permit application.

2. Scope. The City Manager or designee may request independent consultant review on any issue that involves specialized or expert knowledge in connection with the permit application. Such issues may include, but are not limited to:

- a. Permit application completeness or accuracy;
- b. Planned compliance with applicable RF exposure standards;
- c. Whether and where a significant gap exists or may exist, and whether such a gap relates to service coverage or service capacity;
- d. Whether technically feasible and potentially available alternative locations and designs exist;
- e. The applicability, reliability and/or sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within this scope; and
- f. Any other issue that requires expert or specialized knowledge identified by the City Manager or designee.

3. Deposit. The applicant must pay for the cost of such review and for the technical consultant's testimony in any hearing as requested by the City Manager or designee and must provide a reasonable advance deposit of the estimated cost of such review with the City prior to the commencement of any work by the technical consultant. The applicant must provide an additional advance deposit to cover the consultant's testimony and expenses at any meeting where that testimony is requested by the City Manager or designee. Where the advance deposit(s) are insufficient to pay for the cost of such review and/or testimony, the City Manager or designee shall

invoice the applicant who shall pay the invoice in full within 10 calendar days after receipt of the invoice. No permit shall issue to an applicant where that applicant has not timely paid a required fee, provided any required deposit or paid any invoice as required in the code.

J. Standard Conditions of Approval.

1. Standard Conditions for Use Permits.

- a. **Permit Term.** Any validly issued conditional use permit or land use permit for a wireless facility will automatically expire at 12:01 a.m. local time exactly 10 years and one day from the issuance date, except when California Government Code Section [65964\(b\)](#), as may be amended, authorizes the City to issue a permit with a shorter term.
- b. **Code Compliance.** The permittee shall at all times maintain compliance with all applicable Federal, State and local laws, regulations and other rules.
- c. **Inspections--Emergencies.** The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to enter or direct its designee to enter 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.
- d. **Contact Information for Responsible Parties.** The permittee 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 natural person. All such contact information for responsible parties shall be provided to the Planning Department upon permittee's receipt of the Planning Department's written request, except in an emergency determined by the City when all such contact information for responsible parties shall be immediately provided to the Planning Department upon that person's verbal request.
- e. **Indemnities.** The permittee and, if applicable, the nongovernment owner of the private property upon which the tower and/or base station is installed shall defend, indemnify and hold harmless the City of Monterey, its agents, officers, officials and employees (i) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, lawsuits, writs of mandamus and other actions or proceedings brought against the City or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, lawsuits 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 or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors or independent contractors. In the event the City becomes aware of any such actions or claims the City shall promptly notify the

permittee and the private property owner and shall reasonably cooperate in the defense. 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 and/or permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

f. **Adverse Impacts on Adjacent Properties.** Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.

g. **General Maintenance.** The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

h. **Graffiti Removal.** All graffiti on facilities must be removed at the sole expense of the permittee within 48 hours after notification from the City.

i. **RF Exposure Compliance.** All facilities must comply with all standards and regulations of the FCC and any other State or Federal government agency with the authority to regulate RF exposure standards.

j. **Build-Out Period.** As a condition of approval, the approval authority may establish a reasonable build-out period for the approved facility.

k. **Record Retention.** The permittee shall retain full and complete copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation all conditions of approval, approved plans, resolutions and other documentation associated with the permit or regulatory approval. In the event that the City cannot locate any such full and complete permits or other regulatory approvals in its official records, and the permittee fails to retain full and complete permits or other regulatory approvals in the permittee's files, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be conclusively resolved against the permittee.

2. **Standard Conditions for Section 6409(a) Approvals.**

a. **No Permit Term Extension.** The City's grant or grant by operation of law of a Section 6409(a) approval 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) approval will not extend the permit term for any conditional use permit, land use 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.

- b. Accelerated Permit Term Due to Invalidation. In the event that any court of competent jurisdiction invalidates any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that Federal law would not mandate approval for any Section 6409(a) approval, the permit or permits issued in connection with such Section 6409(a) approval shall automatically expire one year from the effective date of the judicial order. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409(a) approval when it has submitted an application for either a conditional use permit or land use permit for those improvements before the one-year period ends. The Planning Department may extend the expiration date on the accelerated permit upon a written request from the permittee that shows good cause for an extension.
- c. No Waiver of Standing. The City's grant or grant by operation of law of a Section 6409(a) approval 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 Section 6409(a) approval.
- d. Code Compliance. The permittee shall at all times maintain compliance with all applicable Federal, State and local laws, regulations and other rules.
- e. Inspections--Emergencies. The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee 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.
- f. Contact Information for Responsible Parties. The permittee 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 natural person. All such contact information for responsible parties shall be provided to the Planning Department upon permittee's receipt of the Planning Department's written request, except in an emergency determined by the City when all such contact information for responsible parties shall be immediately provided to the Planning Department upon that person's verbal request.
- g. Indemnities. The permittee and, if applicable, the nongovernment owner of the private property upon which the tower and/or base station is installed shall defend, indemnify and hold harmless the City of Monterey, its agents, officers, officials and employees (i) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, lawsuits, writs of mandamus and other actions or proceedings brought against the City or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, lawsuits 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 or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors or independent contractors. In the event the City becomes aware of any such actions or claims the City shall promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. 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 and/or permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

h. Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.

i. General Maintenance. The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

j. Graffiti Removal. All graffiti on facilities must be removed at the sole expense of the permittee within 48 hours after notification from the City.

k. RF Exposure Compliance. All facilities must comply with all standards and regulations of the FCC and any other State or Federal government agency with the authority to regulate RF exposure standards.

l. Build-Out Period. As a condition of approval, the approval authority may establish a reasonable build-out period for the approved facility.

m. Record Retention. The permittee shall retain full and complete copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation all conditions of approval, approved plans, resolutions and other documentation associated with the permit or regulatory approval. In the event that the City cannot locate any such full and complete permits or other regulatory approvals in its official records, and the permittee fails to retain full and complete permits or other regulatory approvals in the permittee's files, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be conclusively resolved against the permittee.

K. Definitions. Definitions in this section may contain quotations and/or citations to [47 CFR Section 1.40001](#) et seq. In the event that any referenced section is amended, creating a conflict between the quoted definition and the amended language of the referenced section, the definition in the referenced section, as amended, shall control. The following definitions only apply to this section, Personal wireless service facilities, and shall not be construed to define the same terms found in any other section of this code.

“Base station” means the same as defined by the FCC in [47 CFR Section 1.40001\(b\)\(1\)](#), as may be amended, which defines that term as follows:

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 CFR Section 1.40001\(b\)\(9\)](#) or any equipment associated with a tower.

- (i) The term 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.
- (ii) The term 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).
- (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section 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.
- (iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)--(ii) of this section.

Note: As an illustration and not a limitation, the FCC’s definition refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles and transmission towers, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

“Camouflaged” means a wireless facility to which the applicant applies some concealment techniques in order to blend the equipment into the surrounding area or to appear to be an object that is congruent with its environment, but the equipment or the concealment technique is readily apparent to the observer.

Examples include, but are not limited to: (1) facade- or rooftop-mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; or (3) faux trees either as the only tree in the vicinity or inconsistent with other tree species in the vicinity.

“Collocation” means the same as defined by the FCC in [47 CFR 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” and does not necessarily refer to more than one wireless facility installed at a single site.

“CPUC” means the California Public Utilities Commission established in the California Constitution, Article XII, Section [5](#), or its duly appointed successor agency.

“Distributed antenna system” or “DAS” means a network of one or more antennas and related fiber optic nodes typically mounted to or located at streetlight poles, utility poles, sporting venues, arenas or convention centers which provide access and signal transfer for wireless service providers. A distributed antenna system also includes the equipment location, sometimes called a “hub” or “hotel” where the DAS network is interconnected with one or more wireless service provider’s facilities to provide the signal transfer services.

“Eligible facilities request” means the same as defined by the FCC in [47 CFR 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) [c]ollocation of new transmission equipment; (ii) [r]emoval of transmission equipment; or (iii) [r]eplacement of transmission equipment.”

“Eligible support structure” means the same as defined by the FCC in [47 CFR Section 1.40001\(b\)\(4\)](#), as may be amended, which defines that term as “[a]ny tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.”

