

# City of Capitola Agenda

Mayor: Ed Botorff  
Vice Mayor: Stephanie Harlan  
Council Members: Jacques Bertrand  
Dennis Norton  
Michael Termini  
Treasurer: Christine McBroom



**REVISED**

## **CAPITOLA CITY COUNCIL REGULAR MEETING**

**THURSDAY, MARCH 10, 2016**

**7:00 PM**

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

## **CLOSED SESSION - 6:45 PM CITY MANAGER'S OFFICE**

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

### **LIABILITY CLAIMS (Govt. Code §54956.95)**

#### **Two Claims:**

1. Claimant: Mercury Insurance
2. Claimant: Julie McDaniel

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**

**2. REPORT ON CLOSED SESSION**

**3. ADDITIONAL MATERIALS**

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

A. Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

B. Item 9.C. Public Communications regarding Wireless Telecommunications Antenna

**4. ADDITIONS AND DELETIONS TO AGENDA**

**5. 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.*

**6. 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.*

**7. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARDS / COMMISSIONS**

**8. 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.*

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
March 10, 2016

- A. Consider the February 25, 2016, Regular City Council Minutes  
RECOMMENDED ACTION: Approve Minutes.
- B. Receive Planning Commission Action Minutes for the Regular Meeting of March 3, 2016  
RECOMMENDED ACTION: Receive Minutes.
- C. Deny Liability Claims and Forward to the City's Liability Insurance Carrier  
RECOMMENDED ACTION: Deny liability claims and forward to the City's liability insurance carrier.
- D. Adoption of an Ordinance amending Municipal Code Section 9.30.020 to permit five (5) Surf Schools [2nd Reading]  
RECOMMENDED ACTION: Adopt Ordinance.
- E. Approval of Plans, Specifications, and Construction Estimate for the Rosedale Area Paving Project and Authorization to Advertise for Bids  
RECOMMENDED ACTION: Approve plans, specifications, and engineer's estimate for construction of the Rosedale Area Paving Project, and authorize advertising the project to receive bids setting the bid opening date for April 6, 2016.
- F. Approve a Notice of Completion for the Rispin/Peery ADA Pathway  
RECOMMENDED ACTION: Accept the Rispin/Peery Park ADA Pathway Improvements – Phase 1 constructed by Earthworks Paving Contractors, as complete at a final cost of \$127,135, and authorize the Director of Public Works to release the contract retention of \$12,713.50 in 35 days following the recordation of the Notice of Completion.
- G. Approve a Beach Lifeguard Contract with the City of Santa Cruz  
RECOMMENDED ACTION:
  - 1) Approve a three-year contract for \$74,665 between the City of Santa Cruz and the City of Capitola to perform lifeguard services on the beaches in the City of Capitola.
  - 2) Authorize the City Manager to sign a contract between the City of Santa Cruz and the City of Capitola to perform lifeguard services commencing May 2016 through October 2018.

**9. GENERAL GOVERNMENT / PUBLIC HEARINGS**

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

- A. Receive the 2015 Art and Cultural Commission Annual Report  
RECOMMENDED ACTION: Receive report.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
March 10, 2016

- B. Report on Rispin Mansion Park and the Rispin/Peery Park ADA Improvement Projects and Approval of Plans, Specifications, and Construction Estimates, and Authorization to Advertise for Bids for Certain Phases of the Project  
RECOMMENDED ACTION: Receive oral report on the Rispin Mansion Park and ADA improvements and approve plans, specifications, and engineer's estimate for construction and authorize advertising the project to receive bids setting the bid opening date for April 13, 2016.
- C. Appeal of a Planning Commission Decision to Approve a Wireless Telecommunications Antenna at 1200 41st Avenue  
RECOMMENDATION: Uphold the Planning Commission's decision to approve the project as conditioned.

**10. ADJOURNMENT**

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

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

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

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

**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.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
March 10, 2016

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

**CITY OF CAPITOLA**

**MEMORANDUM**

TO: City Council

FROM: Steven Jesberg, Public Works Director

DATE: March 10, 2016

SUBJECT: Supplemental Material Item No. 9B  
 Report on Rispin Mansion Park and Rispin/Peery Park ADA Improvement Projects

This memo provides supplemental information on the Rispin Mansion Park and Rispin/Peery Park ADA Improvement Projects.

RISPIN MANSION PARK The current construction estimate for the park grounds is \$871,682, not including the Rispin/Peery Park ADA improvements. A detailed breakdown of this cost is attached. The estimate includes the cost of all fencing, site furnishings, historic element restoration, new elements, irrigation, planting and civil improvements. The project scope includes all elements of the concept plan approved by the City Council on May 28, 2015 except for the full restoration of the reflecting pond. The project includes restoration of the upper garden area including the rose arbor, shortening of the Wharf Road wall in some locations, restoration of the stairway down to the mansion, ADA improvements within the park, and addition of an amphitheater. The scope of restoration of the reflecting pond initially included filling the pond with concrete to reduce the depth of water to 6 inches, and re-circulating captured rainwater through the pond. Unfortunately the cost of the water re-circulation system exceeded \$250,000 so this element was modified to fill the pond with decorative concrete and tile and the piping for the re-circulation system so it can be built later. This change reduced the cost by \$180,000. A water feature is still included in the project for the fountain near the reflecting pond at a cost of \$70,000. The project includes also new features in the park of a bocce ball court and a kids natural play area.

It is recommended that the City Council defer approval of the plans for the Rispin Park and provide input to staff on the option of developing potential phases for the park development to bring the costs in line with the budget or seeking additional funding allocations to construct the park in its entirety.

RISPIN/PEERY PATHWAY ADA IMPROVEMENTS –PHASE 2 The city is under an obligation to improve the ADA access through the park area from Wharf Road to the Soquel Creek Pedestrian Bridge by the end of the year. Originally it was intended to include this work in the entire park project. The cost for just the ADA improvements is \$325,100. A detail break down of this cost is attached along with a set of project plan sheets. This project will construct an ADA pathway starting at Wharf Road, through the upper garden area, then down the Rispin/Peery pathway to the ramp system to the pedestrian bridge. There is a third phase of the ADA improvements that include modifications to the bridge and the pathway up to Riverview Drive that is due in 2018.

It is recommended that the City Council approve the plans specification and construction estimate for the for the Rispin/Peery Pathway ADA Improvements – Phase 2 and authorize advertising for bids, setting the bid opening date for April 13, 2016. This action will ensure the city's compliance with grant deadlines and legal obligations for the pathway improvements.

# Preliminary Cost Estimate for Rispin Park

3.3.16

Material	Unit	Quantity	Cost	Amount	Estimate Provided By
<b>FENCING</b>					
6' high black chain fencing	lin ft.	140	\$28.00 \$	3,920.00	Ramsey Metal
6' high black metal fence	lin ft.	266	\$145.00 \$	38,570.00	Ramsey Metal
5' high black metal fence	lin ft.	64	\$130.00 \$	8,320.00	Ramsey Metal
30" high metal fence	lin ft.	100	\$85.00 \$	8,500.00	Ramsey Metal
single gate at ramp	each	1	\$900.00 \$	900.00	Ramsey Metal
double gate at steps	each	1	\$1,850.00 \$	1,850.00	Ramsey Metal
single stair handrail at grand staircase	lin ft.	84	\$75.00 \$	6,300.00	Ramsey Metal
<b>SITE FURNISHINGS</b>					
bike post bollard	each	5	\$711.00 \$	3,555.00	MA+A
dog cleanup station	each	2	\$279.00 \$	558.00	MA+A
street lights	each	8	\$3,000.00 \$	24,000.00	MA+A
ceramic urns	each	2	\$325.00 \$	650.00	MA+A
ceramic plant containers	each	4	\$275.00 \$	1,100.00	MA+A
3' concrete benches	each	4	\$250.00 \$	1,000.00	MA+A
Drinking Fountain	each	1	\$3,785.00 \$	3,785.00	MA+A
Game Table	each	2	\$2,338.00 \$	4,676.00	MA+A
game table 4' benches	each	4	\$776.00 \$	3,104.00	MA+A
pelican sundial	each	1	\$435.00 \$	435.00	MA+A
acanto fountain emitter	each	1	\$435.00 \$	435.00	MA+A
6' recycled plastic bench	each	12	\$1,040.00 \$	12,480.00	MA+A
trash receptacle	each	3	\$875.00 \$	2,625.00	MA+A
recycling receptacle	each	3	\$875.00 \$	2,625.00	MA+A
6' picnic tables w/ 2 benches	each	1	\$1,225.00 \$	1,225.00	MA+A
8' picnic table w/2 5' benches ADA	each	1	\$1,300.00 \$	1,300.00	MA+A
<b>HISTORIC ELEMENTS</b>					
restoration of historic elements	each	1	\$ 138,800.00 \$	138,800.00	Millbrook Stone
fountain plumbing/repair/water catchment	each	1	\$ 70,000.00 \$	70,000.00	Mechanical
concrete floor with color	each	1	\$ 24,000.00 \$	24,000.00	rural and Ralson Concrete
New concrete columns	each	3	\$4,000.00 \$	12,000.00	Structural
grand staircase and entry stairs	each	1	\$ 25,000.00 \$	25,000.00	Structural
Wall cut/repair/remove/new cap	each	1	\$ 13,730.00 \$	13,730.00	AC Bentley Concrete
arbor columns and wood	each	1	\$ 36,000.00 \$	36,000.00	Structural
<b>NEW ELEMENTS</b>					
Bocce Ball Court	each	1	\$4,500.00 \$	4,500.00	MA+A
Amphitheater	each	1	\$60,000.00	\$60,000.00	Structural
stamped asphalt crosswalks	sq. ft.	1190	\$15.00 \$	17,850.00	MA+A
<b>IRRIGATION</b>					
controller	each	1	\$1,800.00 \$	1,800.00	MA+A
rain sensors	each	1	\$210.00 \$	210.00	MA+A
ball valves	each	5	\$50.00 \$	250.00	MA+A
mainline pipe	lin. ft.	629	\$4.25 \$	2,673.25	MA+A
lateral pipe	lin. ft.	692	\$2.75 \$	1,903.00	MA+A
quick coupler valves	each	8	\$200.00 \$	1,600.00	MA+A
backflow device	each	1	\$800.00 \$	800.00	MA+A
trip valve/regulator/filter assembly	each	11	\$90.00 \$	990.00	MA+A

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway (ADDITIONAL MATERIALS)

tree bubblers	each	32	\$2.50	\$	80.00	MA+A
drip emitters	each	4200	\$0.50	\$	2,100.00	MA+A
valve boxes (RCV QC Ball Valve)	each	24	\$150.00	\$	3,600.00	MA+A
drip tubing	lin ft.	3000	\$0.75	\$	2,250.00	MA+A
wire	lin ft.	662	\$0.30	\$	198.60	MA+A
<b>Planting</b>						
soil prep	sq. ft.	12,338	\$0.25	\$	3,084.50	MA+A
tree removal/tree removal	each	1	\$6,000.00	\$	6,000.00	Arborist
clearing vegetated slope	sq. ft.	3,860				MA+A
native plant seeding	sq. ft.	3,830	\$0.33	\$	1,263.90	superior hydroseed
24 in. box trees	each	18	\$350.00	\$	6,300.00	MA+A
15 gallon trees	each	8	\$125.00	\$	1,000.00	MA+A
5 gallons shrubs	each	251	\$30.00	\$	7,530.00	MA+A
1 gallon shrubs	each	414	\$18.00	\$	7,452.00	MA+A
mulch	cu. yds.	142	\$35.00	\$	4,970.00	MA+A
<b>Civil Improvements</b>						
Traffic Control	LS	1	\$2,500.00	\$	2,500.00	B&W
Demolition	Ls	1	\$4,000.00	\$	4,000.00	B&W
Grub and Grading (incl Compaction)	sf	17500	\$2.50	\$	43,750.00	B&W
Eaerthwork Off Haul	cy	110	\$30.00	\$	3,300.00	B&W
AC & AB Class 2	sf	400	\$4.00	\$	1,600.00	B&W
Concrete flatwork incl AB Class 2	sf	350	\$8.00	\$	2,800.00	B&W
Deepened Vertical Curb/Dwarf Wall	lf	150	\$60.00	\$	9,000.00	B&W
Curb	lf	340	\$20.00	\$	6,800.00	B&W
Erosion Control	ls	1	\$5,000.00	\$	5,000.00	B&W
Pervious Pavers	sf	2550	\$10.00	\$	25,500.00	B&W
Decomposed Granite	sf	3360	\$4.00	\$	13,440.00	B&W
Street Striping	ls	1	\$5,000.00	\$	5,000.00	B&W
Pedestrian Handrailing	lf	0	\$115.00	\$	-	B&W
Pedestrian Guardrail with handrail	lf	104	\$200.00	\$	20,800.00	B&W
6" Perforated Pipe	lf	150	\$45.00	\$	6,750.00	B&W
6" storm drain	lf	340	\$45.00	\$	15,300.00	B&W
3" storm drain	lf	10	\$40.00	\$	400.00	B&W
SDCP	ea	3	\$300.00	\$	900.00	B&W
NDS atrium	ea	2	\$300.00	\$	600.00	B&W
Christy V12	ea	6	\$2,500.00	\$	15,000.00	B&W
Energy Disapator	ea	2	\$3,000.00	\$	6,000.00	B&W
Subtotal				\$	778,288.25	
Contingency	12%			\$	93,394.59	
<b>Total</b>				\$	<b>871,682.84</b>	

This preliminary estimate is based on the Landscape drawing dated 2.25.16. It is intended as a rough cost estimating tool for the project. It is not a bid to perform the work specified on the plan or to purchase any of the items noted above.

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway (ADDITIONAL MATERIALS)



**Construction Estimate**

Project: Rispin/Peery Park Pathway Improvements - Phase II  
 Bid Opening Date: 13-Apr-16

Item	Description	Unit	Quantity	Opinion of Probable Cost	
				Unit Price	Total
1	Mobilization	LS	1	\$7,000.00	\$7,000
2	Surveying and Construction Staking	LS	1	\$7,000.00	\$7,000
3	Demolition	LS	1	\$26,000.00	\$26,000
4	Temporary Water Pollution Control and Erosion Control	LS	1	\$8,000.00	\$8,000
5	Earthwork (Export)	CY	340	\$30.00	\$10,200
6	Class II Aggregate Base	CY	81	\$50.00	\$4,050
7	Concrete Curb	LF	482	\$30.00	\$14,460
8	Concrete Retaining Wall	LF	114	\$80.00	\$9,120
9	Deepened Vertical Curb/Dwarf Wall	LF	100	\$60.00	\$6,000
10	Concrete Sidewalk	SF	402	\$15.00	\$6,030
11	Concrete ADA Sidewalk (Bowman Williams Plans)	SF	1950	\$10.50	\$20,475
12	Thickened Edge Concrete Sidewalk with Welded Wire Fabric	SF	1715	\$20.00	\$34,300
13	Asphalt Concrete Pavement	SF	1282	\$10.00	\$12,820
14	Pedestrian Handrailing	LF	764	\$115.00	\$87,860
15	Guard Rail with Handrail	LF	146	\$200.00	\$29,200
16	Decomposed Granite	SF	2000	\$6.50	\$13,000
					\$295,515
				10% Cont	\$29,552
				<b>Total</b>	<b>\$325,100</b>

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

# RISPIN/PEERY PARK ADA PATHWAY IMPROVEMENTS PHASE II

PREPARED FOR  
CITY OF CAPITOLA

### PROJECT DESCRIPTION

THE EXISTING ACCESSIBILITY RAMP LOCATED WITHIN THE RISPIN AND PEERY PARK IN CAPITOLA, CALIFORNIA, WILL BE DEMOLISHED AND REPLACED WITH A NEW PATH OF TRAVEL AT THE SAME LOCATION. THE RAMP WILL INCLUDE LANDINGS AND HANDRAILS, AS APPROPRIATE. WALLS ARE TO BE PROTECTED AND REMAIN IN PLACE.

### CONTACTS

- |                   |  |
|-------------------|--|
| 1. CIVIL ENGINEER | KIMLEY-HORN AND ASSOCIATES, INC.<br>100 WEST SAN FERNANDO STREET, SUITE 250<br>SAN JOSE, CA 95113<br>TEL: (669) 800-4030<br>CONTACT: KYLE CHILDERS, P.E. |
| 2. CIVIL ENGINEER | BOWMAN & WILLIAMS<br>101 CEDAR STREET<br>SANTA CRUZ, CA 95060<br>TEL: (831) 428-3560<br>CONTACT: JOEL RICCA, P.E.  |
| 3. CITY ENGINEER  | CITY OF CAPITOLA PUBLIC WORKS DEPARTMENT<br>420 CAPITOLA AVE.<br>CAPITOLA, CA 95010<br>TEL: (831) 475-7300<br>CONTACT: STEVE JESBERG                     |

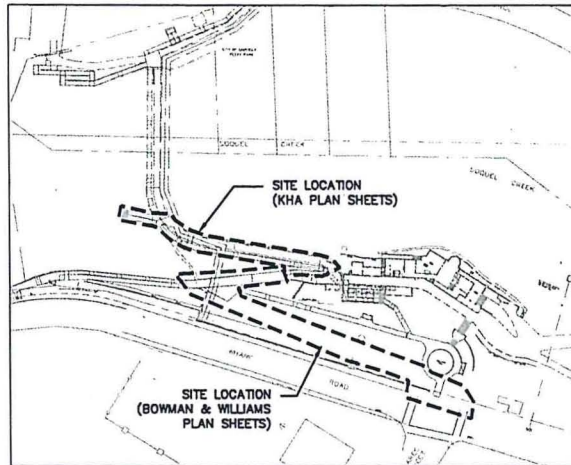
### SUBMITTED BY:

 03/10/2016  
KYLE CHILDERS, P.E. DATE

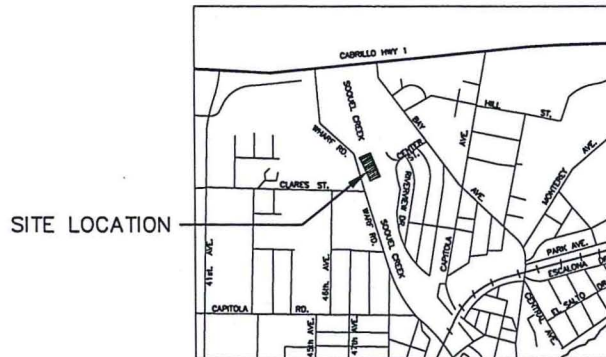
### ACCEPTANCE OF PLANS

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

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



LOCATION MAP



VICINITY MAP

INDEX (KHA)	
SHEET NUMBER	TITLE
C01	COVER SHEET
C02	CIVIL GENERAL NOTES
C03	DEMOLITION PLAN
C04	TRAIL SITE PLAN AND SECTION
C05	TRAIL SITE PLAN AND SECTION
C06	GRADING PLAN RAMP D
C07	CENTERLINE PROFILE RAMP D
C08	EROSION CONTROL PLAN
C09	DETAILS

INDEX (BOWMAN & WILLIAMS)	
SHEET NUMBER	TITLE
C0.0	GENERAL NOTES & SPECIFICATIONS
C1.0	SITE PLAN
C1.1	DETAILS
C1.2	CITY OF CAPITOLA & CALTRAN DETAILS
C1.3	SITE SECTIONS & PROFILES
C1.4	RAMP SECTIONS
C2.0	GRADING PLAN
C3.0	DRAINAGE PLAN
C4.0	STORM WATER CONTROL PLAN
C5.0	EROSION & SEDIMENT CONTROL PLAN
C5.1	EROSION & SEDIMENT CONTROL DETAILS

### REFERENCES

- 2013 CALIFORNIA BUILDING CODE
- 2010 CALTRANS STANDARD PLANS
- REFERENCE PLAN "PEERY PARK BIKEWAY & ENHANCEMENT PROJECT," FEDERAL AID PROJECT STYLE-5304(1)

### BASIS OF BEARING AND COORDINATES

ASSUMED PROJECT BEARING AND COORDINATES PER POINTS 540, BEING A SET SPK& AND 541, BEING A PK & SHINNER SET IN ASPHALT AND SHOWN HEREON.

### BENCHMARK NOTE:

TEMPORARY BENCH MARK USING ASSUMED ELEVATION OF 68.67. PK & SHINNER SET IN ASPHALT PATH AS SHOWN AS POINT TBM HEREON.

### ABBREVIATIONS

AC ACRES	ESMT EASEMENT	OC ON CENTER
AT&T AMERICAN TELEPHONE AND TELGRAPH COMPANY	(C), EX EXISTING	(P) PROPOSED
BEG BEGINNING	(F) FUTURE	PG&E PAVING GAS AND ELECTRIC COMPANY
BFE BASE FLOOD ELEVATION	FF FINISHED FLOOR	R RADIUS
BMP BEST MANAGEMENT PRACTICES	FL FLOW LINE	RET RETAINING
BOW BACK OF WALK	FG FINISHED GRADE	R/W RIGHT OF WAY
CL, C CENTER LINE	FS FINISHED SURFACE	SD STORM DRAIN
CLR CLEAR	FS FINISHED SURFACE	SDOI STORM DRAIN DRAINAGE INLET
COMM COMMUNICATION	INV INVERT	S, SS SANITARY SEWER
CONC CONCRETE	LOG LANDING	STA STATION
CV CHECK VALVE	LF LINEAL FEET	TBM TEMPORARY BENCHMARK
CY CUBIC YARD	MH MANHOLE	TC TOP OF CURB
DIA DIAMETER	M METER	TOS TOP OF SLAB
EG EXISTING GROUND	ML MILLIMETER	TW TOP OF WALL
ELEV ELEVATION	MM MINIMUM	(TYP) TYPICAL
	NO, NUMBER	WWF WELDED WIRE FABRIC
	NTS NOT TO SCALE	

Printed By: Childers, Kyle Sheet Section: Layout/COVER COVER SHEET March 09, 2016 10:36:47am H:\S&S\3110\0378\3114-Book\_JOA\_Plane\_SJOT\_CAD\030816\03114020 - Cover Sheet.dwg  
 This document, together with the drawings and sample printed maps, is an instrument of service. It is intended only for the project, purpose and area for which it was prepared. Plans of any other project, purpose and area shall be subject to separate contract. Plans of any other project, purpose and area shall be subject to separate contract.



No.	ISSUED FOR BID	REVISIONS	DATE	BY
1	ISSUED FOR BID		03/10/16	KDC

**Kimley»Horn**  
 © 2013 KIMLEY-HORN AND ASSOCIATES, INC.  
 100 WEST SAN FERNANDO STREET, STE 250, SAN JOSE, CA 95113  
 PHONE: 669-800-4130  
 WWW.KIMLEY-HORN.COM

DESIGNED BY KDC	DRAWN BY MJB	CHECKED BY MZO
PLANS PREPARED UNDER SUPERVISION OF: KYLE CHILDERS REGISTERED CIVIL ENGINEER		
DATE 03/10/2016	PROJECT NO. 68843	SCALE RCE NO.

RISPIN/PEERY PARK ADA  
PATHWAY IMPROVEMENTS PHASE II  
PREPARED FOR  
CITY OF CAPITOLA

COVER SHEET

DRAWING NO. C01
SHEET 1 of 9
JOB NO. 09776311

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

PROJECT GENERAL NOTES

- 1. THE CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES...
2. THE CONTRACTOR SHALL POST EMERGENCY TELEPHONE NUMBERS FOR POLICE, FIRE, AMBULANCE, AND THOSE AGENCIES FOR MAINTENANCE OF UTILITIES IN THE VICINITY OF JOB SITE...
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL OF THE WORK PERFORMED BY THEIR SUBCONTRACTORS WITHOUT EXCEPTION...
4. THE CONTRACTOR SHALL IDENTIFY A RESPONSIBLE CONTACT PERSON, WHO IS AN EMPLOYEE OF THE CONTRACTOR, AND A 24-HOUR TELEPHONE NUMBER TO CALL TO RESOLVE PROBLEMS WITH SAFETY, NOISE, DUST OR OTHER CONSTRUCTION RELATED ISSUES...
5. THE CONTRACTOR SHALL BE REQUIRED TO KEEP ALL CONSTRUCTION ACTIVITIES WITHIN THE RIGHTS-OF-WAY AND EASEMENTS OBTAINED FOR THIS PROJECT UNLESS OTHERWISE SHOWN...
6. THE CONTRACTOR SHALL PROVIDE PROTECTIVE DEVICES INCLUDING BARRICADES, FENCING, WARNING SIGNS, LIGHTS, FLAGGERS OR OTHER ITEMS NECESSARY TO ENSURE PUBLIC SAFETY WITHIN THE PROJECT AREA...
7. EXISTING UTILITIES ARE LOCATED IN THE PROJECT AREA. UTILITIES DAMAGED BY CONTRACTOR'S OPERATIONS SHALL BE TEMPORARILY REPAIRED AND THEN REPLACED IN ACCORDANCE WITH THE UTILITY'S OR THE CITY'S REQUIREMENTS AT THE CONTRACTOR'S OWN EXPENSE...
8. CONTRACTOR SHALL EXERCISE DUE CAUTION DURING CONSTRUCTION TO PROTECT ANY EXISTING LANDSCAPING, FIXTURES, EQUIPMENT, CONCRETE SIDEWALK, CONCRETE DRIVEWAY, CONCRETE CURB AND GUTTER, AND AC PAVING TO REMAIN...
9. CONTRACTOR SHALL PRESERVE ALL SURVEY MARKERS AND MONUMENTATION PER THE CITY ENGINEERING DEPARTMENT...
10. CONSTRUCTION ACTIVITY IS ALLOWED AS PER THE CONSTRUCTION PERMITS AND THE APPROVED CONTRACT DOCUMENTS...
11. DUST SHALL BE CONTROLLED AND ADJOINING STREET AND PRIVATE DRIVES SHALL BE KEPT CLEAN OF PROJECT DIRT, MUD, MATERIALS AND DEBRIS...
12. THE CONTRACTOR SHALL COMPLY WITH THE GENERAL CONSTRUCTION PERMIT, WATER SHALL NOT BE DISCHARGED FROM THE CONSTRUCTION SITE TO THE STORM DRAINAGE SYSTEM UNLESS THE CONTRACTOR OBTAINS APPROVAL FROM THE CITY...
13. THIS PROJECT INVOLVES WORK IN PUBLIC AREAS AND NEAR PRIVATE PROPERTY. THE CONTRACTOR SHALL SPECIFICALLY INSTRUCT ALL HIS/HER WORKERS TO EXERCISE GOOD PUBLIC RELATIONS DURING THE WORK...
14. CONTRACTOR SHALL GIVE WRITTEN NOTICE TO ANY PRIVATE RESIDENCE THROUGHOUT THE PROJECT AREA THAT MAY BE IMPACTED BY THE CONSTRUCTION WORK AS DETERMINED BY THE CITY...
15. AT A MINIMUM, CONTRACTOR SHALL SWEEP AND CLEAN THE CONSTRUCTION SITE DAILY BEFORE THE END OF EACH WORKING DAY...
16. CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES IN PLACE, DURING ANY SINKING OR REMOVAL ACTIVITIES...
17. ALL MATERIALS AND WORKMANSHIP SHALL FULLY CONFORM TO THE LATEST SPECIFICATIONS, DETAILS, STANDARDS AND ORDINANCES OF THE CITY OF CAPITOLA...
18. TRAFFIC CONTROL PLANS ARE REQUIRED TO BE SUBMITTED AND APPROVED BY THE CITY PRIOR TO THE START OF ANY WORK IMPACTING THE PUBLIC RIGHT-OF-WAY...
19. IT IS THE CONTRACTOR'S RESPONSIBILITY TO POT-HOLE AND/OR UNCOVER AND EXPOSE EXISTING UTILITIES AT CROSSING LOCATIONS...
20. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL EXISTING UTILITIES WITH THE APPROPRIATE AGENCIES...
21. THE EXISTING UTILITIES CROSSING ARE SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION...
22. ALL EXISTING UTILITY VAULTS AND/OR PULL BOXES WITHIN THE PROJECT SITE THAT ARE LOOSE AND/OR BROKEN SHALL BE RE-SECURED AND/OR REPLACED TO THE CITY'S SATISFACTION...
23. PROVIDE ACCESS AT ALL TIMES TO ALL PROPERTIES, EXCEPT AS APPROVED BY THE ENGINEER...
24. NO TRENCH SHALL BE LEFT OPEN DURING NON-WORKING HOURS.

PROJECT GENERAL NOTES

- 25. GRADE BREAKS ON CURBS AND SIDEWALKS TO BE ROUNDED OFF (WHILE CONCRETE FINISHING WORK IS IN PROGRESS) IN FORM WORK AND FINISHED SURFACING...
26. REPLACE EXISTING CURB WARPS AND PAINT AFTER INSTALLATION OF NEW CURB AND GUTTER TO THE SATISFACTION OF THE CITY ENGINEER...
27. CONTRACTOR SHALL REPLACE EXISTING TRAFFIC STRIPING/LEGIONS THAT ARE DISTURBED BY CONSTRUCTION OPERATIONS TO THE CITY'S SATISFACTION...
28. CONTRACTOR SHALL BE FAMILIAR WITH THE STATE OF CALIFORNIA BEST MANAGEMENT PRACTICES HANDBOOK FOR APPLICABLE CONTROL MEASURES AND EMPLOY ITS PROVISIONS THROUGHOUT ALL CONSTRUCTION...
29. THE PUBLIC RIGHT-OF-WAY/STREET MUST BE KEPT CLEAR AND FREE OF DEBRIS...
30. ALL UNDERGROUND SERVICE ALERT (USA) MARKINGS ON CONCRETE AND ASPHALTIC PAVEMENT OR OTHER STRUCTURES SHALL BE REMOVED WHEN THEY ARE NO LONGER REQUIRED.

TREE PROTECTION NOTES

- 1. ARBORIST: NO TREE PRUNING, EXCAVATION IN THE VICINITY OF TREE ROOTS, REMOVAL OR ROOT-CUTTING SHALL OCCUR WITHOUT DIRECTION BY THE CITY'S ARBORIST...
2. TRENCHING: ALL TRENCHING WITHIN THE DRIP LINE OF EXISTING TREES SHALL BE BY HAND WITH CARE TAKEN NOT TO DAMAGE ROOTS OVER 2" DIAMETER...
3. ADVANCE MARKING: THE CITY ARBORIST SHALL MARK LIMITS OF AREA WITHIN DRIP LINES IN ADVANCE PRIOR TO EXCAVATING...
4. PRUNING: TREES SHALL BE PRUNED ONLY AS RECOMMENDED BY THE CITY'S ARBORIST...
5. CONSTRUCTION OPERATIONS: NO CONSTRUCTION OPERATIONS SHALL BE CARRIED ON WITHIN THE DRIP LINE AREA OF ANY TREE DESIGNATED TO BE SAVED EXCEPT AS AUTHORIZED BY THE CITY ARBORIST...
6. STORAGE: THE AREA UNDER THE DRIP LINE OF A TREE SHALL BE KEPT CLEAN...
7. TREE DAMAGE: ANY DAMAGE TO EXISTING TREE CROWNS OR ROOT SYSTEMS SHALL BE REPAIRED IMMEDIATELY AT THE EXPENSE OF THE CONTRACTOR BY AN APPROVED TREE SURGEON UNDER THE DIRECTION OF THE CITY AT HIS COST TO THE CITY.

RECORD DRAWINGS

- 1. CONTRACTOR SHALL SUBMIT TWO (2) COPIES OF MARKED-UP RECORD DRAWINGS FOR REVIEW AND APPROVAL BY THE ENGINEER...
2. INITIAL SUBMITTAL: SUBMIT TWO (2) COPIES (TWO COMPLETE SETS) OF CORRECTED CONTRACT DRAWINGS AND SHOP DRAWINGS...
3. THE CONTRACTOR SHALL ORGANIZE REVISIONS RECORD DRAWINGS INTO A BOUND SET CONSISTING OF ALL DRAWINGS SHEETS, INCLUDING NON-ANNOTATED SHEETS, SHOP DRAWING SHEETS AND READY SET FOR FINAL SUBMITTAL...
4. FINAL SUBMITTAL: FINAL SUBMITTAL SHALL BE IN AN ELECTRONIC FORMAT AND SUBMITTED ON A COMPACT DISC (CD) OR DIGITAL VIDEO DISC (DVD)...
5. CONTRACTOR SHALL KEEP UP-TO-DATE A COMPLETE RECORD SET OF PRINTS OF THE CONTRACT DRAWINGS SHOWING EVERY CHANGE FROM THE ORIGINAL DRAWINGS MADE DURING THE COURSE OF CONSTRUCTION...
6. CONTRACTOR SHALL HAVE ANY RECORD DRAWING SURVEY WORK PERFORMED BY A CURRENTLY LICENSED CALIFORNIA SURVEYOR...
7. ALL RECORD DRAWING SURVEY WORK SHALL BE REFERENCED TO BENCHMARK AND DATUM TO THE SATISFACTION OF THE CITY ENGINEER AND BE STAMPED AND SIGNED BY A LICENSED CALIFORNIA SURVEYOR.

SUBMITTAL NOTES

- 1. THE CONTRACTOR SHALL SUBMIT PRODUCT DATA SHEETS FOR ALL ITEMS AND MATERIALS USED IN THE WORK FOR REVIEW AND APPROVAL BY THE ENGINEER...
2. THE CONTRACTOR SHALL VERIFY COMPATIBILITY WITH FIELD CONDITIONS AND DIMENSIONS, PRODUCT SELECTIONS AND DESIGNATIONS, QUANTITIES, AND CONFORMANCE AS PART OF THE SUBMITTAL PROCESS...
3. CONTRACTOR SHALL INDICATE PERTINENT PORTIONS AND IDENTIFY CONFLICTS BETWEEN MANUFACTURER'S INSTRUCTIONS AND CONTRACT DOCUMENTS...
4. TRANSMITTAL: WHERE POSSIBLE, TRANSMIT INITIAL SUBMITTALS ELECTRONICALLY, A MINIMUM OF FIVE (5) PAPER COPY SUBMITTALS SHALL BE SUBMITTED FOR REVIEW.

APPROVAL/COORDINATION NOTES

- 1. CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT (USA) AT (800) 227-2800 AT LEAST 48 HOURS PRIOR TO STARTING WORK...
2. NOTIFY CITY ENGINEER A MINIMUM OF 24 HOURS IN ADVANCE OF STARTING WORK...
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL PERMITS NECESSARY TO PERFORM THE WORK SHOWN IN THESE PLANS FROM THE APPROPRIATE AGENCIES...
4. THE CONTRACTOR SHALL COMPLY WITH LOCAL SOUND CONTROL, AND NOISE LEVEL, RULES, REGULATIONS AND ORDINANCES WHICH APPLY TO ANY WORK PERFORMED UNDER THE CONTRACT...
5. ALL WORK SHALL CONFORM TO THE CITY OF CAPITOLA STANDARD DETAILS (CURRENT EDITION), THE CALIFORNIA BUILDING CODE 2013 AND THE 2010 CALTRANS STANDARD SPECIFICATIONS...
6. PROVIDE TEMPORARY SIGNS, CONES, BARRICADES AND ADVANCE WARNING SIGNS PER CALTRANS STANDARD SPECIFICATIONS SUITABLE TO THE ROADWAY TYPE AND TRAFFIC VOLUME...
7. UTILITIES INDICATED ARE FOR INFORMATION ONLY...
8. CONTRACTOR SHALL EXPOSE ALL POTENTIAL UTILITY CONFLICT CROSSINGS AS WELL AS CONNECTION POINTS TO EXISTING UTILITIES AND COORDINATE WITH THE ENGINEER TO LOCATE AND VERIFY DEPTHS...
9. NO OPEN EXCAVATION SHALL BE LEFT UNSUPERVISED AT ANY TIME...
10. PRUNING OF TREE ROOTS AND BRANCHES SHALL BE APPROVED IN ADVANCE BY THE CITY...
11. CONTRACTOR SHALL USE MATERIALS AS SPECIFIED ON PLANS AND/OR SPECIAL PROVISIONS.

LAYOUT NOTES

- 1. CONTRACTOR SHALL REFERENCE FIELD LAYOUT TO CONTROL POINTS TBM, POINT #540, POINT #541 AND POINT #508 AS PER SHOWN PROVIDED SURVEY IF NOT ORIENTED TO THE STATE PLANE COORDINATE SYSTEM...
2. SHOULD IT APPEAR THAT THE WORK TO BE DONE OR ANY MATTER RELATIVE THERETO, IS INSUFFICIENTLY OR INCORRECTLY DETAILED OR EXPLAINED ON THESE PLANS...
3. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY, UPON DISCOVERY OF ANY POTENTIAL FIELD CONFLICTS...
4. ALL CURB RETURN RADI AND CURB DATA, IF SHOWN, ARE BY REFERENCE TO TOP FACE OF CURB UNLESS OTHERWISE NOTED...
5. CONTRACTOR SHALL USE A CALIFORNIA LICENSED LAND SURVEYOR FOR ANY RECORD DRAWING WORK.

SURFACE RESTORATION NOTES

- 1. ALL PAVEMENT CUTS SHALL BE SAWCUT, SMOOTH AND VERTICAL. THE PAVEMENT AREA BEING REMOVED SHALL BE RECTANGULAR, UNLESS SHOWN OTHERWISE ON PLANS...
2. CONTRACTOR SHALL RESTORE ALL EXISTING PRIVATE AND PUBLIC IMPROVEMENTS TO THEIR EXISTING CONDITION OR BETTER AT NO COST TO THE CITY...
3. RISIS OF EXISTING UTILITY BOXES AND OTHER RELATED APPURTENANCES THAT ARE TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION...
4. CONTRACTOR SHALL PROVIDE SMOOTH CONFORMS TO EXISTING AC PAVEMENT...
5. ALL STANDARD STREET MONUMENTS, LOT CORNER PIPES, AND OTHER PERMANENT MONUMENTS DISTURBED DURING THE PROCESS OF CONSTRUCTION SHALL BE REPLACED AND A RECORD OF SURVEY OR CORNER RECORD SECTION 8771 OF THE PROFESSIONAL LAND SURVEYOR'S ACT FILED BEFORE ACCEPTANCE OF THE IMPROVEMENTS BY THE CITY.

Printed By: Chloee, Kyle Date: 03/10/2016 11:00:00 AM K:\S&P\210700778311-Rispin\_Park\_Ada\_Phase\_A\DP\_CAD\DWG\Sheet\CGZ CIVIL GENERAL NOTES.dwg

Kimley»Horn

© 2015 KIMLEY-HORN AND ASSOCIATES, INC. 100 WEST SAN FERNANDO STREET, STE 250, SAN JOSE, CA 95113 PHONE: 669-800-4130 WWW.KIMLEY-HORN.COM



Table with columns: DESIGNED BY (KDC), DRAWN BY (MJB), CHECKED BY (MZO), PLANS PREPARED UNDER SUPERVISION OF (KYLE CHILDERS), DATE (03/10/2016), and LICENSE NO. (68843).

RISPIN/PEERY PARK ADA PATHWAY IMPROVEMENTS PHASE II PREPARED FOR CITY OF CAPITOLA

CIVIL GENERAL NOTES

Professional Engineer Seal for Kyle Childers, State of California, License No. 68843, Exp. 03/10/2016. Includes 'DRAWING NO. CGZ', 'SHEET 2 OF 9', and 'JOB NO. 097763114'.

Table with columns: No., ISSUED FOR BID, REVISIONS, DATE, and BY. Row 1: 1, ISSUED FOR BID, 03/10/16, KDC.

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

**GENERAL NOTES:**

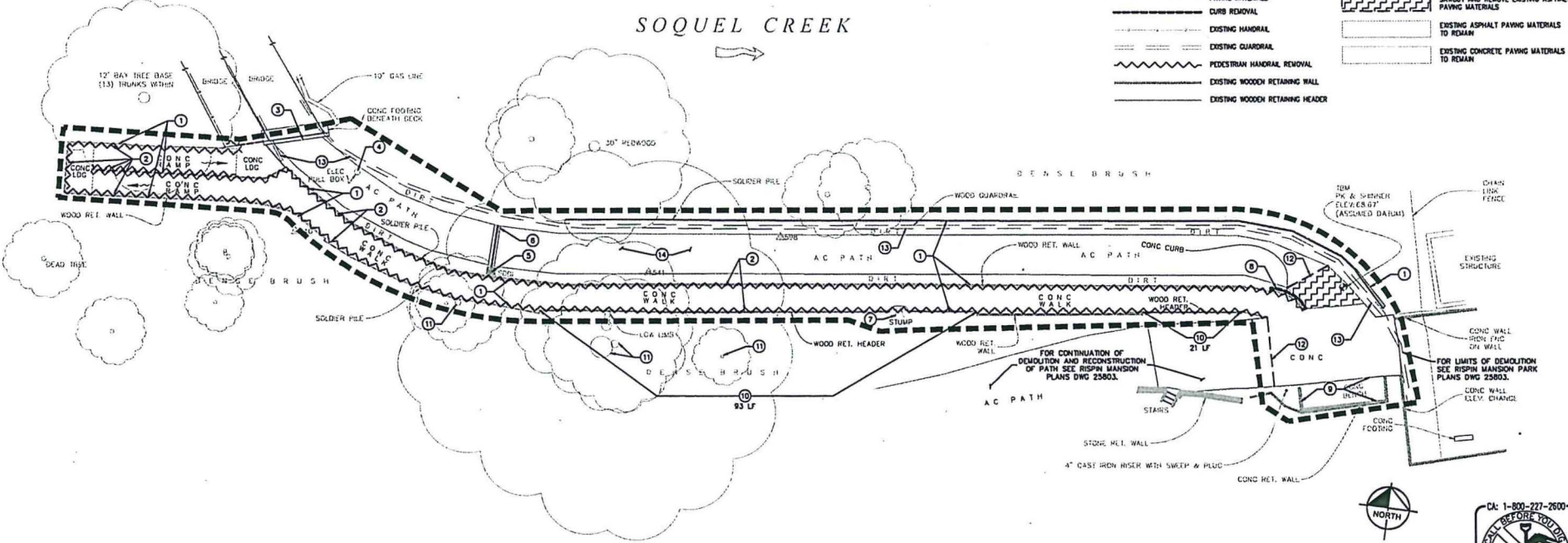
- EXISTING CONCRETE, AGGREGATE BASE AND EXCAVATED SOIL SHALL BE HAULLED OFF SITE AND DISPOSED OF AND/OR RECYCLED IN ACCORDANCE WITH THE SPECIAL PROVISIONS AT THE CONTRACTOR'S SOLE EXPENSE.
- ANY EXISTING CONCRETE SUCH AS CURBS, GUTTERS AND SIDEWALKS, IF DAMAGED OR REMOVED IN THE PROCESS OF WORK AS SHOWN IN THESE CONSTRUCTION DOCUMENTS, SHALL BE REPLACED OR RESTORED TO THEIR ORIGINAL CONDITION AT THE CONTRACTOR'S SOLE EXPENSE.
- SURFACE RESTORATION OF ANY SIDEWALK DAMAGE TO BE PER CITY STANDARDS AND THE PROJECT TECHNICAL SPECIFICATIONS. ALL ROADWAY MARKINGS AND SIGNAGE TO BE RESTORED TO LIKE NEW CONDITIONS OR TO THE SATISFACTION OF THE ENGINEER.
- IF FENCES ARE DISTURBED, CONTRACTOR TO REPLACE IN KIND AT CONTRACTOR'S SOLE EXPENSE TO THE SATISFACTION OF THE ENGINEER.

**DEMOLITION PLAN NOTES:**

- EXISTING RETAINING WALL TO BE PROTECTED IN PLACE
- REMOVE EXISTING PEDESTRIAN HANDRAILING
- EXISTING CONCRETE APPROACH SLAB TO BE PROTECTED IN PLACE.
- ELECTRICAL PULL BOX TO BE PROTECTED IN PLACE
- CLEAN EX DRAINAGE INLET AND PROTECT IN PLACE
- CLEAN EX TRENCH DRAIN AND PROTECT IN PLACE
- REMOVE STUMP
- EXISTING CONCRETE CURB TO BE REMOVED
- EXISTING CONCRETE BENCH TO BE PROTECTED IN PLACE
- REMOVE WOODEN RETAINING HEADER
- CONTRACTOR TO TRIM TREES AS DIRECTED BY CITY
- SAW CUT EXISTING PAVEMENT
- EXISTING GUARD RAIL TO BE PROTECTED IN PLACE
- EXISTING AC PATH TO BE PROTECTED IN PLACE

**LEGEND**

	LIMITS OF WORK		SAW CUT AND REMOVE EXISTING CONCRETE PAVING MATERIALS
	SAW CUT AND REMOVE EXISTING AC PAVING MATERIALS		SAW CUT AND REMOVE EXISTING ASPHALT PAVING MATERIALS TO REMAIN
	CURB REMOVAL		EXISTING ASPHALT PAVING MATERIALS TO REMAIN
	EXISTING HANDRAIL		EXISTING CONCRETE PAVING MATERIALS TO REMAIN
	EXISTING GUARDRAIL		
	PEDESTRIAN HANDRAIL REMOVAL		
	EXISTING WOODEN RETAINING WALL		
	EXISTING WOODEN RETAINING HEADER		



NORTH

GRAPHIC SCALE  
1 inch = 10' ft.

CA: 1-800-227-2600  
  
 CA: 1-800-227-2600  
 CALL TWO WORKING DATES BEFORE TO  
 PLANS DWG 25803

No.	REVISIONS	DATE	BY
1	ISSUED FOR BID	03/10/16	KDC

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DESIGNED BY: KDC  
 DRAWN BY: MJB  
 CHECKED BY: MZO

PLANS PREPARED UNDER SUPERVISION OF:  
 KYLE CHILDERS  
 REGISTERED CIVIL ENGINEER

03/10/2018 DATE 88843 RCE NO.

RISPIN/PEERY PARK ADA  
 PATHWAY IMPROVEMENTS PHASE II

PREPARED FOR  
 CITY OF CAPITOLA

DEMOLITION  
 PLAN

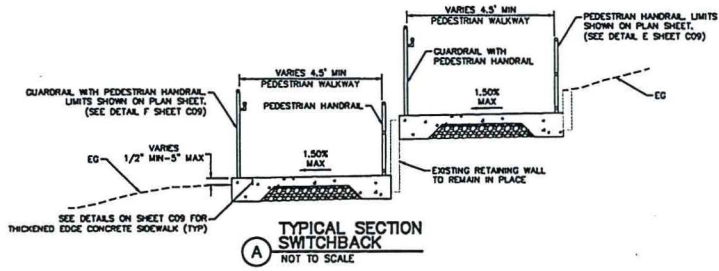
DRAWING NO.  
 CO3  
 SHEET  
 3 of 9  
 JOB NO.  
 097763114

Printed By: Chelsea, Kyle Date: 03/10/2016 11:00:26am K:\EAC\PROJECTS\2016\16-0025803\16-0025803-ADA-PHASE II\DWG\25803-DEMOLITION-PLAN.dwg  
 This document, together with the contract and any amendments thereto, constitutes the entire agreement between the contractor and the engineer. The contractor shall be held liable to the engineer and the city for any and all damages, including reasonable attorney's fees, incurred by the contractor in connection with the performance of the contract.

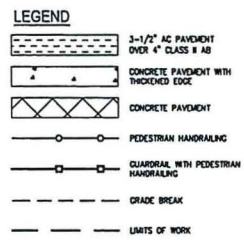
Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

Prepared by: Kimley-Horn, Inc. Sheet Section: Lumped/ODA Trail Site Plan - Warm, CA, 2016, 11:00:59am. P:\SAC\_P\1010787311-Rispin-ADA\_Pathway\_V01.dwg. User: KAC. Date: 03/10/2018. 11:00:59am. P:\SAC\_P\1010787311-Rispin-ADA\_Pathway\_V01.dwg. User: KAC. Date: 03/10/2018. 11:00:59am. P:\SAC\_P\1010787311-Rispin-ADA\_Pathway\_V01.dwg. User: KAC. Date: 03/10/2018. 11:00:59am.

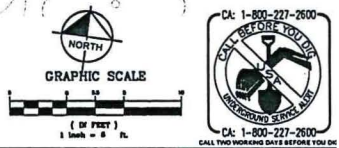
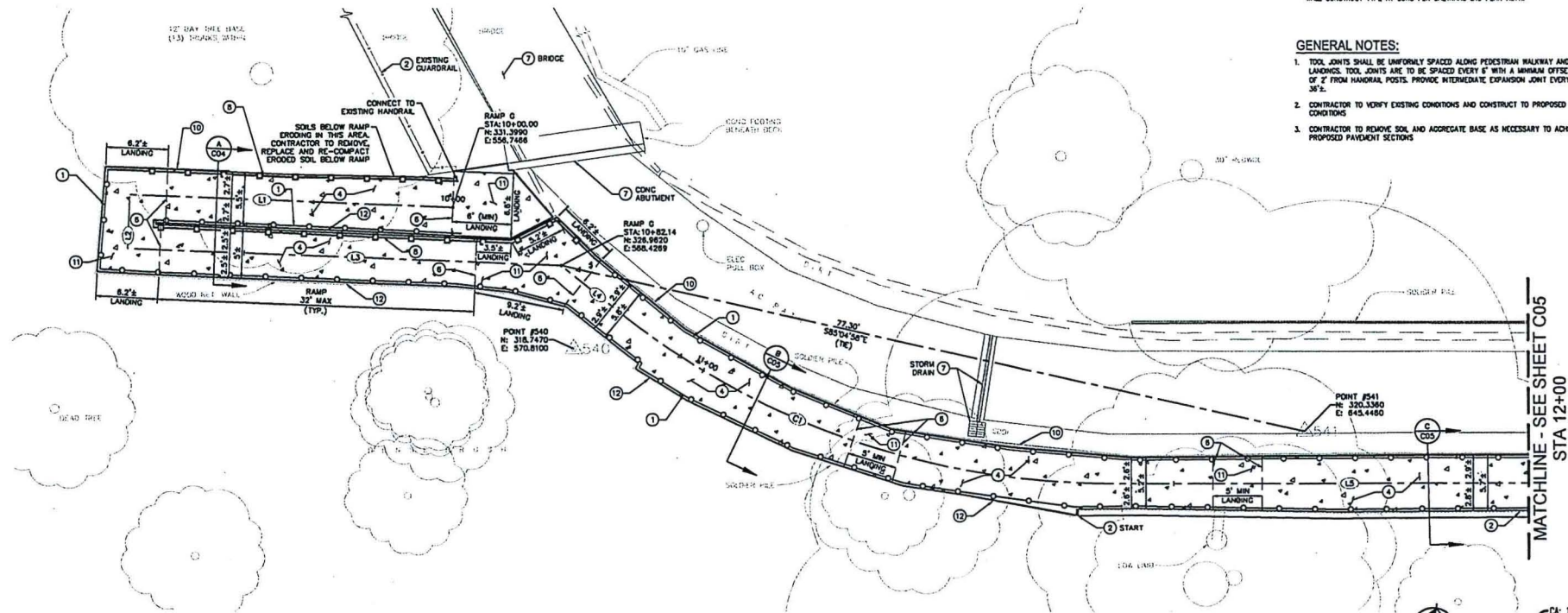


LINE AND CURVE TABLE			
NO.	DELTA OR BRG	RADIUS	LENGTH
C1	Δ=39° 05' 25"	80.00'	54.58'
L1	S 84°1'03" W		32.71'
L2	S 57°5'37" E		5.50'
L3	N 84°1'03" E		43.93'
L4	S 58°40'32" E		7.02'
L5	N 82°14'02" E		42.19'



- CONSTRUCTION NOTES:**
- INSTALL PEDESTRIAN HANDRAILING PER DETAIL D AND E SHEET C09 TO MEET CALIFORNIA BUILDING CODE 2013 REQUIREMENTS. HANDRAILS TO REMAIN CONTINUOUS ON SWITCHBACKS BETWEEN RUNS.
  - CONSTRUCT CONCRETE RETAINING WALL PER DETAIL C SHEET C09. MATCH EXISTING TOP OF WALL.
  - CONSTRUCT THICKENED EDGE CONCRETE SIDEWALK ALONG RAMP AND LANDING EDGES PER DETAIL A SHEET C09.
  - SAW CUT LINE.
  - PROPOSED GRADE BREAK.
  - PROTECT IN PLACE.
  - INSTALL QUADRIL WITH PEDESTRIAN HANDRAILING PER DETAIL D AND F SHEET C09 TO MEET CALIFORNIA BUILDING CODE 2013 REQUIREMENTS. QUADRILS/HANDRAILS TO REMAIN CONTINUOUS ON SWITCHBACKS BETWEEN RUNS.
  - CONSTRUCT CONCRETE SIDEWALK PER DETAIL B SHEET C09.
  - EXISTING RETAINING WALL. PROTECT IN PLACE.
  - CONCRETE LANDING AREA. 48" MIN RAMP WIDTH TO BE MAINTAINED.
  - PROTECT EXISTING RETAINING WALL AS NEEDED WITH BRACES AND/OR INTERMEDIATE POSTS. DEPTH OF EXISTING RETAINING WALL IS UNKNOWN. IF PROPOSED GRADES ARE BELOW EXISTING RETAINING WALL CONSTRUCT TYPE AT CURB PER CALTRANS STD PLAN A87A.

- GENERAL NOTES:**
- TOOL JOINTS SHALL BE UNIFORMLY SPACED ALONG PEDESTRIAN WALKWAY AND AT LANDINGS. TOOL JOINTS ARE TO BE SPACED EVERY 6' WITH A MINIMUM OFFSET OF 2' FROM HANDRAIL POSTS. PROVIDE INTERMEDIATE EXPANSION JOINT EVERY 30'.
  - CONTRACTOR TO VERIFY EXISTING CONDITIONS AND CONSTRUCT TO PROPOSED CONDITIONS.
  - CONTRACTOR TO REMOVE SOIL AND APPROPRIATE BASE AS NECESSARY TO ACHIEVE PROPOSED PAVEMENT SECTIONS.



No.	REVISIONS	DATE	BY
1	ISSUED FOR BID	03/10/18	KDC

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 WWW.KIMLEY-HORN.COM

DESIGNED BY KDC	DRAWN BY MJB	CHECKED BY WZO
PLANS PREPARED UNDER SUPERVISION OF: KYLE CHILDERS REGISTERED CIVIL ENGINEER		
DATE 03/10/2018		68843 RCE NO.

**RISPIN/PEERY PARK ADA PATHWAY IMPROVEMENTS PHASE II**  
 PREPARED FOR  
 CITY OF CAPITOLA

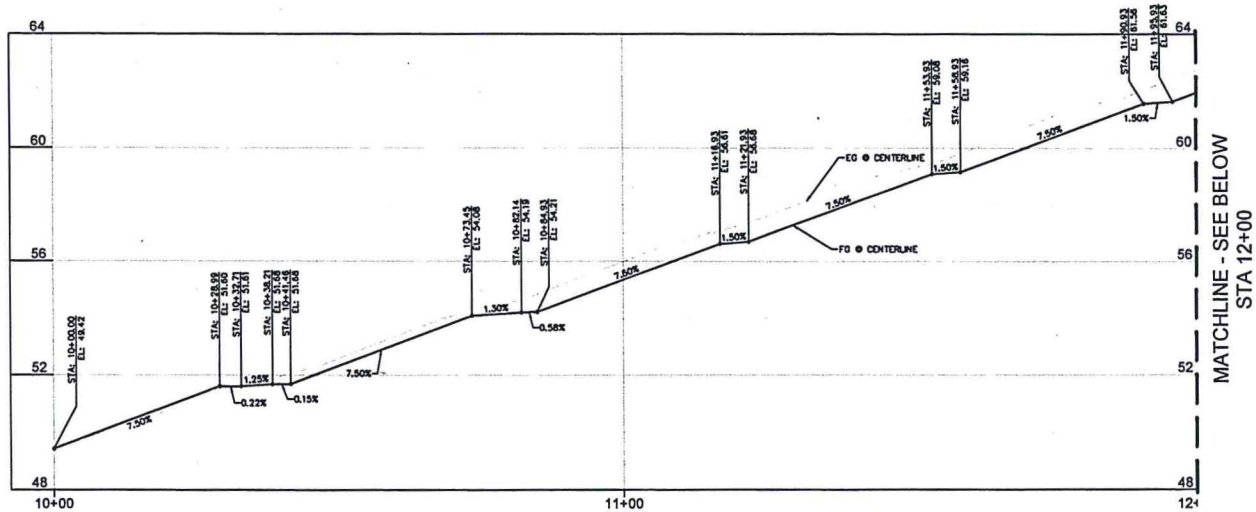
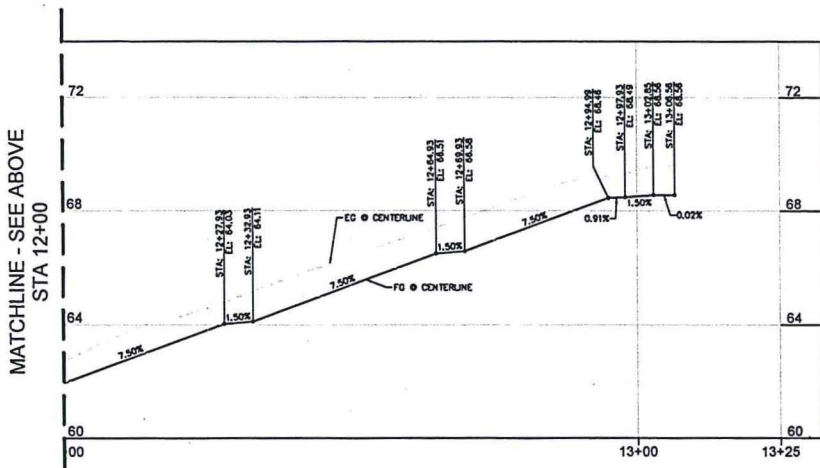
**TRAIL SITE PLAN AND SECTION**  
 STA 10+05 TO 12+00

DRAWING NO C04
SHEET 4 of 9
JOB NO. 097763114



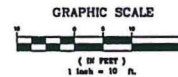


Project: Rispin/Peery Park ADA Pathway Improvements Phase II, Stationing: 10+00 to 12+00, Date: 03/10/2016, Drawn by: KDC, Checked by: MZD, Title: CENTERLINE PROFILE RAMP D, Scale: 1"=2', Author: KIMLEY-HORN AND ASSOCIATES, INC.



CENTERLINE PROFILE VIEW - RAMP D

SCALE HORIZONTAL: 1"=10'  
VERTICAL: 1"=2'



GENERAL NOTES:

1. NORTHINGS/EASTINGS ARE FOR REFERENCE IN THIS DRAWING, RELATIVE TO PROVIDED BENCHMARK TBM, POINT #340, 341 AND #358
2. BEARINGS ARE FOR REFERENCE IN THIS DRAWING, RELATIVE TO PROVIDED BENCHMARK TBM, POINT #340, 341 AND #358
3. SEE SHEET C07 FOR GRADING INFORMATION IN PROFILE VIEW

MATCHLINE - SEE ABOVE  
STA 12+00

MATCHLINE - SEE BELOW  
STA 12+00

No.	REVISIONS	DATE	BY
1	ISSUED FOR BID	03/10/16	KDC

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DESIGNED BY KDC	DRAWN BY LMB	CHECKED BY MZD
PLANS PREPARED UNDER SUPERVISION OF: KYLE CHILDERS REGISTERED CIVIL ENGINEER		
DATE 03/10/2016	RCE NO. 88843	

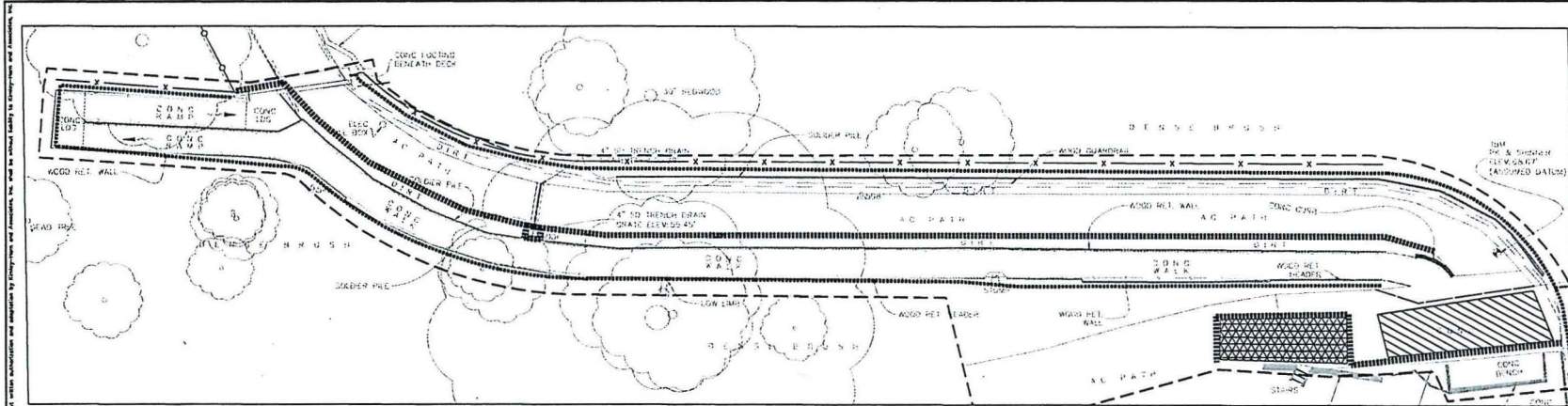
RISPIN/PEERY PARK ADA  
 PATHWAY IMPROVEMENTS PHASE II  
 PREPARED FOR  
 CITY OF CAPITOLA

CENTERLINE  
 PROFILE RAMP  
 D

CALL 1-800-227-2600  
 CALL BEFORE YOU DIG  
 CALL 1-800-227-2600  
 CALL TWO WORKING DAYS BEFORE  
 DRAWING NO.  
 C07  
 SHEET  
 7 of 9  
 JOB No.  
 097763114

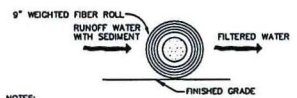
Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway





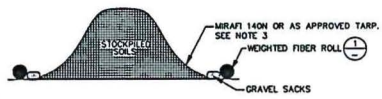
**EROSION CONTROL NOTES:**

1. LIMITS OF WORK REPRESENT MAXIMUM EXTENTS OF CONSTRUCTION ACTIVITY INCLUDING CONSTRUCTION EQUIPMENT, CRANES, ACCESS, EQUIPMENT LAYDOWN AREAS AND MATERIAL STORAGE AREAS. CONTRACTOR SHALL PROVIDE A DETAILED LAYOUT FOR BOTH EXTENTS.
2. ALL ACCESS TO CONSTRUCTION SITE SHALL BE FROM WEAIRY ROAD. NO CONSTRUCTION ACCESS FROM SHOPPING CENTER PARKING LOT IS PERMITTED.
3. CONSTRUCTION BMPs SHALL INCLUDE A SITE SWEEPING SCHEDULE TO BE SUBMITTED BY THE CONTRACTOR FOR APPROVAL BY THE ENGINEER.
4. EROSION CONTROL DETAILS SHALL BE CALTRANS STANDARD PLANS AS IF REPRODUCED IN THIS PLAN SET IN THEIR ENTIRETY, INCLUDING:  
TS3 STOCKPILE  
TS2 SILET PROTECTION TYPE 3A  
TS4 SILET PROTECTION  
TS5 FIBER ROLL
5. PEDESTRIAN SIGNAGE TO BE 4'x4' SIGN WITH THE FOLLOWING INFORMATION:  
1. PROJECT NAME  
2. PROJECT DESCRIPTION  
3. PROJECT DURATION  
4. INFORMATION CONTACT  
5. EMERGENCY CONTACT  
CONTRACTOR SHALL SUBMIT SIGNAGE SAMPLE FOR APPROVAL BY THE ENGINEER.
6. DEWATERING STATION. CONTRACTOR SHALL SUBMIT DEWATERING PLAN FOR APPROVAL BY THE ENGINEER, AS PER SPECIFICATIONS.
7. ALL DISTURBED SOIL AREAS TO BE GRADED AND THEN SEEDED WITH NATIVE GRASS MIX OR APPROVED EQUAL.
8. ALL DISTURBED BASE MATERIAL SHALL BE GRADED AND RECOMPACTED TO SIX RELATIVE DENSITY.
9. ALL DISTURBED LANDSCAPED AREAS SHALL BE RESTORED TO PRE-CONSTRUCTION CONDITIONS TO THE SATISFACTION OF THE ENGINEER.



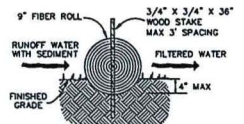
- NOTES:**
1. CLEAN PAVEMENT BEFORE THE FIBER ROLL PROCEDURE IS STARTED.
  2. ADJACENT FIBER ROLLS SHALL TIGHTLY ABUT AND OVERLAP A MINIMUM OF 3 FEET.
  3. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND FIBER ROLL.

**1 WEIGHTED FIBER ROLL**  
NOT TO SCALE



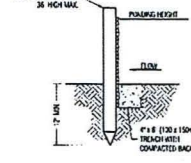
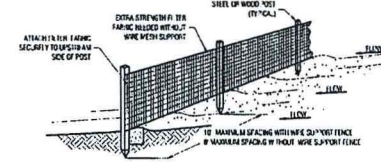
- NOTES:**
1. STOCKPILED MATERIAL SHALL BE LOCATED WITHIN THE LIMITS OF CONSTRUCTION DELINEATED ON THIS SHEET. SOILS FROM THE STOCKPILE SHALL BE SOFT CONTAINED AS DEPICED ABOVE AND REMAIN COMPLETELY SEPARATE AT ALL TIMES.
  2. CONTRACTOR SHALL INSTALL WEIGHTED FIBER ROLLS AROUND THE PERIMETER OF STOCKPILE.
  3. STOCKPILES SHALL BE COVERED WITH MIRAFI 140N OR APPROVED TARP MATERIAL THAT IS SECURELY WEIGHTED AROUND THE ENTIRE PERIMETER WITH GRAVEL SACKS.
  4. ALL STOCKPILED MATERIALS SHALL BE REMOVED FROM THE SITE PRIOR TO FINAL INSPECTION.

**2 STOCKPILE (TYP.)**  
NOT TO SCALE

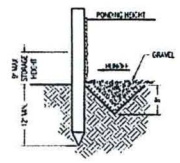


- NOTES:**
1. PREPARE SLOPE BEFORE THE FIBER ROLL PROCEDURE IS STARTED.
  2. FIBER ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 3\"/>

**3 STAKED FIBER ROLL**  
NOT TO SCALE



**STANDARD DETAIL TRENCH WITH NATIVE BACKFILL**



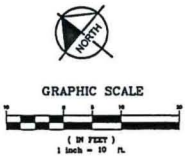
**ALTERNATE DETAIL TRENCH WITH GRAVEL**

**4 SILT FENCE**  
NOT TO SCALE

- NOTES:**
1. INSPECT AND REPAIR FENCE AFTER EACH SEASON EVENT AND REMOVE SEDIMENT AS NECESSARY.
  2. REMOVED SEDIMENT SHALL BE DEPOSITED IN AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT TO RUN OFF SITE AND CAN BE PERMANENTLY STABILIZED.
  3. SILT FENCE SHALL BE PLACED IN SLOPE CONTIGUOUS TO MAXIMIZE FLOWING EFFICIENCY.

**LEGEND**

- LIMITS OF WORK
- ===== WEIGHTED FIBER ROLL
- STAKED FIBER ROLL
- X SILT FENCE
- STOCKPILE AREA
- STAGING AREA



No.	REVISIONS	DATE	BY
1	ISSUED FOR BID	03/10/16	KDC

**Kimley»Horn**  
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100 WEST SAN FERNANDO STREET, STE 250, SAN JOSE, CA 95113  
PHONE: 669-800-4130  
WWW.KIMLEY-HORN.COM



DESIGNED BY	DRAWN BY	CHECKED BY
KDC	MJB	MZD
PLANS PREPARED UNDER SUPERVISION OF:		
KYLE CHILDERS REGISTERED CIVIL ENGINEER		
03/10/2016		68843
DATE		RCE NO.

RISPIN/PEERY PARK ADA  
PATHWAY IMPROVEMENTS PHASE II  
PREPARED FOR  
CITY OF CAPITOLA

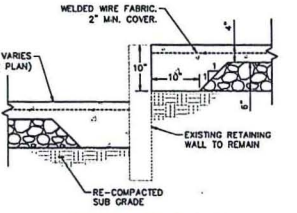
EROSION  
CONTROL PLAN

DRAWING NO
C08
SHEET
8 of 9
JOB No.
097763114

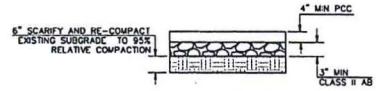
Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

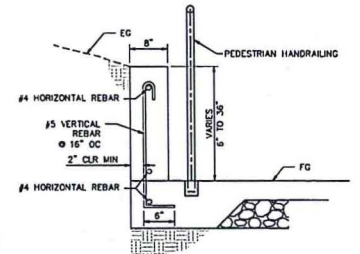
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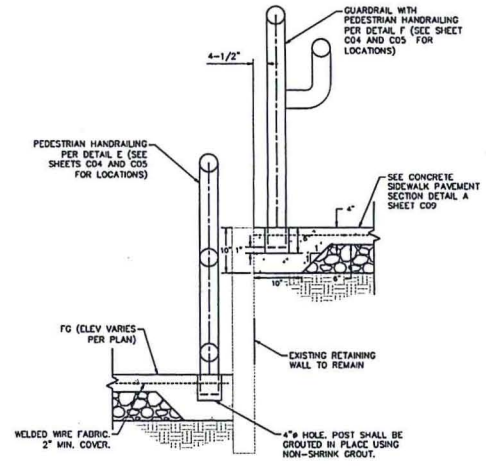
**(A) THICKENED EDGE CONCRETE SIDEWALK**  
NOT TO SCALE



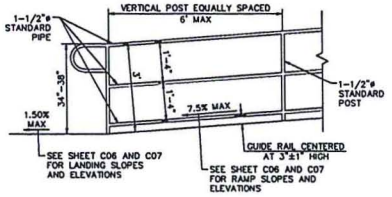
**(B) CONCRETE SIDEWALK PAVEMENT SECTION**  
NOT TO SCALE



**(C) CONCRETE RETAINING WALL**  
NOT TO SCALE



**(D) THICKENED EDGE CONCRETE SIDEWALK WITH HANDRAILING**  
NOT TO SCALE

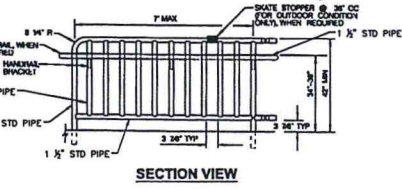
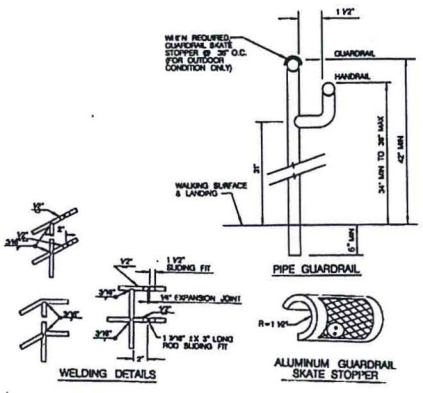


**SECTION VIEW**

NOTES:

- ALL RAILING TO BE HOT DIP GALVANIZED.
- PIPE SHALL BE SEAMLESS STEEL ASTM A53 GRADE B.
- HANDRAILS ARE ON BOTH SIDES AND CONTINUES THE FULL LENGTH OF RAMP.
- HANDRAILS EXTEND A MINIMUM OF 12" OF LEVEL DISTANCE BEYOND TOP AND BOTTOM OF RAMP, PARALLEL WITH THE FLOOR OR GROUND SURFACE.
- HANDRAIL MUST HAVE SMOOTH SURFACE, NO SHARP EDGES OR CORNERS, EDGES ARE TO HAVE A MINIMUM RADIUS OF 1/8", WELD AND GRIND, SMOOTH ALL CONNECTIONS.

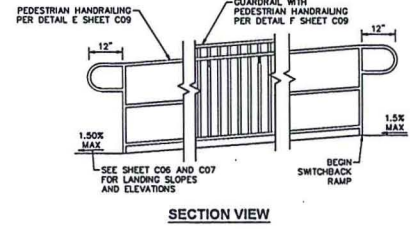
**(E) PEDESTRIAN HANDRAILING**  
NOT TO SCALE



**(F) GUARDRAIL WITH PEDESTRIAN HANDRAILING**  
NOT TO SCALE

NOTES:

- 1-1/2" Exp Jt @ 16' CENTERS
- WELD AND GRIND SMOOTH ALL CONNECTIONS
- ALL RAILING TO BE HOT DIP GALVANIZED
- PIPE SHALL BE SEAM LEASSLESS STEEL ASTM A53 GRADE B
- INSTALL HANDRAILS ON BOTH SIDES
- STAIRS AND LANDINGS THAT ARE OPEN ON ONE OR BOTH SIDES AND MORE THAN 30" ABOVE THE ADJACENT GROUND SHALL BE PROVIDED WITH GUARDRAIL.



**(G) TOP AND BOTTOM HANDRAIL EXTENSION AT RAMPS**  
NOT TO SCALE

NOTES:

- HAND RAILS AND GUARDRAILS WITH HAND RAILS ON SWITCHBACKS ARE TO BE CONTINUOUS BETWEEN RUNS



No.	ISSUED FOR BID	REVISIONS	DATE	BY
1	ISSUED FOR BID		03/10/16	KDC

**Kimley»Horn**

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DESIGNED BY	DRAWN BY	CHECKED BY
KDC	MJD	MJD

PLANS PREPARED UNDER SUPERVISION OF:

KYLE CHILDERS  
REGISTERED CIVIL ENGINEER

03/10/2016 DATE 68843 REG. NO.

RISPIN/PEERY PARK ADA  
PATHWAY IMPROVEMENTS PHASE II

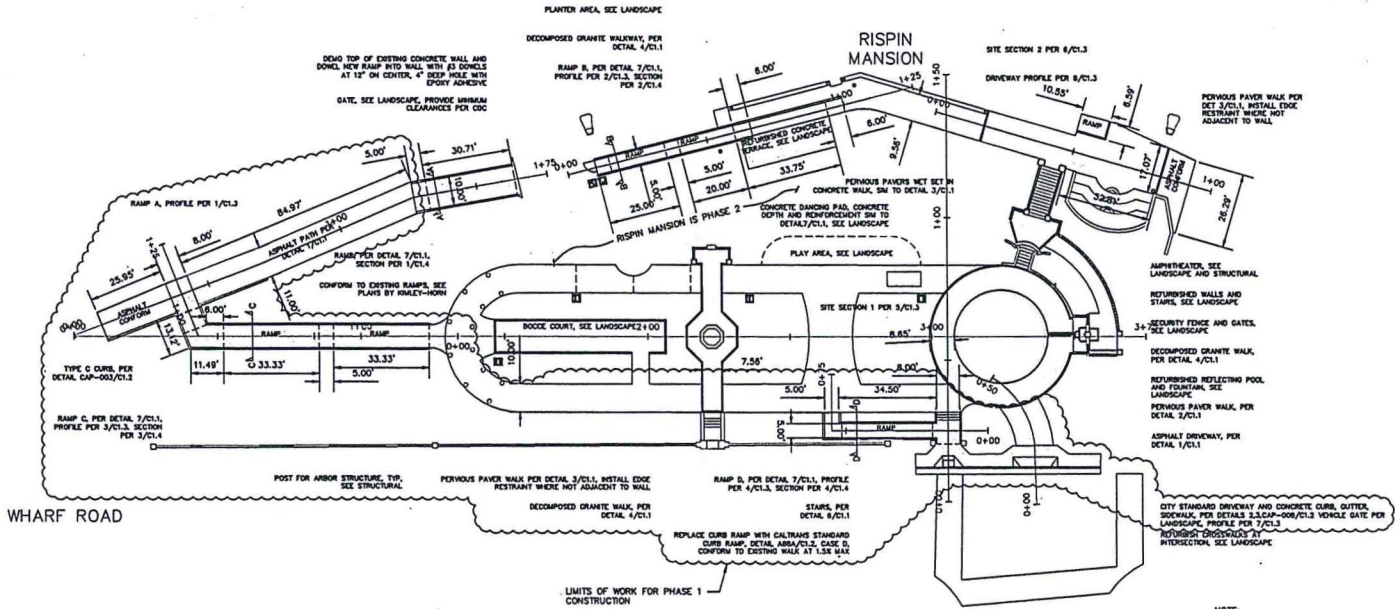
PREPARED FOR  
CITY OF CAPITOLA

DETAILS

DRAWING NO.
C09
SHEET
9 of 9
JOB No.
097763114



SOQUEL CREEK



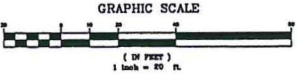
**LEGEND**

CATCH BASIN	■
ATRIUM DRAIN	●
CLEANOUT	○
PERVIOUS PAVEMENT	□
ASPHALT	▭
DOG WALKWAY	▭
CONCRETE	▭

**ABBREVIATIONS**

AC	ASPHALT CONCRETE
AD	ANGLE POINT
AP	ARCH POINT
BP	BACK OF WALL
BS	BOTTOM OF STEP
CB	CATCH BASIN
CD	CONTOUR
CONST	CONSTRUCT
DET	DETAIL
ES	DOWNPOUT
EO	END CURVE
ELEV	ELEVATION
EX	EXISTING
FD	FIRE DEPARTMENT
FR	FRISHED GRADE
FL	FLOORING
FT	FEET
FW	FACE OF WALL
H	HIGH POINT
HP	HIGH POINT
IN	INCHES
LF	LENGTH FEET
LT	LEFT
MAX	MAXIMUM
MIN	MINIMUM
PO	PERFORATED
POST	POST
R#	RADIUS
RM	RISE ELEVATION
RT	RIGHT
S#	SLOPE
SD	STORM DRAIN
SSCO	STORM DRAIN CLEANOUT
SSCO	SANITARY SINKER CLEANOUT
STA	STATION
TC	TOP OF CURB
TD	TOP OF DRIVE
TP	TOP OF PAVEMENT
TS	TOP OF STEP
TW	TOP OF WALL
TYP	TYPICAL
U.N.C.	UNLESS NOTED OTHERWISE

**NOTE:**  
1. PHASE 2 IS NOT IN THIS CONTRACT.

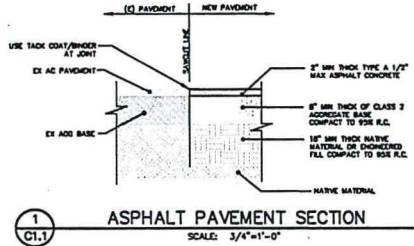


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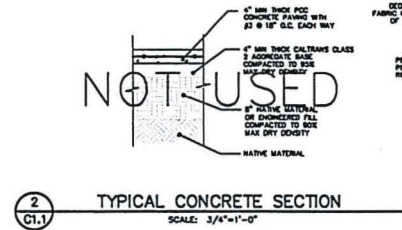


<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1011 CEDAR STREET SANTA CRUZ, CA 95060 (531) 428-2580		<b>SITE PLAN</b>  RISPIN MANSION PARK CAPITALA, CALIFORNIA	
SCALE 1"=20' DATE FEBRUARY 25, 2018 DESIGN BWR	DRAWN BWS CHECKED JFR DWG NAME 25063_C1.0	JOB NO. 25063 SHEET NO. 3 FILE NO. 25063	( )

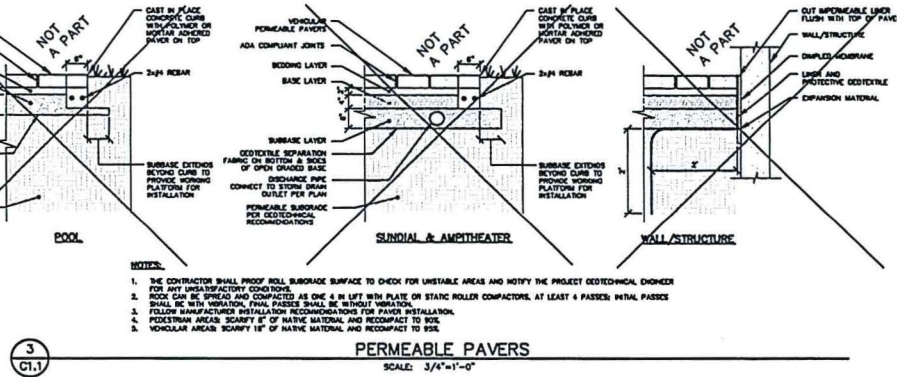
Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway



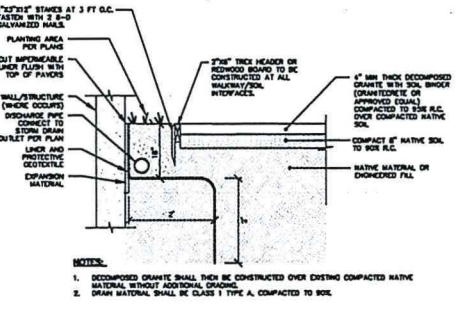
1 ASPHALT PAVEMENT SECTION SCALE: 3/4\"=1'-0"



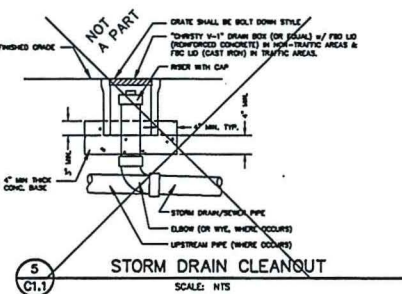
2 TYPICAL CONCRETE SECTION SCALE: 3/4\"=1'-0"



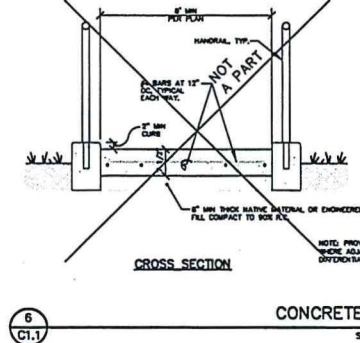
3 PERMEABLE PAVERS SCALE: 3/4\"=1'-0"



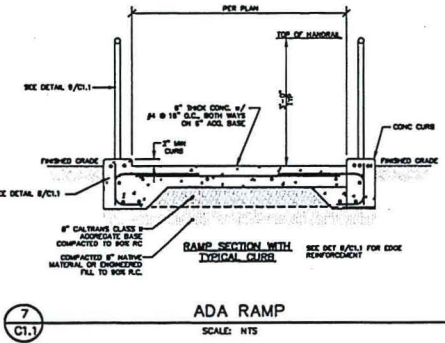
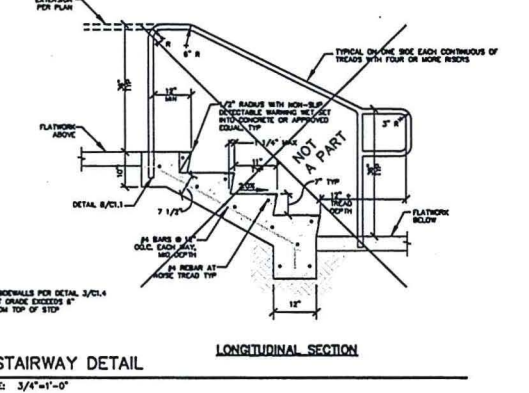
4 DECOMPOSED GRANITE WALKWAY SCALE: 3/4\"=1'-0"



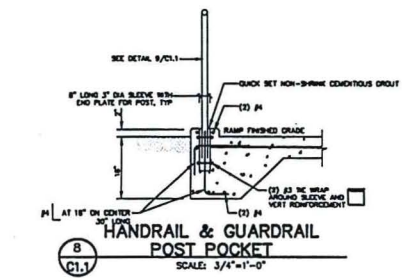
5 STORM DRAIN CLEANOUT SCALE: NTS



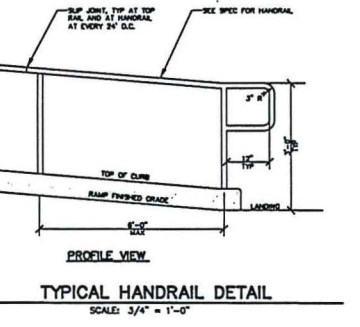
6 CONCRETE STAIRWAY DETAIL SCALE: 3/4\"=1'-0"



7 ADA RAMP SCALE: NTS



8 HANDRAIL & GUARDRAIL POST POCKET SCALE: 3/4\"=1'-0"



9 TYPICAL HANDRAIL DETAIL SCALE: 3/4\"=1'-0"

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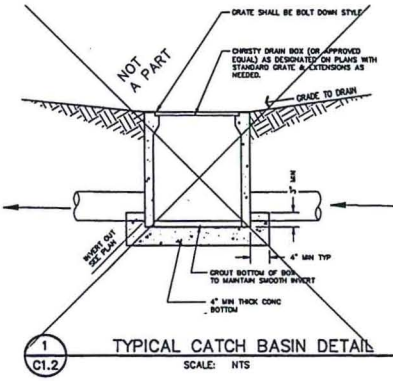
APR  
REVISED  
DATE: FEBRUARY 25, 2018  
DRAWN: DLW  
CHECKED: JFR  
DESIGN: BWR

REGISTERED PROFESSIONAL ENGINEER  
NO. 33300  
CIVIL  
STATE OF CALIFORNIA

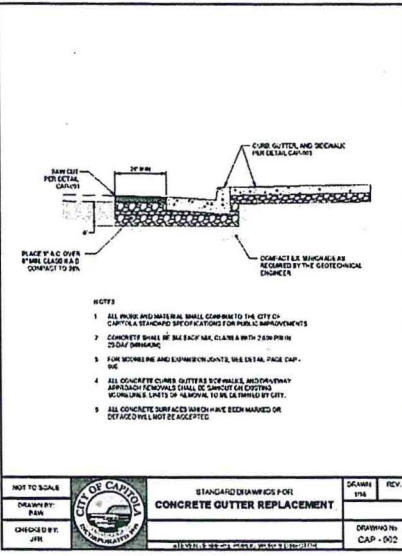
BOWMAN & WILLIAMS		DETAILS	
CONSULTING CIVIL ENGINEERS 1011 COAHN STREET SANTA CRUZ, CA 95060 (831) 425-3500		BRYAN MARSH PARK CAPITOLA, CALIFORNIA	
SCALE AS SHOWN	DRAWN: DLW	JOB NO. 25803	SHEET NO. C1
DATE: FEBRUARY 25, 2018	CHECKED: JFR	WORK	OF
DESIGN: BWR	DRG NAME: 25803-C1-1	FILE NO.	

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

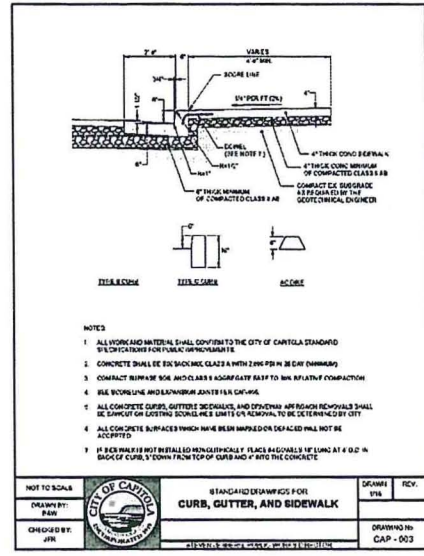
Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway



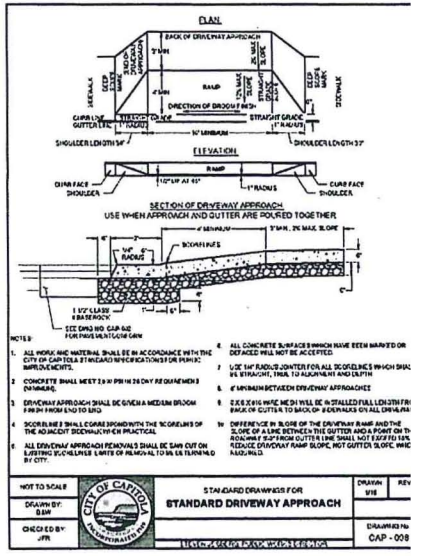
1 TYPICAL CATCH BASIN DETAIL SCALE: NTS



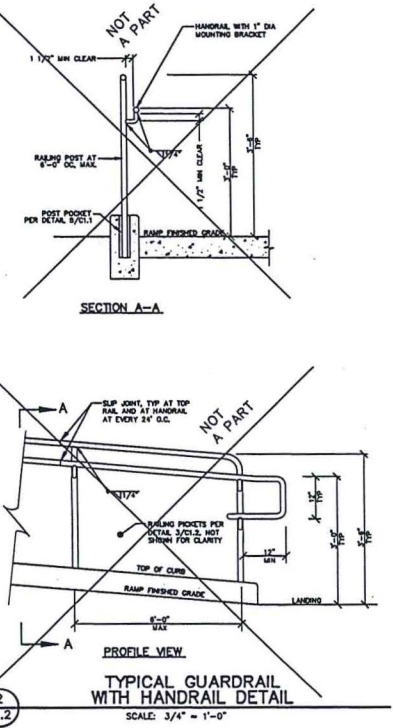
2 STANDARD DRAWINGS FOR CONCRETE GUTTER REPLACEMENT SCALE: NTS



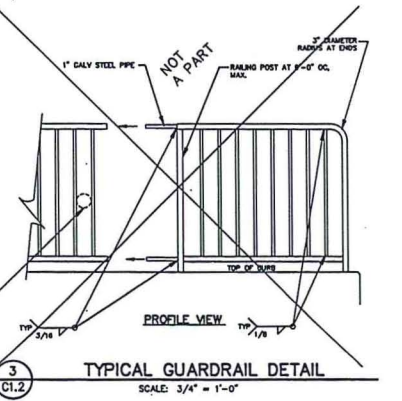
3 STANDARD DRAWINGS FOR CURB, GUTTER, AND SIDEWALK SCALE: NTS



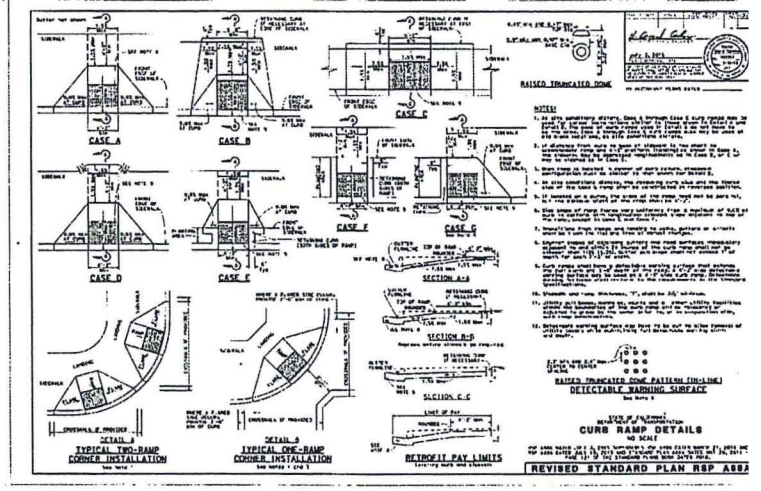
4 STANDARD DRAWINGS FOR STANDARD DRIVEWAY APPROACH SCALE: NTS



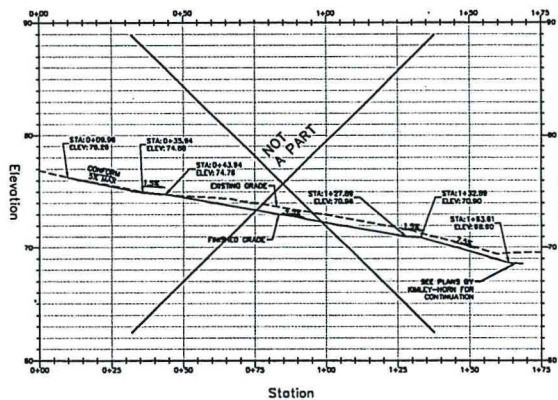
2 TYPICAL GUARDRAIL DETAIL WITH HANDRAIL DETAIL SCALE: 3/4\"/>



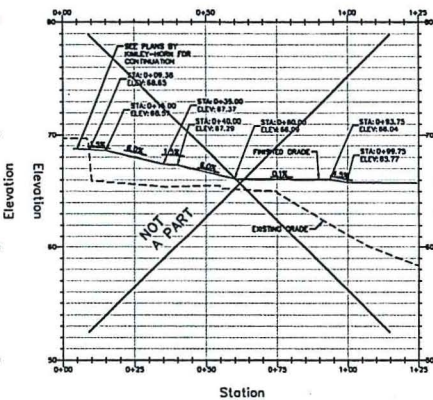
3 TYPICAL GUARDRAIL DETAIL SCALE: 3/4\"/>



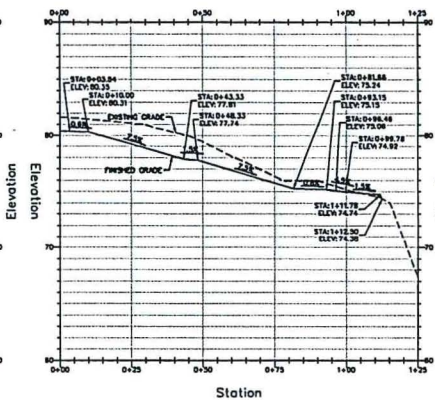
BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS 2011 EDGAR STREET SARASOTA, FL 34230 (813) 426-2280		CITY OF CAPITOLA & CALTRANS DETAILS  RISPIN HANSHORN PARK CAPITOLA, CALIFORNIA	
SCALE AS SHOWN	DRAWN: JFR	JOB NO. 25803	
DATE: FEBRUARY 25, 2016	CHECKED: JFR	NO. 000	
DESIGN: BWS	ENG. NAME: 25803-CL-2	FILE NO.	