“Existing” means the same as defined by the FCC in [47 CFR Section 1.40001\(b\)\(4\)](#), as may be amended, which provides that “[a] constructed tower or base station is existing for purposes of [the FCC’s Section 6409(a) regulations] 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.”

“FAA” means the Federal Aviation Administration or its duly appointed successor agency.

“FCC” means the Federal Communications Commission or its duly appointed successor agency.

“OTARD” means antennas covered by the FCC’s “Over-the-Air Reception Devices” rule in [47 CFR Section 1.4000](#) et seq., as may be amended.

“Personal wireless service facilities” means the same as provided in [47 U.S.C. Section 332\(c\)\(7\)\(C\)\(ii\)](#), as may be amended, which defines the term as “facilities for the provision of personal wireless services.”

“Personal wireless services” means the same 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.”

“Public rights-of-way” means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved and dedicated to the general public for street, highway, alley, public utility or pedestrian walkway purposes, whether or not the land has been improved or accepted for maintenance by the City. Public right-of-way includes but is not limited to street, roadway, planter strip and sidewalk.

“Radome” means a weatherproofed enclosure (typically constructed from fiberglass or plastic material) that protects and conceals an antenna or antennas contained therein.

“RF” means “radio frequency” or electromagnetic waves between 30 kHz and 300 GHz in the electromagnetic spectrum range.

“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.

“Site” means the same as defined by the FCC in [47 CFR 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.”

“Stealth” means concealment techniques that completely screen all associated equipment from public view and are so integrated into the surrounding natural or manmade environment that the observer does not recognize the structure as a wireless facility.

Examples include, but are not limited to: (1) wireless equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure; (2) new architectural features that match the underlying building in architectural style, physical proportion and construction-materials quality; (3) flush-to-grade underground equipment vaults with flush-to-grade entry hatches, with wireless equipment placed completely within.

“Substantial change” means the same as defined by the FCC in [47 CFR 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.

- (1) For towers outside the public rights-of-way, a substantial change occurs when:
 - (a) 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
 - (b) The proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
 - (c) 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; or
 - (d) 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.
- (2) For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
 - (a) The proposed collocation or modification increases the overall height more than 10 percent or 10 feet (whichever is greater); or
 - (b) The proposed collocation or modification increases the width more than six feet from the edge of the wireless tower or base station; or
 - (c) The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
 - (d) The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are 10 percent larger in height or volume than any existing ground-mounted equipment cabinets; or
 - (e) The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- (3) In addition, for all towers and base stations wherever located, a substantial change occurs when:
 - (a) The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the Director; or

(b) 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.

Note: The thresholds for a substantial change outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. 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).

“Tower” means the same as defined by the FCC in [47 CFR 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.

“Transmission equipment” means the same as defined by the FCC in [47 CFR Section 1.40001\(b\)\(8\)](#), 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.”

“Wireless” means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

“Wireless facility” or “wireless facilities” means an installation used to transmit and/or receive signals over the air from facility to facility or from facility to user equipment for any wireless service and includes, but is not limited to, personal wireless services facilities. (Ord. 3552 § 2, 2016; Ord. 3498 § 2, 2014; Ord. 3443 § 1, 2010)

RESOLUTION NO. _____

**RESOLUTION OF THE CAPITOLA CITY COUNCIL
AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE
CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM
AMENDING CHAPTER 17.98 (WIRELESS COMMUNICATIONS FACILITIES) OF THE
CAPITOLA MUNICIPAL CODE**

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

WHEREAS, the Capitola City Council conducted a duly noticed public hearing on January 26, 2017, and at this meeting the City Council passed the proposed Ordinance to a second reading, and on February 9, 2017, adopted an Ordinance of the City Council of the City of Capitola amending Chapter 17.98, Wireless Communications Facilities; and

WHEREAS, the City Council approved an Addendum to the General Plan Update Environmental Impact report which found that the proposed ordinance and LCP amendment would not have a significant effect on the environment; and

WHEREAS, Public Notice was provided as required under Coastal Act 30514 et seq.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the City of Capitola that this Resolution declares and reflects the City’s intent to amend the LCP Implementation Plan as it pertains to wireless telecommunications facilities within the City of Capitola, as drafted, if certified by the California Coastal Commission, in full conformity with the City of Capitola LCP and provisions of the California Coastal Act.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit the said Coastal Commission LCP Amendments to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 26th day of January, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Stephanie Harlan, Mayor

ATTEST:

_____, CMC
Linda Fridy, City Clerk

Attachment: LCP Amendment Resolution (1727 : Wireless Telecommunications Ordinance Introduction)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JANUARY 26, 2017

FROM: Community Development
SUBJECT: Zoning Code Update Status Report

RECOMMENDED ACTION: Receive the staff presentation and provide direction on any additional zoning topics that should be discussed in upcoming hearings.

BACKGROUND: In 2014 the City began the process to comprehensively update its outdated zoning code. The following table summarizes the update process to date:

Focus	Begin Date	End Date	Meetings/Public Hearings
Stakeholder Outreach	August 2014	November 2014	7
Issues and Options	March 2015	November 2015	16
Planning Commission – Draft Code Review	February 2016	Ongoing	14
City Council – Draft Code Review	June 2016	Ongoing	7
Total			44

On January 9, 2017, an updated draft zoning code was published online that incorporates all edits received from the Planning Commission and City Council during 2016. The draft code, zoning map, and previous staff reports with attachments are available online at: <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>.

DISCUSSION: The purpose of this item is to announce the release of the revised draft zoning code, outline remaining issues to be discussed in future hearings (Attachment 1), and determine if the City Council wishes to revisit any additional topics prior to staff preparing a final draft code. Staff is not requesting any additional actions from the City Council at this time.

In addition to edits received from the Planning Commission and City Council, the draft code also includes revisions made by City staff to improve clarity and non-policy revisions requested by Coastal Commission staff. These revisions are shown in blue to distinguish them from City Council edits, which are shown in red. Attachment 2 is a list of staff edits that should be brought to Planning Commission and City Council's attention but do not require additional direction, unless requested.

The current draft zoning code will remain available for public review and comment until a final draft is prepared and released for public review. In accordance with City Council direction, the

Zoning Code Update
January 26, 2017

final draft code will be available for a 60-day public review and comment period prior to initiation of adoption hearings.

The Planning Commission will begin the review of the draft zoning map on February 2 during its regular meeting. Review of the remaining issues and topics will resume at a special Planning Commission meeting on Thursday, February 16. Subsequent hearings will be scheduled as necessary for the Planning Commission to complete its review and offer a recommendation to the City Council. Public hearings before the City Council would resume shortly thereafter.

Zoning Map

An updated zoning map is included as Attachment 3. Changes to the map include updating zoning district boundaries to be consistent with the General Plan Land Use Map and correcting errors with the existing Zoning Map. A table of all proposed zoning map changes is included within Item 1 of Attachment 1.

Key Zoning Code Changes

The updated zoning code includes new and revised zoning districts, permit processes, development standards, and procedures that are intended to streamline the development review process while implementing General Plan goals to protect Capitola's coastal village character and to promote design excellence.

Legal and administrative revisions have been added to comply with federal and state law. The zoning map has been updated to align with the General Plan land use map and consolidate overlay zones.

Key regulatory changes include new building form, placement, and character design standards in commercial areas; simplified non-conforming standards; height exception allowance in the Village and residential zones to support good design; new "Incentives for Community Benefits" chapter to implement the General Plan policies; new incentives to encourage non-conforming, multi-family uses in single-family zones to make needed property improvements; and a new minor modification process to allow minor deviations to certain development standards without a variance.

The code includes a new section on process and procedures to be more user friendly providing guidance on the required steps for different types of development projects. New procedures for minor use permit and administrative permits have been added to streamline low-impact, smaller projects. The historic preservation chapter and design review chapter have been completely overhauled to clearly outline the requirements and review process for applicable projects.

A comprehensive list of key zoning code changes is included in Attachment 7.

CEQA: An Addendum to the General Plan Update Environmental Impact Report (EIR) has been prepared and will be included in the packet during final recommendation to City Council.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Remaining Zoning Code Issues (PDF)
2. Staff Revisions to Draft Zoning Code (PDF)
3. Zoning Map 01.11.2017 (PDF)
4. Environmentally Sensitive Areas Map 01.11.2017 (PDF)

Zoning Code Update
January 26, 2017

5. Geologic Hazard Map 01.11.2017 (PDF)
6. Coastal Map_Without Permit Jurisdiction 01.11.2017 (PDF)
7. Summary of Key Zoning Code Changes (DOCX)

Report Prepared By: Rich Grunow
Community Development Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

1/20/2017

Remaining Zoning Code Issues

For January 9, 2017 Draft



On January 9, 2017, Capitola published an updated draft zoning map and draft zoning code that incorporated all Planning Commission and City Council recommendations made in 2016. Staff identified 9 remaining issues for discussion that are summarized within this document.

Remaining Zoning Code Issues | 2017

Topic 1: Zoning Map and TRO Boundary

Overview: The zoning map has been updated to be consistent with the General Plan Land Use Map, reflect existing land uses, and to correct errors within the existing map. Zoning Districts have been updated to match those in the new zoning code. New changes that took place during the Planning Commission and City Council review of the draft map include:

- The Visitor Server zone is now solely an overlay zone with the base zone removed. The map in figure 17.28-1 has been updated to reflect this change. Each property in the VS overlay has a base zone (CC, R-1, etc.) with a green hatch for the VS overlay.
- The TRO boundary was expanded along Capitola Avenue to Riverview Avenue. Additional requests were made by a member of the public to include properties along Capitola Avenue to Bay Avenue and to consider the property at 502 Beulah Drive. **Discussion Requested.**

Staff has identified the proposed modifications to the zoning map in the table below. **Staff is requesting direction on the draft zoning map.**

Zoning Map Changes from Existing Zoning Map to Draft October 6, 2016 Zoning Map

	Location	Existing Zoning	New Zoning	Comments
1	Entire Map	Automatic Review		Removed AR
2	Capitola Road between 41 st and Wharf	Community Residential (CR)	Mixed Use Neighborhood (MU-N)	Removed CR, CN, and PO zones.
3		Neighborhood Commercial (CN) & Professional Office (PO)	Community Commercial (CC)	
4	41 st Avenue north of Capitola Road, Clares Street and Autoplaza Drive	Community Commercial (CC)	Regional Commercial (C-R)	General Plan implementation
5	3945 Melton Street	Single-Family (R-1)	Community Commercial (CC)	Informed owner. Supports change
6	519 Capitola Avenue	Single-Family (R-1)	MU-N	Informed owner. Supports change
7	822 Kennedy Drive parcel behind church	P/OS	Single-Family (R-1)	Developed within CUP
8	4800 and 4820 Opal Cliff	Single-Family (R-1)	RM-M	Annexed in 1963 as multi family.
9	3865, 3883, 3895 Brommer Street	Community Commercial (CC)	RM-M	Request from residents to be rezoned.
10	Parcels behind 2078 Wharf Road (Riverview of Capitola Condos)	AR/RM-LM	P/OS	Open Space behind condos.
11	Rispin on Wharf Road	AR/VS/R	VS/P/OS	Previously approved PD never developed.

Remaining Zoning Code Issues | 2017

12	620 El Salto	VS	R-1 with VS Overlay	Monarch Cove Inn
13	720 El Salto	VS/R-1	Single-Family (R-1)	Removed VS overlay
14	709 Escalona Drive	VS/R-1	Single-Family (R-1)	Removed VS overlay
15	1465 38 th Avenue extending to Capitola Road nad 3720 Capitola Road to 38 th Avenue	Neighborhood Commercial (CN)	Community Commercial (CC)	General Plan Implementation
16	720 Hill Street – hotel	Multi-family Medium Density (RM-M)	Community Commercial (CC) with AH overlay	Identified as AH site in housing element
17	502 Beulah	Mobile Home (MH)	Single-Family (R-1)	General Plan Implementation
18	405 and 407 Capitola Avenue and 410 Riverview	Neighborhood Commercial (CN)	Community Facility (CF)	Fire Station
19	1911 42 nd Avenue	Multi-family Medium Density (RM-M)	Planned Development (PD)	Pearson Ct. Established PD
20	Two parcels in the park at the end of Riverview Drive	Public Facilities (PF)	Public Open Space (P/OS)	Open Space
21	719 Capitola Ave – just north of Bay	Multi-Family Medium Density (RM-M)	Mixed Use Neighborhood (MU-N)	Existing Commercial Donut Station
22	500 Plum Street	Professional Office (PO)	Mixed Use Neighborhood (MU-N)	Removed PO zone.
23	City Owned Parcel behind 401 Monterey Avenue (Noble Gulch Park)	Multi-family Low Density (RM-LM)	Public Open Space (P/OS)	Open Space
24	401 Monterey Avenue	Multi-family Low Density (RM-LM)	Single Family (R-1)	Existing Single-Family home. Lot size does not meet minimum site area per dwelling for more than one unit.
25	3640 Capitola Road	Public Facilities (PF)	Community Commercial (CC)	Privately owned utility.
26	250 Monterey (Inn at Depot Hill)	Visitor Serving (VS)	Single-Family (R-1) V/S overlay	All VS is overlay

Attachment: Remaining Zoning Code Issues (1673 : Zoning Code Update)

Topic 2: Height Exceptions in the Mixed Use Village (MU-V)**Section 17.20.030:** Height Exceptions in the Mixed Use Village.

Page: 20-5

MU-V zone height: 27 Feet

Overview: City Council recommended changes to the height exception to allow up to 30 feet with a maximum plate height of 26 feet and no habitable space above the plate line. The ongoing monitoring of interior habitable space would be challenging to enforce. During the City Council discussions, the understood purpose for prohibiting habitable space was to prevent breaks within the roof slope with habitable space design features, such as dormers.

Staff recommends combining Height Exceptions 1 & 3 to identify one height exception limit (30 or 33 ft), require a minimum 5:12 roof pitch to qualify for a height exception, and replace prohibition of habitable space with a prohibition on breaks in the roof slope. **Staff is requesting direction on height exceptions in the central village.**

Planning Commission Recommendation:

- B. ~~MU-V~~ Height Exceptions.** The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:
1. Up to 30 feet for habitable space with a roof pitch of at least 5/12. See Figure 17.20-1.
 2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C

City Council Recommendation:

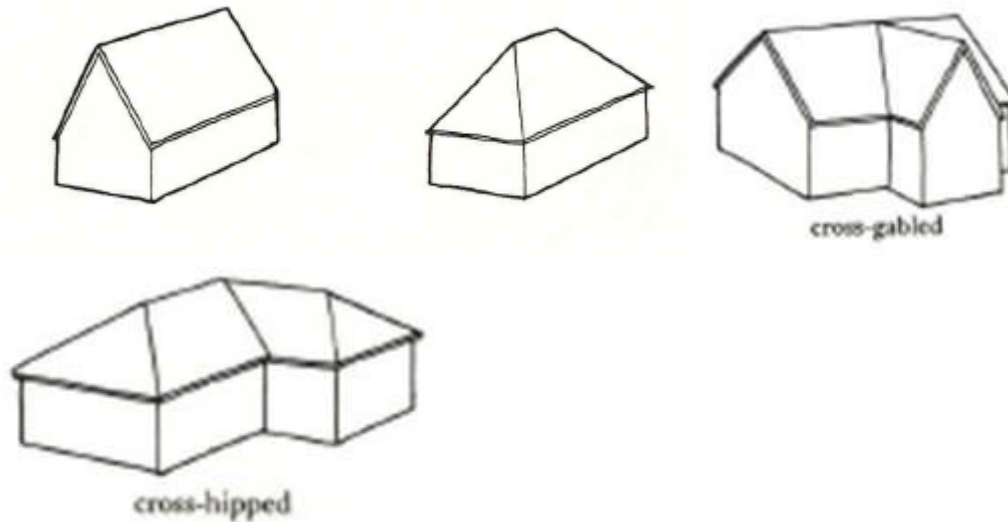
- B. Height Exceptions.** The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:
1. Up to 30 feet for a structure with a minimum 5:12 roof pitch. See Figure 17.20-1.
~~Up to 30 feet for habitable space with a roof pitch of at least 5/12. See Figure 17.20-1.~~
 2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C.
~~Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C~~
 - ~~2-3.~~ Up to 33 feet for pitched roof with a maximum plate height of 26 feet and no habitable space above the plate line.