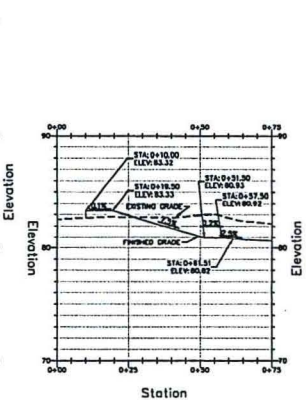
1 RAMP A PROFILE  
C1.3 SCALE H: 1"=20' V: 1"=5'



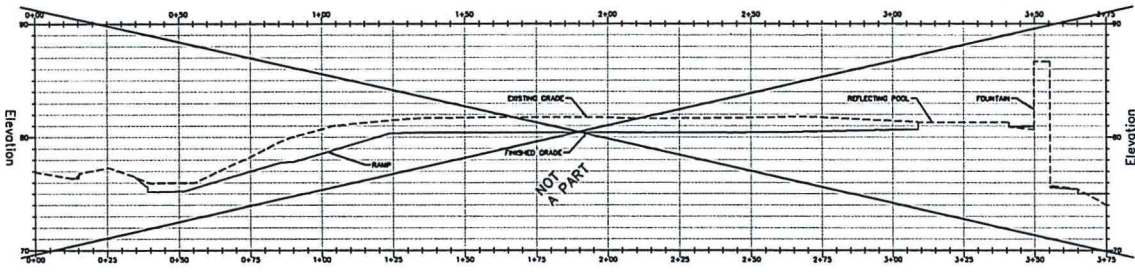
2 RAMP B PROFILE  
C1.3 SCALE H: 1"=20' V: 1"=5'



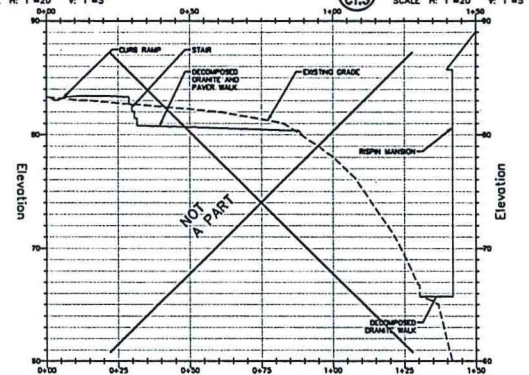
3 RAMP C PROFILE  
C1.3 SCALE H: 1"=20' V: 1"=5'



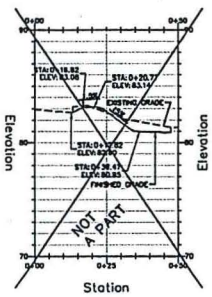
4 RAMP D PROFILE  
C1.3 SCALE H: 1"=20' V: 1"=5'



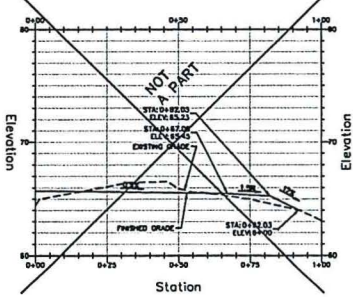
5 SITE SECTION 1  
C1.3 SCALE H: 1"=20' V: 1"=5'



6 SITE SECTION 2  
C1.3 SCALE H: 1"=20' V: 1"=5'



7 DRIVEWAY PROFILE 1  
C1.3 SCALE H: 1"=20' V: 1"=5'

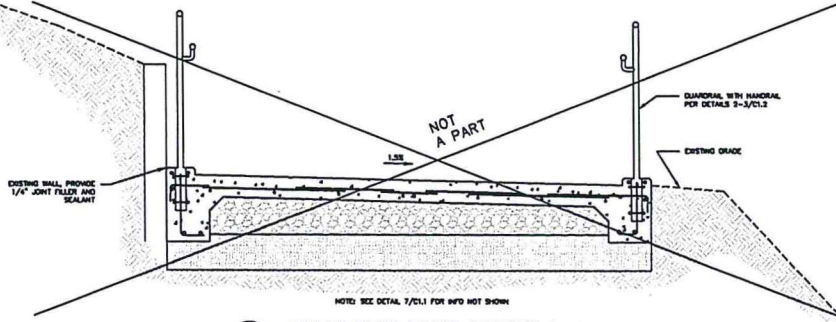


8 DRIVEWAY PROFILE 2  
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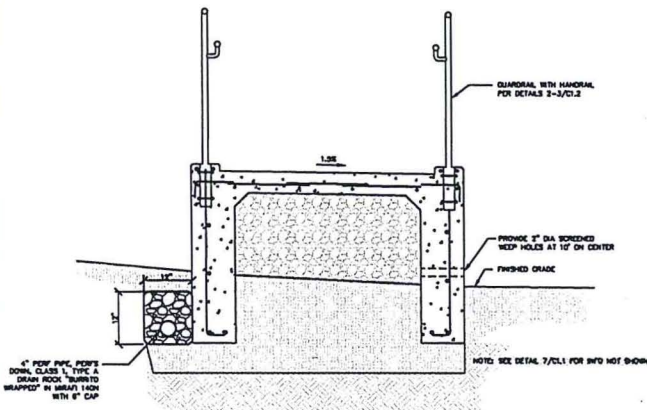


BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS 1011 CEDAR STREET SANITA CRUZ, CA 95060 (831) 428-3540		SITE SECTIONS & PROFILES	
RISPIN MANOR PARK CAPITOLA, CALIFORNIA			
SCALE 1" = 20'	DRAWN BWR	JOB NO. 25803	SHEET
DATE FEBRUARY 25, 2016	CHECKED JFR	NO. 1	C1.3
DESIGN BWR	DWG NAME 25803-C1.3	FILE NO.	07

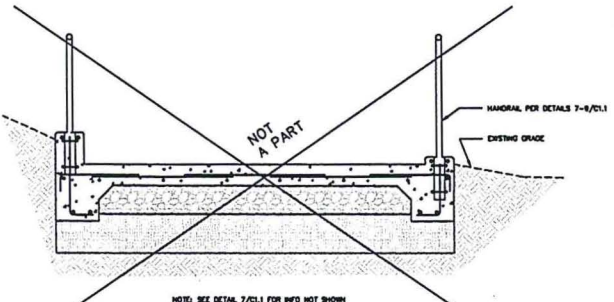
Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway



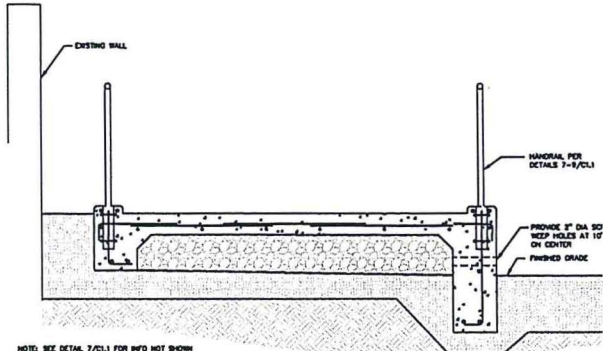
**1**  
Cl.4  
**WHEELCHAIR RAMP SECTION A-A**  
SCALE: 3/4" = 1'-0"



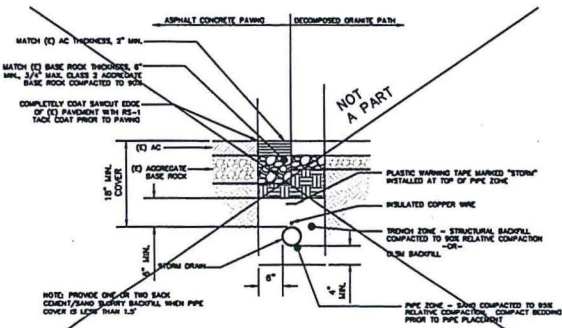
**2**  
Cl.4  
**WHEELCHAIR RAMP SECTION C-C**  
SCALE: 3/4" = 1'-0"



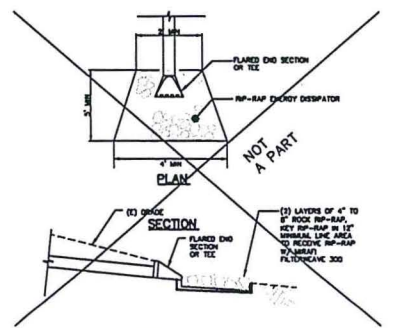
**3**  
Cl.4  
**WHEELCHAIR RAMP SECTION B-B**  
SCALE: 3/4" = 1'-0"



**4**  
Cl.4  
**WHEELCHAIR RAMP SECTION D-D**  
SCALE: 3/4" = 1'-0"



**5**  
Cl.4  
**STORM DRAIN TRENCH**  
SCALE: 3/4" = 1'-0"



**6**  
Cl.4  
**STORM DRAIN OUTFALL**  
SCALE: NTS



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DATE	DESIGN	CHKD	JOB NO.
FEBRUARY 25, 2018	CHECKED	JFR	25803
DESIGN BPR	DWG NAME	25803-CL.4	FILE NO.

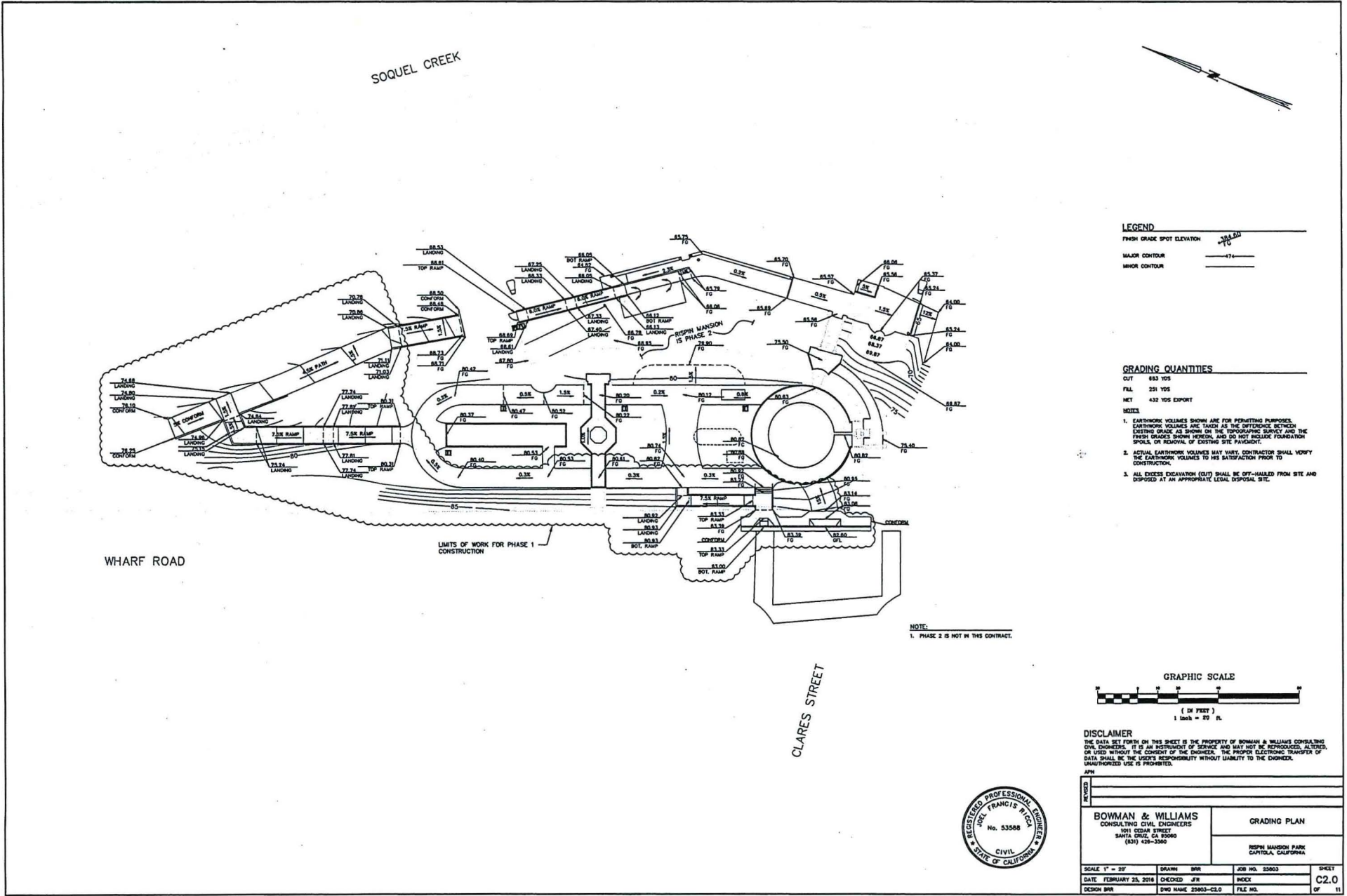
**BOWMAN & WILLIAMS**  
CONSULTING CIVIL ENGINEERS  
1011 CEDAR STREET  
SANTA ANA, CA 92705  
(831) 478-2080

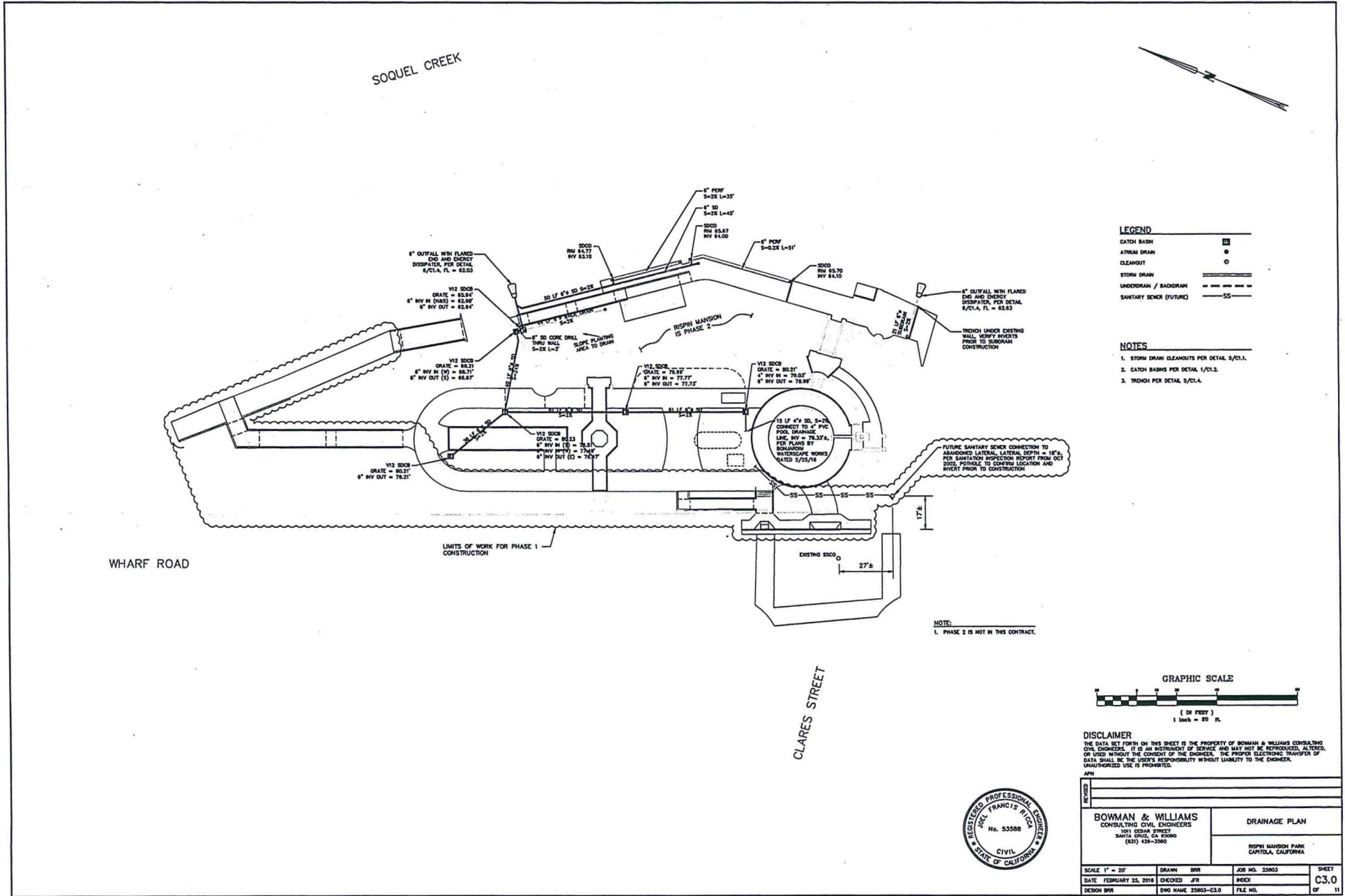
**RAMP SECTIONS**  
RISPM MARION PARK  
CAPITOLA, CALIFORNIA

A:\BANK\25803\25803-Ramp-Plan\A\25803-CL.4 - Ramp Sections.dwg, 2/27/2018 11:47:55 AM, DWG, by JFR, n2

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway





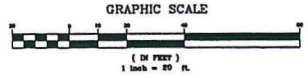


**LEGEND**

CATCH BASIN	■
ATRIUM DRAIN	○
CLEANOUT	○
STORM DRAIN	———
UNDERDRAIN / BACKDRAM	--- · --- ·
SANITARY SEWER (FUTURE)	SS

- NOTES**
1. STORM DRAIN CLEANOUTS PER DETAIL 8/C1.1.
  2. CATCH BASIN PER DETAIL 1/C1.2.
  3. TRENCH PER DETAIL 8/C1.4.

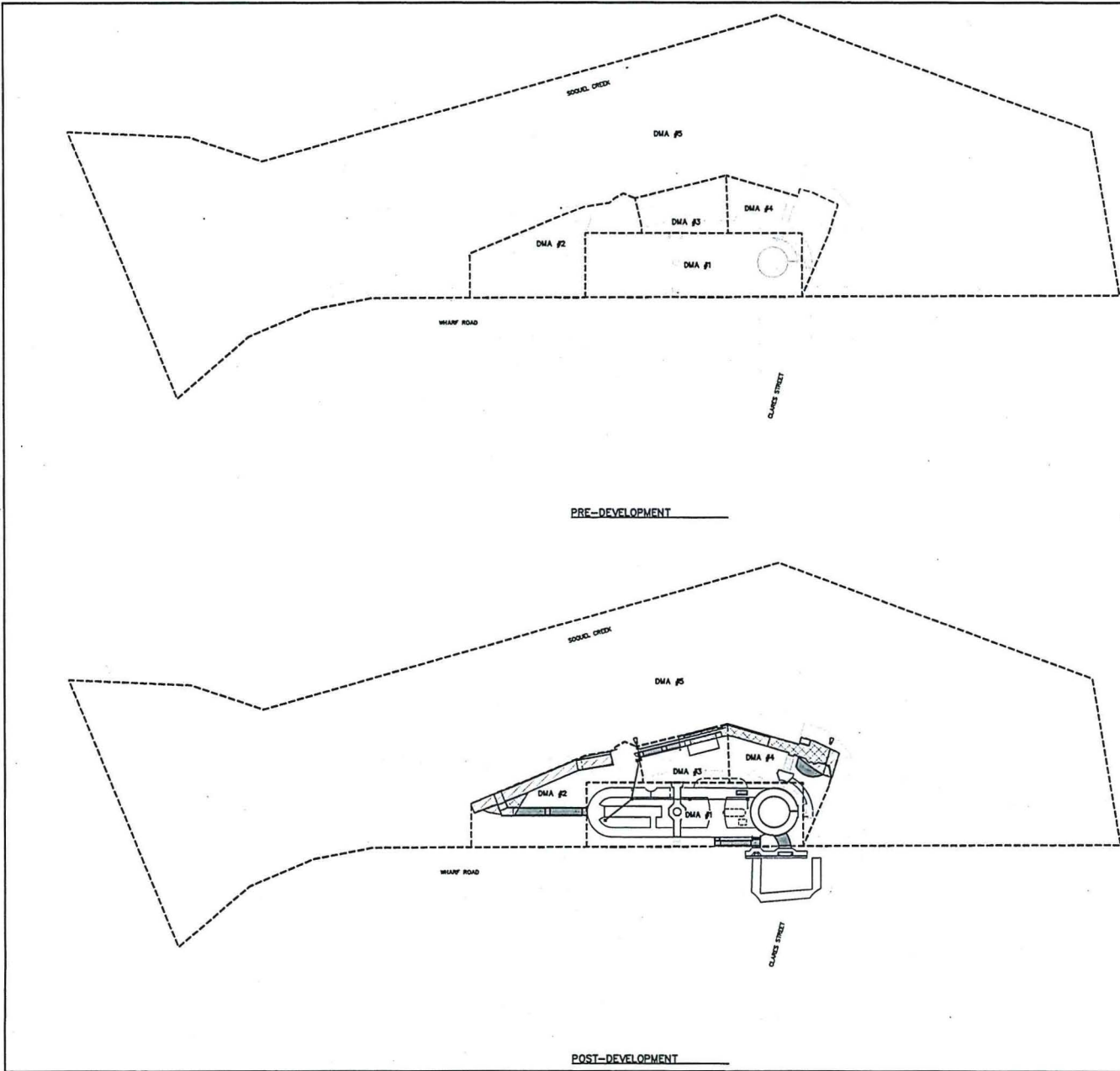
NOTE:  
1. PHASE 2 IS NOT IN THIS CONTRACT.



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APN		DRAWN BRR		JOB NO. 25603	SHEET
ENCLOSURE		CHECKED JFR		INDEX	C3.0
DATE FEBRUARY 25, 2016		DWO NAME 25603-C3.0		FILE NO.	OF 11
<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 101 OCEAN STREET SANTA ANITA, CA 95060 (831) 426-3360			<b>DRAINAGE PLAN</b>  RISPIN MANSION PARK CAPITOLA, CALIFORNIA		



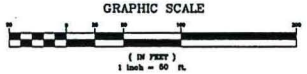
**LEGEND**

- EXISTING IMPERVIOUS AREA
- REMOVED IMPERVIOUS AREA
- NEW IMPERVIOUS AREA
- REPLACED IMPERVIOUS AREA

**IMPERVIOUS AREAS**

DMA	EXISTING	REMOVED	NEW	REPLACED
1	1217	0	251	0
2	2552	380	870	1542
3	1165	0	296	57
4	2254	1008	279	370
TOTAL	7188	1388	1396	2387

NEW + REPLACED = 1626 + 2369 = 4195 (LESS THAN 15000, TIER 1)  
 NET (NEW - REMOVED) = 2808 - 1388 = 1420 (LESS THAN 5000, TIER 1)



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APR \_\_\_\_\_

NOV \_\_\_\_\_

FEB \_\_\_\_\_

MAR \_\_\_\_\_

MAY \_\_\_\_\_

JUN \_\_\_\_\_

JUL \_\_\_\_\_

AUG \_\_\_\_\_

SEP \_\_\_\_\_

OCT \_\_\_\_\_

NOV \_\_\_\_\_

DEC \_\_\_\_\_

**BOWMAN & WILLIAMS**  
 CONSULTING CIVIL ENGINEERS  
 101 CEDAR STREET  
 SANTA CRUZ, CA 95060  
 (831) 426-3580

**STORMWATER CONTROL PLAN**

RESPIR MANSION PARK  
 CAPITOLA, CALIFORNIA

SCALE 1" = 50'

DATE FEBRUARY 23, 2018

DESIGN BWR

DRAWN BWR

CHECKED JFR

DWG NAME 25803-C4.0

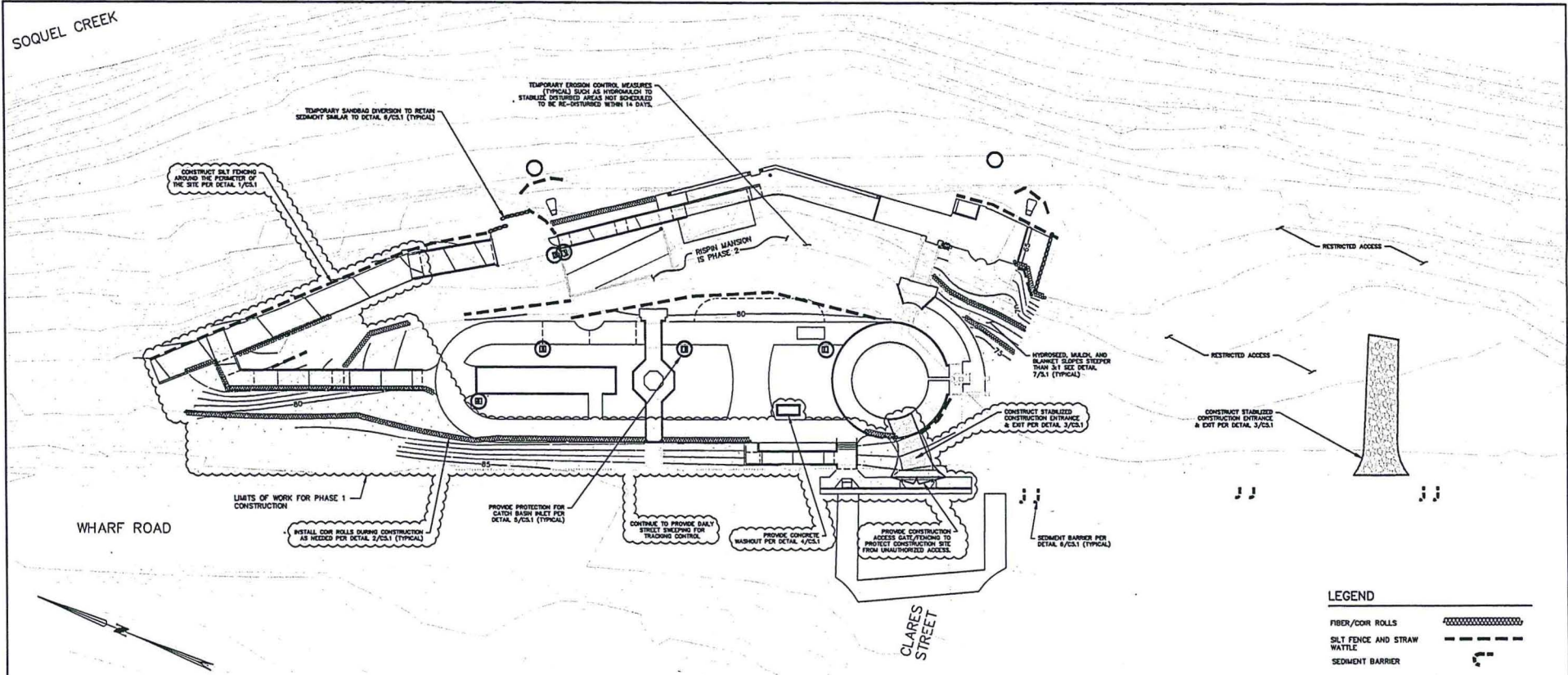
JOB NO. 25803

INDEX

FILE NO.

SHEET C4 OF

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway



- TEMPORARY EROSION CONTROL MEASURES**
- THE DEVELOPER SHALL BE RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING SITE EROSION CONTROL AT ALL TIMES.
  - EROSION IS TO BE CONTROLLED AT ALL TIMES ALTHOUGH SPECIFIC MEASURES SHOWN ARE TO BE IMPLEMENTED AT A MINIMUM BETWEEN OCTOBER 15TH AND APRIL 15TH. BETWEEN OCTOBER 15TH AND APRIL 15TH MAT BALES, FLEX BORDS, SILT FENCES OR OTHER MEANS SHALL BE EMPLOYED TO PREVENT SEDIMENT FROM LEAVING THE SITE OR EXCEEDING ANY WATERCOURSE.
  - RUNOFF FROM THE CONSTRUCTION SITE MUST NOT BE ALLOWED TO FLOW OVER ANY FILL SLOPES.
  - RUNOFF SHALL BE DIRECTED TOWARDS THE NEAREST CATCH BASIN WITH TEMPORARY EARTHEN BORDS.
  - SILT BARRIERS SHALL BE CONSTRUCTED ALONG THE BOTTOM OF ALL GRADED SLOPES.
  - CATCH BASINS SHALL BE ENCLOSED BY A SILT BARRIER ON ALL FOUR SIDES. USE DRAVEL FILLED SANDBARS OR STRAW PALE INLET BARRIERS.
  - ON ALL FINISH GRADED SLOPES, ON- AND OFF-SITE, EXPOSED DURING CONSTRUCTION ACTIVITIES, IF NOT PERMANENTLY LANDSCAPED FOR PLANT, SHALL BE PROTECTED BY MULCHING AND/OR PLANTING OF ANNUAL WINTER GRASSES AT A RATE OF 35 LBS PER ACRE.
  - ONCE SLOPES ARE SEEDED AND MULCHED, COVER THEM WITH TWO INCHES (2") OF STRAW PUNCHED INTO THE GROUND BY SHEEP ROLLER. IF AVAILABLE, USE NATIVE BUNCH GRASS STRAW (PREFERABLY BROWN CORNHOUSERS). IF NOT AVAILABLE, USE COMMERCIALLY AVAILABLE TYPES (E.G. WHEAT, OAT, BARLEY, ETC.). DISPOSED SOIL ON SLOPES GREATER THAN 30% SHALL BE SEEDING COVERED WITH 3 INCHES OF STRAW AND A NORTH AMERICAN GREEN SOYBEAN EROSION CONTROL BLANKET, OR APPROVED EQUAL. THE EROSION CONTROL BLANKET SHALL BE STAKED IN PLACE.
  - FERTILIZER REQUIRED FOR THIS SEED MIX IS AMMONIUM PHOSPHATE AT AN APPLICATION RATE OF 250 LB PER ACRE.
  - SEEDING MAY BE OMITTED FOR AREAS THAT ARE TO RECEIVE PERMANENT LANDSCAPING PROVIDED SAID LANDSCAPING IS IN PLACE PRIOR TO OCTOBER 15TH.
  - UNNECESSARY GRADING AND DISTURBING OF SOIL SHALL BE AVOIDED.
  - DURING CONSTRUCTION, NO TURBO WATER SHALL BE PERMITTED TO ENTER THE CHANNEL OR STORM DRAIN SYSTEM. USE OF SILT AND GREASE TRAP/FILTER BORDS MAY BUILT ON SILT FENCES SHALL BE USED TO PREVENT SUCH DISCHARGE.
  - ALL EXCAVATED MATERIAL NOT SUITABLE FOR FILL OR REUSE SHALL BE REMOVED TO AN APPROVED DISPOSAL SITE OR DISPOSAL OF ON-SITE IN A MANNER THAT WILL NOT CAUSE EROSION.
  - ANY MATERIAL STOCKPILED ON-SITE SHALL BE COVERED WITH PLASTIC, ESPECIALLY DURING THE WINTER MONTHS OR DURING PERIODS OF RAIN.
  - IT IS THE DEVELOPER'S RESPONSIBILITY TO SEE THAT ADDITIONAL MEASURES, NECESSARY TO CONTROL SITE EROSION AND PREVENT SEDIMENT TRANSPORT OFF-SITE ARE IMPLEMENTED.
  - 48 HOUR NOTICE SHALL BE GIVEN TO ENVIRONMENTAL PLANNING AT 454-3188 PRIOR TO COMMENCING WORK, AND UPON COMPLETION OF GRADING AND EROSION CONTROL. FAILURE TO COMPLY WILL RESULT IN ISSUANCE OF A STOP WORK ORDER.

- GENERAL OPERATION NOTES:**
- PERIMETER SITE FENCING SHALL BE INSTALLED SO AS NOT TO OBSTRUCT DRAINAGE/RUNOFF PATH OF TRAVEL.
  - STOCKPILE MANAGEMENT SHALL BE IMPLEMENTED YEAR ROUND.
    - PROVIDE SEDIMENT BARRIER AROUND STOCKPILES FOR REGULAR USAGE DURING THE DRY SEASON. IMPLEMENT WIND EROSION PRACTICES SUCH AS WATERING AS NECESSARY TO KEEP DUST LEVEL DOWN.
    - STOCKPILES NOT TO BE USED WITHIN 14 DAYS SHALL BE FENCED AND COVERED IMMEDIATELY WITH 10 LB. PVC PLASTIC SHEETING.
    - ALL ACTIVE STOCKPILES SHALL BE COVERED WITH 10 LB. PVC PLASTIC SHEETING PRIOR TO THE ONSET OF PRECIPITATION.
  - DURING WINTER SEASON, PROTECT ALL STOCKPILES FROM STORMWATER RUN-OFF USING SEDIMENT BARRIER AND PLASTIC SHEETING.
  - IMMEDIATELY REVEGETATE OR COVER DISTURBED AREAS APPLY NEED-NEED MULCH OR REVEGETATE ALL SOIL EXPOSED BEFORE OCTOBER 15TH OF EACH YEAR.
  - DISCONTINUE THE APPLICATION OF ANY EROSION CONTROL MATERIAL WITHIN 2 DAYS BEFORE A FORECASTED RAIN EVENT OR DURING PERIODS OF PRECIPITATION.
  - GRAVEL, SAND & COIR/FIBER ROLL PRODUCTS MAY BE SUBSTITUTED WITH OTHER APPROVED SEDIMENT BARRIER/CONTROL MANUFACTURED DEVICES.
  - DO NOT WASH DOWN PAVEMENT OR SURFACES WHERE SILT HAS BEEN DEPOSITED OR MATERIALS HAVE SPLAZED. USE DRY CLEAN METHODS.
  - AVOID CONTAMINATING CLEAN RUN-OFF FROM AREAS ADJACENT TO YOUR SITE BY USING REUSE AND/OR TEMPORARY OR PERMANENT DRAINAGE DITCHES TO DIVERT WASH FLOW AROUND SITE.
  - PLACE TRASH CANS AROUND THE SITE TO REDUCE POTENTIAL LITTER. DISPOSE OF NON-HAZARDOUS CONSTRUCTION WASTE IN COVERED DUMPSTERS OR RECYCLING RECEPTACLES. RECYCLE LEFTOVER MATERIALS WHEREVER POSSIBLE.
  - DISPOSE OF ALL WASTE PROPERLY. MATERIALS THAT CAN NOT BE REUSED OR RECYCLED MUST BE TAKEN TO AN APPROVED LANDFILL OR DISPOSAL OF AS HAZARDOUS WASTE, AS APPROPRIATE.
  - TRAIN YOUR EMPLOYEES AND BEFORE CONTRACTORS AND SUBCONTRACTORS ABOUT STORM WATER MANAGEMENT REQUIREMENTS AND THEIR RESPONSIBILITIES FOR COMPLIANCE.

- INSPECTION & MAINTENANCE NOTES:**
- THE CONTRACTOR SHALL PERFORM AND MAKE WRITTEN RECORD OF ALL SITE INSPECTIONS TO ENSURE ADEQUATE DEPLOYMENT OF BMP'S.
  - DURING INSPECTIONS IDENTIFY AND RECORD BMP'S THAT NEED MAINTENANCE TO OPERATE EFFECTIVELY, THAT HAVE FAILED, OR THAT COULD FAIL TO OPERATE AS INTENDED.
  - REPAIR TO BMP'S SHALL BEGIN WITHIN 72 HOURS OF IDENTIFICATION AND THE CHANGES COMPLETED AS SOON AS POSSIBLE.
  - CONDUCT INSPECTIONS DURING BUSINESS HOURS ONLY.
  - AT MINIMUM, INSPECTIONS WILL BE CONDUCTED AS FOLLOWS:
    - WEEKLY
    - DURING STORM EVENT
    - DURING STORM EVENT
    - POST STORM EVENT
  - VISUALLY INSPECT FOR ANY SPILLS, LEAKS, STORMWATER RUN-OFF, EROSION, SINKS ON THE SURFACE, TURBIDITY, OODORS, AND SOURCE OF ANY OBSERVED POLLUTANTS.
  - AT THE END OF EACH WORK DAY, 4 VISUAL INSPECTIONS SHALL BE CONDUCTED:
    - COVER ALL TRASH AND TRASH CONTAINERS.
    - COVER CONCRETE WASHOUT FACILITY.
    - COVER ALL OTHER CHEMICAL/WASTE CONTAINERS.
    - LOCK ACCESS GATE TO PREVENT UNAUTHORIZED ACCESS.
- RAIN EVENT MEASURES:**
- 48 HOURS PRIOR TO A PREDICTED RAIN EVENT, IN ADDITION TO THE INSTALLED BMP'S, THE CONTRACTOR SHALL COVER ANY DISTURBED BARE SOILS WITH MULCH OR EROSION CONTROL BLANKETS.
  - A PREDICTED RAIN EVENT IS A FORECAST TO HAVE A 50% OR GREATER PROBABILITY OF PRECIPITATION IN THE PROJECT AREA FOR THE NATIONAL WEATHER SERVICE (NWS) AT WASHINGTON, D.C.
  - COVER ALL TRASH CONTAINERS, CONCRETE WASHOUT FACILITY, AND OTHER CHEMICAL/WASTE CONTAINERS FROM PRECIPITATION.

- CAPITOLA STORMWATER BMP'S**
- CONDUCT ASPHALT AND CONCRETE REMOVAL ACTIVITIES DURING DRY WEATHER WHENEVER POSSIBLE.
  - PRETECT NEARBY STORM DRAIN INLETS AND ADJACENT WATER BODIES FROM BECOMING SOIL, ASPHALT, OR CONCRETE. IF RAIN IS FORECAST, THEN PLACE SANDBARS AROUND INLETS OR WORK AREAS.
  - DRY OUT WHENEVER POSSIBLE. SWEEP BY HAND OR USING STREET SHEEPING EQUIPMENT AS APPROPRIATE. DURING SAW CUTTING AND DRAGING OPERATIONS, USE AS LITTLE WATER AS POSSIBLE. PROTECT NEARBY CATCH BASINS OR GUTTERS, AND USE MATERIALS TO CONTAIN THE SLURRY. IF SLURRY ENTERS THE STORM DRAIN SYSTEM, REMOVE MATERIAL IMMEDIATELY. REMOVE SAW-DUST SLURRY FROM THE WORK AREA WITH A SHOVEL, VALDAM OR BY SWEEPING AS SOON AS IT IS DRY.
  - WHEN THE JOB IS COMPLETED, BE SURE THAT ALL PARTICLES AND DEBRIS ARE COLLECTED AND REMOVED FROM THE SITE. SWEEP THE AREA BY HAND OR WITH THE CITY'S STREET SWEEPING EQUIPMENT. BE SURE THAT NOTHING HAS DRIFTED TOWARDS THE STREET, GUTTER, OR CATCH BASIN.
  - SEVERELY PATCHING, RESURFACING AND SURFACE SEALING DURING DRY WEATHER.
  - PREHEAT, TRANSFER, OR LOAD HOT BITUMINOUS MATERIAL AWAY FROM DRAINAGE SYSTEMS OR WATERCOURSES.
  - COVER AND SEAL NEARBY STORM DRAIN INLETS AND MANHOLES BEFORE APPLYING SEAL COAT, SLURRY SEAL, ETC. LEAVE COVERS IN PLACE UNTIL JOB IS COMPLETE AND WITH ALL WATER FROM EXHAUSTED OR SEALANT HAS DRAINED OR EVAPORATED. COLLECT WASTE MATERIALS FOR PROPER DISPOSAL.
  - USE ONLY AS MUCH WATER AS NECESSARY FOR DUST CONTROL TO AVOID RUNOFF. IF IT RAINS UNEXPECTEDLY, TAKE APPROPRIATE ACTION TO PREVENT POLLUTION OF STORM WATER RUNOFF. DIVERT RUNOFF AROUND WORK AREAS AND COVER MATERIALS, STOCKPILE MATERIALS AWAY FROM STREET, GUTTER, ANIMAL STORM DRAIN INLETS OR WATERCOURSES. DURING WET WEATHER, COVER STOCKPILES WITH TARPES OR USE BORDS TO PREVENT RUNOFF.
  - REMOVE STOCKPILES, SWEEP UP EXCESS MATERIAL, AND DISPOSE OF PROPERLY BY THE END OF EACH DAY OR BY THE END OF THE WET SEASON. THE END OF EACH DAY, SWEEP UP AS MUCH EXCESS MATERIAL AS POSSIBLE AND DISPOSE CONTAINED. STOCKPILES MUST BE REMOVED BY THE END OF EACH DAY IF THEY ARE LOCATED IN THE PUBLIC RIGHT-OF-WAY.
  - RECYCLE AS MUCH OLD PAINTMENT MATERIAL AS POSSIBLE. PROPERLY DISPOSE OF NON-RECYCLABLE MATERIALS.
  - PARK PAVING MACHINES OVER DRIP PANS OR ABSORBENT MATERIALS.
  - NEVER WASH SWEEPINGS FROM EXPOSED AGGREGATE CONCRETE INTO A STREET OR A STORM DRAIN INLET. COLLECT AND RETURN TO AGGREGATE BASE. STOCKPILE OR DISPOSE OF IN THE TRASH.

**LEGEND**

- FIBER/COIR ROLLS
- SILT FENCE AND STRAW WATTLE
- SEDIMENT BARRIER
- CONSTRUCTION ENTRANCE
- INLET PROTECTION
- HYDROSEED

**GRAPHIC SCALE**  
( IN FEET )  
1 inch = 20 ft.

**AREA OF DISTURBANCE**  
PHASE 1 = 11,095 SF  
PHASE 2 = 16,972 SF  
TOTAL = 28,067 SF

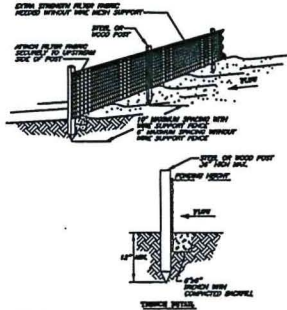
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**BOWMAN & WILLIAMS CONSULTING CIVIL ENGINEERS**  
1011 CEDAR STREET  
SANTA ANA, CA 92704  
(831) 428-3360

**EROSION & SEDIMENT CONTROL PLAN**  
RISPIN MANSION PARK  
CAPITOLA, CALIFORNIA

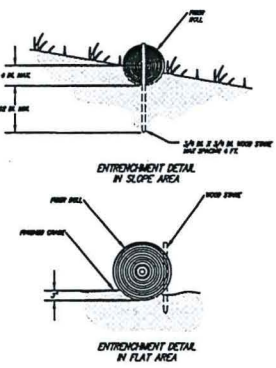
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DATE: FEBRUARY 25, 2016  
DRAWN: MML  
CHECKED: JFR  
DWG NAME: 25003-C&O  
JOB NO. 25003  
SHEET C5.0  
OF 11

**REGISTERED PROFESSIONAL ENGINEER**  
JOEL FRANCIS RICE  
No. 53588  
CIVIL  
STATE OF CALIFORNIA

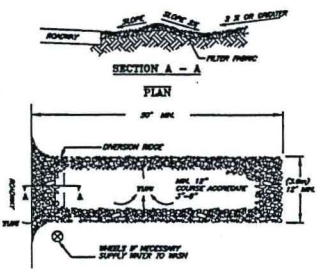


**NOTES:**  
 1. SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.  
 2. INSPECT AND REPAIR FENCE AFTER EACH STORM EVENT AND REMOVE SEDIMENT WHEN NECESSARY. IF NECESSARY, RECOMMENDED STORMAGE REDUCTION.  
 3. REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.

**1** SILT FENCE  
SCALE: NTS

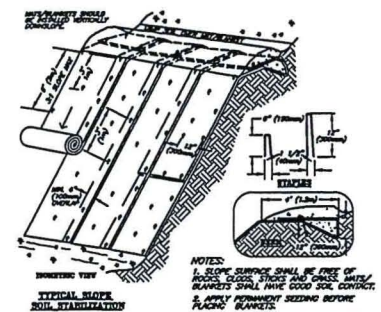


**2** COIR/FIBER ROLLS (STRAW WATTLES)  
SCALE: NTS



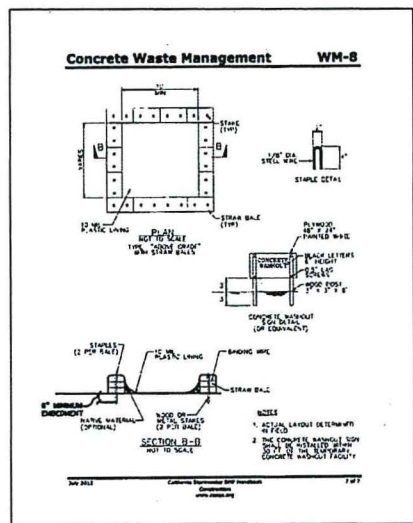
**NOTES:**  
 1. Properly grade entrance to prevent runoff from construction site. Entrance elevation should be lower than street.  
 2. Inspect routinely for damage and repair as needed.  
 3. Pressure test of employees, subcontractors and suppliers before the stabilizer construction entrance.  
 4. Service sediment trapping devices regularly.

**3** CONSTRUCTION ENTRANCE  
SCALE: NTS

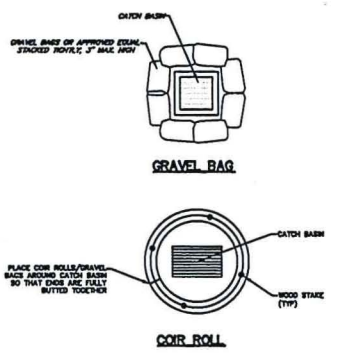


**NOTES:**  
 1. SLOPE SURFACE SHALL BE FREE OF ROCKS, LOGS, STICKS AND OTHER DEBRIS. BARRIERS SHALL HAVE GOOD SOIL CONTACT.  
 2. APPLY STABILIZER SEEDING BEFORE PLACING BARRIERS.  
 3. LAY BARRIERS LOOSELY AND STAKE UP TIGHTLY TO MAINTAIN CONTACT WITH THE SOIL. DO NOT STRETCH.

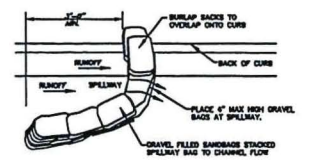
**7** EROSION CONTROL BLANKET  
SCALE: NTS



**4** CONCRETE WASHOUT FACILITY  
SCALE: NTS

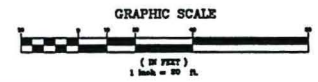


**5** STORM DRAIN PROTECTION  
SCALE: NTS



**NOTES:**  
 1. PLACE CURB TYPE SEDIMENT BARRIERS ON SLOPE UPWARD STREET SIDEWALK. MAKE WATER CAN POND AND ALLOW SEDIMENT TO SEPARATE FROM RUNOFF.  
 2. GRAVEL/FILLBACKS OF OTHER BURLAP OR WOVEN 'TEXTILE' FABRIC, ARE FILLED WITH GRAVEL, LAYERED AND PACKED TIGHTLY.  
 3. LEAVE ONE SANDBAG GAP IN THE TOP ROW TO PROVIDE A SPILLWAY FOR OVERFLOW.  
 4. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT. SEDIMENT AND GRAVEL MUST BE REMOVED FROM THE TRAVELED WAY IMMEDIATELY.

**6** SEDIMENT BARRIER  
SCALE: NTS



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<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 1011 CEDAR STREET SANTA CRUZ, CA 95060 (837) 428-3980		<b>EROSION &amp; SEDIMENT CONTROL DETAILS</b>  RISPIN HAUSCH PARK CAPITOLA, CALIFORNIA	
SCALE AS SHOWN	DATE FEBRUARY 25, 2018	DESIGNER DBO	DWG. NO. 25063-C01
DRAWN BY	CHECKED JFR	INCH	FILE NO.
DATE	DWG. NAME	JOB NO. 25063	DR
			CR
			OF

Communication: Item 8.F. Memorandum from Jesberg regarding Rispin/Peery ADA Pathway

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

---

**From:** Carol Corless <c.corless@sbcglobal.net>  
**Sent:** Sunday, March 06, 2016 8:22 AM  
**To:** City Council  
**Subject:** NO to Verizon's proposed Cell Tower at Begonia Plaza

Dear Council Members,

I would like to express my extreme disapproval to Verizon's plan to put a Cell Tower atop Subway Sandwich at Begonia Plaza, 1200 41st Ave Capitola. Cell Towers emit harmful microwave radiation and have been proven to cause many harmful affects in humans including Mental confusion, headaches, sleep problems, memory problems, ringing in the ears, dizziness, irregular heartbeat, depression and Cancer. The radiation extends 1,000 ft in all directions. This bombardment would be 24/7. We as residents did not authorize or approve this proposed plan. The owner of Begonia Plaza, Stephanie Jenkins is contracting with Verizon to have this installed. In addition, it will result in the devaluation of our property at Tradewinds Mobile Home Park. Please do everything in your power to NOT allow this Cell Tower in our neighborhood. Please vote NO!

Respectfully, Carol Corless, 4160 Jade St Space 72, Capitola Tel # 831 475-8960

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

---

**From:** Safty, Ryan (rsafty@ci.capitola.ca.us)  
**Sent:** Tuesday, March 08, 2016 12:59 PM  
**To:** Sneddon, Su (ssneddon@ci.capitola.ca.us); Deiter, Michele (MDeiter@ci.capitola.ca.us)  
**Subject:** FW: NO to Verizon's proposed Cell Tower at Begonia Plaza

**From:** C.Corless [mailto:c.corless@sbcglobal.net]  
**Sent:** Tuesday, March 08, 2016 12:53 PM  
**To:** Safty, Ryan (rsafty@ci.capitola.ca.us) <rsafty@ci.capitola.ca.us>  
**Subject:** NO to Verizon's proposed Cell Tower at Begonia Plaza

Dear Community Development Department,

I would like to express my extreme disapproval to Verizon's plan to put a Cell Tower atop Subway Sandwich at Begonia Plaza, 1200 41st Ave, Capitola. Cell Towers emit harmful microwave radiation and have been proven to cause many harmful affects in humans including Mental confusion, headaches, sleep problems, memory problems, ringing in the ears, dizziness, irregular heartbeat, depression and Cancer. The radiation extends 1,000 ft in all directions.(Probably More) This bombardment would be 24/7. We don't want our Health to deteriorate. We as residents did not authorize or approve this proposed plan. The owner of Begonia Plaza, Stephanie Jenkins is contracting with Verizon to have this installed.

In addition, it will result in the devaluation of our property at Tradewinds Mobile Home Park. We all own our Homes and the land, paying property taxes. All of us chose to live here in Capitola because we know it is Paradise and we are very grateful for a well run City.

Please do everything in your power to NOT allow this Cell Tower in our neighborhood. Please vote NO!

Respectfully,

Carol Corless  
 4160 Jade St Spc 72  
 Capitola  
 Tel # 831 475-8960

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

---

**From:** Carol Corless <c.corless@sbcglobal.net>  
**Sent:** Thursday, March 10, 2016 2:37 PM  
**To:** City Council  
**Subject:** No Verizon Cell Tower in our neighborhood!!!

Dear City Council Members,

Please refer to the article in Santa Crus Sentinel about one year ago regarding placing a Cell Tower at Capitola City Hall. The article is dated January 14, 2015 in which Capitola City Council Members, specifically Mike Termini said NO! citing concerns of the residents. Here we are again with the same issue. Tradewinds Mobile Home Park does not want a Cell Tower in our neighborhood either. Please Do Not Allow it to be placed at Begonia Plaza.

Sincerely,

Carol Corless  
4160 Jade St Spc 72  
Capitola Ca

Tel# 831 475-8960

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)



**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

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**From:** Safty, Ryan (rsafty@ci.capitola.ca.us)  
**Sent:** Thursday, March 10, 2016 1:01 PM  
**To:** Sneddon, Su (ssneddon@ci.capitola.ca.us)  
**Subject:** FW: the proposed cell tower atop subway in Capitola

**From:** Linda Domenici [mailto:linda@geohwilson.com]  
**Sent:** Thursday, March 10, 2016 11:53 AM  
**To:** Safty, Ryan (rsafty@ci.capitola.ca.us) <rsafty@ci.capitola.ca.us>  
**Subject:** the proposed cell tower atop subway in Capitola

Please DO NOT go ahead with this installation. I live within walking distance & shop at the Begonia Plaza all the time. I do not want a cell tower this close to my house emitting it's rays and I know many of the businesses such as Way of Life & New Leaf DO NOT want this intrusion either. PLEASE reconsider the location and move it somewhere else.

Thank you,  
Linda Domenici  
4160 Jade St  
Capitola Ca 95010

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

**From:** Safty, Ryan (rsafty@ci.capitola.ca.us)  
**Sent:** Tuesday, March 08, 2016 2:16 PM  
**To:** Sneddon, Su (ssneddon@ci.capitola.ca.us); Deiter, Michele (MDeiter@ci.capitola.ca.us)  
**Subject:** FW: Proposed Verizon cell tower at Begonia plaza

-----Original Message-----

From: S [mailto:smcemsley@gmail.com]  
 Sent: Tuesday, March 08, 2016 1:36 PM  
 To: Safty, Ryan (rsafty@ci.capitola.ca.us) <rsafty@ci.capitola.ca.us>  
 Subject: Proposed Verizon cell tower at Begonia plaza

To whom it may concern,

I am a resident home owner in Trade Winds park. My homes shares the wall with the Begonia plaza shopping center. I have major health concerns having a cell phone tower in close proximity to my home. I have proceeded to look into this matter and found significant cause for concern.

- Mobile towers which are installed on tops of buildings are especially dangerous because they emit microwave at a frequency of 1900mhz.

- Intense radioactivity from mobile phone towers adversely impacts every biological organisms within one square kilometer.

- Cell phone towers microwaves have significantly higher frequency than radio waves. The higher the frequency, the more powerful the wave. Which means the more powerful effect on the biological organisms.

With that in mind comes health effects, fatigue, headaches, cardiovascular stress, cancer, memory loss, skin problems and many more health issues.

As someone living under close proximity, practically my backyard, to the tower I would feel these effects and strictly oppose having this towers set up.

Thank you for reading my concerns,  
 Sandra Emsley

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

---

**From:** Safty, Ryan (rsafty@ci.capitola.ca.us)  
**Sent:** Thursday, March 10, 2016 9:39 AM  
**To:** Sneddon, Su (ssneddon@ci.capitola.ca.us); Deiter, Michele (MDeiter@ci.capitola.ca.us)  
**Subject:** FW: Vote No on cell tower

**From:** Ron Hart [mailto:ron@ronhart.us]  
**Sent:** Thursday, March 10, 2016 8:38 AM  
**To:** Safty, Ryan (rsafty@ci.capitola.ca.us) <rsafty@ci.capitola.ca.us>  
**Subject:** Vote No on cell tower

Because of the health risks and the proximity to a Senior Mobil home park, I vote no to the cell tower.

Ron Hart  
Marketplace Leaders  
Area Director, Northern California  
831.320.0602  
<http://www.9to5bytheBay.com>

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

---

**From:** Patricia Iveagh <paddy@scshop.com>  
**Sent:** Wednesday, March 02, 2016 6:58 PM  
**To:** City Council  
**Subject:** Verizon Antenna

To our Council members:

I can't drive after dark so I can't attend your meetings, but I just got a postcard in the mail today about an appeal to the decision to allow installation of a wireless antenna et al on a roof in Begonia Plaza.

I am a senior citizen and I live in a home directly behind New Leaf. I think the antenna is a great idea and I would be pleased to see it there.

As seniors, who are often homebound, we need any opportunity possible that will help us to communicate.

Patricia Iveagh

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

---

**From:** Sneddon, Su (ssneddon@ci.capitola.ca.us)  
**Sent:** Thursday, March 10, 2016 3:28 PM  
**To:** Sneddon, Su (ssneddon@ci.capitola.ca.us)  
**Subject:** Voice message from Jerry Kirkland

March 10, 2016, a voice message was received from Jerry Kirkland who resides at 4160 Jade Street, Trade Winds Mobile Home Park; his property is adjacent to the Begonia Plaza and he is opposed to the Verizon cell tower at Begonia Plaza due to health reasons.

Susan Sneddon, City Clerk  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010  
P | 831-475-7300 F | 831-479-8879  
[www.cityofcapitola.org/](http://www.cityofcapitola.org/)

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

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

**From:** Safty, Ryan (rsafty@ci.capitola.ca.us)  
**Sent:** Monday, March 07, 2016 4:36 PM  
**To:** Deiter, Michele (MDeiter@ci.capitola.ca.us); Sneddon, Su (ssneddon@ci.capitola.ca.us)  
**Subject:** FW: Cell Phone Tower

**From:** Drew Lewis [mailto:dudley@cruzio.com]  
**Sent:** Monday, March 07, 2016 4:22 PM  
**To:** Safty, Ryan (rsafty@ci.capitola.ca.us) <rsafty@ci.capitola.ca.us>  
**Subject:** Cell Phone Tower

I agree with the statements on the health of Cell Phone Towers below and urge you to VOTE NO ON THE PLACEMENT OF THIS PROPOSED CELL PHONE TOWER IN A DENSELY POPULATED AREA.

**Cell towers emit harmful microwave radiation. (WHO Class 2B carcinogen)**

**Microwave radiation (cell phones, towers, wifi) is known to affect human beings in the following ways:** Mental confusion, headaches, sleep problems, memory problems, ringing in the ears, dizziness, cancer, irregular heartbeat, depression, suicide. Children, pregnant women are more vulnerable.

"To my knowledge, 'microwave' or 'radiowave sickness' was first reported in August 1932 with the symptoms of severe tiredness, fatigue, fitful sleep, headaches, intolerability and high susceptibility to infection." "The paradox of course is how microwave radiation can be used as a **weapon** to cause **impairment, illness and death** and at the same time be used as a communications instrument."

**Barrie Trower, Royal Navy Microwave Weapons Expert, physicist [www.magdahavas.com](http://www.magdahavas.com)**

"The Russians beamed the American embassy during the Cold War and it gave everybody working in the embassy cancer, breast cancers, and leukemia, and it was realized then that low level microwaves were the perfect stealth weapon to be used on dissident groups around the world, because you could make dissident groups sick, give them cancer, change their mental outlook on life without them even knowing they were being radiated..." Barrie Trower View important documentary movie on line at [www.takebackyourpower.net](http://www.takebackyourpower.net)

Sincerely,  
Drew Lewis

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

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**From:** Dean Smith <smith999@yahoo.com>  
**Sent:** Thursday, March 10, 2016 3:18 PM  
**To:** City Council  
**Subject:** Verizon Cell phone tower

Dear Council Members,

My name is Dean Smith and I own the store Paradise Beads located at 1220 41st Ave.

I am writing this email in regards to the "Appeal of the planning commission's approval for a design permit for the installation of the new Verizon wireless antenna at the Begonia Plaza" .

As a store owner I believe the tower will have a negative effect on the clientele of this property . Several of my customers and patrons to the plaza have voiced their concern about having a sensitivity to Radio Frequency waves and Microwave emissions and they feel that the cell tower will cause adverse side effects, directly reflecting on the amount of business this plaza will receive.

So for the sake of the community and the economy of the plaza as well as surrounding businesses, I would like to voice my opinion and say no to the cell phone tower .

Sincerely

Dean Smith  
Store owner  
Paradise Beads .  
1220 41st Ave #B  
Capitola  
464-3221

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

**From:** Safty, Ryan (rsafty@ci.capitola.ca.us)  
**Sent:** Monday, March 07, 2016 1:01 PM  
**To:** Sneddon, Su (ssneddon@ci.capitola.ca.us)  
**Subject:** FW: AGAINST CELL TOWER

**From:** RFTHISTLE@aol.com [mailto:RFTHISTLE@aol.com]  
**Sent:** Monday, March 07, 2016 12:21 PM  
**To:** Safty, Ryan (rsafty@ci.capitola.ca.us) <rsafty@ci.capitola.ca.us>  
**Subject:** AGAINST CELL TOWER

We are totally against the proposed cell phone tower placement, so close to our single family home at Trade Winds Senior Park, 4160 Jade Street in Capitola. Both our home and land are located inside the red danger zone.

Our Senior Park has about 113 land-owned Senior single family homes. Many of our residents are retirees who are homebound, and reside here full-time 24/7. Such residents would have 24/7 exposure to this proposed tower. We pay our high property taxes, and monthly assessments for living in this beautiful and desirable area, and many of us have multiple health concerns already.

Our own household has a survivor in remission of two serious cancers. We are troubled about living right next door to more negative health effects... it was one reason we moved here 11 years ago: we made a difficult but proactive decision, to move here near the ocean and clean air; and near to what we thought was a community which has thoughtful Sensitivity to senior health and safety concerns. It appears health concerns are not even being considered a reason for a more thoughtful placement of these ominous towers.

Besides our health, we worry about our home and land values being devalued. We have worked hard all our lives for what little we have, which is little more than the value of our small piece of land and home, the value of which we may need in the future to pay for our Long Term Care!

We cannot attend the meeting, so we are sending this email in hopes someone will listen and care, and hopefully stop this frightful intrusion into our lives and well being.

Thank You,

R. Thistle  
G. Gilbert

Capitola Homeowners  
4160 Jade Street, Spc. 97



**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

**From:** RFTHISTLE@aol.com  
**Sent:** Tuesday, March 08, 2016 8:41 AM  
**To:** Sneddon, Su (ssneddon@ci.capitola.ca.us)  
**Subject:** Re: FW: AGAINST CELL TOWER

Susan,

Thank you for acknowledging receipt of our comments.

Besides us Seniors, **do the parents and kids at Camp Capitola Child Care center, and all the children and teens who use Jade Street park and the Center, for health, fitness, and recreation, know about this Cell Tower placement?**

I would think their voices might be a whole lot stronger and <sup>louder</sup> ~~longer~~ than us seniors?

Thank You.

+++

In a message dated 3/8/2016 8:03:33 A.M. Pacific Standard Time, ssneddon@ci.capitola.ca.us writes:

Thank you for your comments regarding this March 10, 2016, Capitola City Council meeting item. I will add your comments to additional material for the meeting.

Sincerely,

Susan Sneddon, City Clerk

City of Capitola

420 Capitola Avenue

Capitola, CA 95010

P | 831-475-7300 F | 831-479-8879

[www.cityofcapitola.org/](http://www.cityofcapitola.org/)

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

ADDITIONAL MATERIAL – ITEM 9.C.  
3/10/16 CAPITOLA CITY COUNCIL MEETING

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

---

**From:** Sneddon, Su (ssneddon@ci.capitola.ca.us)  
**Sent:** Thursday, March 10, 2016 3:27 PM  
**To:** Sneddon, Su (ssneddon@ci.capitola.ca.us)  
**Subject:** FW: Voice message from Nicol Shinsato

March 10, 2016, a voice message was received from Nicol Shinsato who resides at 1040 38<sup>th</sup> Avenue #54, Shangri-la Estates Mobile Home, Capitola. She is opposed to the Verizon cell tower at Begonia Plaza due to health reasons.

Susan Sneddon, City Clerk  
City of Capitola  
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Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

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**Subject:** Vote No on cell tower

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Ron Hart  
Marketplace Leaders  
Area Director, Northern California  
831.320.0602  
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Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

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Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

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Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

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**From:** Carol Corless <c.corless@sbcglobal.net>  
**Sent:** Thursday, March 10, 2016 2:37 PM  
**To:** City Council  
**Subject:** No Verizon Cell Tower in our neighborhood!!!

Dear City Council Members,

Please refer to the article in Santa Crus Sentinel about one year ago regarding placing a Cell Tower at Capitola City Hall. The article is dated January 14, 2015 in which Capitola City Council Members, specifically Mike Termini said NO! citing concerns of the residents. Here we are again with the same issue. Tradewinds Mobile Home Park does not want a Cell Tower in our neighborhood either. Please Do Not Allow it to be placed at Begonia Plaza.

Sincerely,

Carol Corless  
4160 Jade St Spc 72  
Capitola Ca

Tel# 831 475-8960

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

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**Subject:** the proposed cell tower atop subway in Capitola

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Thank you,  
Linda Domenici  
4160 Jade St  
Capitola Ca 95010

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)

**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

---

**From:** Patricia Iveagh <paddy@scshop.com>  
**Sent:** Wednesday, March 02, 2016 6:58 PM  
**To:** City Council  
**Subject:** Verizon Antenna

To our Council members:

I can't drive after dark so I can't attend your meetings, but I just got a postcard in the mail today about an appeal to the decision to allow installation of a wireless antenna et al on a roof in Begonia Plaza.

I am a senior citizen and I live in a home directly behind New Leaf. I think the antenna is a great idea and I would be pleased to see it there.

As seniors, who are often homebound, we need any opportunity possible that will help us to communicate.

Patricia Iveagh



**Sneddon, Su (ssneddon@ci.capitola.ca.us)**

---

**To:** Sneddon Susan (ssneddon@ci.capitola.ca.us)  
**Subject:** FW: Voice message from Tom Taylor

March 7, 2016, a voice message was received from Tom Taylor who resides at 4160 Jade Street, Trade Winds Mobile Home Park; his property is directly adjacent to the Begonia Plaza. Due to health reasons he opposes the proposed Verizon cell tower.

Susan Sneddon, City Clerk  
City of Capitola  
420 Capitola Avenue  
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[www.cityofcapitola.org/](http://www.cityofcapitola.org/)

Communication: Item 9.C. Public Communications regarding Wireless Telecommunications Antenna (ADDITIONAL MATERIALS)



# CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 10, 2016

FROM: City Manager Department

SUBJECT: Consider the February 25, 2016, Regular City Council Minutes

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RECOMMENDED ACTION: Approve Minutes.

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

ATTACHMENTS:

1. Draft February 25, 2016, City Council Minutes

Report Prepared By: Susan Sneddon  
City Clerk

A handwritten signature in blue ink, appearing to be "JG", is written over the printed name of the City Manager.

Jamie Goldstein, City Manager

3/3/2016

**DRAFT**  
**CAPITOLA CITY COUNCIL**  
**REGULAR MEETING ACTION MINUTES**  
**THURSDAY, FEBRUARY 25, 2016**

**CLOSED SESSION – 6:00 PM**  
**CITY MANAGER’S OFFICE**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Govt. Code §54956.9)**

(One case)

Water Rock Construction, Inc. v. City of Capitola  
 [Arbitration Claim]

**CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)**

Negotiator: Jamie Goldstein, City Manager

Employee Organizations:

1. Association of Capitola Employees
2. Capitola Police Captains
3. Capitola Police Officers Association
4. Confidential Employees
5. Mid-Management Group
6. Department Heads

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

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

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

City Treasurer Christine McBroom was present.

**2. PRESENTATIONS**

- A. Introduction of New Police Officer Brittney Long [480-05]

<b>RESULT:</b>	<b>INTRODUCTION PROVIDED</b>
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- B. Presentation of a Certificate of Appreciation to Alfred Carlson for service as City Representative on the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito Counties [120-40/330-30]

RECOMMENDED ACTION: None.

<b>RESULT:</b>	<b>CERTIFICATE OF APPRECIATION WAS PRESENTED</b>
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- C. Presentation by Assembly Member Mark Stone Regarding Legislative Session Wrap-up

Attachment: Draft February 25, 2016, City Council Minutes (1297 : Approval of City Council Minutes)

**RESULT: PRESENTATION WAS PROVIDED**

**3. REPORT ON CLOSED SESSION**

City Attorney Condotti stated that the City Council discussed the Water Rock Construction, Inc. v. City of Capitola Arbitration Claim; and conference with the City Manager Goldstein, City's Labor Negotiator, regarding employee groups; there was no reportable action.

**4. ADDITIONAL MATERIALS**

City Clerk Sneddon stated the additional materials were received regarding **Item No. 11.A. and Item No. 11.C.**

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

**6. PUBLIC COMMENTS**

Marilyn Garrett, local resident, stated concerns regarding the telecommunications industry.

Ryan Simon, Field Representative/Caseworker for Congressman Sam Farr, introduced himself to the City Council.

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

City Treasurer McBroom stated the City's Financial Advisory Commmittee met on February 16<sup>th</sup> and discussed the City's Comprehensive Annual Financial Report and the midyear estimate.

City Manager Goldstein stated that a portion of Wharf Road will be closed on March 3, 2016, for a construction project and there will be traffic controls.

**8. REPORT FROM CITY REPRESENTATIVES TO REGIONAL BOARD / COMMISSIONS**

Council Member Termini stated that he is the City's representative on the Santa Cruz County Library Financing Authority and the Library Joint Powers Board; City's Art and Cultural Commission Chair; and the Board Chair of the local chapter of the American Red Cross.

Council Member Bertrand stated that he is the City's Representative on the Santa Cruz County Hazardous Materials Advisory Commission, and the Santa Cruz County Children's Network. In addition, he is a Council appointee on the City's Finance Advisory Committee and the City's Commission on the Environment.

Council Member Harlan stated that she is the City's representative on the Advisory Council of the Area Agency on Aging Seniors Council of Santa Cruz and San Benito Counties. In addition, she is helping to plan the Capitola Branch Library upcoming birthday celebration.

Council Member Norton stated that he is the City's representative on the Santa Cruz County Regional Transportation Commission, and also a member of the City's Wharf Committee.

Mayor Bottorff stated that he is the City's representative on Association of Monterey Bay Area Governments and also serves on Local Agency Formation Commission. He stated that a mayoral committee is being formed which will be comprised of the

Attachment: Draft February 25, 2016, City Council Minutes (1297 : Approval of City Council Minutes)

City Manager, Public Works Director, the Mayor, and a Council Member to review the City's Capital Improvement Plan Projects.

There was Council consensus for Council Member Bertrand to be a member of the mayoral committee.

Public Works Director Jesberg stated that the Stockton Avenue and Esplanade Intersection Improvement Project will start on March 14<sup>th</sup>, and the 38<sup>th</sup> Avenue Project will start the end of March.

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

- A. Consider Appointments to the Advisory Council to the Area Agency on Aging of Santa Cruz and San Benito Counties

<b>RESULT:</b>	<b>APPOINTED COUNCIL MEMBER HARLAN TO BE THE CITY'S REPRESENTATIVE ON THE ADVISORY COUNCIL TO THE AREA AGENCY ON AGING OF SANTA CRUZ AND SAN BENITO COUNTIES [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand, Council Member
<b>SECONDER:</b>	Stephanie Harlan, Council Member
<b>AYES:</b>	Norton, Bertrand, Harlan, Termini, Bottorff

**10. CONSENT CALENDAR**

Council Member Norton requested to pull Item 10.C. pertaining to the appeal of design permit and conditional use permit for a wireless antenna located at 1200 41<sup>st</sup> Avenue. He asked about the process of notifying the public for the appeal of design permit and conditional use permit for a wireless antenna. He requested that the tenants at the Begonia shopping plaza also be notified.

Community Development Director Grunow responded that a public notice will be mailed to all property owners within a 500 foot radius; tenants are not typically notified of public hearings but staff will notify them of this case per the Council's direction.

Council Member Norton requested that the City Council receive Planning Commission (Commission) minute excerpts when the City Council receives an appeal regarding a Commission's decision. (Community Development Director Grunow responded that minute excerpts will be attached to City Council staff reports when the subject is an appeal public hearing).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Council Member
<b>SECONDER:</b>	Stephanie Harlan, Vice Mayor
<b>AYES:</b>	Norton, Bottorff, Bertrand, Harlan, Termini

- A. Consider the February 11, 2016, Regular City Council Minutes  
RECOMMENDED ACTION: Approve Minutes.
- B. Approval of City Check Registers dated January 8, January 15, January 22, and January 29, 2016  
RECOMMENDED ACTION: Approve Check Register Reports.

Attachment: Draft February 25, 2016, City Council Minutes (1297 : Approval of City Council Minutes)

- C. Appeal of Design Permit and Conditional Use Permit for a Wireless Antenna Located at 1200 41st Avenue [1020-20]  
RECOMMENDED ACTION: Direct staff to set a public hearing for the City Council meeting of March 10, 2016, to consider an appeal of Application #15-119.
- D. Appeal of Design Permit and Variance for a Garage Addition to a Single-family Home Located at 4980 Garnet Street  
RECOMMENDED ACTION: Direct staff to set a public hearing for the City Council meeting of April 14, 2016, to consider the appeal of Application #15-181.

**11. GENERAL GOVERNMENT / PUBLIC HEARINGS**

- A. Consider a Resolution Endorsing the Santa Cruz Libraries Tax Revenue Ballot Measure  
RECOMMENDED ACTION: Adopt Resolution.

Barbara Gorson, Santa Cruz Public Libraries System Commissioner, stated that the Ballot Measure Campaign Committee is creating a Fact Sheet for the public.

Council Member Goldstein stated that the City will develop an overall campaign message to be mailed to residents regarding the proposed Santa Cruz Libraries Tax Revenue Ballot Measure as it relates to the new Capitola Branch Library.

<b>RESULT:</b>	<b>ADOPTED <u>RESOLUTION NO. 4045</u> ENDORSING THE SANTA CRUZ LIBRARIES TAX REVENUE BALLOT MEASURE WITH THE INCLUSION OF A STATEMENT REGARDING THE IMPORTANCE OF CONSTRUCTING OF A NEW CAPITOLA BRANCH LIBRARY [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Council Member
<b>SECONDER:</b>	Dennis Norton, Councilmember
<b>AYES:</b>	Norton, Bottorff, Bertrand, Harlan, Termini

- B. Consider a General Event Permit for a Fireworks Show by the Monte Foundation in the City of Capitola  
RECOMMENDED ACTION: Authorize the City Manager to issue a Special Event Permit for the Monte Foundation Fireworks Show for Sunday, October 9, 2016.

City Manager Goldstein stated that Marc Monte, Monte Foundation, mention that he would like the Monte Foundation to donate 2016 Fireworks Show profits to the new Capitola Branch Library.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Termini, Council Member
<b>SECONDER:</b>	Jacques Bertrand, Council Member
<b>AYES:</b>	Norton, Bottorff, Bertrand, Harlan, Termini

- C. Introduction of an Ordinance amending Municipal Code Section 9.30.020 and Amend City Administrative Policy I-34, Section III (B) Regarding Surf School Regulations [1020-20]  
RECOMMENDED ACTION: Introduce an Ordinance to amend Municipal Code Section 9.30.020 and amend City Administrative Policy, I-34, Section III (B) to permit five (5) Surf Schools.

Attachment: Draft February 25, 2016, City Council Minutes (1297 : Approval of City Council Minutes)

**RESULT:** APPROVED THE INTRODUCTION OF AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 9.30.020 AND AMEND CITY ADMINISTRATIVE POLICY I-34, SECTION III (B) REGARDING SURF SCHOOL REGULATIONS [3 TO 2]  
**MOVER:** Jacques Bertrand, Council Member  
**SECONDER:** Stephanie Harlan, Vice Mayor  
**AYES:** Bottorff, Bertrand, Harlan  
**NAYS:** Norton, Termini

**12. ADJOURNMENT**

Meeting adjourned at 8:34 PM

\_\_\_\_\_  
Ed Bottorff, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Susan Sneddon, City Clerk

MINUTES WERE UNANIMOUSLY APPROVED ON \_\_\_\_\_ 2016

Attachment: Draft February 25, 2016, City Council Minutes (1297 : Approval of City Council Minutes)



# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 10, 2016**

FROM: Community Development

SUBJECT: Receive Planning Commission Action Minutes for the Regular Meeting of March 3, 2016

---

RECOMMENDED ACTION: Receive Minutes.

ATTACHMENTS:

1. Planning Commission Action Minutes March 3, 2016

Report Prepared By: Linda Fridy  
Planning Commission Minutes Clerk





**ACTION MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, MARCH 3, 2016  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

**A. Call to Order**

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

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

**B. Public Comments**

**C. Commission Comments**

**D. Staff Comments**

**3. APPROVAL OF MINUTES**

**A. Planning Commission – Minutes for Regular Meeting of February 4, 2016**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Susan Westman, Commissioner
<b>SECONDER:</b>	Gayle Ortiz, Commissioner
<b>AYES:</b>	Smith, Ortiz, Welch, Westman
<b>ABSENT:</b>	Newman

**4. CONSENT CALENDAR**

**A. 1501 41st Avenue Suite N #16-015 APN: 034-151-20**

Conditional Use Permit for a Fitness Studio in the CC (Community Commercial) Zoning District.

This project is not located within the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Ow Trusts

Representative: Aimee Edwards, filed 02/05/2016

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Smith, Commissioner
<b>SECONDER:</b>	Susan Westman, Commissioner
<b>AYES:</b>	Smith, Ortiz, Welch, Westman
<b>ABSENT:</b>	Newman

**5. PUBLIC HEARINGS****A. 419 Capitola Avenue Conceptual Review #15-197 APN: 035-131-26**

Conceptual Review of development concepts for an existing duplex located in the CN (Neighborhood Commercial) Zoning District.

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

Environmental Determination: Not applicable

Property Owners: Daniel Gomez and Daniel Townsend, filed 12/16/2015

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 3/17/2016 6:00 PM</b>
<b>MOVER:</b>	Linda Smith, Commissioner	
<b>SECONDER:</b>	Gayle Ortiz, Commissioner	
<b>AYES:</b>	Smith, Ortiz, Welch, Westman	
<b>ABSENT:</b>	Newman	

**6. DIRECTOR'S REPORT****A. CEQA Presentation****7. COMMISSION COMMUNICATIONS****8. ADJOURNMENT**



## CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 10, 2016

FROM: City Manager Department

SUBJECT: Deny Liability Claims and Forward to the City's Liability Insurance Carrier

---

RECOMMENDED ACTION: Deny liability claims and forward to the City's liability insurance carrier.

DISCUSSION:

1. Mercury Insurance has filed a liability claim against the City in the amount of \$4,205.73.
2. Julie McDaniel has filed a liability claim against the City in the amount of \$500.00.

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

A handwritten signature in blue ink, appearing to be "JG", is written over the printed name of the City Manager.

Jamie Goldstein, City Manager

3/3/2016



# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 10, 2016**

FROM: City Manager Department

SUBJECT: Adoption of an Ordinance amending Municipal Code Section 9.30.020 to permit five (5) Surf Schools [2nd Reading]

---

RECOMMENDED ACTION: Adopt Ordinance.

BACKGROUND/DISCUSSION: The City Council approved the first reading of this Ordinance at the Council meeting held on February 25, 2016.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Capitola Surf Break Map (Ordinance Exhibit A) (PDF)

Report Prepared By: Susan Sneddon  
City Clerk

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

Jamie Goldstein, City Manager

3/4/2016

**DRAFT  
 ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
 AMENDING SECTION 9.30.020 (B) TO THE CAPITOLA MUNICIPAL CODE PERTAINING TO  
 REGULATION OF SURF SCHOOLS**

BE IT ORDAINED BY THE CITY OF CAPITOLA AS FOLLOWS:  
 Section 9.30.020 (B) is hereby amended to the Capitola Municipal Code to read as follows:  
 "Chapter 9.30"

**SURF SCHOOL REGULATIONS**

Sections:

9.30.010	Application of Chapter
9.30.020	Surf School Regulations
9.30.030	Surf School Permits and Permit Fees
9.30.040	Indemnification

9.30.010 Application of Chapter.

This chapter shall apply to all surf schools that operate in the City of Capitola to the extent that they use Capitola beaches and surf breaks for which Capitola lifeguards and the Capitola Police Department have health, safety and rescue responsibility. Said beaches and surf breaks include Capitola Main Beach, Hooper's Beach, First Jetty Break, Main Peak Break, Hooper's Break and Toes Over Break, as designated on the map attached (Exhibit 1) to this chapter and incorporated herein. As used in this chapter, the term "surf school" is defined as any person, business or other entity, which, for compensation, teaches individuals how to board surf, body surf, boogie board or kayak surf.

9.30.020 Surf School Regulations.

- A. Student to Instructor Ratio. The maximum student to instructor ratio for surf schools while operating on Capitola beaches and surf breaks shall be 4 students per one (1) instructor.
- B. Maximum Total of Surf School Students/Surf Schools. The total number of surf school students using Capitola beaches and surf breaks during any single period of time shall not exceed 8 students. A maximum of five (5) surf schools will be licensed and permitted within the City of Capitola to conduct surf lessons on Capitola beaches each year.
- C. Surf School Instructor Qualifications. Every surf school instructor who uses Capitola beaches and surf breaks to instruct surf school students shall at a minimum currently have the following certifications and qualifications: Basic First Aid; CPR; Department of Justice (DOJ) Live Scan fingerprint clearance and criminal history check.
- D. Surf School Uniforms. Surf schools which conduct operations on Capitola beaches and surf breaks shall, while conducting said operations, assure that all students and instructors wear uniform shirts or vests identifying their respective surf schools. Said

Surf School Permit Ordinance Second Reading  
March 10, 2016

shirts or vests shall be sufficiently distinctive in color or design so as to allow Capitola lifeguards and police officers to differentiate between surf schools. The City when issuing surf school permits may designate the color shirt or vest to be employed by a surf school for this purpose. It is recommended the surf schools utilize the same colored jerseys as assigned in the City of Santa Cruz.

- E. Surf School Equipment. Surf schools which conduct operations on Capitola beaches and surf breaks shall, while conducting said operations, use only the following types of equipment: soft foam boards with leashes for beginners; "hard boards" with leashes for intermediate and advanced lessons at instructor's discretion, provided that in any such "hard board" lesson session the student to instructor ratio shall not exceed two students per instructor.
- F. Surf School Insurance. Surf schools shall not be permitted to conduct operations on Capitola beaches and surf breaks unless and until they have provided to the City proof that they currently have in place liability insurance in an amount prescribed by City Council resolution as well as worker's compensation insurance as required by state law. Surf schools shall also have a safety and evacuation plan on file.
- G. Other Applicable Regulations. Surf schools that conduct operations on Capitola beaches and surf breaks shall comply with all other applicable federal, state and local statutes and regulations including but not limited to Capitola Municipal Code Chapter 8.64 pertaining to water sports and equipment, Capitola Municipal Code Chapter 5.04 pertaining to business license taxes and applicable California Labor Code statutes governing employment including statutes governing wages, hours and worker's compensation.

9.30.030 Surf School Permits and Permit Fees.

- A. Permits. No surf school shall conduct operations on Capitola beaches or surf breaks without first obtaining a permit to do so from the Capitola Police Department. The permit shall assure compliance with the surf school regulations set forth in Section 9.30.020 and at a minimum shall specify the following:
  - 1. The maximum number of instructors and students the permitted surf school may have while conducting its operations.
  - 2. The specific locations at which the permitted surf school may conduct its operations.
  - 3. The type and color of uniform shirt or vest to be worn by surf school instructors and students.
  - 4. The types of equipment that may be used by the permitted surf school while conducting its operations on Capitola beaches and surf breaks.
- B. Permit Fees. The Capitola Police Department shall assess permit fees to surf schools, which shall be due and payable in full at the time of permit issuance. The amount of the fee shall be set by City Council resolution and shall correspond to the costs incurred by the City in administering this ordinance, regulating surf schools in accordance with this ordinance and providing public safety services attributable exclusively to the operation of surf schools on City beaches and surf breaks. To this end, to the extent it is necessary for the City to employ lifeguards or other law enforcement personnel that would not otherwise be required but for the conduct of surf school operations on Capitola beaches

Surf School Permit Ordinance Second Reading  
 March 10, 2016

and surf breaks, as part of its permit fee assessment the City may recover from those surf schools on a pro rata basis the costs it incurs employing said lifeguards or law enforcement personnel.

9.30.040 Indemnification.

No surf school shall conduct operations on Capitola beaches and surf breaks without first executing an agreement to indemnify the City against and hold the City harmless from all claims for death, personal injury or property damage caused or allegedly caused by the surf school's operations. The indemnification/hold harmless agreement shall be in a form approved by the City Attorney. Surf school liability insurance procured by surf schools to comply with Section 9.30.020(G) shall name the City as an additional insured.

This Ordinance was introduced on the 25<sup>th</sup> day of February, 2016, and was passed and adopted by the City Council of the City of Capitola on the 10<sup>th</sup> day of, March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

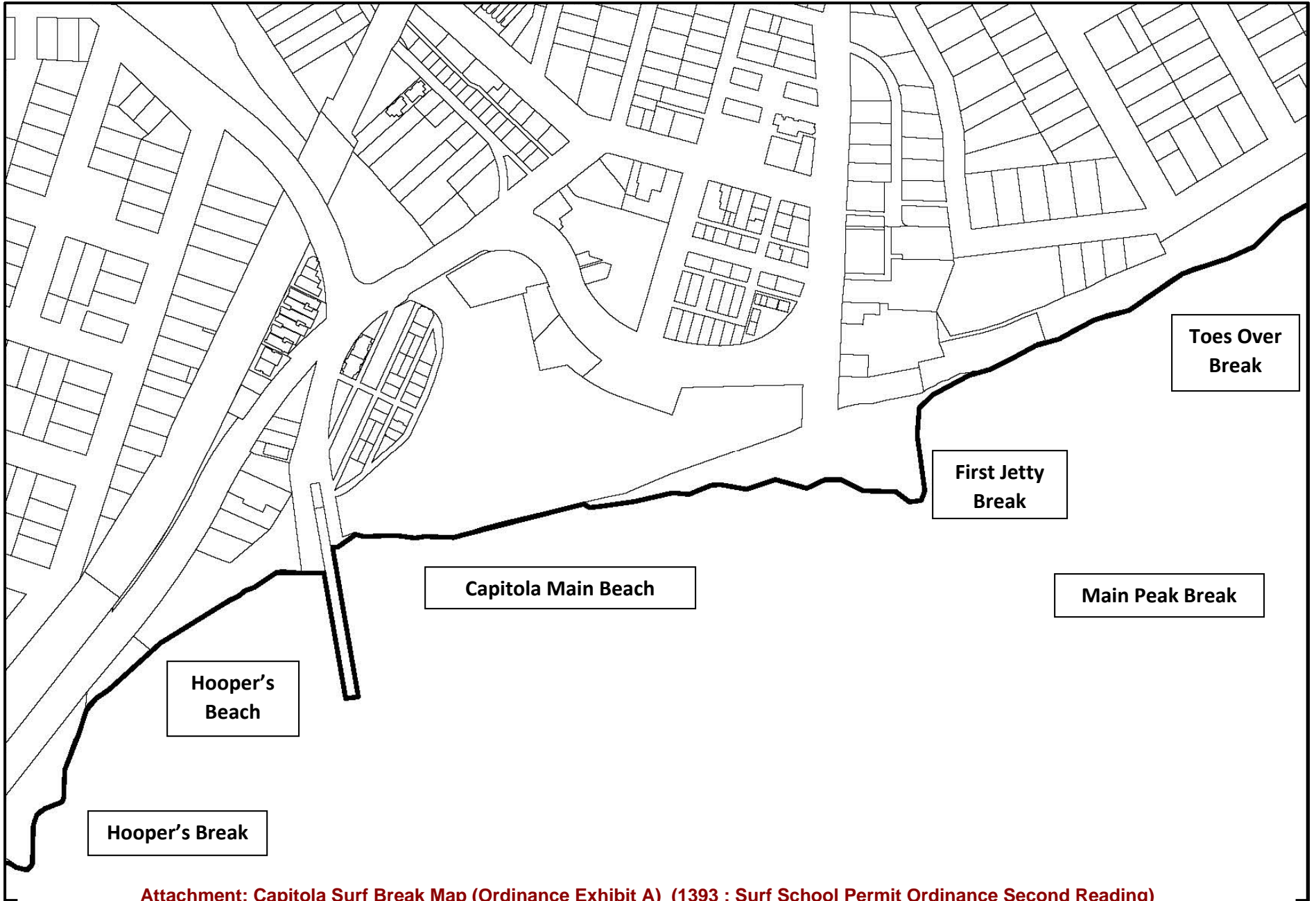
ABSTAIN:

APPROVED: \_\_\_\_\_  
 Ed Bottorff, Mayor

ATTEST:

\_\_\_\_\_, CMC  
 Susan Sneddon, City Clerk

# EXHIBIT A CAPITOLA SURF BREAK MAP







# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 10, 2016**

FROM: Public Works Department

SUBJECT: Approval of Plans, Specifications, and Construction Estimate for the Rosedale Area Paving Project and Authorization to Advertise for Bids

**RECOMMENDED ACTION:** Approve plans, specifications, and engineer's estimate for construction of the Rosedale Area Paving Project, and authorize advertising the project to receive bids setting the bid opening date for April 6, 2016.

**BACKGROUND:** Budget allocations were made in the Capital Improvement Program for paving Rosedale Avenue, Alma Lane, Carl Lane and Rosedale Court following the Santa Cruz County Sanitation District's Sanitary Sewer Project in the area. It was originally anticipated the project could be completed as part of the Sanitary Sewer Project, but an acceptable price was not able to be negotiated with the County's contractor. The final plans are included as Attachment 1 and the construction estimate as Attachment 2. Full size plans and specifications are available for review in the Public Works office.

**DISCUSSION:** The current construction estimate for the project is \$226,700. The Santa Cruz County Sanitation District (SCCSD) has agreed to pay the \$60,000 toward this project.