Staff Recommended Amendment:

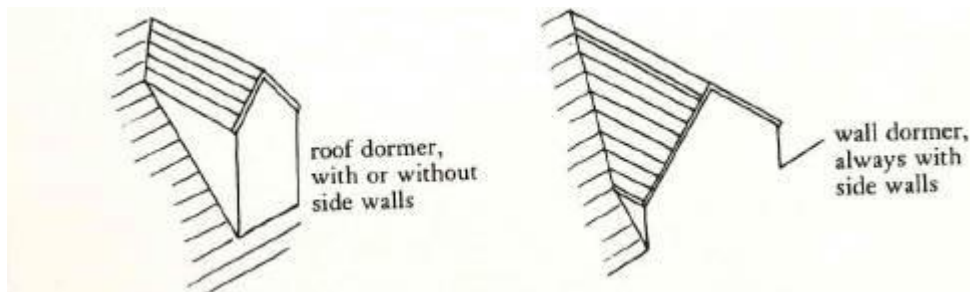
Height Exceptions: The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:

1. Up to 33 feet for gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of 26 feet. There shall be no breaks in the roof slopes for dormers, windows, doors, and decks."
2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.020.C.

Allowable pitched roof designs:



Prohibited within roof slope:



Topic 3: Zone Height Exceptions and City Wide Height Exceptions

Mixed Use Village Height Exceptions

Section: 17.20.030

Page: 20-5

City-Wide Height Exceptions

Section: 17.48.020.B

Page: 48-2

Overview: As discussed in topic 1, there are height exceptions for specific scenarios within the Mixed Use Village. There are also City-wide height exceptions identified in Table 17.48-1 on page 48-2. During the discussion on mixed use village height exceptions, it was not discussed whether or not the city wide exceptions were intended to be in addition to the exceptions to zone height. Staff added a clarifying statement to 17.48.020.B to specify that the city-wide exceptions may not be combined with increased height allowance allowed within specific zoning districts as specified in Part 2. **Staff is requesting feedback on the edit to ensure the edit reflects the intent of the Planning Commission.**

B. Height Exceptions. Buildings may exceed the maximum permitted height in the applicable zoning district as shown in Table 17.48-1. These exceptions are measured from the maximum permitted zoning district height. They are not measured from the increased height allowed within specific zoning districts as specified in Part 2 (Zoning Districts and Overlay Zones).

Note: Height exceptions in Table 17.48-1 below add detail to height exceptions in Section 17.81.070 of the existing Zoning Code.

TABLE 17.48-1: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS

Structures Allowed Above Height Limit	Maximum Coverage	Maximum Projection Above Height Limit
Non-habitable decorative features including spires, belfries, cupolas, domes and other similar architectural elements	10% of roof area	3 ft. in the R-1 zoning district; 6 ft. elsewhere
Skylights	20% of roof area	1 ft.
Chimneys not over 6 feet in width	10% of roof area	3 ft. in R-1 zoning district; 6 ft. elsewhere
Flagpoles not over 8 inches in diameter	N/A	3 ft. in R-1 zoning district; 6 ft. elsewhere
Photovoltaic panels and thermal recovery systems	No restriction	4 ft.
Wind energy systems	No restriction	40 ft.
Building mounted telecommunications facilities	See Chapter 17.104	

Attachment: Remaining Zoning Code Issues (1673 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

Topic 4: Land-Use Changes in the Regional Commercial District

Section: 17.24.020

Page: 24-2

Overview: The City Council requested three significant changes be made to this table. First, the City Council requested that single-family dwellings be added to identify that they are prohibited. Second, the Council directed staff to prohibit multi-family dwellings in the regional commercial zone. Lastly, within a residential mixed use development in the regional commercial zone, the Council prohibited residential uses on the first story. The last two changes significant changes that will require all residential development to have commercial on the first story within the regional commercial zoning district. **Staff is requesting feedback on the change to ensure the draft code reflects direction requested.**

Planning Commission Recommendation:

Key	Zoning District			Additional Requirements
	C-C	C-R	I	
P Permitted Use				
A Administrative Permit required				
M Minor Use Permit required				
C Conditional Use Permit required				
- Use not allowed				
Residential Uses				
Multi-Family Dwellings	C	C [5]	-	
Residential Mixed Use	C	C	-	17.24.040+40

[5] Permitted only on a mixed use site with the residential use secondary to the primary commercial uses on the site. Residential uses on the site are limited to less than 50 percent of the floor area of buildings on the site. Residential uses shall be located and designed to maintain a primarily commercial character and function on the site.

City Council Recommendation:

Residential Uses				
<u>Single-Family Dwellings</u>	=	=	=	
Multi-Family Dwellings	C	C [5]	-	
Residential Mixed Use	C	C [7]	-	Section 17.24.040

[7] Residential uses are prohibited on the first story.

Attachment: Remaining Zoning Code Issues (1673 : Zoning Code Update)

Topic 5: Office Uses in the Regional Commercial Zoning District

Table: 17.24-2

Page: 24-4

Overview: City Council directed staff to prohibit all Office Uses in the ground floor of the Regional Commercial zoning district (C-R). This is a major change that will make numerous existing office uses located in established office buildings legal, non-conforming. As written, a vacant office space within an office building would be subject to Section 17.92.060: Non-conforming Use of Structures. A change in ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status. If the office use is vacant (discontinued) for 90 consecutive days, the use shall not be reestablished and may be replaced only by a conforming use. After 90 days, the vacant space could not be leased with a new office use. Staff recommends that office uses in existing office buildings (utilized exclusively for office space) be allowed to continue until such time that the office building is redeveloped or removed. **Staff request discussion to confirm the City should prohibit all first-floor office spaces on the ground floor in the C-R zoning district.**

Planning Commission Recommendation:

C. Office Uses in the C-C and C-R Zoning Districts. In the C-C and C-R zoning districts, permits required for office uses, including professional, medical, banks, financial institutions and governmental offices, are shown in Table 17.24-2.

TABLE 17.24-2: PERMITTED OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS

Location and Size of Office Use	C-C Zoning District	C-R Zoning District
Conversion of a retail use to an office use	N/A	C
Ground floor, less than 5,000 sq. ft.	P	C
Ground floor, 5,000 sq. ft. or more	C	C
Upper floor above a ground floor	P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	P	P

Attachment: Remaining Zoning Code Issues (1673 : Zoning Code Update)

City Council Recommendation:

TABLE 17.24-2: PERMITTED OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS

<u>Key</u>		
<u>P</u> Permitted Use		
<u>A</u> Administrative Permit required		
<u>M</u> Minor Use Permit required		
<u>C</u> Conditional Use Permit required		
<u>-</u> Use not allowed		
Location and Size of Office Use	C-C Zoning District	C-R Zoning District
Conversion of a retail use to an office use	N/A	€
Ground floor, less than 5,000 sq. ft.	P	€
Ground floor, 5,000 sq. ft. or more	C	€
Upper floor above a ground floor	P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	P	₪

Staff Recommendation

Staff recommends adding a note to the table that office uses in existing office buildings (used exclusively for office space) be allowed to continue until such time that the office building is redeveloped or removed.

Topic 6: Pending Review of Coastal Commission edits

Overview: The California Coastal Commission staff reviewed the original Draft Zoning Code and provided preliminary feedback. The feedback ranges from minor edits to larger policy issues. During the initial draft zoning code review in 2016, the Planning Commission did not make a recommendation on the Coastal Overlay chapter to the City Council. Within the 2017 draft zoning code, City staff inserted Coastal Commission edits which do not fundamentally affect policy or which are minor in nature into the draft code. These changes are shown in blue throughout the code. The majority of the Coastal Commission suggested revisions were Chapter 17.44. Staff presented these edits to the City Council on October 13, 2016. The Council directed staff to return to the Planning Commission for a recommendation on the changes. **Staff requests direction on the Coastal Commission edits.**

Attachment: Remaining Zoning Code Issues (1673 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

Topic 7: Allowed Projections and Encroachments into Setbacks

Section: 17.48.030 C and D

Page: 48-2 to 48-4

Overview: The draft code includes a variety of setbacks for different projections and encroachments into the setback areas. Staff recommends slight modifications to setbacks to create consistency based on the possible impacts to neighbors. The following tables groups similar features and structures that have similar effects. The draft code standards are in black. **All staff recommended changes are in red.**

Architectural Design Elements (bay windows, front porch) that are encouraged with minimal setback.