The estimated project schedule is:

March 10, 2016	Project approval
April 6, 2016	Receive bids
April 14, 2016	Award Contract
May 2016	Begin Construction
June 2016	Complete Construction

**FISCAL IMPACT:**

Total Project Budget:	
Plan preparation	\$ 34,000
Construction	\$226,700
Total	\$260,700

**Funding Sources:**

City	
Prior CIP allocation	\$ 87,000
Mid-year CIP add	\$ 114,875
SCCSD	\$ 60,000
Total	\$ 261,875

**ATTACHMENTS:**

Rosedale Area Paving to bid  
March 10, 2016

1. Capitola 2015 Plans
2. Construction Estimate

Report Prepared By: Steve Jesberg  
Public Works Director



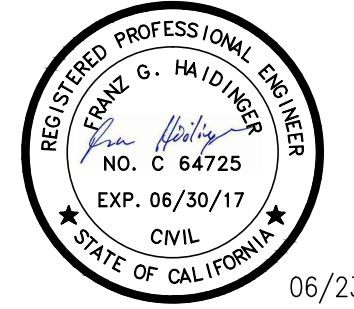
Jamie Goldstein, City Manager

# CITY OF CAPITOLA

## 2015 STREET REHABILITATION PROJECT



501 Canal Blvd., Suite 1  
Richmond, Ca. 94804  
(510) 215-3620 \* Fax (510) 215-2898



06/23/2015

### 2015 STREET REHABILITATION PROJECT

OWNER



**420 CAPITOLA AVENUE  
CAPITOLA, CA 95010**

NO.	DATE	DESCRIPTION							
△	06/23/2015	ISSUED FOR CONSTRUCTION							

PROJECT NO:	303.05.55
DESIGNED BY:	JB
DRAWN BY:	AP
CHECKED BY:	FGH DATE: 06/12/2015
DATE:	06/23/2015

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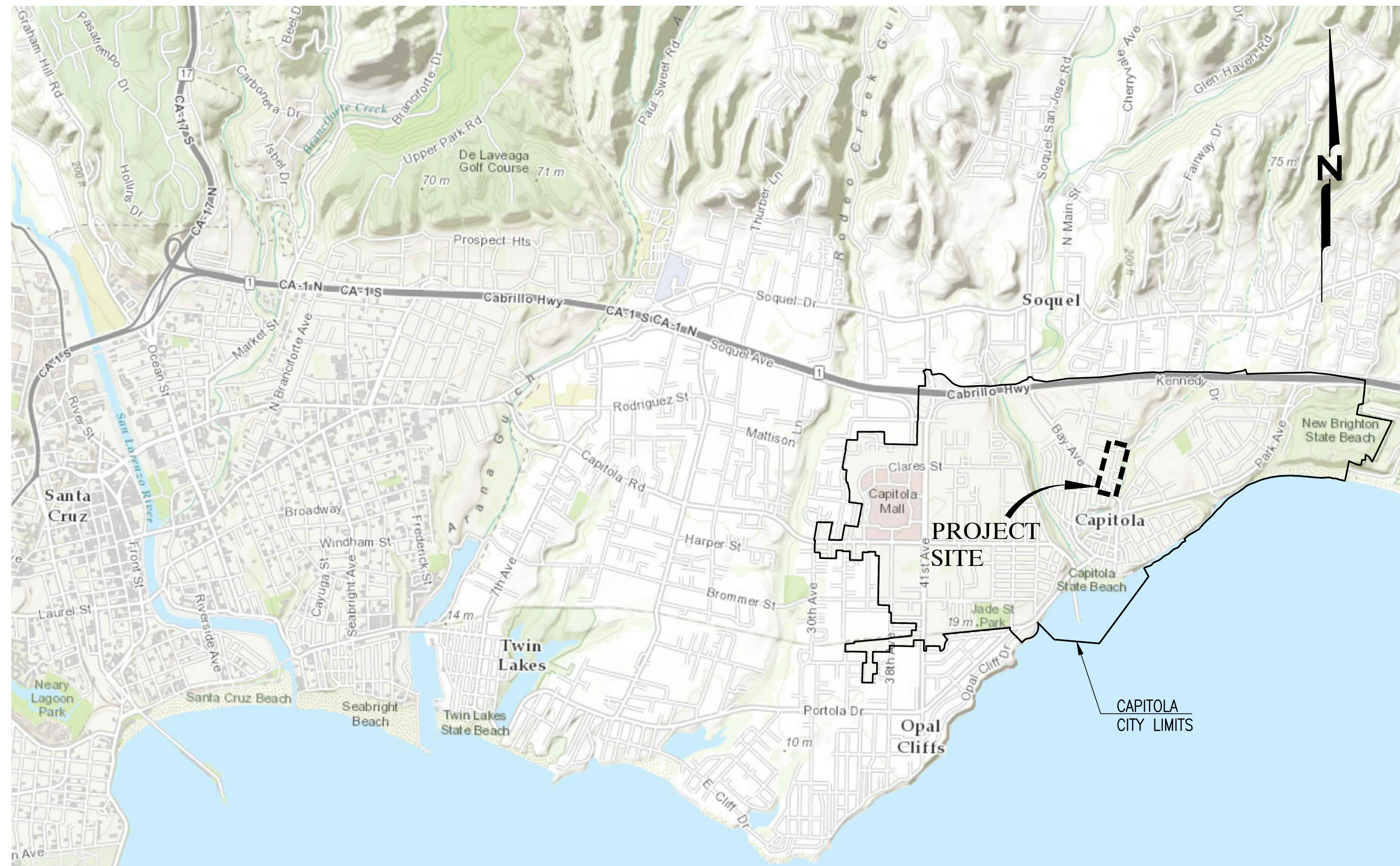
SHEET TITLE

## TITLE SHEET

DRAWING	<b>G1</b>
SHEET	1 OF 3

### GENERAL NOTES

1. ALL DRAWINGS AND SPECIFICATIONS ARE CONSIDERED PART OF THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REVIEW AND COORDINATION OF ALL DRAWINGS AND SPECIFICATIONS PRIOR TO START OF CONSTRUCTION. ANY DISCREPANCIES THAT OCCUR SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE START OF CONSTRUCTION SO THAT A CLARIFICATION MAY BE ISSUED. WORK NOT CONFORMING TO THE CONTRACT DOCUMENTS SHALL BE CORRECTED BY THE CONTRACTOR AT NO EXPENSE TO THE CITY.
2. DRAWING BASE MAP IS BASED ON SANTA CRUZ COUNTY PARCEL DATA. PARCEL LINES ARE APPROXIMATE AND ARE FOR INFORMATIONAL PURPOSES ONLY.
3. SPECIFIC NOTES AND DETAILS TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
4. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY LOCATIONS OF EXISTING FACILITIES AND TO IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY FIELD CONFLICTS.
5. ALL MATERIALS AND WORKMANSHIP SHALL FULLY CONFORM WITH THE SPECIFICATIONS, STANDARDS, AND ORDINANCES OF THE CITY OF CAPITOLA, THE LATEST SANTA CRUZ COUNTY STANDARD PLANS, AND THE CALTRANS STANDARD SPECIFICATIONS (LATEST REVISION). STANDARD PLANS ARE AVAILABLE AT THE OFFICE OF THE ENGINEER.
6. CONTRACTOR SHALL MEET WITH THE CITY PRIOR TO START OF CONSTRUCTION. 48 HOURS NOTICE TO THE ENGINEER IS REQUIRED ON ALL INSPECTIONS.
7. CONTRACTOR IS RESPONSIBLE TO MAKE ALL ARRANGEMENTS FOR SITE INSPECTIONS AND ENSURE THAT ALL CURRENT STANDARDS FOR THE CITY, SANTA CRUZ COUNTY, AND CALTRANS ARE FOLLOWED PRIOR TO BEGINNING ANY PHASE OF CONSTRUCTION WORK.
8. CONTRACTOR SHALL VERIFY DIMENSIONS PRIOR TO START OF CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES OR INCONSISTENCIES.
9. CONSTRUCTION SHALL BE LIMITED TO BETWEEN THE HOURS OF 8:00 A.M. AND 4:30 P.M., MONDAY THROUGH FRIDAY AND INSPECTION REQUESTS SHALL BE LIMITED TO NORMAL CITY BUSINESS HOURS: 8:30 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY. ARRANGEMENTS FOR ANY OVERTIME INSPECTION SERVICES AND PAYMENTS OF FEES FOR SAME SHOULD BE MADE 48 HOURS IN ADVANCE AND ARE SUBJECT TO INSPECTION AVAILABILITY AND APPROVAL BY THE ENGINEER.
10. THE CITY IS RESPONSIBLE FOR ARRANGEMENTS TO PAY FOR ALL MATERIAL TESTING REQUIRED FOR QUALITY ASSURANCE/ACCEPTANCE OF THIS PROJECT. IT IS THE CONTRACTOR'S RESPONSIBILITY TO SEE TO IT THAT ALL MATERIAL TESTING REQUIRED BY THE ENGINEER AND QUALITY CONTROL TESTING, PER THE SPECIAL PROVISIONS, IS PERFORMED. ENGINEER WILL ONLY PERFORM QUALITY ASSURANCE TESTING. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE ENGINEER 24 HOURS IN ADVANCE OF QUALITY ASSURANCE TESTING TO ALLOW THE ENGINEER TO SCHEDULE MATERIAL TESTING LAB SAMPLING OR TESTING.
11. DUST CONTROL DURING ALL PHASES OF CONSTRUCTION IS THE RESPONSIBILITY OF THE CONTRACTOR. IT IS ALSO THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN GOOD HOUSEKEEPING WITHIN THE CONSTRUCTION AREA AND STAGING AREA.
12. WATER FOR DUST CONTROL AND USE FOR COMPACTION MAY BE PURCHASED FROM THE APPROPRIATE AGENCY PRIOR TO THE START OF ANY WORK, AND IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PAY FOR ANY FEES OR DEPOSITS.
13. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL SUBMIT FOR APPROVAL THE PROPOSED ROUTE(S) FOR ALL CONSTRUCTION TRAFFIC RELATED TO THE PROJECT. UPON APPROVAL, THE CONTRACTOR SHALL STRICTLY ADHERE TO THAT ROUTE(S) ONLY, UNLESS WRITTEN PERMISSION IS OBTAINED TO CHANGE THE ROUTE(S). IN ADDITION TO THE CONTRACTOR'S PROPOSED ROUTE(S), A DETOUR PLAN SHALL BE SUBMITTED FOR APPROVAL BY THE ENGINEER.
14. CONTRACTOR SHOULD NOTE THE PRESENCE OF OVERHEAD UTILITIES IN THE WORK AREA. AS PART OF THEIR PRE-BID INSPECTION, CONTRACTOR SHALL NOTE THE TYPE AND LOCATION OF OVERHEAD UTILITIES IN THE PROPOSED WORK AREA. CONTRACTOR'S PRICE SHALL INCLUDE PROVISIONS FOR WORKING IN AREAS WHERE UTILITIES EXIST AT THE TIME OF BIDDING, AND NO ADDITIONAL COMPENSATION IS ALLOWED.
15. THE CONTRACTOR SHALL MAINTAIN ACCESS TO RESIDENCES AND BUSINESSES AFFECTED BY THE PROJECT THROUGHOUT THE LIFE OF THE CONTRACT AS SPECIFIED IN THE SPECIAL PROVISIONS.
16. LOCATIONS OF EXISTING MONUMENTS, MANHOLES, WATER VALVES, ETC. ARE APPROXIMATED BASED ON FIELD OBSERVATIONS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES.
17. CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICES ALERT (U.S.A.) 800-227-2600 (OR DIAL 811), TWO (2) WORKING DAYS PRIOR TO START OF ANY EXCAVATION OR DEMOLITION OF IMPROVEMENTS.
18. ANY DAMAGE TO THE EXISTING FACILITIES INCLUDING TREES, LANDSCAPING, IRRIGATION, FENCES, WALLS, SIDEWALK, MAILBOXES, UTILITIES, AND OTHER PAVEMENT SURFACES SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE. CONTRACTOR SHALL RESTORE ANY AND ALL PAVEMENT AND OTHER FACILITIES OUTSIDE LIMITS OF WORK AFFECTED BY THE CONSTRUCTION OPERATIONS AT NO ADDITIONAL COST. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VIDEOTAPE OR DOCUMENT EXISTING CONDITIONS PRIOR TO START OF WORK TO SUBSTANTIATE ANY PREVIOUS DAMAGE, ETC.; COPIES OF WHICH SHALL BE PROVIDED TO THE ENGINEER.
19. ALL SURVEY MONUMENTS SHALL ONLY BE RESET BY A REGISTERED CIVIL ENGINEER OR LICENSED LAND SURVEYOR AT THE DIRECTION OF THE ENGINEER.
20. ALL STRIPING AND MARKINGS SHALL BE THERMOPLASTIC. ALL BLUE REFLECTIVE FIRE HYDRANT MARKERS SHALL BE SET 6" OFF THE STREET CENTERLINE OR CENTERLINE STRIPING.
21. TRAFFIC CONTROL DURING CONSTRUCTION SHALL BE THE CONTRACTOR'S RESPONSIBILITY AND IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN, AND OTHER DEVICES TO PROVIDE FOR SAFE PASSAGE OF PUBLIC VEHICULAR AND PEDESTRIAN TRAFFIC IN ACCORDANCE WITH CA MUTCD.
22. TYPICAL DETAILS REFERRED TO ON THESE DRAWINGS ARE FROM THE LATEST VERSIONS OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) STANDARD PLANS, AND SANTA CRUZ COUNTY STANDARD PLANS.
23. CONTRACTOR SHALL POSSESS A VALID CLASS 'A' LICENSE AT THE TIME OF AWARD OF THE CONTRACT.



**LOCATION MAP**  
NOT TO SCALE

SHEET INDEX		
SHEET NO.	DRAWING NO.	SHEET TITLE
1	G1	TITLE SHEET
2	C1	VICINITY MAP AND CROSS-GUTTER DETAIL
3	D1	CONSTRUCTION DETAILS AND SECTIONS

### ABBREVIATIONS

<p>AB _____ AGGREGATE BASE AC _____ ASPHALT CONCRETE C _____ CENTERLINE EA _____ EACH EG _____ EXISTING GRADE EP _____ EDGE OF PAVEMENT FG _____ FINISHED GRADE FT _____ FEET HMA _____ HOT MIX ASPHALT LF _____ LINEAR FOOT M.D.D. _____ MINIMUM DRY DENSITY MIN _____ MINIMUM MON _____ MONUMENT</p>	<p>N _____ NORTH, NORTHING N.T.S. _____ NOT TO SCALE NO. _____ NUMBER PCC _____ PORTLAND CEMENT CONCRETE PSI _____ POUNDS PER SQUARE INCH PVC _____ POLYVINYL CHLORIDE SCH _____ SCHEDULE SDMH _____ STORM DRAIN MANHOLE SF _____ SQUARE FEET SSCO _____ SANITARY SEWER CLEAN OUT SSMH _____ SANITARY SEWER MANHOLE TYP _____ TYPICAL WV _____ WATER VALVE</p>
--	--

PREPARED UNDER THE DIRECTION OF: *Franz Haider* 06/23/2015  
DATE

FRANZ HAIDER, P.E.  
ASSOCIATE ENGINEER, NCE

REVIEWED BY: *J. Ryan Shafer* 06/23/2015  
DATE

RYAN SHAFER, P.E.  
ASSOCIATE ENGINEER, NCE

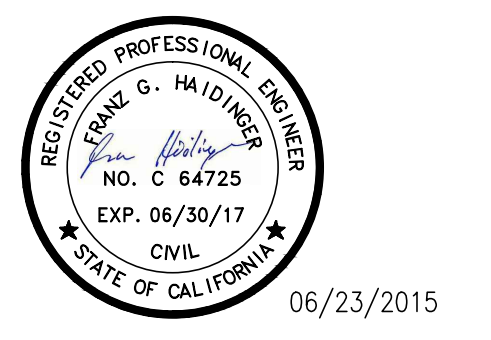
APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_

STEVE JESBERG, P.E.  
PUBLIC WORKS DIRECTOR, CITY OF CAPITOLA



**Know what's below.  
Call before you dig.**

**NCE**  
 501 Canal Blvd., Suite I  
 Richmond, Ca. 94804  
 (510) 215-3620 \* Fax (510) 215-2898



**2015 STREET REHABILITATION PROJECT**



**420 CAPITOLA AVENUE  
 CAPITOLA, CA 95010**

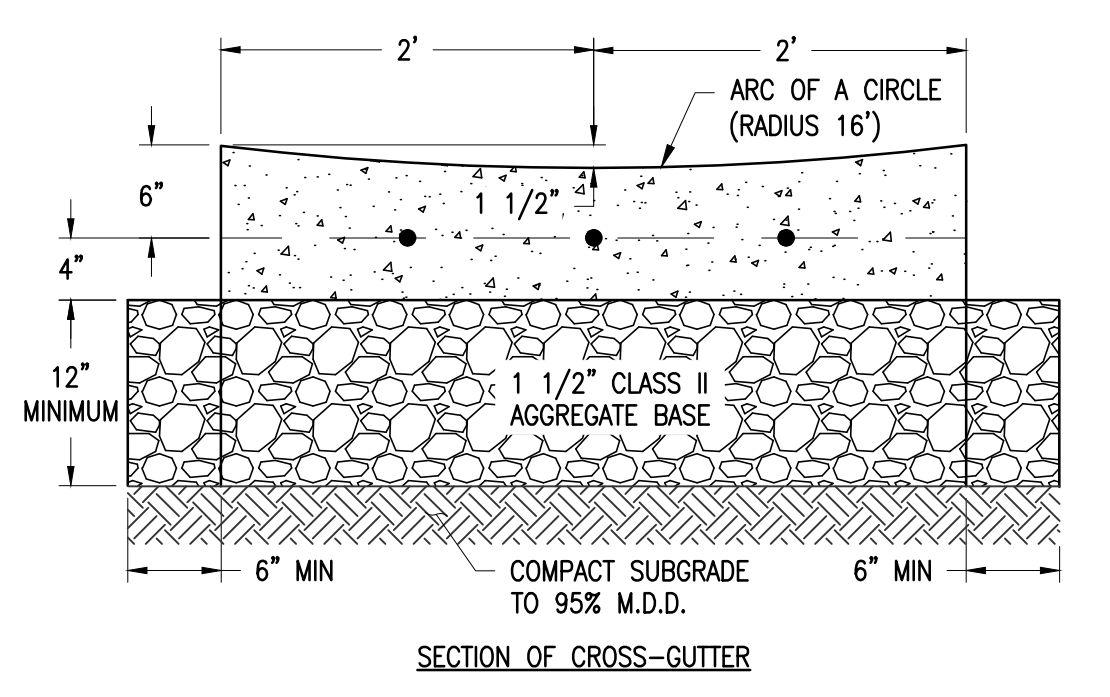
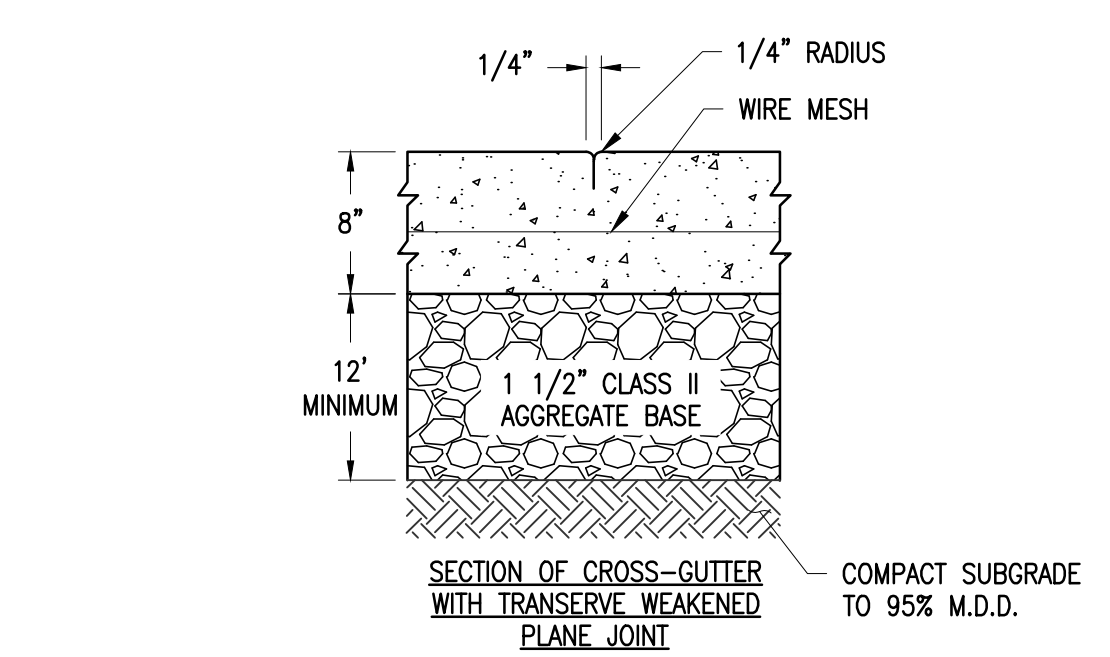
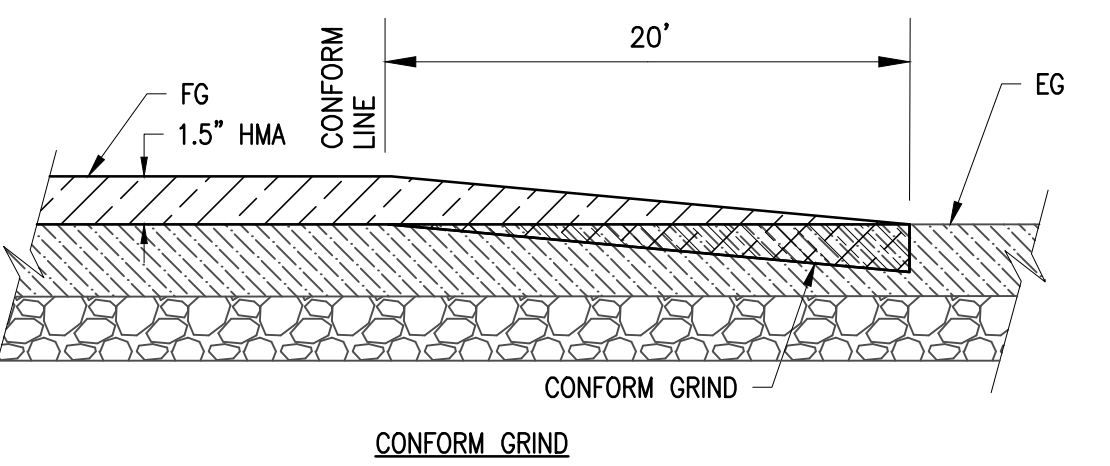
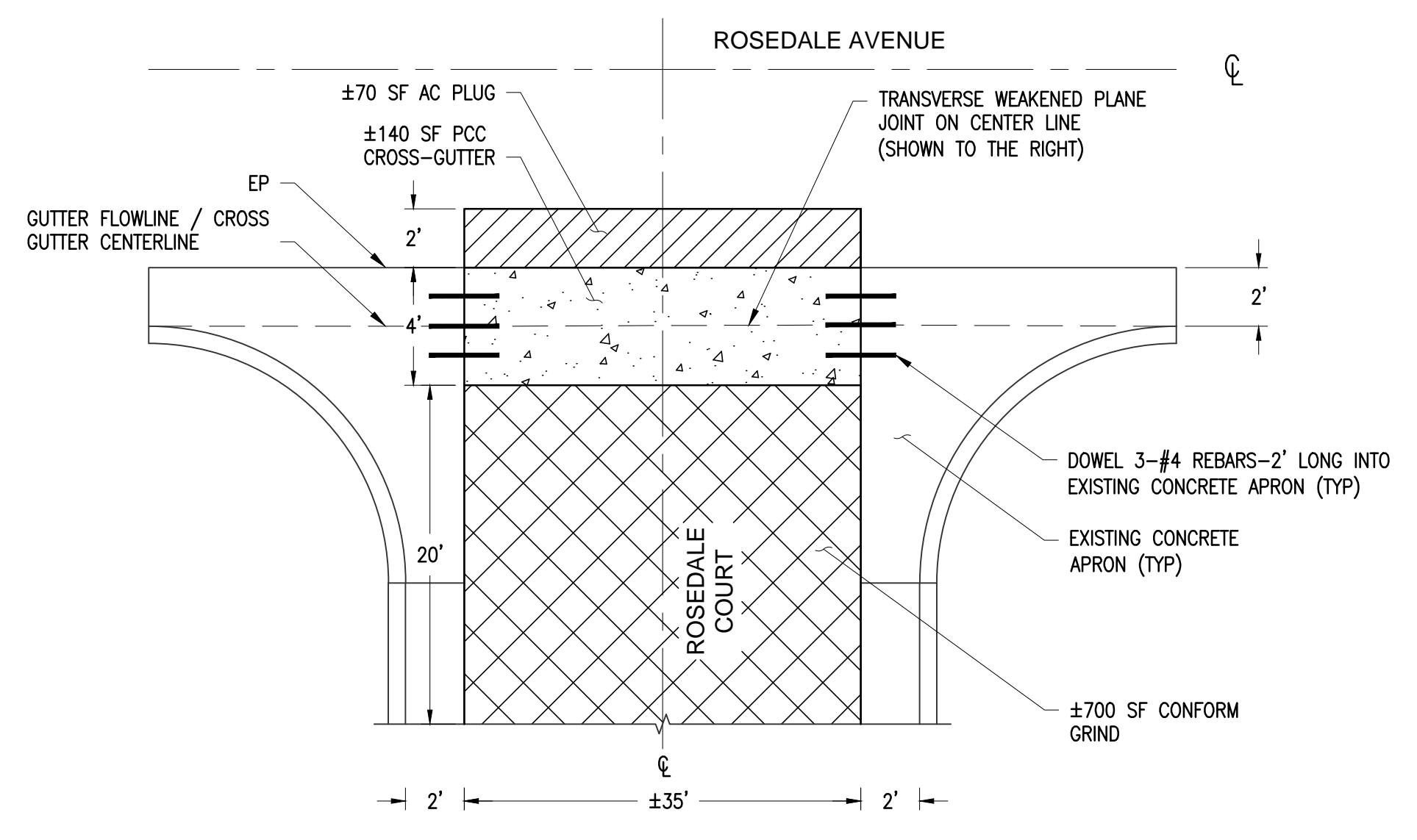
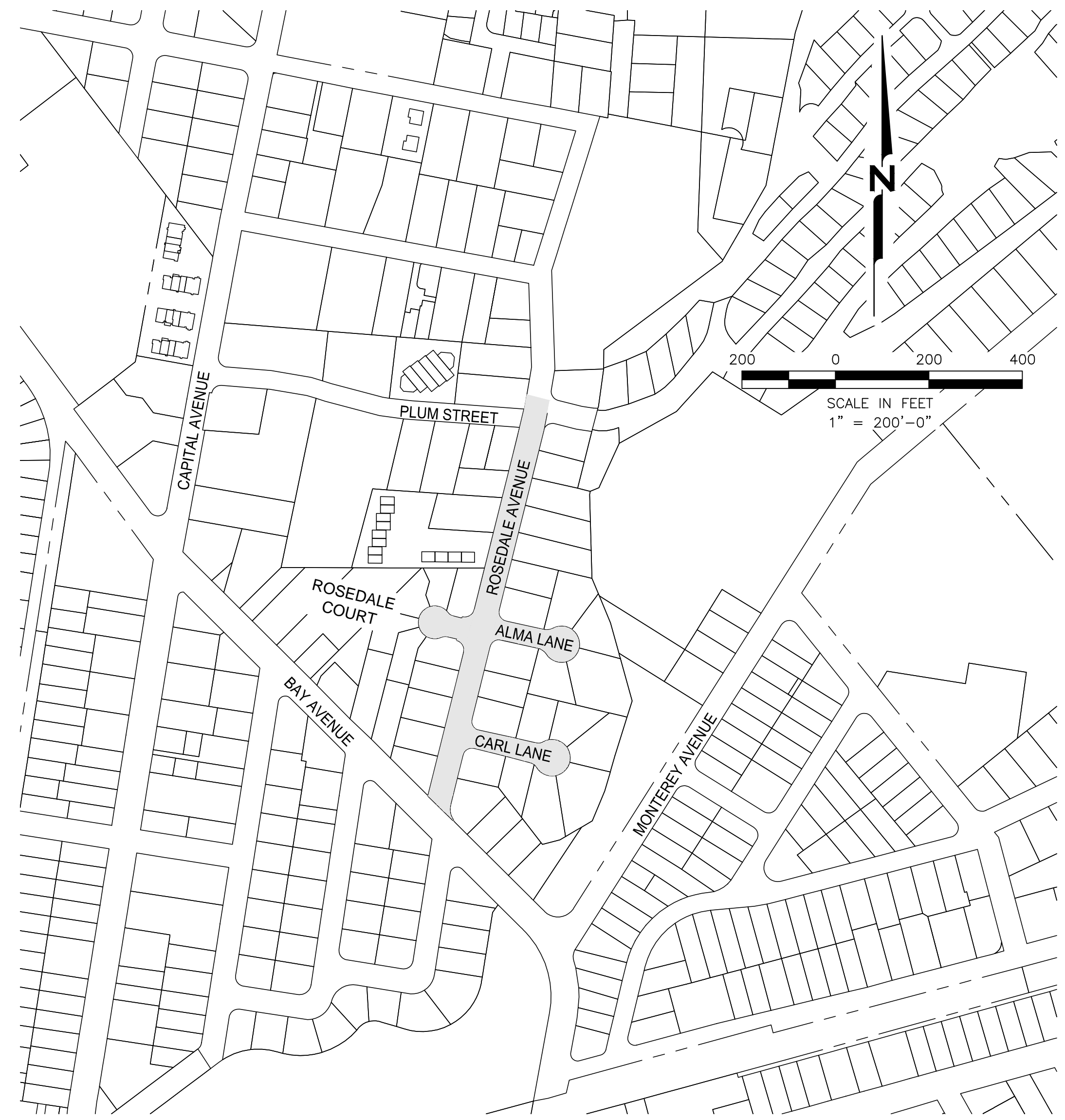
NO.	DATE	DESCRIPTION
1	06/23/2015	ISSUED FOR CONSTRUCTION

PROJECT NO:	303.05.55
DESIGNED BY:	JB
DRAWN BY:	AP
CHECKED BY:	FGH DATE: 06/12/2015
DATE:	06/23/2015

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**VICINITY MAP AND CROSS GUTTER DETAIL**

DRAWING **C1**



**1 C1 STANDARD 4' WIDE CROSS-GUTTER (ROSEDALE COURT)**  
 N.T.S.

- SOURCE: MODIFIED FROM CITY OF CAPITOLA STANDARD PLANS "4' STANDARD CROSS GUTTER", DRAWN 04/2012
- NOTES:
- WIRE MESH SHALL BE 6" X 6" SQUARE NO. 10 X NO. 10 ELECTRICALLY WELDED WIRE AND SHALL MEET THE REQUIREMENTS OF A.S.T.M DESIGNATION 1185-53-T.
  - CONCRETE SHALL MEET 3,000 PSI IN 28 DAY REQUIREMENTS (MINIMUM).
  - TACK COAT SHALL BE APPLIED TO ALL EXISTING AC AND PCC SURFACE PRIOR TO PLACEMENT OF NEW HMA.

ROSEDALE AVENUE BASE REPAIRS (6" DEPTH) - SEE DETAILS 4/D1

NO.	LENGTH (FT)	WIDTH (FT)	AREA (SF)
1	31	7	217
2	16	5	80
3	9	5	45
4	28	6	168
5	18	7	126
6	56	8	448
7	26	11	286
8	19	8	152
9	60	8	480
10	24	5	108
11	50	8	400
12	25	7	163
13	22	5	110
14	8	10	80
TOTAL			2,863

ROSEDALE COURT BASE REPAIRS (4" DEPTH) - SEE DETAILS 4/D1

NO.	LENGTH (FT)	WIDTH (FT)	AREA (SF)
1	11	5	55
TOTAL			55

STREET NAME	BEGIN	END	LENGTH (FT)	AREA (SF)	TREATMENT	DETAIL NO.
ALMA LANE	ROSEDALE AVENUE	END	182	6,584	REMOVE 4" AC/AB AND 4" HMA OVERLAY	3/D1
CARL LANE	ROSEDALE AVENUE	END	221	7,694	REMOVE 4" AC/AB AND 4" HMA OVERLAY	3/D1
ROSEDALE AVENUE	BAY AVENUE	36' NORTH OF PLUM STREET (PAVEMENT CHANGE)	905	33,118	2" MILL AND 2" HMA OVERLAY	2/D1
ROSEDALE COURT	ROSEDALE AVENUE	END	116	5,349	1.5" HMA OVERLAY	1/D1, 5/D1

PAVEMENT STRIPING AND MARKINGS

STREET NAME	BLUE RAISED MARKERS (EA)	TP STRIPE (LF) DETAIL 22	TP STRIPE (LF) LIMIT LINE	TP LEGEND (22 SF) "STOP"	TP BASIC CROSSWALK (LF)
ALMA LANE	1				
ROSEDALE AVENUE	4	100	18	2	89
ROSEDALE COURT	1				

UTILITY COVERS - SEE DETAILS 6/D1, 7/D1, 8/D1

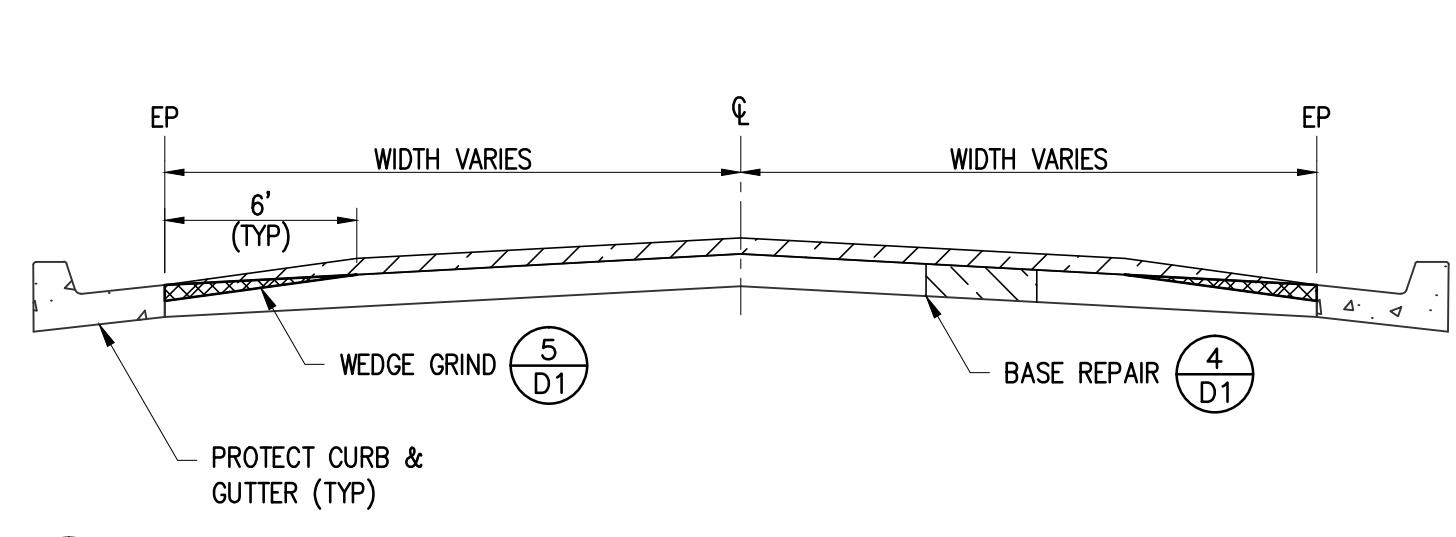
STREET NAME	SURVEY MON	SURVEY NAIL	WV BOX	BLOWOFF VALVE	SSMH	SSCO	SDMH	GAS BOX
ALMA LANE					1	1		
CARL LANE					2			
ROSEDALE AVENUE	1	1	4		4	1	5	1
ROSEDALE COURT	1		2	1	1			

CORE SUMMARY

STREET	BEGIN	END	CORE NO.	DIRECTION	DEPTH TO FABRIC (IN)	AC OVERLAY THICKNESS TOP-DOWN (IN)	TOTAL AC THICKNESS (IN)	AB THICKNESS (IN)	MOISTURE CONTENT (%)	PLASTICITY INDEX	R-VALUE
ALMA LANE	ROSEDALE AVENUE	EAST END	ALM-2	EB	NONE	1.625, 1.0	2.625	6.5	24.5	38.0	2.0
CARL LANE	ROSEDALE AVENUE	EAST END	CAR-1	EB	NONE	1.25, 1.5	2.75	5.875	21.7	32.0	3.0
ROSEDALE AVENUE	BAY AVENUE	36 FT NORTH OF PLUM STREET (PAVEMENT CHANGE)	ROS-1	NB	NONE	3.125, 1.5, 1.5	6.125	AB PRESENT	-	-	-
ROSEDALE AVENUE	BAY AVENUE	36 FT NORTH OF PLUM STREET (PAVEMENT CHANGE)	ROS-2	SB	NONE	2.875, 1.5	4.375	AB PRESENT	-	-	-
ROSEDALE COURT	WEST END	ROSEDALE AVENUE	ROC-2	WB	NONE	1.875	1.875	AB PRESENT	-	-	-

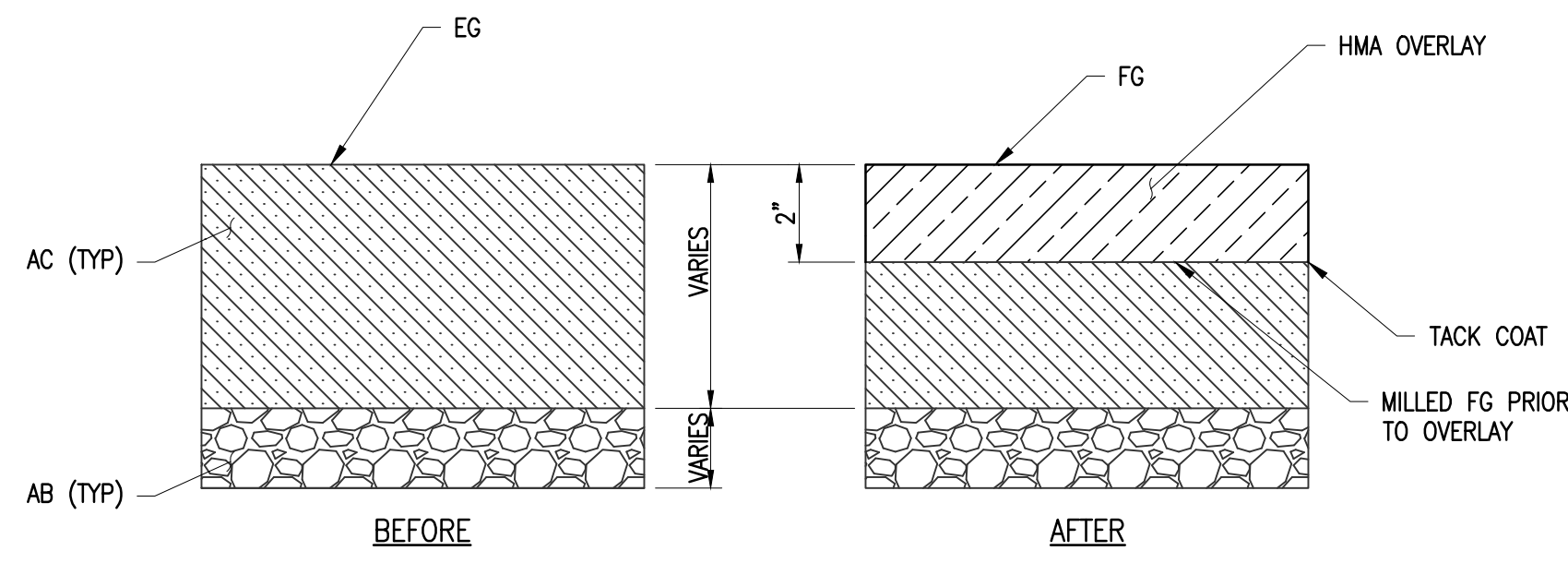


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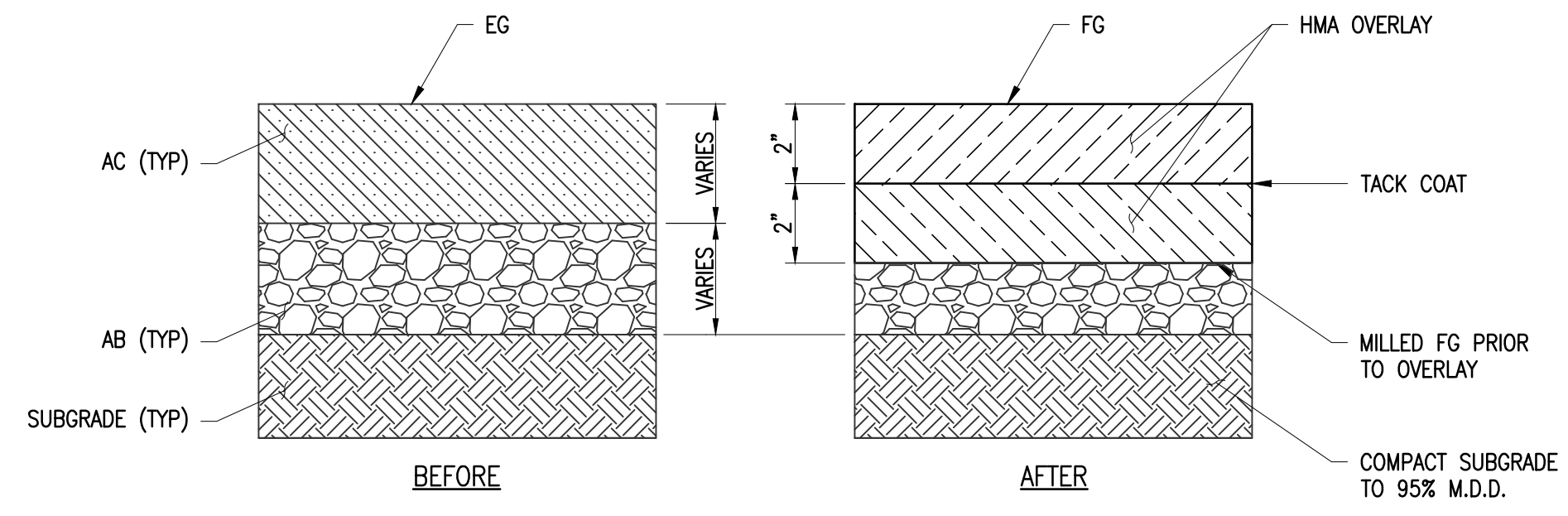
**1**  
D1  
**1.5" HMA OVERLAY**  
N.T.S.

- NOTES:
- CORE MEASUREMENTS FOR TYPICAL PAVEMENT SECTION CAN BE FOUND ON DRAWING C1.
  - CRACK SEAL APPLICATION BEFORE OVERLAY PER SPECIAL PROVISIONS "SP-25: CRACK SEALING".



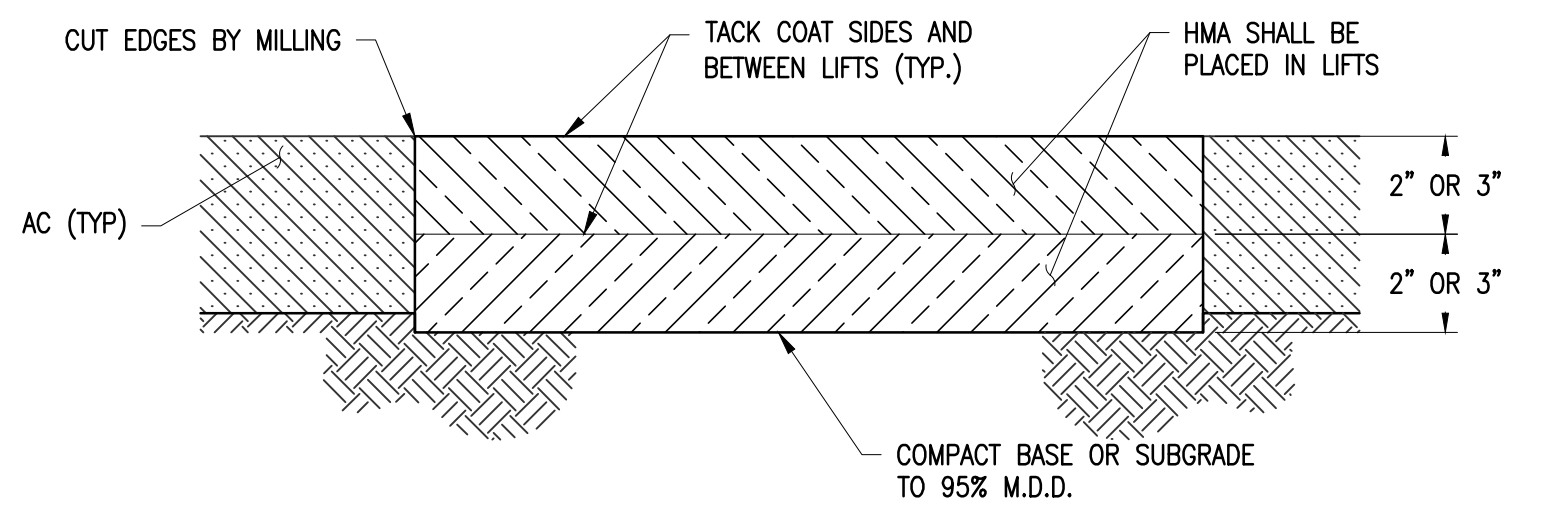
**2**  
D1  
**2" MILL AND 2" HMA OVERLAY**  
N.T.S.

- NOTES:
- CORE MEASUREMENTS FOR TYPICAL PAVEMENT SECTION CAN BE FOUND ON DRAWING C1.
  - CRACK SEAL APPLICATION BEFORE OVERLAY PER SPECIAL PROVISIONS "SP-25: CRACK SEALING".