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
ROOF PROJECTIONS					
Cornices, eaves, canopies, and similar roof projections	4 ft	4 ft	2 ft	2 ft	All: 3 ft
WALL PROJECTIONS					
Bay windows, balconies, sills, fireplaces, chimneys, and similar wall projections	2 ft	2 ft	2 ft	2 ft	All: 3 ft
ENTRIES					
Stairways and fire escapes or similar features	4 ft Not allowed	6 ft 4 ft	½ of required setback No max	4 ft Not allowed	Front: Not allowed Interior side: 3 ft Exterior side: Not allowed Rear: 5 ft
At grade flatwork such as concrete paving and patios	No max	No max	No max	No max	All sides: No minimum
Landing Places, Patios, and Decks 18 inches or less above grade	No max	No max	No max	No max	Front and Exterior Side: 5 ft Interior Side and Rear: 3 ft
Open and unenclosed entry porches and decks 19 to 30 inches above grade.	4 ft	6 ft	½ of required setback	4 ft	Front: 10 ft Exterior side: 5 ft Interior Side: 3 ft Rear: 5 ft
Covered entry porch and decks 19 to 30 inches above grade including roof and roof overhang.	5 ft	Not Applicable	Not Applicable	4 ft	Front: 10 ft Exterior side: 5 ft Interior Side and Rear: Not Applicable
Wheelchair ramps and similar features for the disabled	No max	No max	No max	No max	No minimum

Attachment: Remaining Zoning Code Issues (1673 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

Decorative Features such as a trellis and planter boxes are encouraged with minimal setbacks from property lines. Specificity has been added to trellis structures to ensure that trellis structures in the front yard will not be enclosed to ensure a trellis cannot be utilized as a fence feature well above the fence height allowance of 42 inches. The draft code standards are in black. **All staff recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
DECORATIVE FEATURES					
Trellis Structure up to 10 ft in height that is open on all sides and arbors with a minimum of 2 open sides utilized over a walkway.	No max	No max	No max	No Max	No Minimum Staff Note: Limit trellises in the front yard to no walls. Could be utilized as high fence.
Trellis Structure up to 10 ft in height that is open on at least three sides, and the walls of the structure are 50 percent transparent.	No Max Not Allowed	No max	No max	No Max Not Allowed	Rear and Interior Side: No Minimum Front and Exterior Side: Not allowed.
Planter boxes and masonry planters with a maximum height of 42 inches.	No max	No max	No max	No Max	No Minimum
Landscape features, such as water fountain or statue , up to a maximum height of 6 ft that does not enclose the perimeter of the property.	No max	No max	No max	No max	All sides: 5 foot minimum

Attachment: Remaining Zoning Code Issues (1673 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

Entertainment Features are typically social and should not be located right on a property line due to possible impacts of noise. They also are not normally allowed within a front setback or side yard setbacks. The draft code standards are in black. **All staff recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
ENTERTAINMENT FEATURES:					
Hot Tubs	Not allowed	No max	Not allowed	Not allowed	Rear: 2 5 ft All other: Not allowed
Pools	Not allowed	No max	Not allowed	Not allowed	Rear: 5 ft minimum All other: Not allowed
Fire pits up to 30 inches in height	No max	No max	No max	No Max	All Sides: 5 ft minimum
Outdoor kitchens. The kitchen may include gas, electric and plumbing, except electric connections must be less than 200 volts and drain size may not exceed that allowed for a mini bar. Includes Pizza Ovens.	Not allowed	No max	Not allowed	Not allowed	Rear Yard: 2 5 ft minimum All other sides: Not allowed

Structures and Equipment not permanently attached to the ground are allowed within setback areas. Rain harvest tanks are encouraged and therefore allowed within side and rear yard setbacks. Mechanical equipment may have noise and visual impacts to a neighbor; therefore, are prohibited from the front and exterior side yard and have required setbacks within the interior side yard and rear yard. The draft code standards are in black. **All staff recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
OTHER STRUCTURES AND EQUIPMENT					
Children’s play equipment, movable dog house, movable trach enclosures, and similar moveable objects	No max	No max	No max	No max	All sides: No minimum
Rain harvest tanks that do not exceed 8 ft in height	Not allowed	No max	No max	No max	Front Yard: Not Allowed. All sides: No minimum
Screened mechanical equipment including hot water heaters and HVAC units.	No max Not Allowed	No max	No max	No Max Not Allowed	No minimum Rear and Interior Side Yard: 3 ft

Attachment: Remaining Zoning Code Issues (1673 : Zoning Code Update)

Topic 7b: Setbacks for Accessory Structures and Accessory Dwelling Units

Section: 17.52.020
Page: 52- 2

Section: 17.74.050 and 060
Page: 74 - 5

Overview: The zoning code allows accessory structures and accessory dwelling units in setback areas. The setbacks in the draft code are consistent between the two allowed structures, requiring increased setbacks as the accessory structure increases in height. **Staff is not requesting direction on this item. Staff included this item anticipating that questions would arise relative to the setback discussion in Topic 7.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
ACCESSORY STRUCTURES & DETACHED GARAGE 17.52					
Accessory structure less than 8 ft. in height, 80 sf or less, no plumbing	Same as primary	No max	No max	No max	All Sides: No minimum
Accessory Structures 8 to 15 ft. in height in SF zone	Same as primary structure	No max	No max	No max Same as primary structure	Front: Same as primary structure Interior and Exterior Sides: 3 ft. Rear: 3 ft.
Detached Garage	None	No max	No max	No max	Front: 40 ft Interior and Exterior Sides: 3 ft. Rear: 3 ft.
Accessory Structure in MF Residential	None	No max	No max	No max	Front: Same as primary Structure Interior and Exterior Side: 3 ft. Rear: 3 ft.

Attachment: Remaining Zoning Code Issues (1673 : Zoning Code Update)

Remaining Zoning Code Issues | 2017

	Encroachment into Setback				Minimum Distances from Property Lines [2]
	Front	Rear	Interior Side	Exterior Side	
Accessory Dwelling Units					
Detached Accessory Dwelling Units – One Story (15 ft. Height or less)[1]	None	No Max	No Max	None	Front: Same as required for primary residence Interior Side: 5 ft Exterior Side: Same as required for primary residence Rear: 8 ft
Detached Accessory Dwelling Units (15-22 ft. height)	None	No Max	No Max	None	Front: Same as required for primary residence Interior Side: 5 ft Exterior Side: Same as required for primary residence Rear: 10 ft
Attached Accessory Dwelling Units	Same as primary residence	Same as primary residence	Same as primary residence	Same as primary residence	Front, Rear, Exterior Side and Interior Side: Same as primary residence Above garage: 5 ft [3]

Notes:

- [1] Maximum height of 12 feet when accessory dwelling unit is 10 feet or less from property line.
 [2] No setback is required for an existing garage that is converted to an accessory dwelling unit.
 [3] Minimum 5-foot setback for accessory dwelling units constructed above a garage.

Topic 8: Accessory Dwelling Units (previously Secondary Dwelling Units)**Chapter:** 17.74**Page:** 74-1 through 74-9

Overview: This chapter establishes standards for the location and construction of accessory dwelling units consistent with the State of California Government Code Section 65852.2 as amended within AB2299. The chapter has been modified extensively since the original 2016 draft to comply with recent State legislation. Major changes include new terminology, new definitions, new standards for attached, detached, and internal accessory dwelling units, new parking allowances and waivers, and increased minimum size of 1,200 square feet.