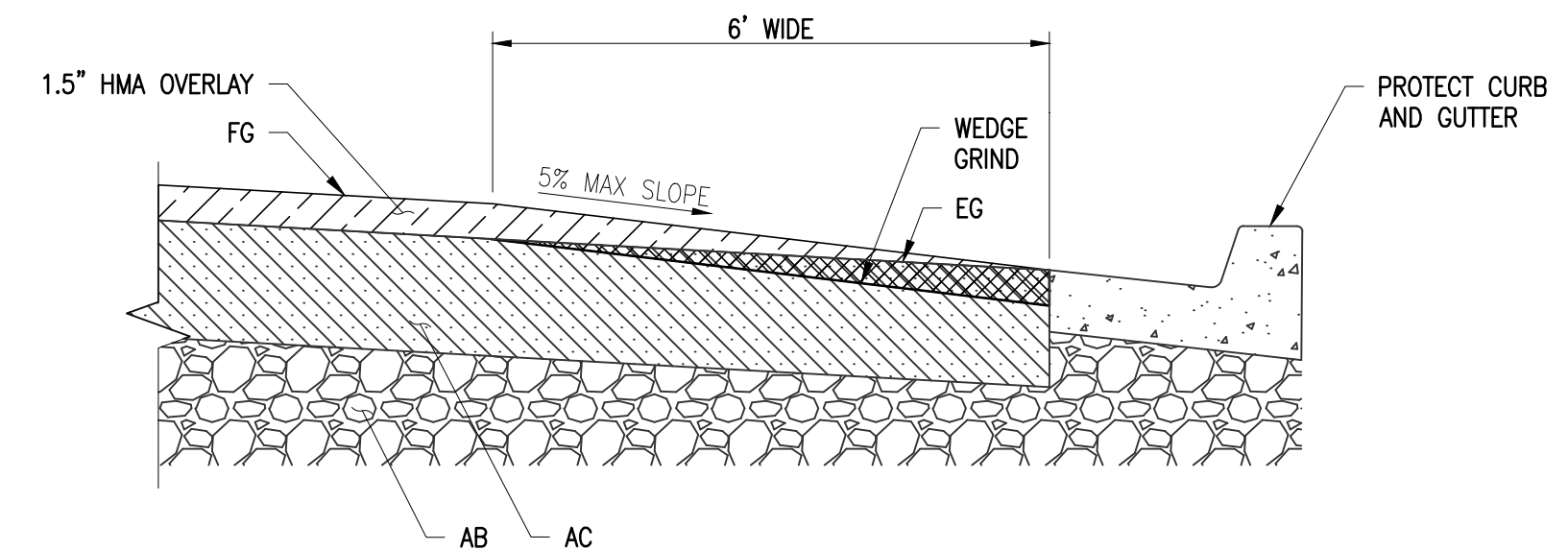
**3**  
D1  
**SURFACE RECONSTRUCT: REMOVE 4" AC/AB  
REPLACE WITH 4" HMA OVERLAY**  
N.T.S.

- NOTES:
- CORE MEASUREMENTS FOR TYPICAL PAVEMENT SECTION CAN BE FOUND ON DRAWING C1.
  - OVER-EXCAVATE IF UNSUITABLE SUBGRADE MATERIAL IS ENCOUNTERED. SEE SPECIAL PROVISIONS "SP-15: SUBGRADE PREPARATION" FOR DETAILS.

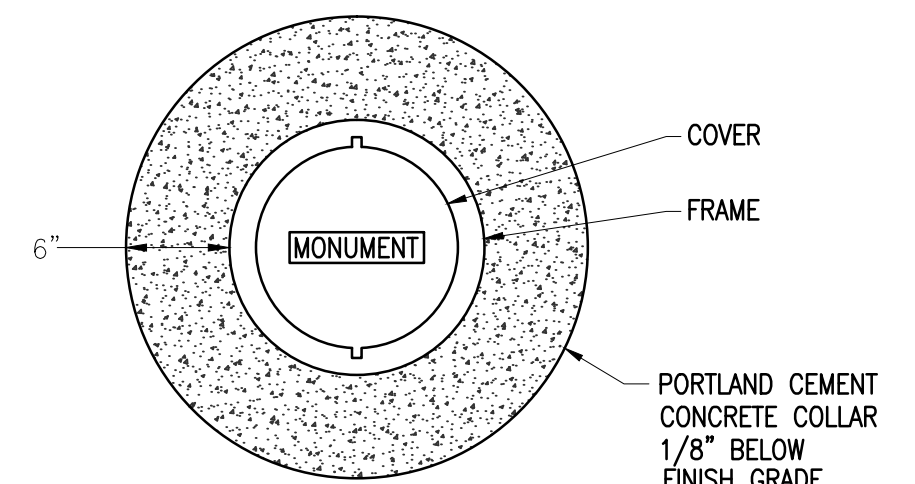


**4**  
D1  
**ASPHALT CONCRETE BASE REPAIR (4" OR 6")**  
N.T.S.

- NOTES:
- APPROXIMATE BASE REPAIR SIZES ARE PROVIDED ON DRAWING C1. EXACT LOCATIONS AND SIZES OF BASE REPAIRS SHALL BE DETERMINED IN THE FIELD BY THE CONTRACTOR AND CITY INSPECTOR. THE AGREED UPON DIMENSIONS SHALL BE RECORDED AND SUBMITTED TO THE CITY AND CONSTITUTE THE FINAL PAY QUANTITY.
  - TACK COAT SHALL BE APPLIED TO ALL PAVEMENT SURFACES PRIOR TO PLACEMENT OF EACH LIFT OF NEW ASPHALT CONCRETE.
  - OVER-EXCAVATE IF UNSUITABLE SUBGRADE MATERIAL IS ENCOUNTERED. SEE SPECIAL PROVISIONS "SP-22: PAVEMENT BASE REPAIR".
  - LIFTS SHALL BE PLACED IN EQUAL DEPTH LAYERS.

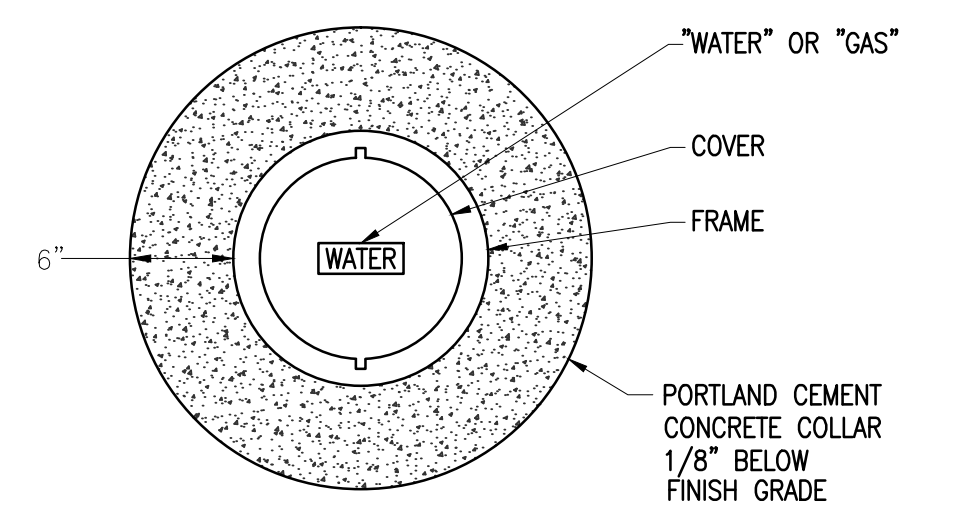


**5**  
D1  
**WEDGE GRIND ALONG CURB AND GUTTER  
(1.5" HMA OVERLAY)**  
N.T.S.



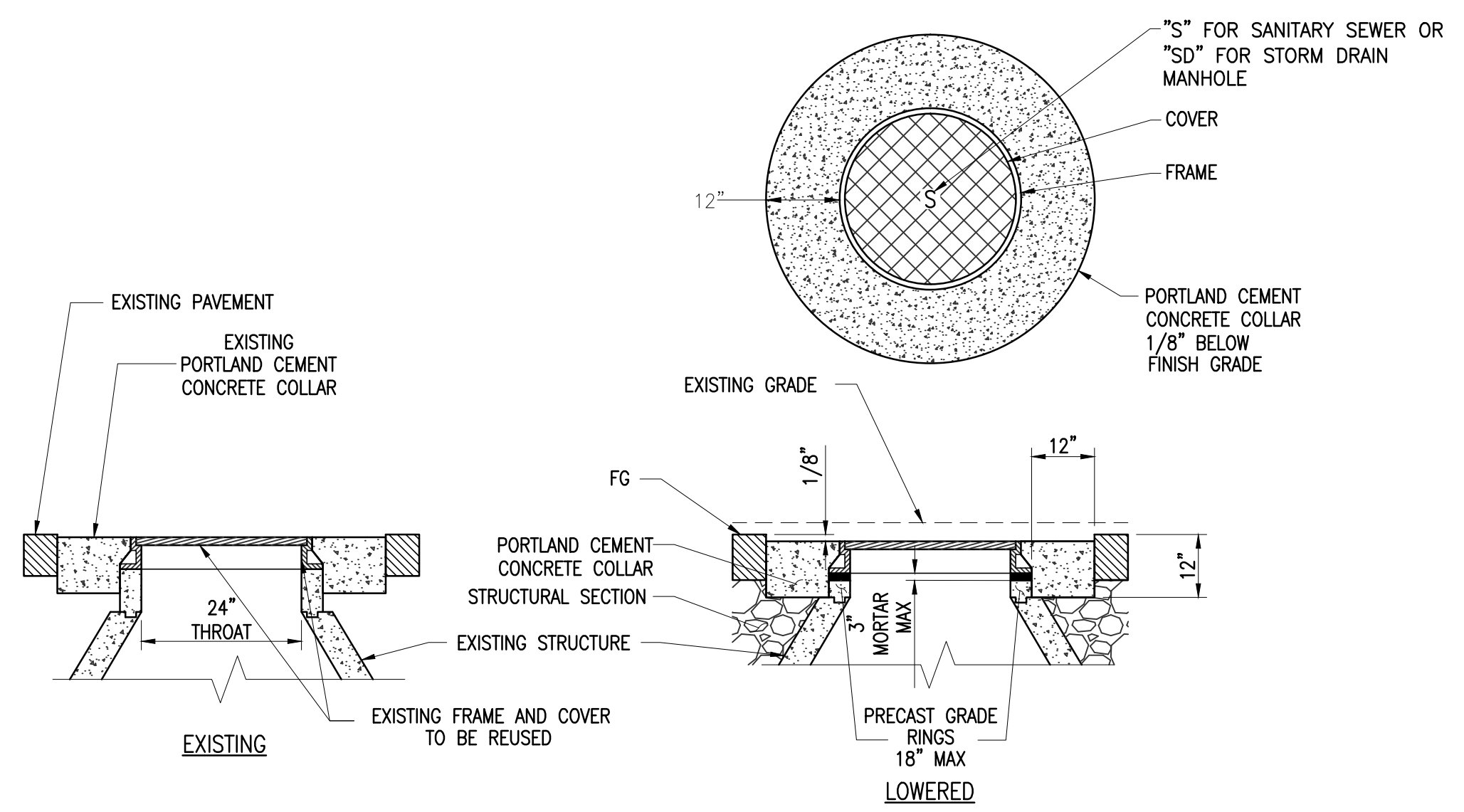
**7**  
D1  
**SURVEY MONUMENT ADJUSTMENT DETAIL**  
N.T.S.

- NOTES:
- MONUMENT BOX AND COVER TO CONFORM TO SPECIAL PROVISIONS.
  - SURVEY MONUMENT BOX LID SHALL BE OILED PRIOR TO PAVING OR CLEANING TO ENSURE THAT MARKINGS ARE LEGIBLE.
  - INSTALL VALVE BOX LID TO BE FLUSH WITH CONCRETE COLLAR AND 1/8" BELOW FINISH GRADE.
  - USE OF GRADE RINGS PROHIBITED.



**8**  
D1  
**VALVE BOX ADJUSTMENT DETAIL**  
N.T.S.

- NOTES:
- VALVE BOX AND COVER TO CONFORM TO SPECIAL PROVISIONS.
  - VALVE BOX LID SHALL BE OILED PRIOR TO PAVING OR CLEANING TO ENSURE THAT LID MARKINGS ARE LEGIBLE.
  - INSTALL VALVE BOX LID TO BE FLUSH WITH CONCRETE COLLAR AND 1/8" BELOW FINISH GRADE.
  - WHERE TRACER WIRES ARE SPliced USE WATER TIGHT CONNECTION.
  - USE OF GRADE RINGS PROHIBITED.



**6**  
D1  
**MANHOLE ADJUSTMENT DETAIL**  
N.T.S.

- NOTES:
- BREAK DOWN MANHOLE COVER AND FRAME TO ALLOW INSTALLATION OF TEMPORARY TRAFFIC RATED COVER AT TEMPORARY GRADE.
  - INSTALL NEW MANHOLE COVER OR FRAME IF EXISTING IS DAMAGED. NEW MANHOLE LID SHALL CONFORM TO SPECIAL PROVISIONS.
  - PCC COLLAR SHALL BE PLACED AROUND EACH MANHOLE REGARDLESS OF WHETHER A COLLAR WAS PRESENT PRIOR TO THE WORK.

**NCE**  
501 Canal Blvd., Suite 1  
Richmond, Ca. 94804  
(510) 215-3620 \* Fax (510) 215-2898

**2015 STREET  
REHABILITATION  
PROJECT**



**420 CAPITOLA AVENUE  
CAPITOLA, CA 95010**

NO.	DATE	DESCRIPTION

PROJECT NO:	303.05.55
DESIGNED BY:	JB
DRAWN BY:	AP
CHECKED BY:	FGH DATE: 06/12/2015
DATE:	06/23/2015

This drawing is the property of NCE, including all patented and patentable features, and/or confidential information and its use is conditioned upon the user's agreement not to reproduce the drawing, in whole or part, nor the material described thereon, nor the use of the drawing for any purpose other than specifically permitted in writing by NCE.

SHEET TITLE  
**CONSTRUCTION  
DETAILS AND  
SECTIONS**

DRAWING  
**D1**

SHEET **3** OF **3**



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Attachment: Capitola 2015 Plans (1996 : Roseale Area Paving to bid)

**City of Capitola  
2015 Street Rehabilitation Project  
Final Draft Estimate of Probable Construction Cost  
March 1, 2016**

Item	Specification Section	Description	Unit	Qty.	Unit Price	Total
1	SP-04	Mobilization	LS	1	\$ 15,000.00	\$ 15,000.00
2	SP-05	Traffic Control	LS	1	\$ 16,000.00	\$ 16,000.00
3	SP-05	Changeable Message Signs	EA	2	\$ 250.00	\$ 500.00
4	SP-07	Remove Pavement Markers	LS	1	\$ 500.00	\$ 500.00
5	SP-08	Reset Survey Nail and Painted Cross	EA	1	\$ 500.00	\$ 500.00
6	SP-08	Adjust Survey Monument Box to Grade	EA	2	\$ 500.00	\$ 1,000.00
7	SP-09	Adjust Water Valve Box to Grade	EA	6	\$ 475.00	\$ 2,850.00
8	SP-09	Adjust Blowoff Valve Box to Grade	EA	1	\$ 475.00	\$ 475.00
9	SP-10	Adjust Gas Valve Box to Grade	EA	1	\$ 475.00	\$ 475.00
10	SP-11	Adjust SSCO Frame & Cover to Grade	EA	2	\$ 475.00	\$ 950.00
11	SP-12	Adjust SSMH Frame & Cover to Grade	EA	8	\$ 850.00	\$ 6,800.00
12	SP-13	Adjust SDMH Frame & Cover to Grade	EA	5	\$ 850.00	\$ 4,250.00
13	SP-14	Install Concrete Cross Gutter	SF	140	\$ 25.00	\$ 3,500.00
14	SP-15	Subgrade Preparation	SY	1,586	\$ 8.00	\$ 12,692.00
15	SP-16	Over-Excavation	CY	40	\$ 25.00	\$ 1,005.00
16	SP-17	Remove Surfacing and Base (4-Inch Depth) (F)	SY	1,586	\$ 10.00	\$ 15,864.00
17	SP-19	Hot-Mix Asphalt Pavement Type A (1.5-Inch Overlay)	TON	55	\$ 85.00	\$ 4,688.73
18	SP-19	Hot-Mix Asphalt Pavement Type A (2-Inch Overlay)	TON	455	\$ 85.00	\$ 38,706.66
19	SP-19	Hot-Mix Asphalt Pavement Type A (4-Inch Overlay)	TON	393	\$ 85.00	\$ 33,374.83
20	SP-21	Thermoplastic Traffic Striping - Detail 22	LF	100	\$ 2.00	\$ 200.00
21	SP-21	Thermoplastic 12" Crosswalk (White or Yellow)	LF	89	\$ 3.50	\$ 312.00
22	SP-21	Thermoplastic 12" Limit Line (White or Yellow)	LF	18	\$ 3.50	\$ 63.00
23	SP-21	Thermoplastic Pavement Markings (Arrows, Words and Numerals)	SF	44	\$ 4.00	\$ 176.00
24	SP-21	Blue Fire Hydrant Pavement Marker	EA	6	\$ 30.00	\$ 180.00
25	SP-22	Pavement Base Repair 4-Inch Depth	SF	50	\$ 6.00	\$ 300.00
26	SP-22	Pavement Base Repair 6-Inch Depth	SF	2,837	\$ 5.00	\$ 14,185.00
27	SP-23	Cold-Planing (Milling) Asphalt Concrete Pavement (2-Inch Depth) (F)	SY	3,680	\$ 4.25	\$ 15,639.00
28	SP-24	Wedge Grind	LF	250	\$ 5.00	\$ 1,250.00
29	SP-24	Conform Grind	LF	35	\$ 20.00	\$ 700.00
30	SP-25	Crack Sealing	LS	1	\$ 5,000.00	\$ 5,000.00

**SUB-TOTAL \$ 197,136.00**  
15% contingency \$ 29,570.40  
**Rounded Total \$ 226,700.00**

(F) - Final Pay Quantity

Attachment: Construction Estimate (1396 : Rosedale Area Paving to bid)



## CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 10, 2016

FROM: Public Works Department

SUBJECT: Approve a Notice of Completion for the Rispin/Peery ADA Pathway

RECOMMENDED ACTION: Accept the Rispin/Peery Park ADA Pathway Improvements – Phase 1 constructed by Earthworks Paving Contractors, as complete at a final cost of \$127,135, and authorize the Director of Public Works to release the contract retention of \$12,713.50 in 35 days following the recordation of the Notice of Completion.

BACKGROUND: Earthwork Paving Contractors has completed all work on the Rispin/Peery Park ADA Pathway Improvements – Phase 1. This project is the first phase of improvements to the ADA pathways throughout Rispin/Peery Park. This portion of the project replaced the ADA ramp from the Nob Hill Shopping Center to the pedestrian bridge over Soquel Creek.

DISCUSSION: The final contract cost was \$127,135 which is comprised of the original contract of \$114,429 plus a \$12,706 change order to pay for additional materials and labor to adjust the ramp slopes based on field measurements taken during the layout phase on the ramps. This change adjusted the ramp slope from 8.1% to 7.5% which provided a minimum amount of leeway that was necessary to insure compliance. All future ramp designs will be done at the 7.5% slope.

FISCAL IMPACT: \$300,000 was budgeted in the Capital Improvement Fund for this project and design work on the Rispin Park Design. With the completion of this project there remains \$85,000 that will be used on Phase 2 of the ADA improvements.

ATTACHMENTS:

1. Notice of Completion

Report Prepared By: Steve Jesberg  
Public Works Director

Jamie Goldstein, City Manager

3/4/2016

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

City of Capitola  
Public Works Department  
Attn: Steven Jesberg  
420 Capitola Avenue  
Capitola, California 95010

SPACE ABOVE THIS LINE FOR RECORDER'S USE

THIS INSTRUMENT IS BEING RECORDED FOR THE BENEFIT OF THE CITY OF CAPITOLA.  
NO RECORDING FEE IS REQUIRED PURSUANT TO GOVERNMENT CODE §27383.

**NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN that the City of Capitola, owner of the property hereinafter described, whose address is 420 Capitola Avenue, Capitola, California, has caused a work of improvements more particularly described as follows:

PROJECT NAME: Rispin/Peery Park ADA Pathway Improvements – Phase 1

PROJECT DESCRIPTION: Accessible Ramp Construcion

to be constructed on property more particularly described as follows:

DESCRIPTION: Peery Park, City of Capitola

ADDRESS: N/A

APN: 035-021-29

The work of the improvement was completed by:

CONTRACTOR: Earthworks Paving Contractors, Inc.

ADDRESS: 310 A Kennedy Drive, Capitola, CA 95010

The work of the improvements was actually completed on the 24<sup>th</sup> day of February 2016, and accepted by the City Council of said City on the 10th day of March 2016

Signature of City Official: \_\_\_\_\_

The undersigned certifies that he is an officer of the City of Capitola, that he has read the foregoing Notice of Completion and knows the content thereof; and that the same is true of his own knowledge, except as to those matters which are therein stated on information or belief, and as to those matters that he believes to be true. I certify under penalty of perjury that the foregoing is true and correct. Executed at the City of Capitola, County of Santa Cruz, State of California.

Steven E. Jesberg  
Director of Public Works

Signed: \_\_\_\_\_

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

Attachment: Notice of Completion (1395 : Rispin/Peery Pathway Americans with Disabilities Act (ADA) Notice of Completion)





# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 10, 2016**

FROM: City Manager Department

SUBJECT: Approve a Beach Lifeguard Contract with the City of Santa Cruz

**RECOMMENDED ACTION:**

- 1) Approve a three-year contract for \$74,665 between the City of Santa Cruz and the City of Capitola to perform lifeguard services on the beaches in the City of Capitola.
- 2) Authorize the City Manager to sign a contract between the City of Santa Cruz and the City of Capitola to perform lifeguard services commencing May 2016 through October 2018.

**BACKGROUND:** In 2012, the Capitola City Council authorized a contract with the City of Santa Cruz to provide lifeguard services on Capitola beaches from May 2012 thru September 2012. In 2013 the City Council authorized an extension of the contract through 2015.

The City of Santa Cruz Fire Department (SCFD) provides lifeguard services through their Marine Safety Division. The Lifeguard Program protects swimmers, surfers, and waders on Capitola Beach during the summer months and the surrounding weekends. Lifeguards respond to water rescues, major and minor first aid calls, basic law enforcement issues on the beach and various animal calls, while also educating the public on various marine environmental issues.

Capitola selected SCFD as the ideal contracting partner given their close proximity to Capitola, SCFD's experience in managing similar beach geography and demographics, and expertise in lifeguard service provision.

Based upon an evaluation of community needs, priorities and available resources, and the experience of SCFD managing the Lifeguard Program at Capitola Beach, staff is recommending the City extending the lifeguard contract with Santa Cruz for an additional three years.

**DISCUSSION:** Under the proposed agreement, SCFD will continue to assume full responsibility for lifeguard operations of Capitola Beach, not including the Junior Lifeguard Program, for the next three years. The City of Santa Cruz will provide these services during the period between Memorial Day and Labor Day. Additionally, should the lifeguard staffing needs at Capitola beach extend beyond the established schedule, the contract includes provisions for those services to be rendered on an actual cost basis.

The City of Santa Cruz will operate the entire Capitola Lifeguard Program including recruiting, hiring, training, scheduling, organizing, administration, payroll and equipment. SCFD is sufficiently staffed to absorb management and oversight of the Program at Capitola. SCFD will hire and train additional lifeguards to staff the Capitola beach.

SCFD will staff the two existing Capitola lifeguard towers and provide one roving Beach Lifeguard II for supervisor support on summer weekdays. During weekends, holidays and periods of high surf advisory, SCFD will staff additional roving lifeguards on the beach as

Beach Lifeguard Contract  
March 10, 2016

precautionary measures dictate. SCFD will maintain a Personal Water Craft at the Capitola Wharf to respond to incidents in the immediate vicinity or mutual aid requests by an allied agency, depending on the availability of a certified operator.

FISCAL IMPACT: The cost of previous approved three-year contract with SCFD was \$68,500 per year. The proposed three-year contract starting in May 2016 is a fixed \$74,665 per year for the three year time period.

ATTACHMENTS:

1. Agreement for Lifeguard Services 2016 Capitola-Track Changes

Report Prepared By: Larry Laurent  
Assistant to the City Manager



Jamie Goldstein, City Manager

## AGREEMENT FOR LIFEGUARD SERVICES

This Agreement for Lifeguard Services (Agreement) shall be effective as of May 1, 2016 May 1, 2016 and is made and entered into by and between the City of Capitola, a general law city and municipal corporation (Capitola) and the City of Santa Cruz, a charter city and municipal corporation (Santa Cruz), (hereinafter collectively referred to as Parties), both of which are public entities organized and existing under and by virtue of the laws of the State of California.

### RECITALS

WHEREAS, each Party to this Agreement provides lifeguard services at certain beaches within their respective jurisdictional limits (excluding beaches supervised and operated by the State of California);

WHEREAS, due to their proximity to one another and similar organization, the Parties wish to cooperate in the provision of lifeguard services;

WHEREAS, all employees of Parties performing services pursuant to this Agreement shall remain employees of their respective jurisdiction and no express or implied employment contract exists for the same as a result of this Agreement;

WHEREAS, this Agreement provides a cost-effective option for sharing said lifeguard service functions.

NOW THEREFORE, the Parties agree as follows:

1. SERVICES. Commencing May 1, 2016May 1, 2016, Santa Cruz lifeguards and lifeguard supervisors, employed as temporary seasonal employees by the City of Santa Cruz Fire Department, will provide lifeguard and lifeguard management services to Capitola at the Capitola Main Beach pursuant to the terms and conditions hereinafter set forth.

2. TERM. The term of this Agreement will commence on May 1, 2016May 28, 2016, and terminate on September 3, 2018September 3October 31, 2018. The term of this Agreement may be extended annually by mutual agreement of the Parties evidenced in writing as an amendment to this Agreement.

3. SCHEDULE. The lifeguard and lifeguard management services provided by Santa Cruz pursuant to this Agreement will be provided in accordance with the following schedule and at the following levels of service.

- A. Memorial Day Weekend through Labor Day Weekend, beginning in May 20163 and concluding in September 20185:

Weekday Schedule: Two lifeguards, one lifeguard per tower, eight hours per day (on average); and one lifeguard supervisor on a rover/break basis, six to eight hours per day (on average).

Weekend/Holiday Schedule: Two lifeguards, one per lifeguard tower, eight hours per day (on average); one lifeguard supervisor on a rover/break basis, six to eight hours per day (on average); and one additional lifeguard on a rover/break basis, four to six hours per day (on average).

Total Budgeted Hours: Santa Cruz will provide in total approximately 3,000 hours of service at Capitola main beach on an annual basis between Memorial Day and Labor Day.

B. Hours worked outside of this time period will be billed at the applicable hourly rate for the employee plus a 19.5% administrative fee. These hours will be generally used for Lifeguard cover when warranted based on weather, surf, and crowds.

4. TRAINING/LEVEL OF SERVICE. Santa Cruz shall train all lifeguards and lifeguard supervisors. The Santa Cruz Fire Department, through its Marine Fire Captain, shall be responsible for all such training. At a minimum said training shall include twenty hours of recurrent training in lifeguarding, first aid and cardiopulmonary resuscitation (CPR). The Santa Cruz Fire Department Marine Safety Division is a United States Lifesaving Association (USLA) advanced agency member and all training, training; lifeguard and lifeguard management service provided pursuant to this Agreement shall adhere to and comply with USLA training, equipment and deployment standards. The operational level of lifeguard and lifeguard management service provided by Santa Cruz to Capitola pursuant to this Agreement shall correspond to the level of operational service that Santa Cruz provides at Main Beach and Cowell's Beach in the City of Santa Cruz and similarly all lifeguard and lifeguard management operational procedures and practices employed by Santa Cruz in Capitola shall correspond to those employed by Santa Cruz in the City of Santa Cruz.

5. EQUIPMENT. Capitola will provide two lifeguard towers to be placed on the Capitola Main Beach at locations designated by the Santa Cruz Marine Safety Captain. Santa Cruz shall provide all other necessary equipment including one personal watercraft to be stored at either the Capitola Main Beach or the Capitola Wharf. Said personal watercraft will be deployed pursuant to direction provided by the Santa Cruz Fire Department only and may be used by lifeguards, lifeguard supervisors and other Santa Cruz Fire Department personnel to respond to incidents in the immediate Capitola vicinity or outside of the vicinity in connection with a mutual aid request from an allied agency depending upon the availability of a certified operator. Necessary equipment will be delivered by the Santa Cruz Fire Department to the Capitola Main Beach on a Santa Cruz Fire Department lifeguard truck which may respond to the Capitola Main Beach, as necessary, on both a periodic and emergency basis.

6. COMPENSATION. For all lifeguard and lifeguard supervisor services provided by Santa Cruz pursuant to this Agreement, including all equipment used by Santa Cruz in connection therewith and all expenses incurred by Santa Cruz in connection therewith, Capitola shall pay Santa Cruz a total of \$68,50074,665 on an annual basis. Said \$74,665 68,500 shall be remitted by Capitola to Santa Cruz in a single lump sum payment due and payable following the Labor Day Weekend. Upon the completion of services provided by Santa Cruz pursuant to this Agreement, Santa Cruz shall submit a \$74,665 68,500 invoice to Capitola. Within thirty days of its receipt of said invoice, Capitola shall satisfy the invoice in full. Santa Cruz shall have the

right to reopen this agreement to negotiate an adjustment to the compensation herein called for should, for any reason, Capitola beach staffing requirements set forth in Section 3 prove inadequate thereby necessitating an increase in the number of lifeguards/lifeguard supervisors assigned to Capitola or an increase in the number of hours, over 3,000 hours, during which lifeguards and/or lifeguard supervisors are assigned to Capitola. Any such notice of reopener from Santa Cruz to Capitola will be accompanied by a written request for a specified amount of additional compensation and documentation which demonstrates the increase in assigned personnel or hours of service forming the basis for the request. To the extent feasible, Santa Cruz representatives shall meet and confer with Capitola representatives before said increase in staffing or hours of service goes into effect. In the case of such a reopener, Capitola reserves the right to negotiate for a reduction in service during the remainder of the current lifeguard service season in lieu of a compensation increase.

7. EMPLOYMENT STATUS. All lifeguard personnel hired and employed by Santa Cruz in connection with this Agreement, shall be and remain employees of Santa Cruz, and shall at all times be subject to the direct supervision and control of the Santa Cruz Fire Department. Santa Cruz shall therefore have full responsibility for payment of all compensation to said personnel, including provision of health plan and other benefits consistent with Santa Cruz policies and/or collective bargaining agreements. Santa Cruz shall further be responsible for all administrative employment matters concerning said personnel, including compliance with requirements for any and all applicable State and Federal income tax withholding, State and Federal unemployment and disability insurance withholding and contributions, social security tax withholding and contributions, worker's compensation coverage obligations, wage and hours obligations, Immigration Reform and Control Act obligations, and any other administrative employment requirements. Nothing in this Agreement shall be intended or construed to create an express or implied employer-employee relationship between Capitola and any of the Santa Cruz Fire Department personnel providing services pursuant to this Agreement. Santa Cruz acknowledges that as employer, it is and continues to be responsible for taking any necessary action, including disciplinary action, with respect to said personnel. As necessary, Capitola shall cooperate fully with Santa Cruz and provide the necessary assistance in reasonably investigating and supporting, through witnesses and documents, facts which may serve as the basis for Santa Cruz taking any disciplinary or corrective action.

8. APPLICABLE STATUTES, ORDINANCES AND REGULATIONS. In performing the lifeguard services required under this Agreement, Santa Cruz shall comply with and enforce all applicable federal, state, and Capitola statutes, ordinances and regulations. Nothing in this Agreement shall be construed in any way to reduce or detract from the obligations of Santa Cruz employees to comply with the policies and procedures of Santa Cruz, including but not limited to all applicable personnel policies and procedures and/or collective bargaining agreements, and conflict of interest policies. Santa Cruz shall not be required to establish any policies, procedures, and rules and guidelines for lifeguard services that are in conflict with or which are otherwise inappropriate under Santa Cruz's applicable policies and procedures.

9. INSURANCE.

- A. Each of the Parties, at its sole cost and expense, shall insure its activities in connection with this Agreement and obtain, keep in force and maintain, or be permissibly and legally self-insured, as follows:

- i. Commercial General Liability Insurance (contractual liability included) with minimum limits as follows:
  - a. Each occurrence of \$1,000,000 per occurrence.
  - b.
- ii. Business Automobile Liability Insurance for owned, scheduled, non-owned, or hired automobiles with a combined single liability limit of not less than \$1,000,000 per occurrence.
- iii. Worker's Compensation as required by California State law.
- iv. Such other insurance in such amounts which from time to time may be reasonably required by the mutual consent of the Parties against other insurable risks relating to performance.

The coverages required under Section A shall not limit the liability of the Parties.

The coverages for each party referred to under subsections i and ii of Section A shall include the other party as an additional insured. Such a provision, however, shall apply only in proportion to and to the extent of the negligent acts or omissions of the other Party, its respective officers, employees, and agents. Each party upon the execution of this Agreement shall furnish the other Party with certificates of insurance evidencing compliance with all requirements. Certificates shall further provide for thirty (30) days (10 days for non-payment of premium) advance written notice to the other Party of any material modification, change, or cancellation of any of the above insurance coverages.

**10. INDEMNIFICATION.** Each Party agrees to defend, indemnify, and save the other Party, its respective officers, employees, agents and volunteers harmless from any and all claims, liability, losses, expenses, attorneys, fees or costs arising out of said Party's respective employees', officers', employees', agents' or volunteers' negligent acts, errors, omissions or willful misconduct while performing their obligations pursuant to this Agreement, but only in proportion to and to the extent such liability, losses, expenses, attorneys' fees, costs or claims for injury or damages are caused by the negligent or intentional acts or omissions of said Party, its respective officers, employees, agents, or volunteers, or volunteers. For purposes of this provision none of the Santa Cruz personnel who provide services pursuant to this Agreement shall be construed to be, or considered, Capitola officers, employees or agents.

**11. TERMINATION WITHOUT CAUSE.** Each Party may terminate this Agreement, without cause, by giving written notice to the other Party. Such termination shall be effective thirty (30) days following receipt of written notice.

**12. TERMINATION FOR CAUSE.** Should any Party be in default of any covenant or condition hereof, the other Party may immediately terminate this Agreement for cause if the defaulting Party fails to cure the default within ten (10) calendar days of receiving a written notice of the default.

13. NON-ASSIGNABILITY. This Agreement shall not be assigned by either Party without first obtaining the express written consent of the other Party.

14. NOTICES. Any and all notices or other communications required or permitted by this Agreement or by law to be served on or given to the Parties shall be in writing and shall be deemed duly served and given when personally or electronically delivered to the Party to whom directed or in lieu of such personal or electronic service when deposited in the United States mail, postage paid to:

City of Capitola  
420 Capitola Ave  
Capitola CA 95010  
Attn: City Manager  
Telephone: (831) 475-7300

City of Santa Cruz  
809 Center Street, Room 10  
Santa Cruz CA 95060  
Attn: City Manager  
Telephone: (831) 420-5010

15. LEGAL REPRESENTATION AND ADVICE. Each party shall rely upon and consult with its respective jurisdiction's legal counsel regarding legal matters or issues related to its employees' performance pursuant to this Agreement. In the event that a legal matter or issue relates to two or more employees of differing jurisdictions, said jurisdictions shall meet and confer on appropriate legal representation and apportionment of costs, if applicable, consistent with the Parties' obligation under Section 10 above, Indemnification. Notwithstanding the foregoing, no employee, officer or agent of any Party to this Agreement shall be considered an employee of the other Party to this Agreement for purposes of legal representation and advice.

16. WAIVER OF CONFLICT OF INTEREST. Each Party has considered the conflict of interest and fully understands the possible adverse consequences of the simultaneous representation by the same legal counsel in the preparation of this Agreement. Each Party understands that it has the right to seek the advice of independent legal counsel on its own behalf on the conflict of interest issue and also relating to this Agreement. Each Party hereby agrees to waive the conflict of interest in the continued representation by the same legal counsel of both the City of Santa Cruz and City of Capitola relating to this Agreement, and further agrees that it does not affect the same legal counsel's representation of both cities in other matters.

176. ENTIRE AGREEMENT. The Parties agree that this Agreement constitutes the sole and only Agreement between them representing lifeguard and lifeguard management services and correctly sets forth their obligations and duties with respect to each other.

187. AMENDMENT. This Agreement may be amended only by written consent of the Parties.

198. SUBJECT HEADINGS. The subject headings of the paragraphs in this Agreement are included solely for the purposes of convenience and reference, and shall not be deemed to explain, modify, limit, amplify or aid in the meaning, construction or interpretation of any provision of this Agreement.

2019. NO INTERPRETATION AGAINST DRAFTING. This Agreement has been negotiated at arm’s length between the Parties hereto. Accordingly, any rule or law (including California Civil Code §1635 et seq.) or legal decision that would require interpretation of any ambiguities in this Agreement against the Party that has drafted the applicable provision, is not applicable and is waived. The provisions of this Agreement shall be interpreted in a reasonable manner to effect the purpose and intent of the Parties.

210. EXECUTE IN COUNTERPARTS. The Parties agree that there shall be two originals of this Agreement, which shall be identical in all respects, including form and substance. The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument.

221. GOVERNING LAW. This Agreement shall be construed in accordance with and governed by the laws of the State of California.

The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives.

Executed at Santa Cruz, California as follows:

City of Capitola, a Municipal Corporation

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

Name: Jamie Goldstein

Its: City Manager

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

City of Santa Cruz, a Municipal Corporation

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

Name: Martin Bernal

Its: City Manager

Attachment: Agreement for Lifeguard Services 2016 Capitola-Track Changes (1397 : Beach Lifeguard Contract)



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

Approved as to form:

By \_\_\_\_\_  
John G. Barisone, City Attorney

Approved as to form:

By \_\_\_\_\_  
Adair Paterno, Assistant City  
Attorney



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 10, 2016**

FROM: City Manager Department

SUBJECT: Receive the 2015 Art and Cultural Commission Annual Report

RECOMMENDED ACTION: Receive report.

BACKGROUND: According to Capitola Municipal Code § 2.56.050, each year the Art & Cultural Commission (Commission) is required to offer an assessment of the Commissions' annual goals, plans and objectives from the prior year, and recommend a Commission work plan for the upcoming year for Council consideration.

DISCUSSION: The Commission's purpose is to advise the City Council as to the allocation of public funds for the support and encouragement of existing and new programs in the arts; acquire by purchase, gift or otherwise, works of art subject to City Council approval; initiate, sponsor or direct special programs which will enhance the cultural climate of the City; establish close liaisons with other commissions and civic organizations in order to foster public interest in the arts; and implement the Commission's Master Plan.

In 2015 the Commission organized many successful events in the community to enhance the cultural and artistic environment of Capitola. Annual events included; 12 Twilight Concerts, three "Movies at the Beach" as well as six "Sunday Art at the Beach" events.

In addition to these recurring annual events, the Commission added two new events. On September 20, 2015 the Commission hosted Opera at the Beach. The Bay Shore Lyric Opera Company performed Mozart's Don Giovanni at the Esplanade Bandstand. The Commission also added a fine art event to the calendar, Capitola en Plein Air. The outdoor, juried painting event took place November 6, 7 and 8, 2015, throughout Capitola. Over 40 artists created their artwork in the open air throughout Capitola. People had the ability to watch artists create their work on Friday and Saturday, and on Sunday each artist displayed their works for judging and sale. Due to rain on Sunday, the program was moved to the Jade Street Park Community Center.

The Commission remains an active participant in the children's art events at the Begonia Festival and the Art & Wine Festival. In 2015, the Commission added a Children's Art Program to the Plein Air event.

The Commission continued to work on public art projects throughout the City. The largest being the Wharf Road Mural Extension which was completed in March 2015. The art exhibition in Capitola government buildings was continued in 2015 and has showcased several guest artists including local professional and student artists.

Art and Cultural Commission Annual Report  
March 10, 2016

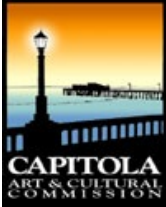
For 2016, the Commission will continue to offer free public entertainment events. The Commission is in the process of determining which public art projects will be feasible in 2016. The art exhibition in Capitola government buildings will also continue and possibly expand to include other public buildings.

ATTACHMENTS:

1. Art & Cultural Annual Report 2015

Report Prepared By: Larry Laurent  
Assistant to the City Manager





Capitola Art & Cultural Commission  
 420 Capitola Ave.  
 Capitola, CA 95010  
 831-475-7300

# CAPITOLA ART & CULTURAL COMMISSION

## ANNUAL REPORT 2015

### Background:

The Capitola Art & Cultural Commission's (A&C) purpose is to advise the City Council as to the allocation of public funds for the support and encouragement of existing and new programs in the arts; acquire by purchase, gift or otherwise, works of art subject to City Council approval; initiate, sponsor or direct special programs which will enhance the cultural climate of the City; establish close liaison with other commissions and civic organizations in order to foster public interest in the arts; and implement the Art & Cultural Master Plan.

In 2015 the Art and Cultural decided to recommend to the City Council that the number of commissioners be reduced. The City Council approved the reduction in Commissioners from twelve (12) to nine (9) beginning January 1, 2016. Each commissioner serves a term of two years, with a maximum of three consecutive two year terms. The commission is now composed of the following: One (1) City Council Member; One (1) Planning Commissioner; One (1) Artist or Arts Organization Representative Member; One (1) Arts Professional Member and Five (5) "At-Large" Members. Appointments are made by the City Council. The commission is staffed by a ¼ time administrative assistant and the Assistant to the City Manager

The Art & Cultural Commission meetings are on the 2nd Tuesday of the month. In addition the commission holds a planning retreat in the beginning of the year.

### Members during 2015:

Mike Termini (Chair & City Council Representative), Roy Johnson (Vice-Chair & Arts Professional), Kim Hogan (Artist), Linda Smith (Planning Commission Member) Nathan Cross (At Large Member), Dave Kraemer (At Large Member), Joyce Murphy (At Large Member), Jenny Shelton (At Large Member), James Wallace (At Large Member), Laurie Hill (At Large Member), Joan Davisson (At Large Member) & Stephanie Gelman (At Large Member).

## Yearly Highlights-2015: Events & Entertainment:

### Twilight Concerts:

The A&C Commission organized the 31st annual Twilight Concerts Series. This annual series offered 12 free concerts in Capitola Village on Wednesday evenings during last summer months. The concerts attract between 1,500-3,000 attendees to each of the free, family friendly events. Every concert is sponsored by a private donor in the amount of \$1,200. Bands were paid between \$1000 and \$1400 depending on the number of members. A sound engineer provides services for these events. Promotion of the concerts includes the distribution of over 10,000 postcards, as well as press releases to the local newspapers. The concerts are also advertised on the City's website and scroll. The Commission did not sell T-Shirts during the 2015 Twilight Concerts.

Twilight Event Evaluation: The Commission table/t-shirt sales area has continued to be a welcome addition the event set up, offering concert goers and band members an easy way to locate the main information center and volunteers or staff.

2015 Sponsors: Paradise Beach Grille, Lanai Financial Solutions, Christine McBroom, Monterey Bay Properties, Zelda's, Devcon Construction, Marriot Fairfield Inn – Capitola, Union Bank of California, Gayles Bakery & Rosticceria, Ow Family Properties, Britannia Arms, JR Parrish Real Estate, Stockton Bridge Grille.

2015 Bands: Jean Fineberg and the Party Monsters, Shane Dwight, Big City Revue, Sambada', Mark Russo and the Classy Cats, Broken English, Joint Chiefs, Extra Large, Black Sunday Roadshow, Tsunami Band, Lyin'i's, Digbeats

Planned/Considered Changes:

- Storage area for Commissions band water bottles, t-shirts, tables and lights, etc.
- Restart T-Shirt Sales

### Movies at the Beach:

Organized the 11<sup>th</sup> annual Movies at the Beach event. The free Movies on the Beach occurred three times a year and regularly attracts 400-800 attendees per event. The movies are sponsored by private donors in the amount of \$1,000 each. The cost of hiring a projectionist and rental of the movies generally runs between \$650 and \$750. The movies are promoted on the postcard, as well as the City website and scroll.

Movie Event Evaluation: The Commission maintained hosting three movies during the Movies at the Beach event for 2015. All movies were shown on a screen secured to the bandstand stage. Movies were organized by Art and Cultural Commission and funded through sponsorship by Pizza My Heart. A fourth movie event was organized by the Begonia Festival. These free family friendly events continue to grow in popularity. The Commission received popcorn from the Aptos Theater Nickelodeon for event which was offered free to attendees also. Volunteers and students served the popcorn to the audience.

Movies: Lego Movie, Endless Summer 2, Ferris Bueller's Day Off.

Sponsors: Pizza My Heart sponsored the all three Art and Cultural movies.

Planned/Considered Changes:

- Retain the same arrangements with sponsors, number of movies, and staffing from Public Works.
- Through Public Announcements, enlist the help of local media to promote these free events.
- Will need to find another source for popcorn.

### **Sunday Art and Music at the Beach:**

The Commission once again organized the Sunday Art and Music at the Beach Events. This event takes place on six Sunday's during the summer months. This event is free to attend. The Sunday Art and Music at the Beach program continues to be coordinated by Leslie Fellows on a contract basis. Artists pay for booth rentals to display and sell their arts and the funds are used to pay the program coordinator. The addition of the live music in 2010, required securing sponsors for the music costs. This music series has been well received by locals, beach goers, artist and event attendees.

Music and Art at the Beach Evaluation: The Commission sponsorship committee was able to secure one corporate sponsor to cover all band cost for the 2015 bands. The amount paid to each band \$400 during the 2015 season. This made securing sponsorship much easier. The bands continue to bring in positive reviews from beach goers, selling artist as well as buyers of the Art and Music at the Beach events.