Topic 9: Non-Conforming Structures**Section:** 17.92.080**Page:** 92-6

Overview: The City Council requested that staff edit Table 17.92 to clarify the new thresholds. Staff updated the description of the thresholds and added examples for each. **Staff request discussion on the updated table.**

Planning Commission Recommendation:**TABLE 17.92-1: ALLOWED MODIFICATIONS TO NONCONFORMING STRUCTURES**

Project Affecting a Nonconforming Structure	Permit Required [1]
Nonstructural repairs, maintenance, and interior alterations	None
Structural repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	None
Structural repairs, modifications, and additions that alter or affect the nonconforming aspect of the structure	Conditional Use Design Permit
Structural repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	Variance
Replication of a single-family dwelling per 17.92.070.D	Conditional Use Design Permit
Recreation of an involuntarily damaged or destroyed structure	None

Notes:

[1] The proposed project may require permits and approvals for other reasons not related to its nonconforming status. For example, additions or enlargements to a single-family dwelling often requires a Design Permit.

Remaining Zoning Code Issues | 2017

City Council Recommendation:

TABLE 17.92-1: ALLOWED MODIFICATIONS TO NONCONFORMING STRUCTURES

Project Affecting a Nonconforming Structure	Example	Permit Required [1]
Interior Nonstructural repairs, maintenance, and interior -alterations	<u>Interior renovations to a room within a portion of a building located within a required setback area</u>	None
Exterior Structural repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	<u>Adding floor area to a home with an existing roof that exceeds the maximum building height where the addition complies with the maximum building height and all other applicable standards</u>	None
Exterior Structural repairs <u>and</u> modifications and additions that alter or affect the nonconforming aspect of the structure <u>[2]</u>	<u>Rebuilding an existing building wall within a required setback area with no increase in floor area</u>	Design Permit
Exterior Structural repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	<u>Adding floor area to a portion of an existing room within a required setback area</u>	<u>Design Permit and Variance</u>
Replication Reconstruction of a single-family dwelling per 17.92.070.D	<u>See 17.92.080.C</u>	Design Permit
Recreation of an involuntarily damaged or destroyed structure	<u>Rebuilding a home destroyed by a fire to match the destroyed home</u>	None

Notes:

[1] The proposed project may require permits and approvals for other reasons not related to its nonconforming status. For example, additions or enlargements to a single-family dwelling often requires a Design Permit.

[2] ~~Repairs and replacement of exterior finishes such as roofs and exterior siding are allowed without a Design Permit.~~

Staff Revisions to Draft Zoning Code (January 9, 2017)

The 2017 Draft Zoning Code includes all staff edits in blue. The majority are minor edits to grammar, spelling, and references. The following list includes edits made by staff that are quantitative and/or qualitative in nature that should be brought to Planning Commission and City Council’s attention but do not required additional direction, unless requested.

1. Table 17.24-1. Page 24-3.

Change: Added Vehicle Sales Display Room with a note that a Vehicle Sales Display Room may not exceed 5,000 square feet in size.

<u>Vehicle Sales Display Room [8]</u>	<u>P</u>	<u>P</u>	<u>=</u>	
<u>[8] Maximum 5,000 square feet.</u>				

2. Section: 17.24.030.D.4. Page 24-6.

Change: Added exception to increased setback standards for narrow lots.

1. Setbacks. The minimum setback from the residential property line shall be 15 feet for interior side yards and 20 feet for rear yards. For lots less than 100 feet wide, the Planning Commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.

3. Section: 17.48.040.B.6 Page: 48-5

Change: The draft code combined deck requirements with trellis requirements including the provision that they be open on three sides. The enclosure of three sides should not have been applied to decks and patios. Staff split the exceptions to separate the decks and patio standards from the trellis and porte-cocheres to avoid confusion.

6. For all uses, the following features are excluded from the floor area calculation:

- ~~a. Covered or uncovered decks, patios, trellises, and similar outdoor spaces which are open on at least three sides, not including carports.~~
- b. Covered or uncovered decks; and patios.
- c. Trellises, porte-cocheres not more than 10 feet in height, and similar outdoor space which are open on at least three sides, not including carports.

4. Chapter: 17.52 Page: 52-2

Change: The building official reviewed the maximum width of a detached garage (21-feet) and suggested that the width should be increased by two feet to accommodate a two car garage

with ample structural supports on both ends. Interior parking spaces are required to be ten feet wide, twenty-foot wide for two spaces.

TABLE 17.52-1: ACCESSORY STRUCTURE STANDARDS IN RESIDENTIAL ZONING DISTRICTS

	Single-Family Residential Zoning Districts	Multi-Family Residential Zoning Districts	Additional Standards
Height, Maximum			
Structure	15 ft. [1]	15 ft.	Section 17.52.020.B.2
Top of Wall Plate	9 ft.	9 ft.	
Width, Maximum	23 4 ft. for detached garages; None for other accessory structures	None	

- 5. Section 17.56.030 and 040 Page 56-3

Change: Added grading monitoring requirements for unexpected discovery of archaeological or paleontological resources.

17.56.030 Grading Monitoring Requirement

The Community Development Director may require grading monitoring by a qualified archaeologist or paleontologist for any project which involves grading into native soils within an area identified as having a moderate to high potential to support archaeological or paleontological resources. Archaeological and paleontological monitors shall be commissioned by the City and paid for by the project applicant.

17.56.040 Unexpected Discovery of Archaeological or Paleontological Resources

If archaeological or paleontological resources are discovered during grading or construction activities, all work must immediately cease and the project applicant or their designated representatives must immediately contact Community Development Department staff to initiate a resource evaluation by a qualified archaeologist or paleontologist, as appropriate. Work shall not resume until the qualified archaeologist or paleontologist determines that no significant resources are present or until appropriate avoidance and/or mitigation measures have been implemented to the satisfaction of the Community Development Director.

- 6. Section 17.60.030 Page 60-2

Change: Added note to see 17.96.050 Intersection sight distance for fences on corner lots.

Note:
[1] See Section 17.96.050 (Intersection Sight Distance) for addition corner lot fence requirements.

Staff Revisions to Draft Zoning Code | 2017

7. Section 17.60.030.B Page 60-2

Change: The Planning Commission added an exception for fences or walls used as landscape feature to exceed the fence height limit. Staff deleted this from this section and added it to chapter 17.48.030.D: Allowed Encroachments in Setback Areas an allowance for landscape features up to 6 feet in height.

Deleted 17.60.030.B:

~~B. Fences and Walls as Landscape Feature. A fence or wall used as a landscape feature which does not enclose the perimeter of the property may exceed the height limits in side and rear setback areas shown in Figure 17.60-1 up to a maximum of 6 feet.~~

Added to 17.48.030.D.10:

10. Landscape features up to a maximum height of 6 feet which does not enclose the perimeter of the property

8. Section: 17.76.020.C.1.b Page: 76-2

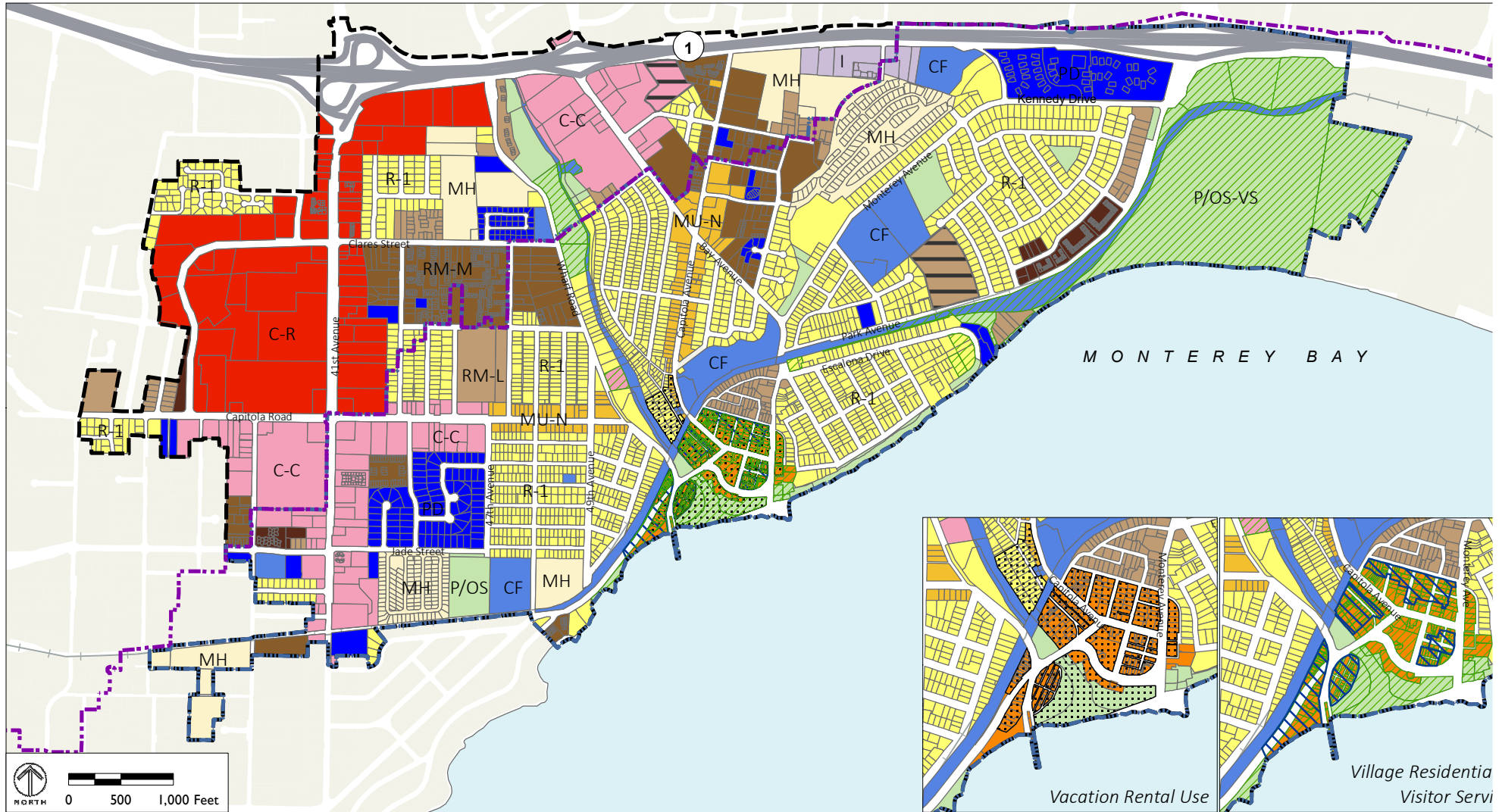
Change: Expansion of an eating or drinking establishment. This new standard allows eating and drinking establishments to expand slightly within the existing building footprint or outdoor dining without providing additional parking. The Planning Commission and City Council discussions were focused on the Central Village. Staff added the stipulation that this standard only applies within the mixed use village.

C. Expansions and Enlargements.

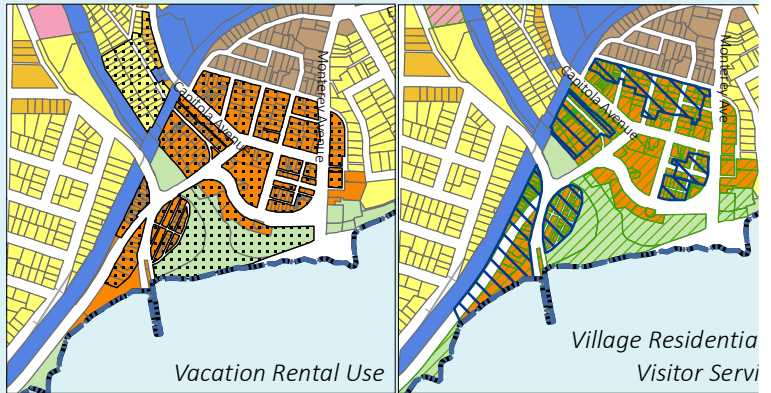
1. Nonresidential Use.

- a. Where an existing structure with a nonresidential use is expanded or enlarged, additional parking is required to serve only the expanded or enlarged area, except as allowed by subparagraph b below.
- b. Within the Mixed Use Village (MU-V) zoning district, an eating and drinking establishment may expand by 20 percent of the existing floor area of the business without providing additional parking. Permitted expansions include modification of the internal building layout to enlarge the dining area, additions to the size of the business within an existing building footprint, and new outdoor dining areas.

CITY OF CAPITOL
ZONING CODE UPDATE



Attachment: Zoning Map 01.11.2017 (1673 : Zoning Code Update)



Residential Zoning Districts

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

Mixed-Use Zoning Districts

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

Commercial and Industrial Zoning Districts

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

Other Zoning Districts

- I - Industrial
- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development

Overlay Zones*

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

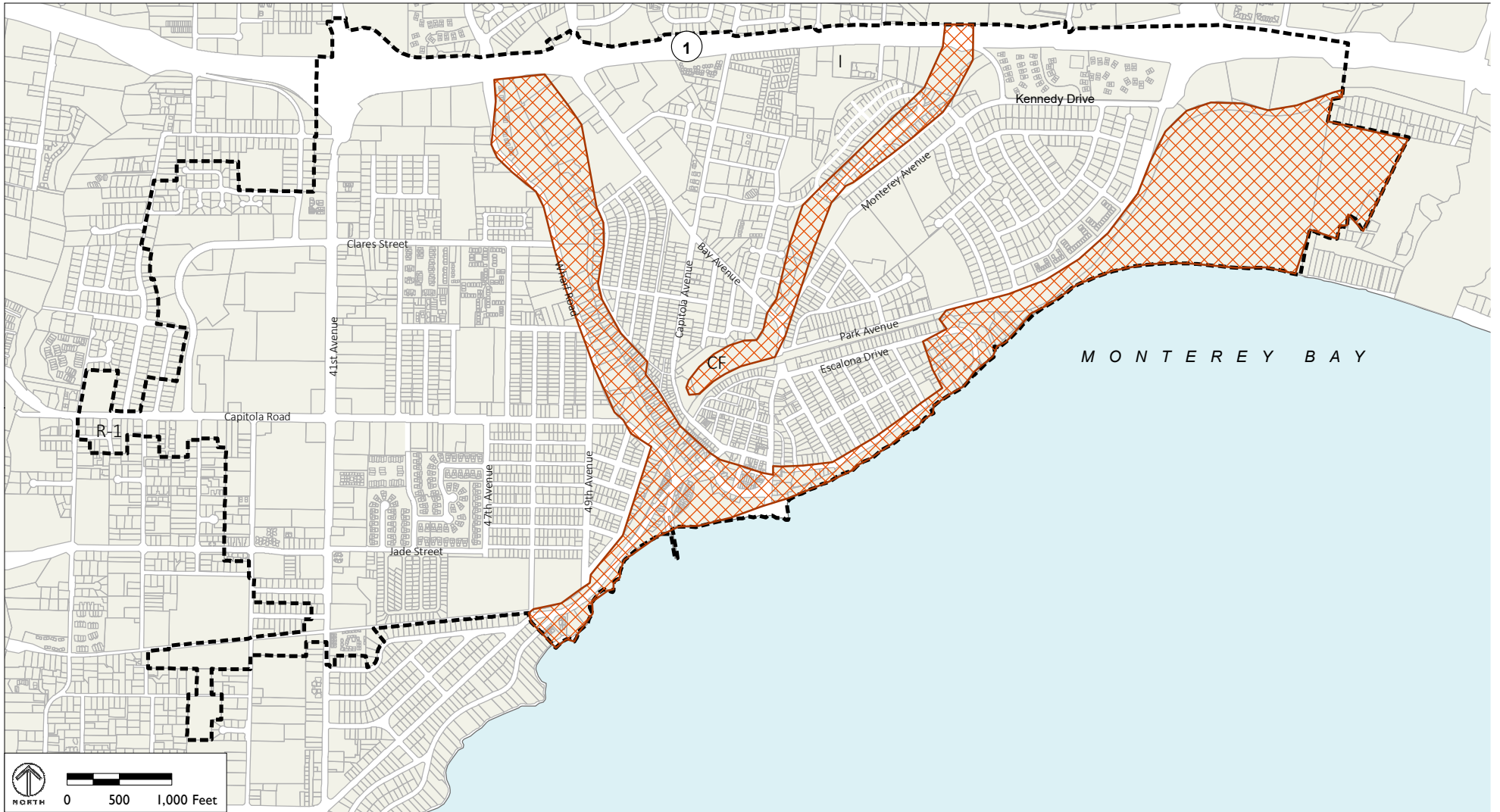
City Limit

- City Limit
- Santa Cruz Coastal Zone Boundary

Source: ESRI, 2017; PlaceWorks, 2017

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

CITY OF CAPITOL
ZONING CODE UPDATE



Environmentally Sensitive Habitat

City Limit

Source: ESRI, 2017; PlaceWorks, 2017

Attachment: Environmentally Sensitive Areas Map 01.11.2017 (1673 : Zoning Code Update)