Sponsor: Green Waste Recovery, Inc.

Planned/Considered Changes:

- Maintaining program

## **New Events**

In 2015, the Art and Cultural Commission added two new events to its schedule. Both events took place after the traditional summer season.

### **Opera at the Beach**

The Art and Cultural Commission was presented with an opportunity to host The Bay Shore Lyric Opera Company in a production of Mozart's Don Giovanni. The Opera took place in the Esplanade Park on September 20<sup>th</sup>. The event was sponsored by anonymous donor which paid for the opera company and the sound engineer.

Sponsor: Anonymous

Planned/Considered Changes: Sponsorship committee will need to secure sponsorship for the Opera in 2016.

### **The Magic of Capitola - En Plein Air**

The Art and Cultural Commission added a Plein Air event in 2015. The event took place on November 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> throughout the City, but primarily along the coast and Soquel Creek. The juried competition, exhibition and sale attracted over 40 artist, who created art in the open air throughout Capitola. People had the opportunity to watch artists create art throughout the weekend. The judging and sale on the 8<sup>th</sup> was originally planned for Esplanade Park, but due to rain, it had to be moved to the Community Center at Jade Street Park. Even with the last minute change of venue, the event went off wonderfully and was a great success.

The Plein Air event took many volunteer hours to coordinate and run with many commissioner assisting. Special acknowledgement needs to go to Commissioners Jenny Shelton, David Kraemer and former Commissioner Stephanie Gelman who all donated a significant number of hours to ensure this inaugural event took place and was a success.

The City Council approved \$3500.00 for the production of the Plein Air event and \$2250.00 to purchase the 1<sup>st</sup> and 2<sup>nd</sup> place winners in the professional division, which will remain part of the City's permanent art collection. Artists were charged entry fees to help offset the cost of the event.

Sponsor: Gayle's Bakery & Rosticceria, Monterey Bay Properties

Planned/Considered Changes: Sponsorship committee may need to secure additional sponsorship for the Plein Air in 2016.

## **Community Enrichment:**

- The Commission participated in the Children's Art Event for the Begonia Festival-coordinated art event for over 300 children. Offered children an opportunity to create an art piece to take home.
- The Commission coordinated a Children's Art Project that took place during the Capitola Plein Air Event.

## **Public Art Project & Improvements:**

In 2004, the City Council approved the implementation of a Public Arts Fee. The purpose was to ensure that 2% of the cost of eligible municipal capital improvement, renovation, or restoration projects funded in whole or in part by the City of Capitola, or any private, non-residential development project with a total building permit valuation of \$250,000 or more be set aside for the acquisition of works of art to be displayed in or about public places within the City. For a private development, there is an "in lieu" option to contribute 1% of the total budget of the project to the Public Arts Program. Fees collected are placed in a restricted Public Arts fund.

In 2015, four projects in Capitola met the above criteria. All four took the 1% option and contributed approximately \$53,000 toward the Public Arts Program during the year. The Current balance of the Public Art fund is about \$250,000.

The following is a list of projects funded in 2015 by the Public Art Fee:

- Wharf Road Mural Extension.
- Professional winning paintings from Plein Air Event. Part of the City's permanent collection.

## **Continuing in 2016:**

### Events & Entertainment:

- Twilight Concerts – 32<sup>nd</sup> annual concert series offer 12 free concerts in Capitola Village on Wednesday evenings during the summer months.
- Movies at the Beach event – 12<sup>th</sup> annual event offered 3 free movies on the beach.
- Sunday Art and Music at the Beach events – 6 Sunday's during the summer months several artist display and sell their arts. Offer live music during all the events. Musician costs are covered by sponsorship.
- Capitola Opera at the Beach
- Capitola en Plein Air



Community Enrichment:

- Children's Art Event for the Art & Wine Festival
- Children's Art Event for the Begonia Festival
- Children's Art at Capitola en Plein Aire

**Future Public Art and Projects considered, discussed & researched recently**

Short-Range

- 41<sup>st</sup> Avenue landscaping and art maintenance.
- Writing Contest
- Friends of the Commission: email list of potential volunteers
- Bella Roma Railing
- Wharf Road Bridge Painting
- Climbable Art
- Stairs to Depot Hill

Mid-Range

- Art at the skate park
- Seawall/Jetty Sculpture
- Annual performing arts event at New Brighton
- Fish Tank
- Interactive stage events

Long-Range

- Rispin Mansion Gardens & fountain (need to resolve ADA & government issues before this can become a viable project for Art & Cultural)
- Sculpture on Capitola Road near Target
- Sculpture on Roundabout by Gayles
- Archway entrance to Bay Avenue
- Film Festival
- Art at Upper Esplanade
- Town clock



# CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 10, 2016

FROM: Public Works Department

SUBJECT: Report on Rispin Mansion Park and the Rispin/Peery Park ADA Improvement Projects and Approval of Plans, Specifications, and Construction Estimates, and Authorization to Advertise for Bids for Certain Phases of the Project

**RECOMMENDED ACTION:** Receive oral report on the Rispin Mansion Park and ADA improvements and approve plans, specifications, and engineer's estimate for construction and authorize advertising the project to receive bids setting the bid opening date for April 13, 2016.

**BACKGROUND:** Mike Arnone & Associates and their sub-consultants have developed the final plans for the Rispin Park. In conjunction with the park development the plans for the second phase of the Rispin/Peery ADA path improvements have been prepared by Kimely-Horn. Staff and the designers are working to finalize the construction estimates, available funding to determine the best bid packages for these projects.

**DISCUSSION:** It is apparent that phasing the projects will likely be necessary to meet grant funding deadlines because current cost estimates for the entire project exceed the available funding.

At the hearing staff will present options to the Council regarding project phasing, and request authorization to proceed immediately with bidding the ADA path improvements from Wharf Road down to the Soquel Creek Bridge.

**FISCAL IMPACT:** The existing funding for these projects includes the following:

CDBG grant	\$ 384,000
General Fund	\$ 215,000
Successor Agency	<u>\$ 160,000</u>
	\$ 759,000

The grant funding must be expended by June 30, 2016. The current preliminary construction estimates are:

Park Improvements	\$ 880,000
ADA Path Improvements	<u>\$ 320,000</u>
	\$1,200,000

Report Prepared By: Steve Jesberg  
Public Works Director

Jamie Goldstein, City Manager

3/4/2016



# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF MARCH 10, 2016**

FROM: Community Development

SUBJECT: Appeal of a Planning Commission Decision to Approve a Wireless Telecommunications Antenna at 1200 41st Avenue

**RECOMMENDATION:** Uphold the Planning Commission's decision to approve the project as conditioned.

**BACKGROUND:** The Planning Commission considered an application on January 21, 2016 for a Design Permit, Conditional Use Permit and Coastal Development Permit for a wireless telecommunications facility at 1200 41<sup>st</sup> Avenue. The proposed small-cell wireless antenna would consist of a four-foot tall cylindrical antenna with screening and ancillary equipment located on the existing Begonia Plaza multi-tenant commercial building.

After considering the staff report and testimony from the applicant and members of the public, the Planning Commission voted unanimously to approve Verizon's proposal with the condition that the applicant modify the design to provide a stealth appearance to minimize the visual impact along 41<sup>st</sup> Avenue and other public vantage points. An appeal of the Planning Commission decision was received on February 4<sup>th</sup>, 2016.

**DISCUSSION:** On February 4, 2016, the City received an appeal of the Planning Commission decision from Ms. Marilyn Garrett and Ms. Marketa Bilkova (Attachment 1), challenging the Commission's decision based on improper setbacks and inadequate noticing.

### Wireless Setback Requirements

The appellant's allege that the proposed facility would not comply with City setback requirements for wireless antenna stating *"the ordinance clearly states that wireless facilities are not to be placed closer than 500 feet from residential housing. The Begonia Plaza cell tower will be placed within much closer than 500 feet."*

The Capitola Municipal Code (Code) restricts wireless antenna facilities from being located within 500 feet of a residential, public facility, or parks and open space zoning district. Additionally, the Code also states that "in no event may a new wireless facility be located within 300 feet of a restricted zoning district." Verizon's proposal at 1200 41<sup>st</sup> Avenue is located approximately 240 feet from the Reposa Avenue residences due west, and thus does not comply with the 300 foot setback requirement.

However, Code Section 17.98.080-D (Exceptions to Restricted Areas) states that wireless facilities may be sited in restricted zoning areas if the applicant can prove: (1) the facility would eliminate or substantially reduce a significant gap in the carrier's network, and (2) there are no other viable alternatives outside of the restricted zones which would also reduce said gaps. The applicant has demonstrated, to the satisfaction of staff and an independent telecommunications expert, that there is decreasing wireless data capacity and that a new small-cell site here would improve coverage.

1200 41st Ave Verizon Appeal  
March 10, 2016

The applicant evaluated alternative locations, but did not identify any areas which could meet the City's setback requirements from restricted zoning districts (Attachment 5). Based on staff's review and analysis, there are no sites along 41st Avenue south of Capitola Road which could provide an increased setback from residential zoning districts. The findings therefore support an exception to install a wireless facility in this location.

#### Improper Noticing

The appellant also alleges the project was not adequately noticed. Pursuant to Code Section 17.98.040 (Approval process and noticing – Wireless Communications Facilities), "all property owners within 600 feet of a property on which a wireless communications facility is proposed shall be notified by mail of the wireless communications facility application no later than ten days prior to a public hearing by the Planning Commission." Noticing is required to be mailed to property owners. A notice of the January 21, 2016, Planning Commission hearing was posted at the Begonia Plaza site, mailed to all property owners within 600 feet, and posted in the Santa Cruz Sentinel on January 8, 2016. Additionally, and although not required by the Code, staff mailed notices to all Begonia Plaza tenants for this appeal hearing.

#### Wireless Health Effects

While the appellants do not directly allege health effects in their appeal, it should be noted that the City may not deny an application based on environmental or health effects of Radio Frequency (RF) emissions. According to Section 332(c) of the Communications Act, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." Accordingly, environmental health effects were not considered by the Planning Commission in their approval of the project and may not be a consideration during the appeal hearing.

FISCAL IMPACT: None

#### ATTACHMENTS:

1. Appeal Letter
2. Minutes from 1/21/16 Planning Commission Hearing
3. Verizon Project Submittal
4. Telecom Technical Review
5. Alternative Locations Graphic
6. Planning Commission Staff Report, Conditions and Findings

Report Prepared By: Ryan Safty  
Assistant Planner



Jamie Goldstein, City Manager

RECEIVED

FEB 04 2016

CITY OF CAPITOLA

To: Members of the Capitola City Council

Re: Appeal of January 21, 2016 planning commission approval of Verizon cell tower site in Begonia Plaza, on top of Subway Sandwich building

February 4, 2016

Dear esteemed public representatives,

I am strongly convinced the planning commission's decision to proceed with construction of the above mentioned cell tower is in error because it is in direct violation of Capitola city wireless facilities ordinance.

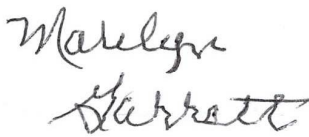
The ordinance clearly states that wireless facilities are not to be placed closer than 500 feet from residential housing. The Begonia Plaza cell tower will be placed within much closer than 500 feet. This ordinance was approved by the council in order to protect its residents.

Another reason why this decision requires further hearings and public input is that surrounding business owners did not receive adequate notification.

Additional reasons will be presented at the appeal hearing.

Thank you for your careful consideration of this matter.

Sincerely,



Marylin Garrett  
Retired teacher  
Pajaro Valley School District  
351 Redwood Heights Rd.  
Aptos, CA 95003  
Tel: 831-684-1401



Marketa Bilkova, L.Ac.  
Assistant Professor  
Five Branches University  
3171 Branciforte Dr.  
Santa Cruz, CA 95065  
Tel.:831-427-2515

Attachment: Appeal Letter (1400 : 1200 41st Ave Verizon Appeal)



**APPROVED MINUTES (partial)  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, JANUARY 21, 2016  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

**6. PUBLIC HEARINGS**

**A. 1200 41st Ave #15-119 APN: 034-101-38**

Design Permit and Conditional Use Permit for the installation of a new Verizon wireless antenna and ancillary equipment on the roof of the Begonia Plaza commercial building in the CC (Community Commercial) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Begonia Plaza LLC

Representative: Verizon Wireless – Sequoia Deployment Services, filed 7/27/15

Assistant Planner Ryan Safty presented the staff report. He noted all mechanical elements are proposed to be screened except the antenna and he offered images. The project is intended to fill a gap in coverage area. He provided an overview of the requirements for considering a new cell tower. This location is furthest from restricted residential districts within the area needing additional coverage. The project was subject to an outside review by Telecom Law Firm, which concluded the proposal did not use the least intrusive design and suggested an optional faux chimney design.

Planner Safty also noted condition 15 should be amended to make the permit valid for 10 years based on state regulation.

Diana Bush asked for details of terms of the contract for placement and the range of the tower. She reiterated her health concerns.

Tanya Datel, president of the Jade Street homeowners association that has five homes in the restricted range, opposes the project for health reasons and property values.

Helen Brice noted the legal review conclusion does not appear to support the claimed gap in coverage and asked did they demonstrate a need?

Marilyn Garrett opposed the project for health and privacy reasons.

Pete Shubin spoke on behalf of the application. In response to the question about range, he noted the proposal is for a small cell with a roughly 1,000-foot range. Existing nearby towers will not meet data demand in the area. There is no potential for co-location of other carriers on the tower, but there is on the property.

Commissioner Westman asked about the suggestion to camouflage the unit and was told it is possible but it increases the mass and visibility.

Commissioner Smith confirmed the design can be adjusted so it does not narrow at the base.

Melissa Van Ness said she shares shared concerns expressed by others and she has not experienced reception problems in the shopping center.

Commissioner Westman reviewed the allowed considerations and noted commissioners do not have legal parameters to make a decision based on health concerns since the required conditions will be imposed. She supports a proposal to screen it from view.

Commissioner Smith concurred, but does not like a brick chimney look on a tile roof. Although she feels having the antenna visible allows people to make choices about being in its proximity, she would like a revised screened proposal.

Commissioner Newman expressed appreciation for the speakers who keep the health issues in front of the public, but considering them is not within the commission's purview. He also does not like the faux chimney.

Chairperson Welch asked if failing to prove a lack of coverage could be grounds for denial. Director Grunow said maps show increased coverage and the speed capacity issue is not contested. Commissioners Smith and Newman said they interpreted the legal consultant review as confirming a need due to the speed gap.

Commissioners supported requiring a screening design to be approved by staff.

Motion: Approve the Design Permit, Conditional Use Permit, and Coastal Development Permit with the following conditions and findings:

**CONDITIONS OF APPROVAL**

1. The project approval consists of a new, small-cell wireless antenna facility on to an existing commercial building at 1200 41<sup>st</sup> Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 21, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. All planning fees associated with permit #15-119 shall be paid in full.
3. The applicant was granted a design permit, conditional use permit, and location exemption for the installation of a new, small-cell Verizon wireless antenna facility on the rooftop of the existing commercial building at 1200 41<sup>st</sup> Avenue. In any case where the conditions of the permit are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the Planning Commission may revoke the permit.
4. Prior to Building Permit issuance, the applicant shall submit a modified, stealth design to screen the antenna facility from public view, to the satisfaction of the Community Development Director.
5. The wireless communication facilities shall comply with all Federal Communication Commission (FCC) rules, regulations, and standards. Every two years the wireless telecommunications service provider shall submit to the director of community development: (1) a certification by a licensed engineer that the emissions are within the current FCC standards; and (2) a report on the level of cumulative radio frequency emissions within an eight hundred-foot radius from the subject antenna.
6. All roof-mounted facilities shall be painted with a non-reflective matte finish using an

appropriate color that blends with the backdrop. The final choice of colors shall be approved by the community development department, in accordance with section 17.98.120 of the Capitola Municipal Code.

7. The wireless communications facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the director when deemed necessary.
8. 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 director. Testing and maintenance activities, which do not generate audible noise, may occur at any time, unless otherwise prohibited by the director.
9. All wireless communications providers shall provide signage, as required by the director, which shall identify the name and phone number of the wireless communications provider for use in case of an emergency.
10. The new wireless communications facilities shall be maintained by the wireless service provider in good condition. This shall include keeping all wireless communications facilities graffiti free.
11. At time of Building Permit submittal, the wireless carrier applicant must submit equipment specifications for all proposed rooftop equipment in order for the Building Department to verify existing structure's load capacity. The Building Department may require a report prepared by a structural and electrical engineer.
12. The wireless communications facility which provides service to the general public shall be designed to survive a natural disaster without interruption in operation. To this end, the measures listed in section 17.98.200 of the Municipal Code shall be implemented.
13. Wireless communications providers shall provide the city with a notice of intent to vacate a site a minimum of thirty days prior to the vacation, and all other forms of cessation of operation on-site shall follow the rules and regulations set forth in Municipal Code section 17.98.210.
14. In the event that the original permittee (Verizon) sells its interest in a wireless communication facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the city for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project (#15-119) shall be provided by the succeeding carrier to the community development department within thirty days of transfer of interest of the facility.
15. This permit shall be valid for a period of ~~five~~ ten (10) years. An approval may be extended administratively from the initial approval date for a subsequent five years



and may be extended administratively every five years thereafter upon the verification of the wireless communications provider's continued compliance with Municipal Code chapter 17.98 and with the findings and conditions of approval under which the application was originally approved. This does not apply to preexisting legal nonconforming uses.

16. Should the director determine that the wireless communications facility may no longer be in compliance, the director may, at his or her discretion, schedule a public hearing before the planning commission at which the planning commission may modify or revoke an approval in accordance with chapter 17.98.240 of the Municipal Code.
17. All wireless communications facilities shall meet the current standards and regulations of the Federal Communications Commission, 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 regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within ninety 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 facilities into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of such facilities at the wireless communications provider's expense.

### **FINDINGS**

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**  
The Planning Commission reviewed and approved the applications with conditions of approval with respect to the maintenance, design and operation of the use to ensure that the new wireless facility will not have a negative impact on the surrounding commercial and residential uses and secure the general purposes of the Zoning Ordinance and General Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**  
The Planning Commission reviewed and approved the application with conditions of approval to ensure that the antenna is screened from public view so as to preserve the character and identity of the neighborhood.
- C. **This project is categorically exempt under the Section 15303 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
The proposed project involves the construction of a new, small-cell Verizon wireless antenna facility. The project will result in a minor modification to the exterior of an existing structure. Section 15303 exempts new small structures and minor modifications to the exterior of an existing structure.

### **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 wireless antenna project is proposed to be located on an existing commercial building at 1200 41<sup>st</sup> Ave. The existing building is not located in an area with coastal access. The new antenna 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 41st Avenue. No portion of the project is located along the shoreline or beach.

***(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, however 41<sup>st</sup> Avenue is a heavily used pedestrian and automobile thoroughfare.

***(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 off of 41<sup>st</sup> 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. 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.

***(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 in a commercial area without sensitive habitat areas.

**b. Topographic constraints of the development site;**

- The project is located on a flat lot.

**c. Recreational needs of the public;**

- The project does not impact recreational needs of the public, however it will be visible from public right-of-ways.

**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 is proposed to be located on an existing commercial lot of record.

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project is proposed to be located on an existing commercial 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 is proposed to be located on an existing commercial 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 an antenna addition to an existing commercial building. The proposal does not affect, and thus 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 does not comply with the design guidelines and standards established by the Municipal Code. Planning Staff's modified approval will condition the proposal to meet design guidelines.

***(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 new small-cell wireless antenna facility. The GHG emissions for the project are projected at less than significant impact. No water fixtures are proposed.

***(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 are not required for this application. 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 is not located along a shoreline.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- The use is not allowed where it is proposed, being that it is within 500 feet of a restricted residential zone.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project does not conform in that the design is not properly screened and it is proposed in a restricted area.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project will not affect the Capitola parking permit program.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Smith, Commissioner
<b>SECONDER:</b>	Edward Newman, Commissioner
<b>AYES:</b>	Smith, Newman, Welch, Westman
<b>ABSENT:</b>	Ortiz

**9. ADJOURNMENT**

Approved by the Planning Commission at the February 4, 2016, meeting.

\_\_\_\_\_  
Linda Fridy, Minutes Clerk

Attachment: Minutes from 1/21/16 Planning Commission Hearing (1400 : 1200 41st Ave Verizon Appeal)



## Wireless Telecommunication Facility

### Project Narrative

**Applicant:** Verizon Wireless  
 2785 Mitchell Drive  
 Walnut Creek, CA 94598

**Owner:** Begonia Plaza, LLC  
 PO Box 665  
 Capitola, CA 95010

**Rep.:** Sequoia Deployment Services, Inc.  
 22471 Aspan Street, Suite 290  
 Lake Forest, CA 92630  
  
 Melissa Samarin  
 (562) 458-1944

**Site No.:** Melton & 41<sup>st</sup> Street

**Location:** 1200 41<sup>st</sup> Avenue Capitola, CA 95010

### Project Description

Verizon Wireless is requesting the review and approval of a Conditional Use Permit to establish a new wireless telecommunications facility at 1200 41<sup>st</sup> Avenue in Capitola. The facility will consist of a cylindrical antenna, remote radio units (“RRU”), equipment cabinets, electric meter, and utility connections.

The antennas, RRU’s and fiber equipment will be mounted on the rooftop of an existing commercial building. The single three-sector antenna will be mounted above the parapet and painted to match the existing building. Equipment cabinets will be located on the rooftop, screened behind existing parapet walls. The top of antennas and height of the overall facility will be 28’0”. The facility will pose minimal visual impact to the surrounding area. This is a small cell project.



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 Verizon Wireless  
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### Location

Verizon Wireless's proposed project is located off of 41<sup>st</sup> Avenue in Capitola in a commercially zoned area in the south-western part of the city. The building and proposed facility is located on property zoned CC Community Commercial. All surrounding lots are also zoned CC Community Commercial. Wireless facilities are permitted uses in commercial zones. The property is currently used as a shopping plaza. The surrounding area is characterized by urban, developed commercial centers. The subject location is greater than 100' feet from any residential community. The proposed facility will remain consistent with the surrounding area.

### Alternative Site Analysis

Verizon Wireless determines the need for a new wireless telecommunications facility through the collection of network test data, customer comments, projected growth in customer network usage, and the effects of the deployment of new technologies that both improve service and capability of the network. A new site is needed in the area around 41<sup>st</sup> Avenue in order to maximize the capacity of service to the nearby high density housing and commercial areas. The objective of the site is to provide capacity offload in the surrounding residential and commercial neighborhoods along 41<sup>st</sup> Avenue in East Santa Cruz and to offload nearby Portola & 40<sup>th</sup> site to better serve those target communities. The location of this Verizon Wireless proposed facility was selected based on a variety of technical, practical, and scientific criteria.

Verizon Wireless investigated several candidates in this site acquisition process. There are no collocation opportunities available in the vicinity for this project. Several other property owners in the area were contacted about the proposed facility. Other alternative candidates included: O'Neil Building, ADR Building, Brommer 41<sup>st</sup> Fairfield Hotel, Gladys 41<sup>st</sup> Building, Betty Burger, InShape Gym, and Capitola Beach Villas. Of these alternative sites, landlords of the O'Neil Building, ADR Building, Brommer 41<sup>st</sup> Fairfield Hotel, and Gladys 41<sup>st</sup> Building were not interested and landlords of Betty Burger, InShape Gym, and Capitola Beach Villas were unresponsive. Therefore, Begonia Plaza is Verizon Wireless's primary and selected candidate. The landlord of the subject site at Begonia Plaza expressed interest in leasing the space to Verizon Wireless and has approved the location and construction of a wireless facility on the building. Please see attached Alternative Site Map.

Verizon Wireless concentrated their efforts in finding a candidate within the commercial zone in the south-western part of Capitola. The search ring included other areas zoned MHE Mobile Home, R-1 Residential, RM-M Residential, and PD Planned Development, but in order to comply with City of Capitola Wireless Code, which encourages wireless facilities not be located within residential communities, Verizon Wireless selected a candidate on commercially zoned property. The selection of this location avoids having to construct a site within a residential neighborhood,

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Verizon Wireless  
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while still allowing Verizon Wireless to serve its target residential communities. The proposed subject site at 1200 41<sup>st</sup> Avenue is an eligible and compliant location for Verizon Wireless's facility.

### **Screening Techniques**

The proposed facility includes a single canister antenna array and equipment cabinets mounted on the rooftop of an existing building. The antenna will be mounted on the rooftop ridge, in order to project the service signal above the surrounding ground clutter. All antennas will be screened from view within the canister radome and be painted to match the existing building. The equipment cabinets will be mounted on the roof deck and be fully screened from view below the roof ridge. Verizon Wireless has designed this facility to be as visually unobtrusive as possible. Please see enclosed photosimulations.

### **Maintenance and Monitoring Program**

Verizon Wireless uses a combination of remote monitoring and on site activity to maintain their wireless facilities. The remote monitoring is operational twenty-four hours a day, seven days a week, three hundred sixty-five days a year, continuously and monitors for the proper function of the facility as well as various silent alarms. In addition to the off-site monitoring a technician visits the site approximately once per month for maintenance. When a problem is found or maintenance is required the technician schedules the work appropriately in compliance with conditions of approval and lease agreements regarding maintenance timing and scope.

### **Radio Emissions**

The facility will compliant with all Federal Communications Commission ("FCC") regulations. Please refer the Radio Emission Report included in the zoning package for full information regarding radio frequencies and maximum power output. The facility will display appropriate FCC compliance signage; no further signage or lighting is proposed or required.

The RF propagation maps included with this application show the areas of deficient coverage that will be improved as a result of the operation of this facility. The maps show the gaps in service and need for a wireless facility in the vicinity and how this site will function in the network of facilities in the area. The proposed site will increase capacity in the area and provide increased service to the surrounding neighborhoods.

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Verizon Wireless  
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### Collocation Agreement

Efforts to collocate were undertaken and collocation opportunities were investigated when identifying the location for this Verizon Wireless facility, but there were none. Therefore, the subject rooftop in Begonia Plaza at 1200 41<sup>st</sup> Avenue is the primary candidate and proposed location for Verizon Wireless's facility. Due to a lack of knowledge of other wireless telecommunications providers network needs and plans at this location and in the surrounding area, speculation as to the viability of collocation is not possible. Both the landlord and applicant have consented to the current project and do not object to the future collocation of other wireless telecommunications service providers, as long as such collocation is technically feasible. Verizon Wireless will cooperate with the City of Capitola in the event of proposed collocation projects in the future.

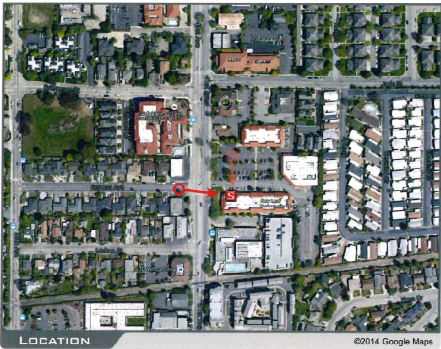


# MELTON & 41ST SC 1

1200 41ST AVENUE CAPITOLA CA 95010



VIEW 1



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)

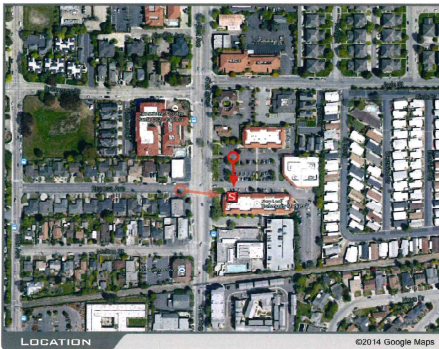


# MELTON & 41ST SC 1

1200 41ST AVENUE CAPITOLA CA 95010



VIEW 2



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)



# MELTON AND 41ST SC1

1200 41st AVENUE  
CAPITOLA, CA 95010

LATITUDE: 36° 58' 08.62" N  
LONGITUDE: 121° 57' 52.26" W

LOCATION CODE: 295309



LOCATION NO:	295309
DRAWN BY:	DNL
CHECKED BY:	MW

REV	DATE	DESCRIPTION
D	07/17/2015	ISSUE SETS FOR REVIEW
C	04/06/2015	ISSUE SETS FOR REVIEW
B	02/09/2015	ISSUE SETS FOR REVIEW
A	12/01/2014	ISSUE SETS FOR REVIEW

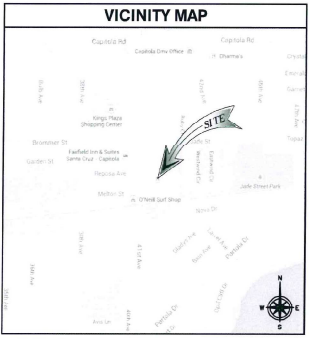
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, TO SEAL OR SIGN THESE DRAWINGS.

**MELTON & 41ST SC1**  
1200 41st AVENUE  
CAPITOLA, CA 95010

SHEET TITLE  
**TITLE SHEET**

SHEET NUMBER  
**T-1**

SITE INFORMATION	
PROPERTY OWNER:	REGINA BLAD, LLC P.O. BOX 803 CAPITOLA, CA 95010 CONTACT: STEPHANIE JENKINS
APPLICANT:	VERIZON WIRELESS
ADDRESS:	1200 41ST AVENUE, BLDG 9 WALNUT CREEK, CA 94598
DATE:	07/17/2015
LONGITUDE:	121° 57' 52.26" W (121.964534)
LANDING TYPE:	IND-10
CURRENT USE:	COMMUNITY COMMERCIAL
ADJACENT'S PARCEL NO.:	644-101-136
ZONING JURISDICTION:	CITY OF CAPITOLA
COUNTY:	SANTA CRUZ COUNTY
PROPOSED USE:	UNMANNED TELECOMMUNICATIONS FACILITY



DRIVING DIRECTIONS	
DIRECTIONS FROM MEXSON STREET:	
1. TAKE RIGHT TURN ON MITCHELL ON TOWNSHIP	5. AFTER LEFT AT THE TRAIL, GO ONE BLOCK FOR INTERSTATE 805 TO SAN JOSE AND
2. TAKE RIGHT TURN ON MEXSON ST	6. TAKE RIGHT TURN ON 41ST AVE
3. TAKE RIGHT TURN ON SAN JOSE RD	7. TAKE THE MEXSON BLVD/STATE ROUTE 210 EXIT
4. TAKE THE SAN JOSE ROAD TOWARDS VALLEY RD	8. KEEP LEFT AT THE TRAIL, FOLLOW SIGN FOR
5. TURN LEFT ON THE INTERSTATE 805 S RAMP TO SAN JOSE	9. TAKE THE 41ST AVE LEFT
6. MERGE ONTO I-805 S	10. TAKE THE 41ST AVE LEFT
7. TAKE THE MEXSON BLVD/STATE ROUTE 210 EXIT	11. TAKE THE 41ST AVE LEFT
8. KEEP LEFT AT THE TRAIL, FOLLOW SIGN FOR MEXSON BLVD W AND MERGE ONTO MEXSON BLVD	12. TAKE THE 41ST AVE LEFT

PROJECT DESCRIPTION	
PROPOSED VERIZON WIRELESS INSTALLATION. THE SCOPE WILL CONSIST OF THE FOLLOWING:	
• INSTALL	(1) NEW VERIZON COMMERCIAL SERVICE
• INSTALL	(2) NEW VERIZON INTEGRATED POWER CABINET
• INSTALL	(3) NEW VERIZON RAIN-RESISTANT VENTS (RVS)
• INSTALL	(4) NEW VERIZON UNM-COM-FRACK CABINET (LOCATION-100)
• INSTALL	(5) NEW VERIZON PFC CABINET (LOCATION-100)
• INSTALL	(6) NEW VERIZON ELECTRIC METER (LOCATION-100)
• INSTALL	(7) NEW VERIZON ELECTRIC METER (LOCATION-100)
• TRANSPORT	(1) PAIR EXTERNT JUNK FRISK

GENERAL NOTES	
THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. UNMANNED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2013 CALIFORNIA BUILDING CODE. A TELECOMMUNICATIONS FACILITY IS NOT SUBJECT TO SEISMIC RETROFIT. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE, NO SANITARY SEWER SERVICE, POTABLE WATER, OR FRESH SURFICIAL IS REQUIRED AND NO COMMERCIAL SERVICE IS NEEDED.	

APPLICABLE CODES	
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES:	
• CALIFORNIA COMMERCIAL CODE (ENCL TITLE 24 & 25)	
• 2013 CALIFORNIA BUILDING CODE	
• 2013 CALIFORNIA ELECTRICAL CODE	
• BUILDING OF TRADE & CODE ADMINISTRATORS (BOCA)	
• 2013 CALIFORNIA MECHANICAL CODE	
• AMERICAN SOCIETY OF SAFETY ENGINEERS (ASSE)	
• 2013 CALIFORNIA PLUMBING CODE	
• 2013 CALIFORNIA ELECTRICAL CODE	
• 2013 CALIFORNIA ELECTRICAL CODE	

**DO NOT SCALE DRAWINGS**

SUBCONTRACTOR SHALL VERIFY ALL PLANS, DIMENSIONS, CONDITIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

811 Dig Alert  
Know what's below.  
Call before you dig.  
Call This Working Days Before You Dig  
811 / 800-227-2800  
digalert.org

ZONING DRAWING	
F. USING 1/8"=1'-0" SCALE, DRAWINGS WILL BE HALF SCALE.	

DRAWING INDEX	
SHEET NO.	SHEET TITLE
T-1	TITLE SHEET
DN-1	GENERAL NOTES
LS-1	LAND SURVEY
A-1	ENTRANCE PLAN
A-2	ROOF PLAN AND ANTENNA/EQUIPMENT LAYOUT
A-3	ELEVATIONS
A-4	EQUIPMENT DETAILS

APPROVALS	
THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREON. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.	
LANDLORD:	DATE:
UNMANNED MANAGER:	DATE:
CONSTRUCTION MANAGER:	DATE:
BY ENGINEER:	DATE:
SITE ACQUISITION:	DATE:
ZONING MANAGER:	DATE:
UTILITY COORDINATOR:	DATE:
RELAYING OPERATOR:	DATE:

Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)



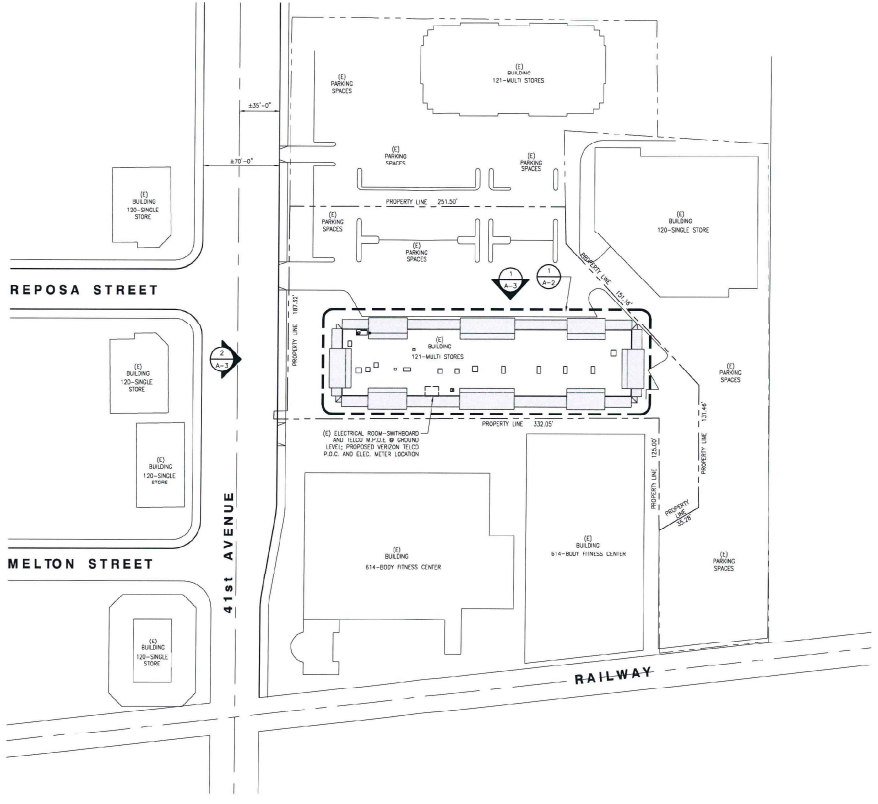




- NOTES:**
1. NO EXISTING PARKING SPACES ARE BEING ADDED OR REMOVED AS PART OF THE PROPOSED DEVELOPMENT.
  2. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
  3. NO EXISTING UTILITIES ARE INDICATED AND SHALL BE REMOVED AND/OR MODIFIED AS PART OF THE PROPOSED INSTALLATION.


**DISCLAIMER:**

THIS SET OF DRAWINGS WAS PREPARED UTILIZING INFORMATION OBTAINED FROM PUBLIC DOCUMENTS MADE AVAILABLE TO THE COUNTY OF SANTA CLARA COUNTY. ENGINEER'S SOLE RESPONSIBILITY IS TO THE ACCURACY OF THE DATA AND INFORMATION DEPICTED ON THE DRAWINGS. ENGINEER'S SOLE RESPONSIBILITY IS TO THE ACCURACY OF THE DATA AND INFORMATION DEPICTED ON THE DRAWINGS. ENGINEER'S SOLE RESPONSIBILITY IS TO THE ACCURACY OF THE DATA AND INFORMATION DEPICTED ON THE DRAWINGS. ENGINEER'S SOLE RESPONSIBILITY IS TO THE ACCURACY OF THE DATA AND INFORMATION DEPICTED ON THE DRAWINGS.




**SITE PLAN**


24"x36" SCALE: 1" = 40'-0"  
 11"x17" SCALE: 1" = 80'-0"  
 40' 20' 0' 20'



2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598



DEVELOPMENT SERVICES INC.  
22471 ASPEN STREET, STE 200  
LAKE FOREST, CA 92551



1387 CALLE AVANZADO  
SAN CLEMENTE, CA 92673

LOCATION NO: 298309  
 DRAWN BY: DML  
 CHECKED BY: MM

REV	DATE	DESCRIPTION
0	07/1/2010	ISSUE SET FOR REVIEW
1	09/06/2010	ISSUE SET FOR REVIEW
2	12/02/2010	ISSUE SET FOR REVIEW
3	12/01/2014	ISSUE SET FOR REVIEW

IF A REVIEWER OF ONE OF THESE SHEETS HAS ANY ACTION TAKEN THE DESIGNER OF A RELATED PROFESSIONAL DRAWING TO AVOID THE SCHEDULE.

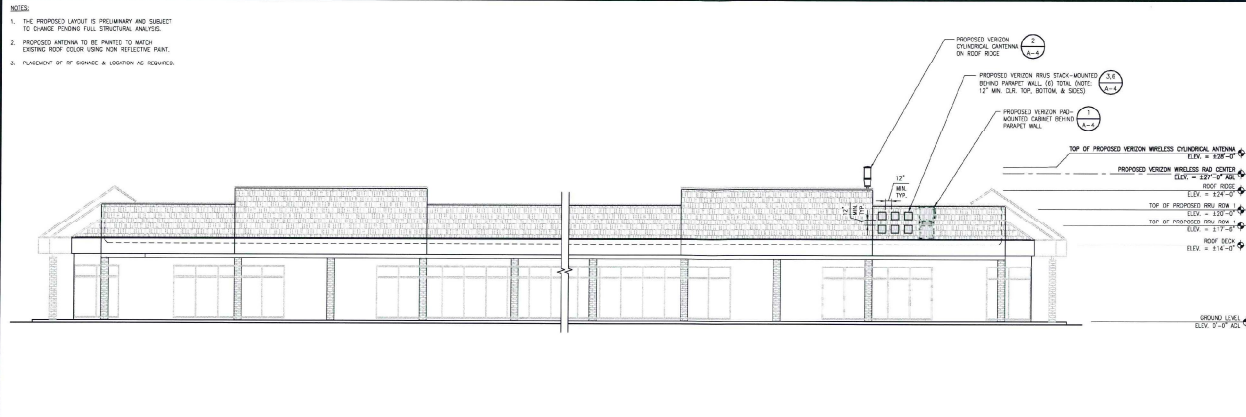
**MELTON & 41ST SC1**  
 1200 41st AVENUE  
 CAPITOLA, CA 95010

SHEET TITLE  
**SITE PLAN**

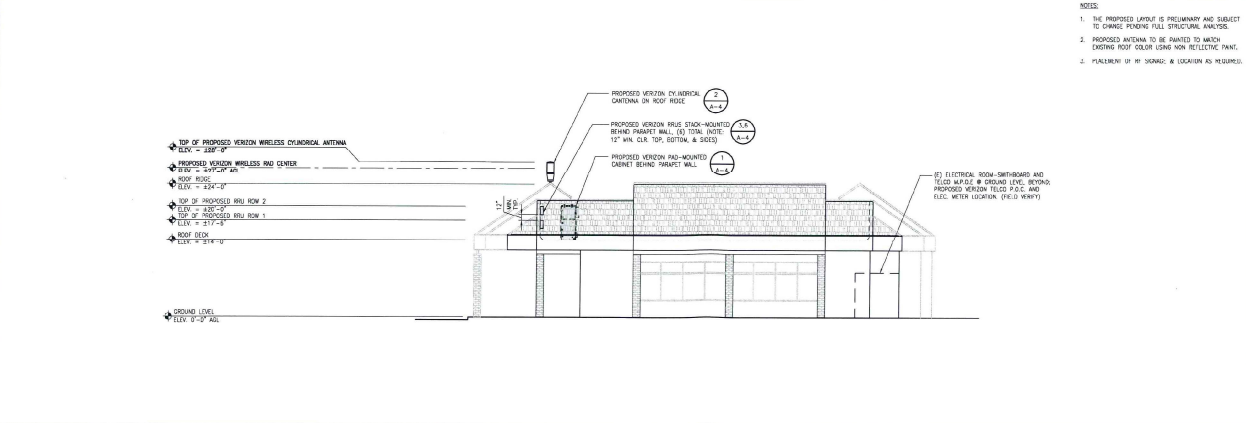
SHEET NUMBER  
**A-1**

Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)






**NORTH ELEVATION**




**WEST ELEVATION**




2785 MITCHELL DRIVE, SUITE 9  
WALNUT CREEK, CA 94598

---



2471 ASPEN STREET, SUITE 200  
LAKE FOREST, CA 92550

---



1587 CALLE AVANZADO  
SAN CLEMENTE, CA 92673

---

LOCATION NO:	256309
DRAWN BY:	DKL
CHECKED BY:	LJJ
DATE:	

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REV	DATE	DESCRIPTION
D	07/11/2018	100% 2DS FOR REVIEW
C	04/06/2018	100% 2DS FOR REVIEW
B	02/20/2018	100% 2DS FOR REVIEW
A	12/07/2017	100% 2DS FOR REVIEW

---

IF IN A POSITION OF CONFLICT OR INTEREST, PLEASE STATE THE DATE AND NATURE OF THE CONFLICT.

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**MELTON & 41ST SC1**

1200 41st AVENUE  
CAPITOLA, CA 95010

---

SHEET TITLE  
**ELEVATIONS**

---

SHEET NUMBER  
**A-3**

Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)





## Wireless Telecommunication Facility

### Planning Response

Applicant: Verizon Wireless  
2785 Mitchell Drive  
Walnut Creek, CA 94598

Owner: Begonia Plaza, LLC  
PO Box 665  
Capitola, CA 95010

Rep.: Sequoia Deployment Services, Inc.  
22471 Aspan Street, Suite 290  
Lake Forest, CA 92630

Melissa Samarin  
(562) 458-1944

Site No.: Melton & 41<sup>st</sup> Street

Location: 1200 41<sup>st</sup> Avenue Capitola, CA 95010

### Visual Analysis

Verizon Wireless is proposing a small cell facility to include a single antenna and screened equipment cabinet mounted on the rooftop of an existing commercial building. Verizon Wireless designed this site to maintain the least visually obtrusive design possible. The equipment cabinet will be placed on the rooftop behind the parapet and will not be visible from the public right-of-way. The antenna will be mounted on the rooftop ridge, in order to project the service signal above the surrounding ground clutter and will be located close to the edge of the rooftop in order to keep the height of the antenna as low as possible. For every foot the antenna is set back, the height of the antenna will need to be raised an additional foot in order to project the signal over the rooftop and reach the intended network users. If the facility was moved closer to the center of the roof, the site would exceed the City of Capitola's 6 foot maximum of roof elevation and would be much more visually obtrusive.

In order to mitigate further visual impact to the site, Verizon Wireless will place a cylinder over the entire antenna to make its circumference uniform from top to bottom. Within this flush cylinder screening, the facility will appear as a rooftop vent

November 25, 2015  
Melton & 41<sup>st</sup>  
Verizon Wireless  
Page 2 of 2

structure on the existing building. As discussed at the Architectural and Site Review Committee meeting held on August 12, 2015, adding an additional screen box around the facility will bring greater attention to the site and cannot adequately blend it in with the existing tiled architecture of the building. A cylindrical screen container will reduce the visual impact of the site and ensure the facility remains consistent with building features. Please see attached revised photosimulations.

Verizon Wireless will also paint the cylinder and antenna a color the City of Capitola deems appropriate. Due to the nature of the site on a tiled rooftop and considering the goal is to keep the antenna as least visually impactful as possible, painting the cylinder and antenna to blend in with the surroundings is an effective way to minimize visual impact from the public right-of-way. Verizon Wireless is providing several color options for the antenna with corresponding photosimulations of each color, per the Architectural and Site Review Committee meeting held on August 12, 2015. Please refer to the enclosed material paint sample boards.

The proposed design of a cylindrical antenna facility painted an appropriate color is the least intrusive means to fill the gap in capacity at this location. This design will stealth the facility to look like a rooftop vent to remain consistent with the existing architecture of the building and will reduce the site's visibility from the surrounding area.