CITY OF CAPITOL
ZONING CODE UPDATE

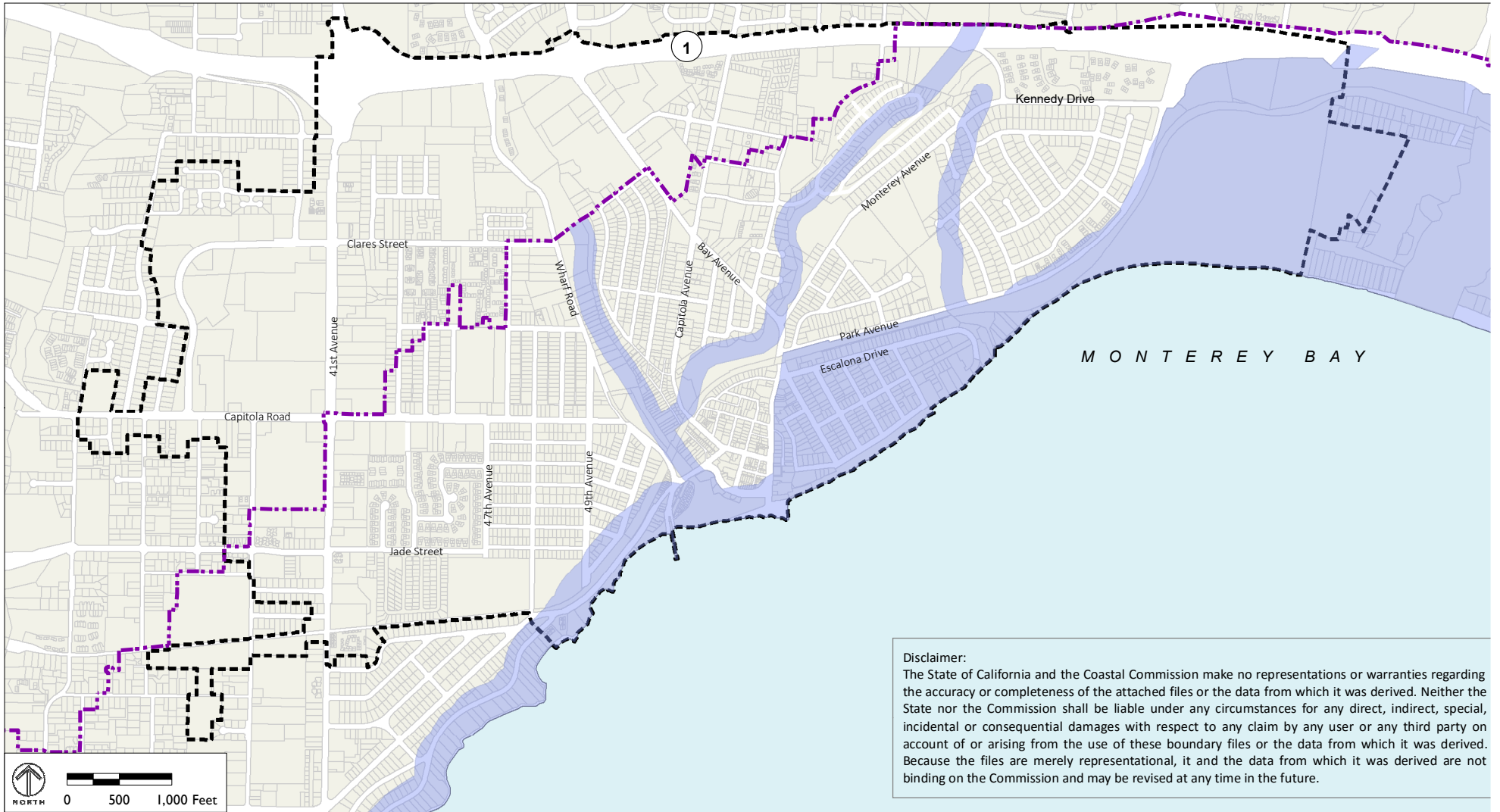


Attachment: Geologic Hazard Map 01.11.2017 (1673 : Zoning Code Update)

- Geological Hazard
- City Limits
- Land Parcels

Source: ESRI 2017; PlaceWorks, 20

CITY OF CAPITOL
ZONING CODE UPDATE



Disclaimer:
 The State of California and the Coastal Commission make no representations or warranties regarding the accuracy or completeness of the attached files or the data from which it was derived. Neither the State nor the Commission shall be liable under any circumstances for any direct, indirect, special, incidental or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of these boundary files or the data from which it was derived. Because the files are merely representational, it and the data from which it was derived are not binding on the Commission and may be revised at any time in the future.

- Santa Cruz Coastal Zone Boundary
- Coastal Zone Appeal Jurisdiction Boundary
- City Limit

Source: ESRI, 2017; PlaceWorks, 2017

Attachment: Coastal Map_Without Permit Jurisdiction 01.11.2017 (1673 : Zoning Code Update)

Summary of Key Zoning Code Changes

Legal and Administrative Revisions

- Improved organization and format to improve clarity and usability;
- Revised regulations to comply with federal and state law, including revamped wireless and accessory dwelling unit regulations;
- A new user guide to help citizens access, understand, and apply the zoning code;
- The Floodplain Ordinance and the Green Building Ordinance would be moved from the Zoning Code to the Building Code.

Zoning Map Revisions

- Zoning designations changed to align with the General Plan, including:
 - New Mixed-Use Neighborhood (MU-N) district to replace the existing the CR and CN districts;
 - The Professional Office (PO) district would be eliminated;
 - The Community Commercial (CC) district north of Capitola Road would be re-designated as Regional Commercial (C-R).
- Consolidated/eliminated 6 overlay zones to simplify the zoning map.

Process and Procedure Changes

- Streamlined permitting process for routine permits including signs, design permits, rooftop solar systems, and tenant improvements through new Minor Use Permit and Administrative Permit procedures;
- Improved historic preservation chapter, which codifies the process to review and modify historic structures and provides incentives and exceptions to promote preservation;
- Simplified Floor Area Ratio calculation;
- Improved guidance on when post-approval changes to a project trigger review by the Planning Commission;
- Modified Design Review process, which eliminates the Architecture and Site Review Committee and replaces it with City staff and City-commissioned technical experts;
- Incorporated standards from the Village Design Guidelines into the zoning code.

Key Regulatory Changes

- New residential height and setback standards tailored to different neighborhood conditions;
- New building form, placement, and character design standards for mixed-use and commercial neighborhoods;
- Prohibition on new ground-floor office uses in the C-R zoning district;
- Simplified legal non-conforming standards which eliminates 80 percent valuation standard and adds a new replication allowance;
- Revised parking standards for take-out restaurants in the Village to replace the current six-seat rule with a square-footage allowance;
- New allowance for Village restaurants to expand internally up to 20 percent of the existing floor area without providing additional parking;

- Revised height standards to allow additional height in the Village and residential zones if a project incorporates a pitched roof or visually attractive architectural elements;
- New “Incentives for Community Benefits” chapter to implement General Plan policies to allow increased height and intensity in commercial zones for projects that provide substantial community benefits. This section includes new standards for a Village hotel and redevelopment along 41st Avenue;
- Planned Developments would no longer be allowed in R-1 zones;
- Better defined community benefits to qualify for a Planned Development or increased floor area ratio allowances;
- New standards for outdoor lighting, temporary sidewalk dining, outdoor displays of merchandise, and temporary uses and structures;
- 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 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;
- New requirements for large commercial and residential projects to provide bike and electric vehicle parking.