### Wireless Telecommunication Facility

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 22471 Aspan Street, Suite 290  
 Lake Forest, CA 92630  
  
 Melissa Samarin  
 (562) 458-1944

**Site No.:** Melton & 41<sup>st</sup> Street

**Location:** 1200 41<sup>st</sup> Avenue Capitola, CA 95010

#### Alternative Site Analysis

Verizon Wireless determines the need for a new wireless telecommunications facility through the collection of network test data, customer comments, projected growth in customer network usage, and the effects of the deployment of new technologies that both improve service and capability of the network. A new site is needed in the area around 41<sup>st</sup> Avenue in order to maximize the capacity of service to the nearby high density housing and commercial areas. The objective of the site is to provide capacity offload in the surrounding residential and commercial neighborhoods along 41<sup>st</sup> Avenue in East Santa Cruz and to offload nearby Portola & 40<sup>th</sup> site to better serve those target communities. The location of this Verizon Wireless proposed facility was selected based on a variety of technical, practical, and scientific criteria.

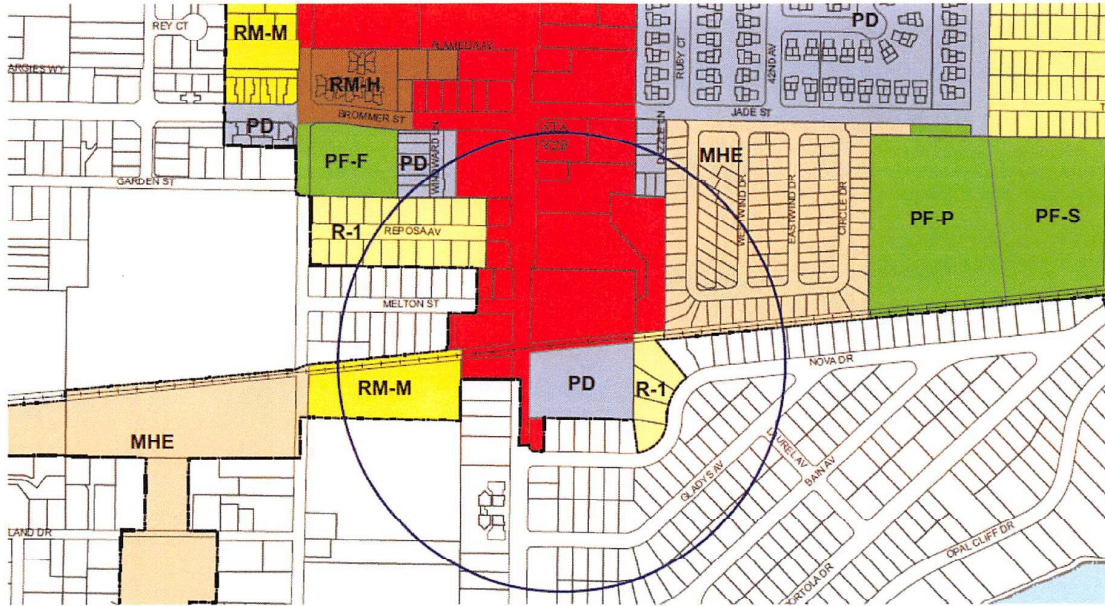
There are no viable, technically feasible, and environmentally equivalent or superior potential alternatives outside the restricted zoning districts or coastal areas that could substantially reduce said significant gap. Verizon Wireless investigated several candidates in this site acquisition process. There are no collocation opportunities available in the vicinity for this project. Several other property owners in the area were contacted about the proposed facility. Please see Alternative Site Map and Zoning Maps below.



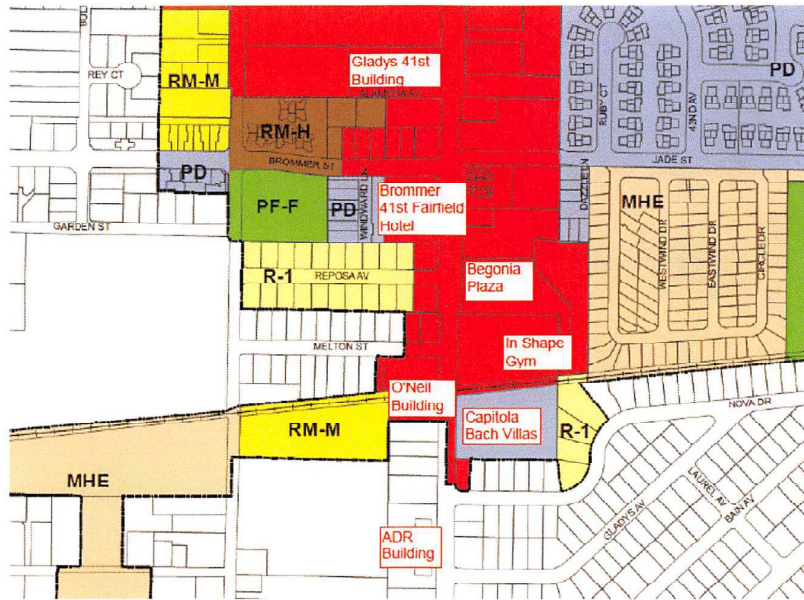
Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)



The zoning map below shows the search ring and for proposed facility Melton & 41<sup>st</sup> SC1.

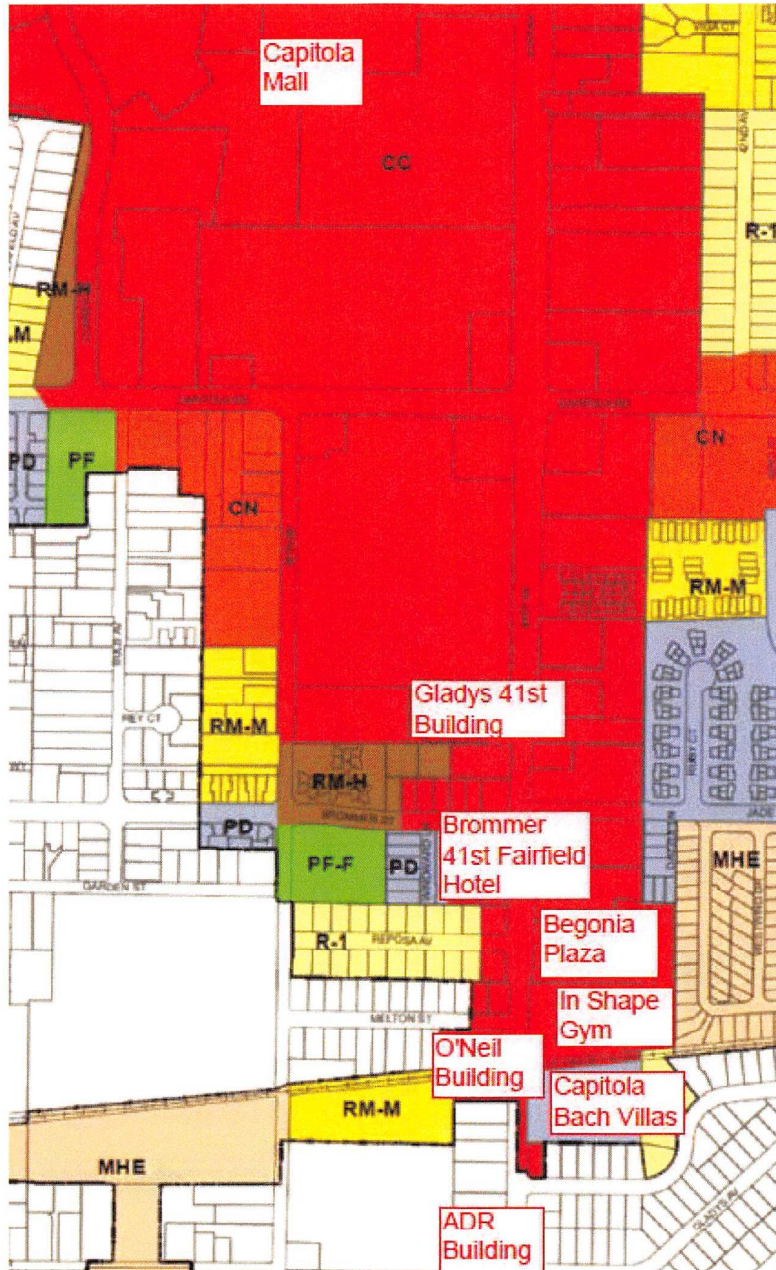


The zoning map below shows the locations of the candidates considered for proposed facility Melton & 41<sup>st</sup> SC1.



Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)

The zoning map below shows the locations of the candidates, including Capitola Mall, for proposed facility Melton & 41<sup>st</sup> SC1.



Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)

A list of proposed and alternative candidates include:

- **Begonia Plaza - 1200 41st Avenue, Capitola, CA 95010; APN: 034-101-38;** selected candidate; located in a CC Community Commercial zone approximately 115 feet from nearest residential
- **O'Neil Building - 3869 Melton Street, Santa Cruz, CA 95062; APN: 034-163-02;** landlords were contacted and expressed they were not interested on 7/23/2015; located in a CC Community Commercial zone approximately 90 feet from nearest residential
- **ADR Building - 1041 41<sup>st</sup> Avenue Unit C, Santa Cruz, CA 95062; APN: 032-281-04;** landlords were contacted via phone call and expressed they were not interested on 7/23/2014; located in a C-2 Commercial zone approximately 60 feet from nearest residential
- **Brommer 41<sup>st</sup> Fairfield Hotel - 1225 41<sup>st</sup> Avenue, Capitola, CA 95010; APN: 034-611-01;** landlords expressed they were not interested via email on 8/13/2014, due to the many factors and variables involved to consider negotiating a deal; located in a CC Community Commercial zone approximately 90 feet from nearest residential
- **Gladys 41<sup>st</sup> Building - 1030 41<sup>st</sup> Avenue, Santa Cruz, CA 95062; APN: 033-112-27;** landlords were contacted multiple times on 7/23/2014, 7/24/2014, 7/25/2015 and 8/5/2015 before finally confirming over the phone that they are not interested on 8/5/2014; located in a CC Community Commercial zone approximately 90 feet from nearest residential
- **Betty Burger - 1000 41<sup>st</sup> Avenue Unit 1, Santa Cruz, CA 95062; APN: 033-113-38;** landlords were sent a letter of interest on 8/13/2014 but were unresponsive; located in a C-2 Commercial zone approximately 30 feet from nearest residential
- **InShape Gym - 1100 41<sup>st</sup> Avenue, Capitola, CA 95010; APN: 034-101-21;** landlords were contacted via phone and mailed a letter of interest on 8/14/2014 and 8/25/2014 but were not interested; located in a CC Community Commercial zone approximately 115 feet from nearest residential
- **Capitola Beach Villas - 1066 41<sup>st</sup> Avenue, Capitola, CA 95010; APN: 034-711-17;** attempted to reach landlords via phone and 'contact us' email on website on 8/14/2014, but phone number seemed disconnected and they were unresponsive; located in a PD Planned Development zone approximately 60 feet from nearest residential
- **Capitola Mall - 1855 41<sup>st</sup> Avenue, Capitola, CA 95010; APN: 034-261-07, -34, -35, -36, -37, -38, -40, -51, -52, & -53;** Capitola Mall is outside of the intended target search ring and there is an existing site Live Oak across from the Capitola Mall. The objective of site Melton & 41<sup>st</sup> is to offload existing

Portola Rd and 40<sup>th</sup> site. A site at Capitola Mall would be very close to existing site Live Oak and, because these are small cell facilities, would not be able to effectively offload the Portola Dr & 40<sup>th</sup> site to the south. A site at Capitola Mall would not serve radiofrequency needs and would not effectively close the gap in the network.

The alternative sites were not deemed viable from a leasing standpoint, due to landlord unresponsiveness or disinterest in negotiating a deal with Verizon Wireless. Begonia Plaza is Verizon Wireless's primary and selected candidate. The landlord of the subject site at Begonia Plaza expressed interest in leasing the space to Verizon Wireless and has approved the location and construction of a wireless facility on the building. From a location standpoint, Begonia Plaza lies in the center of the intended search ring and will meet capacity objectives in the target area.

Apart from the non-cooperation from landlords that rendered other candidates unavailable, Begonia Plaza is the best candidate in terms of maintaining the greatest setback from nearby residential and restricted zoning districts. Begonia Plaza is setback comparatively furthest from residential areas and restricted zones of all investigated candidates. The search ring and all candidates investigated in the site acquisition process are located within 300 feet of residences and/or mobile homes. The search ring was along 41<sup>st</sup> Avenue between Jade Street and Portola Drive and encompasses a commercial strip along 41<sup>st</sup> Avenue sandwiched between restricted zoning districts on all sides (MHE Mobile Home Exclusive, R-1 Single Family Residence, and PD Planned Development homes to the east and RM-H Multiple Family High Density, R-1 Single Family Residence, RM-M Multiple Family Medium Density, and PD Planned Development homes to the west). Refer to Zoning Map. Verizon Wireless focused on the commercial properties in this area for its site to avoid having to develop in a residential zone, while still reaching target residential users. Given the location of the search ring and gap in capacity and surrounding zones, it was inevitable that the facility fall within 300 feet of a residence. Given these conditions, Begonia Plaza is the best candidate to offer greatest setback from residences as the building itself maintains an approximately 115 foot setback from residential, and the location of the facility will be setback on the west side of the building to maintain an even greater setback, approximately 200 feet. There will not be any new ground disturbance and the facility will be painted and designed to blend into the existing building, per Planning Department approval.



## Wireless Telecommunication Facility

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(562) 458-1944

Site No.: Melton & 41<sup>st</sup> Street

Location: 1200 41<sup>st</sup> Avenue Capitola, CA 95010

### Capacity versus Coverage

The proposed wireless communication facility substantially reduces a significant gap in Verizon Wireless's network. The proposed site is a capacity site intended to provide capacity offload in the residential and commercial neighborhoods along 41<sup>st</sup> Avenue in Capitola and East Santa Cruz and to offload nearby Portola & 40<sup>th</sup> site to better serve these nearby target residential communities. A capacity site increases the bandwidth of service in an area for 4G data traffic, downloading, streaming, and signal. This facility is not a coverage site; it will provide additional, increased service and data capacity usage in an area already served by the network. When a macro coverage site sees maximum usage, during peak times of day for instance, capacity sites strengthen network service to meet user demand and capacity needs. Because capacity sites are intended to support existing coverage, small cell antennas do not project as durable a signal as macro site antennas. Therefore, small cell capacity sites must be located near intended target users, which often means in and near residential neighborhoods. Please see enclosed Necessity Case for further site specific information.

The demand for increased capacity is generated by the increasing number of people that use wireless telecommunications services, not only for phone calls, but for other

September 24, 2015  
 Melton & 41<sup>st</sup>  
 Verizon Wireless  
 Page 2 of 4

types of communication, such as texting, downloading, streaming, video conferencing, as well as to receive all sorts of information and entertainment. In many cases wireless phones and devices have replaced 'traditional' landline phones and have become the primary device and service used for communication, including contacting emergency services in the form of 911 calls. Verizon Wireless is committed to providing quality and reliable service to meet this user demand.

### Alternative Site Analysis

Verizon Wireless determines the need for a new wireless telecommunications facility through the collection of network test data, customer comments, projected growth in customer network usage, and the effects of the deployment of new technologies that both improve service and capability of the network. A new site is needed in the area around 41<sup>st</sup> Avenue in order to maximize the capacity of service to the nearby high density housing and commercial areas. The objective of the site is to provide capacity offload in the surrounding residential and commercial neighborhoods along 41<sup>st</sup> Avenue in East Santa Cruz and to offload nearby Portola & 40<sup>th</sup> site to better serve those target communities. The location of this Verizon Wireless proposed facility was selected based on a variety of technical, practical, and scientific criteria.

There are no viable, technically feasible, and environmentally equivalent or superior potential alternatives outside the restricted zoning districts or coastal areas that could substantially reduce said significant gap. Verizon Wireless investigated several candidates in this site acquisition process. There are no collocation opportunities available in the vicinity for this project. Several other property owners in the area were contacted about the proposed facility. Please see attached Alternative Site Map and Zoning Maps.

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September 24, 2015  
 Melton & 41<sup>st</sup>  
 Verizon Wireless  
 Page 3 of 4

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September 24, 2015  
Melton & 41<sup>st</sup>  
Verizon Wireless  
Page 4 of 4

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### Site Design

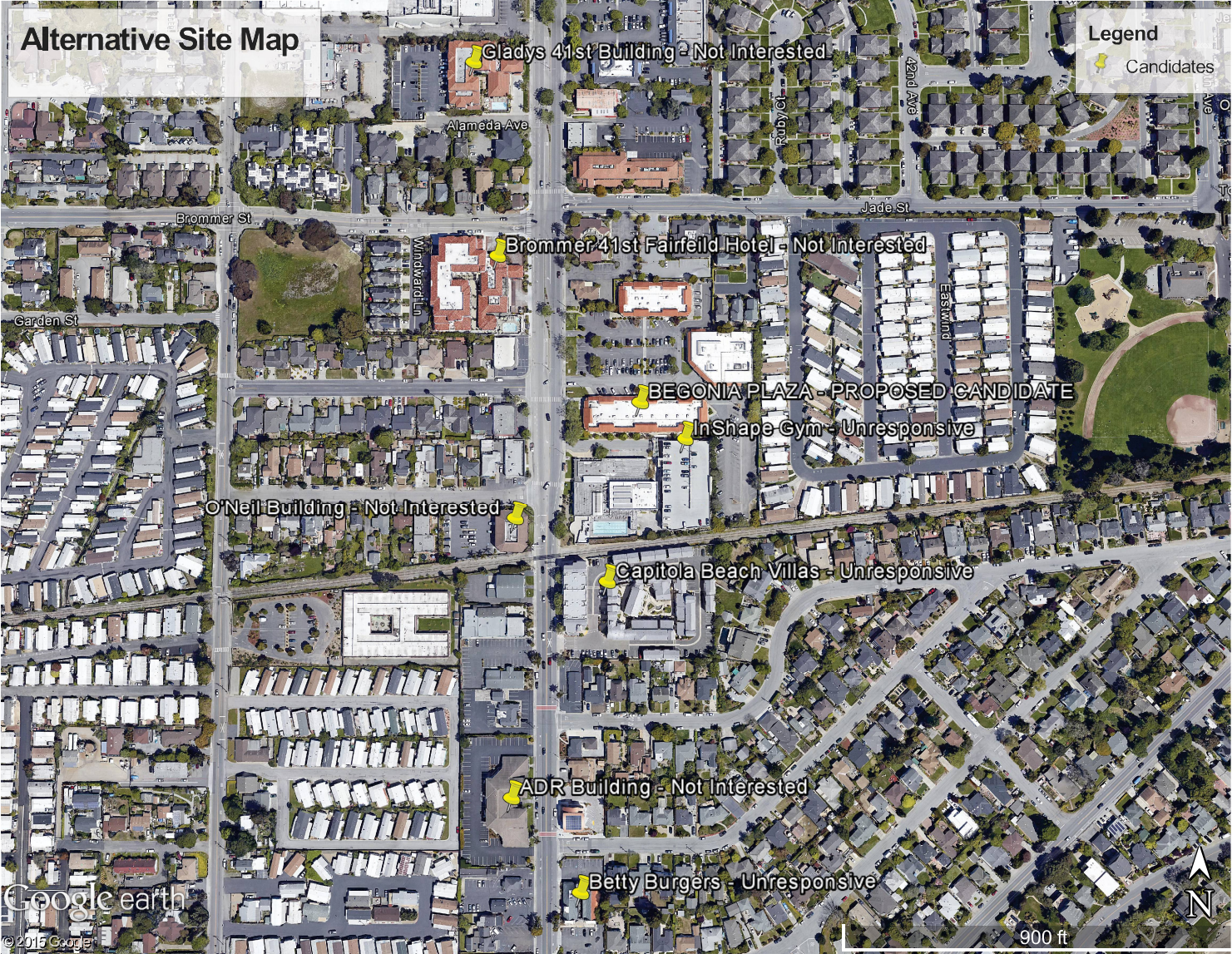
The proposed facility includes a single cantenna and screened equipment cabinet mounted on the rooftop of an existing commercial building. Verizon Wireless designed this site to comply with City of Capitola code as best as possible and maintain the least visually obtrusive design possible. The antenna will be mounted on the rooftop ridge, in order to project the service signal above the surrounding ground clutter. The reason the cantenna is located so close to the edge of the rooftop is that for every foot the antenna is set back, the height of the antenna would need to be raised an additional foot in order to project the signal over the rooftop and reach the intended audience. If the facility was moved to the center of the roof, the site would exceed the City of Capitola's 6 foot maximum of roof elevation and would become much more visually obtrusive.

In order to mitigate further visual impact to the site, Verizon Wireless will paint the antenna any color the City of Capitola deems appropriate. Please refer to material paint sample board.

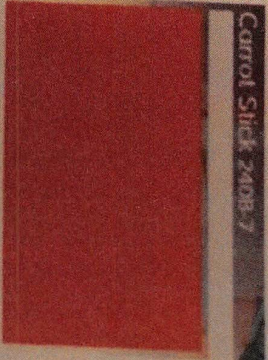
### Site Removal Process

Please refer to page 6 of redacted lease with removal clause and information.

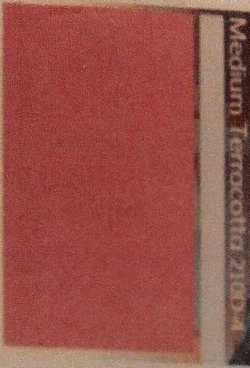




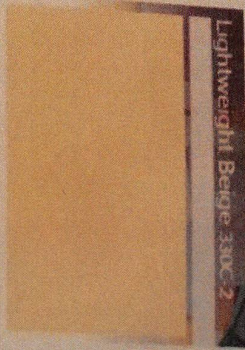
Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)



Carrot Stick 240B-7



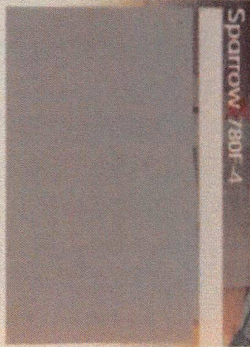
Medium Ferracotta 210B-4



Lightweight Beige 330C-2



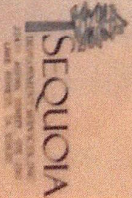
Black Suede S-H-790



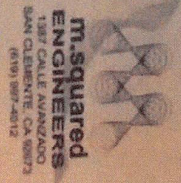
Sparrow 780F-4



Sterling 780E-3



Carrier: Verizon Wireless  
Site Name: Melton & 41st SC1  
Site Address: 1200 41st Avenue  
Capitola, CA 95010



**Verizon Wireless • Proposed Base Station (Site No. 295309 “Melton and 41st SC1”)  
1200 41st Avenue • Capitola, California**

**Statement of Hammett & Edison, Inc., Consulting Engineers**

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 295309 “Melton and 41st SC1”) proposed to be located at 1200 41st Avenue in Capitola, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

**Executive Summary**

Verizon proposes to install a directional panel antenna above the roof of the retail building located at 1200 41st Avenue in Capitola. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

**Prevailing Exposure Standards**

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5–80 GHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
WiFi (and unlicensed uses)	2–6	5.00	1.00
BRS (Broadband Radio)	2,600 MHz	5.00	1.00
WCS (Wireless Communication)	2,300	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

**General Facility Requirements**

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky.



**Verizon Wireless • Proposed Base Station (Site No. 295309 “Melton and 41st SC1”)  
1200 41st Avenue • Capitola, California**

Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

### Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, “Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation,” dated August 1997. Figure 2 describes the calculation methodologies, reflecting the facts that a directional antenna’s radiation pattern is not fully formed at locations very close by (the “near-field” effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the “inverse square law”). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

### Site and Facility Description

Based upon information provided by Verizon, including zoning drawings by M.Squared Engineers, dated February 26, 2015, it is proposed to install one omnidirectional JMA Wireless CYL-X7CAP-2 antenna above the roof of the single-story retail building located at 1200 41st Avenue in Capitola. The antenna would be mounted at an effective height of about 27 feet above ground, 14 feet above the main roof, 3 feet above the top of a sloped roof section, near the northwest corner of the building. For the limited purposes of this study, it is assumed that no downtilt would be employed and that the maximum effective radiated power in any direction would be 2,260 watts, representing simultaneous operation at 1,580 watts for AWS and 680 watts for 700 MHz service. There are reported no other wireless telecommunications base stations at the site or nearby.

### Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation is calculated to be 0.075 mW/cm<sup>2</sup>, which is 9.9% of the applicable public exposure limit. The maximum calculated level at any nearby building\* is 5.5% of the public exposure limit. The maximum calculated level at the second-floor elevation of any nearby residence† is 1.9% of the public exposure limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels from the proposed operation. Levels

\* Located at least 120 feet away, based on photographs from Google Maps.

† Located at least 230 feet away, based on photographs from Google Maps.



**Verizon Wireless • Proposed Base Station (Site No. 295309 “Melton and 41st SC1”)  
1200 41st Avenue • Capitola, California**

may exceed the applicable FCC exposure limit on the adjacent sloped roof section, in front of the antenna.

**Recommended Mitigation Measures**

Due to its mounting location and height, the Verizon antenna would not be accessible to unauthorized persons, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, it is recommended that appropriate RF safety training, to include review of personal monitor use and lockout/tagout procedures, be provided to all authorized personnel who have access to the roof, including employees and contractors of Verizon and of the property owner. No access within 15 feet directly in front of the antenna itself, such as might occur during certain maintenance activities on the sloped roof, should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. It is recommended that explanatory signs<sup>‡</sup> be posted at the roof access hatch and on the antenna, readily visible from any angle of approach to persons who might need to work within that distance.

**Conclusion**

Based on the information and analysis above, it is the undersigned’s professional opinion that operation of the base station proposed by Verizon Wireless at 1200 41st Avenue in Capitola, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

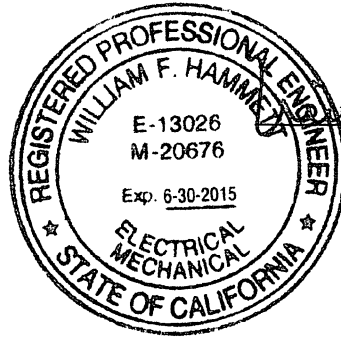
<sup>‡</sup> Signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (*e.g.*, a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.



**Verizon Wireless • Proposed Base Station (Site No. 295309 “Melton and 41st SC1”)  
1200 41st Avenue • Capitola, California**

**Authorship**

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2015. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



*William F. Hammett*  
\_\_\_\_\_  
William F. Hammett, P.E.  
707/996-5200

April 8, 2015

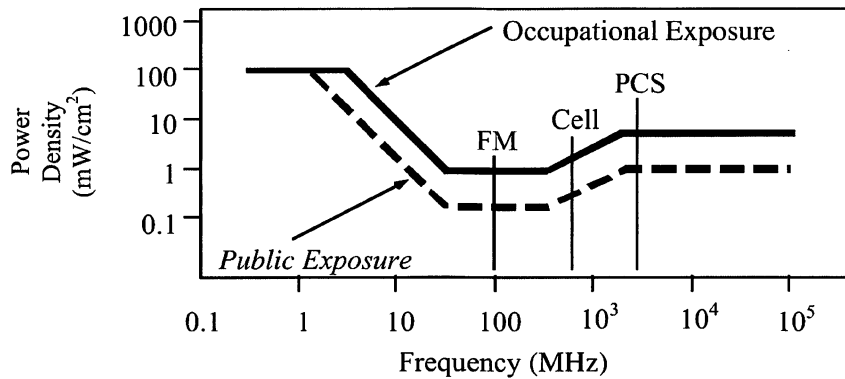
Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)

### FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm <sup>2</sup> )	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f<sup>2</sup></i>
3.0 – 30	1842/ f	<i>823.8/f</i>	4.89/ f	<i>2.19/f</i>	900/ f <sup>2</sup>	<i>180/f<sup>2</sup></i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.



**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO

FCC Guidelines  
Figure 1

Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)

## RFR.CALC™ Calculation Methodology

### Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

#### Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density  $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$ , in mW/cm<sup>2</sup>,

and for an aperture antenna, maximum power density  $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$ , in mW/cm<sup>2</sup>,

where  $\theta_{BW}$  = half-power beamwidth of the antenna, in degrees, and  
 $P_{net}$  = net power input to the antenna, in watts,  
 $D$  = distance from antenna, in meters,  
 $h$  = aperture height of the antenna, in meters, and  
 $\eta$  = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

#### Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}, \text{ in mW/cm}^2,$$

where ERP = total ERP (all polarizations), in kilowatts,  
RFF = relative field factor at the direction to the actual point of calculation, and  
D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.







# Verizon Wireless Cell Site Necessity Case – Melton & 41st SC1

Prepared by Verizon Wireless  
RF Engineering

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Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)

**Introduction:**

There are two main drivers that prompt the creation of a cell site project, coverage and/or capacity. Most sites provide a mixture of both, but increasingly some sites are pure capacity.

**Coverage** is the need for expanded service often requested by our customers or emergency services personnel. While this initially meant providing coverage in vehicles, as usage patterns have shifted this now means improving coverage inside of buildings and in residential areas.

**Capacity** is the need for more bandwidth of service. In the simplest form this means a cell site can handle a limited number of voice calls, data mega bites, or total number of active users. When any one of these limits are met the user experience within the coverage area of that cell quickly starts to degrade during the busier hours of use.

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**Coverage** is best shown in coverage maps. We use tools that take into account terrain, vegetation, building types, and cell site specifics to show predictions of the existing coverage and what we expect to see with a given cell site. The prediction models make some assumptions such as that the antennas are above the nearby ground clutter (Buildings and vegetation). Once the antennas fall below the ground clutter the models become inaccurate and cannot tell that specific trees or buildings are blocking the RF signal. Due to this, modeling of tower height requirements is frequently not accurate and misleading.

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**Capacity** is best shown in graphs of usage growth and projected exhaustion. We utilize sophisticated programs to model current usage growth and project it into the future to determine when additional capacity will be required. The algorithms that predict capacity growth output numbers that are not easily explained. Since it takes 2-3 years on average to complete a cell site project, we have to be looking about 3 years into the future to meet future customer demand.

While data capacity may not seem urgent, beginning in 2014 voice traffic began to migrate from the older 3G voice technology to 4G VoLTE (Voice over IP). This will add additional load to the 4G data network. Since voice is delay sensitive, exhaustion of the data network can cause degradation of voice calls including 911 calls.

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### **“Why do you need a site here???”**

A good capacity cell will be close to the user population and have the traffic evenly spread around the site. When we cannot get a location that accomplishes being close to the customers and central to the usage, we end up having to build additional cells to meet the demands for service. Capacity sites are generally lower in height than a coverage site with a full cell needing to be above the ground clutter (buildings, trees, & etc.) and a small cell being one that is at or below the ground clutter.

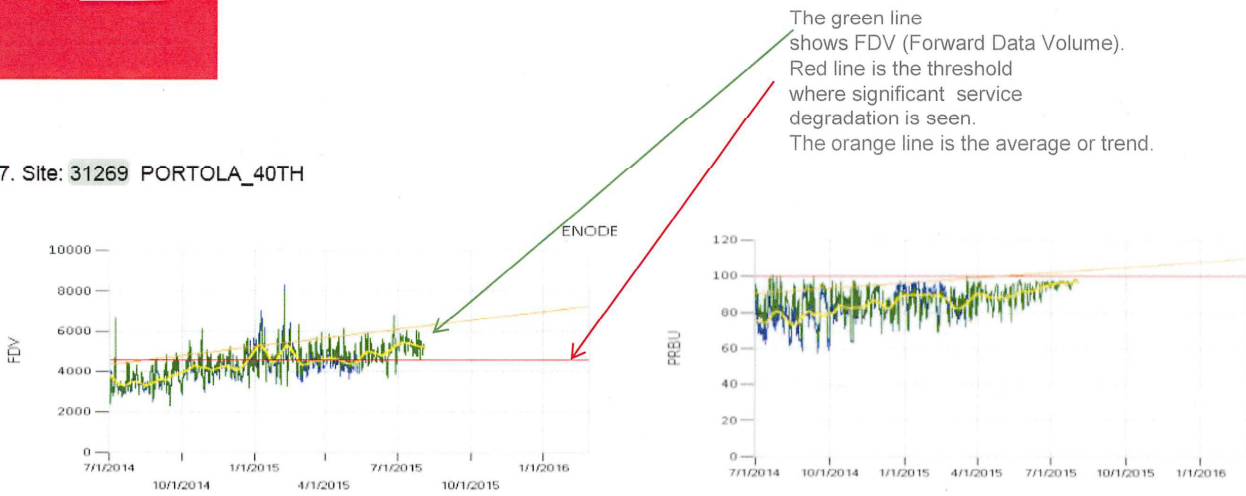
Where our customers use their wireless devices continues to evolve. While we once needed to cover highways and business districts, we are seeing increasing issues with high growth in residential areas. Current statistics show that about 1 of 3 American households no longer have a landline phone. To serve this need we have to increase the cells we have in or very near residential areas.

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## Need Case for: Melton & 41<sup>st</sup> SC1

227. Site: 31269 PORTOLA\_40TH



**Summary:** These graphs for the Portola & 40<sup>th</sup> cell site shows data volume is high and at exhaustion..

The graph above left shows FDV (**F**orward **D**ata **V**olume). **FDV** is the total mega bytes of data flowing through the cell. It can rise just above the red line, then reaches a limit and data delivery is delayed. With voice traffic transitioning from the old 3G technology to the new 4G technology we will see further increases in 4G data traffic. Since the 4G network will be carrying 911 calls and is used extensively in support of police and fire emergency response it is critical that we do not allow service quality to degrade. Portola & 40<sup>th</sup> St reached the red line on or around August of 2014 according to the average. Data has been severely limited since.

The graph above right shows the **PRBU** (**P**hysical **R**esource **B**lock per **U**ser). At or around May of this year, the average of this measurement crossed the red line. This again shows in another way that the user experience is already impacted here.

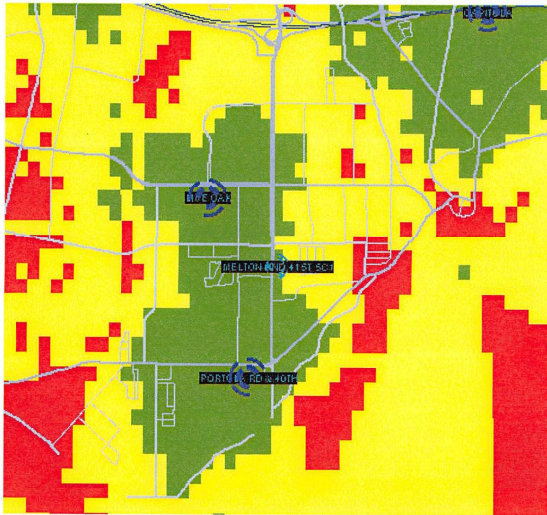
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Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)

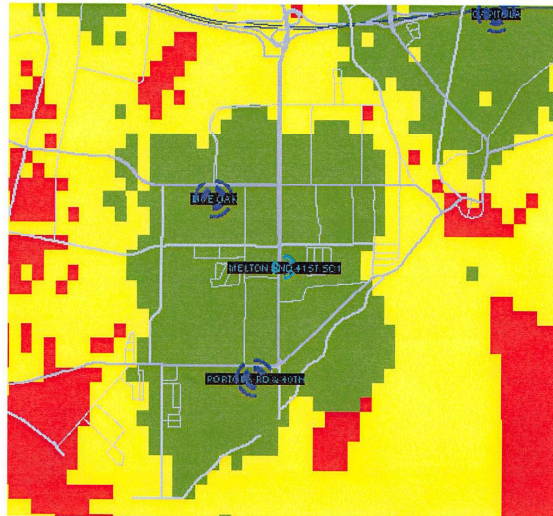


### Need Case for: Melton & 41<sup>st</sup> SC1

Existing Coverage



Proposed Coverage



The proposed Melton & 41<sup>st</sup> SC1 site is a capacity site designed to provide data offload for Portola & 40th. The primary objective of this site is to support the rapid growth in 4G data use we are seeing in this area by providing a new small site to serve this residential area.

Green=Good In-Building, Yellow= Good In-Vehicle, Red=Good on-Street.

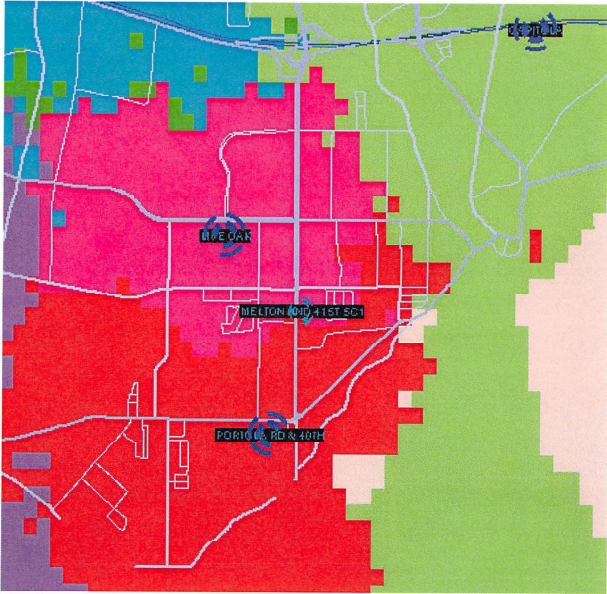
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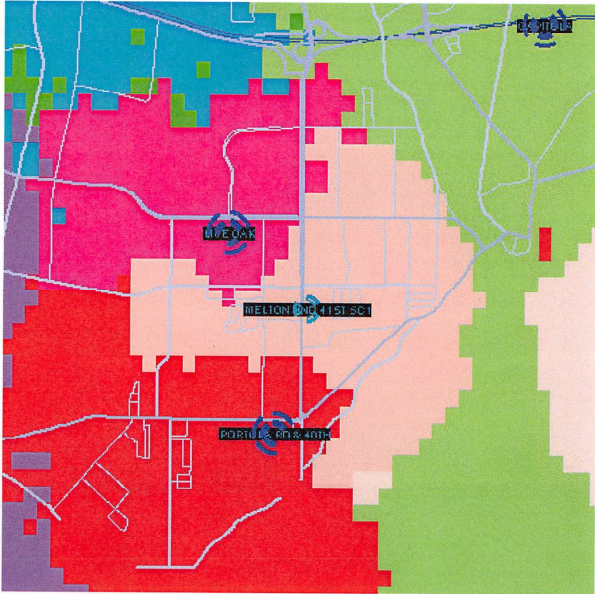


### Need Case for: Melton & 41<sup>st</sup> SC1

Best Server without Melton & 41<sup>st</sup> SC1



Best Server with Melton & 41<sup>st</sup> SC1



The plots above show the best server or sectors that cover this area. The site will offload the area that Portola & 40<sup>th</sup> covers to the Northeast. This project will improve service by providing necessary capacity to support the growth we are seeing in residential 4G data traffic within this area with the new cell also shown on the right in red.

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Attachment: Verizon Project Submittal (1400 : 1200 41st Ave Verizon Appeal)





JONATHAN L. KRAMER, ESQ.  
 KRAMER@TELECOMLAWFIRM.COM  
 LOS ANGELES OFFICE

## WIRELESS PLANNING MEMORANDUM

**TO:** Mr. Ryan Safty  
**FROM:** Jonathan L. Kramer  
**DATE:** November 30, 2015  
**RE:** New Wireless site: Melton & 41<sup>st</sup> SC1 (Verizon Wireless)

The City of Capitola (the “City”) requested we review of the Verizon Wireless (“Verizon”) proposal to construct and operate a new wireless site located at a shopping complex located at 1200 41<sup>st</sup> Avenue.

### 1. Project Description

This section briefly describes the proposed site as depicted in the project plans dated July 17, 2015 and submitted with the application.

Verizon proposes to construct and operate a new cylindrical antenna on the rooftop at 27 feet above ground level (“AGL”) and an equipment enclosure.

On the rooftop, Verizon proposes to install the cylindrical panel, six remote radio units (“RRUs”), one new integrated power cabinet, one fiber cabinet, one electronics cabinet, an electric meter, and cables in conduits on the rooftop<sup>1</sup>.

### 2. Section 6409(a) Analysis

As a threshold matter, the City must determine whether federal law mandates approval for this permit application. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 requires that State and local governments “may not deny, and shall approve” an “eligible facilities request” so long as the proposal does not result in a “substant[ial] change.”<sup>2</sup> On October 17, 2014, the Federal Communications Commission (the “FCC”) adopted rules to interpret and implement Section 6409(a), which became effective on April 9, 2015.<sup>3</sup> The applicant bears the burden to prove that its proposal qualifies.

Section 6409(a)(2) defines an “eligible facilities request” as a request to collocate, remove or replace transmission equipment on an existing wireless tower or base station.<sup>4</sup> This definition

<sup>1</sup> We note that the title page T-1 of the Verizon plans dated July 17, 2015 describe many equipment locations to be determined (“TBD”).

<sup>2</sup> See Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156. (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)).

<sup>3</sup> See *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd. 12864 (Oct. 17, 2014) (codified as 47 C.F.R. §§ 1.40001, *et seq.*).

<sup>4</sup> See 47 U.S.C. § 1455(a)(2).

Mr. Ryan Safty  
 Melton & 41<sup>st</sup> SC1 (Verizon)  
 November 30, 2015  
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necessarily excludes permit requests for new facilities. Thus, no matter how large or small, the statute does not mandate approval for a permit to construct an entirely new wireless site.

Here, Section 6409(a) does not mandate permit approval because Verizon did not submit an eligible facilities request. Rather than collocate on an existing wireless tower or base station, Verizon seeks to construct an entirely new site at a location where none presently exists. Accordingly, the City can conclude that Section 6409(a) does not mandate permit approval on this basis alone and without any “substantial change” analysis.

This conclusion does not necessarily mean the City may deny the permit. Rather, the City simply possesses its normal land-use discretion subject to other State and federal regulations.

### 3. Significant Gap and Least Intrusive Means Analysis

Under the federal Telecommunications Act of 1996 (the “Telecom Act”), State and local governments cannot prohibit or effectively prohibit personal wireless communication services.<sup>5</sup> The United States Court of Appeals for the Ninth Circuit holds that a single permit denial can violate the Telecom Act when the applicant demonstrates that (1) a “significant gap” in its own service coverage exists and (2) its proposed site constitutes the “least intrusive means” to mitigate that significant gap.<sup>6</sup> This section discusses both issues as related to the present application.

#### 3.1. Significant Gap

The Ninth Circuit does not precisely define what a “significant gap” in service coverage means because this “extremely fact-specific [question] def[ies] any bright-line legal rule.”<sup>7</sup> Although sometimes courts find that weak service coverage constitutes a significant gap, the Ninth Circuit also holds that “the [Telecommunications Act] does not guarantee wireless service providers coverage free of small ‘dead spots’ . . . .”<sup>8</sup> Accordingly, whether a gap rises to a legally significant gap depends on the contextual factors in each individual application.<sup>9</sup>

To guide the analysis, the Ninth Circuit suggests that applicants and localities should focus on “context-specific factors” such as: (1) whether the gap affects a significant commuter thoroughfare; (2) how many users the alleged gap affects; (3) whether the proposed site will fill a complete void or merely improve weak signal; (4) whether the alleged gap affects a commercial area; (5) whether the alleged gap threatens public safety; and (6) whether the

<sup>5</sup> See Section 704 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as 47 U.S.C. § 332(c)(7)(B)(i)(III)).

<sup>6</sup> See *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 733 (9th Cir. 2005).

<sup>7</sup> See *id.*

<sup>8</sup> See *id.*

<sup>9</sup> See *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 727 (9th Cir. 2009) (citing *San Francisco*, 400 F.3d at 733).



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applicant presented empirical or merely predictive evidence.<sup>10</sup> The Ninth Circuit identifies these factors as relevant but does not explicitly limit the analysis to these factors or consider any particular factor more important than the others.

Here, Verizon alleges that this site is intended to close a significant gap in its coverage and to improve its overall capacity in the area. The application contains signal propagation maps that purport to show the existing signal coverage.

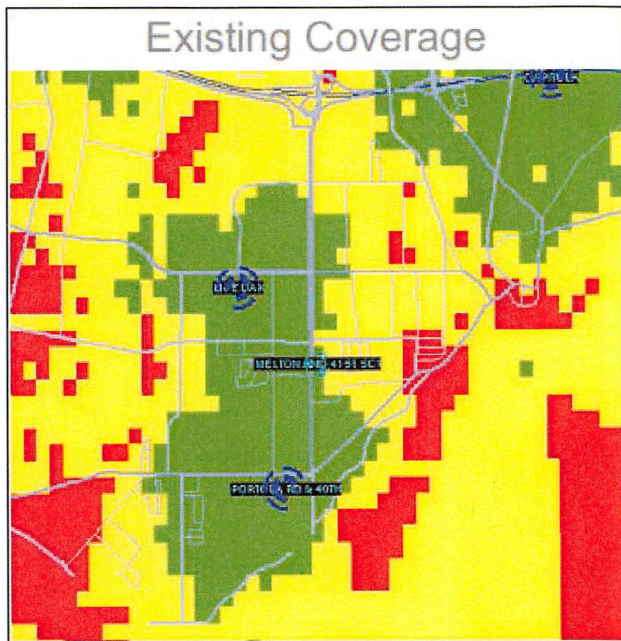


Figure 1: Existing Coverage (Source: Verizon Capacity Report/Necessity Case)

The propagation map in Figure 1 shows the predicted Verizon service coverage. As depicted, Verizon currently provides between “Good on-Street”, “Good In-Building”, and “Good In-vehicle” coverage levels to the residential, commercial and industrial areas between 41<sup>st</sup> Avenue to the west and 47<sup>th</sup> Avenue to the east, below Jade Street to the north and around Nova Drive to the south.

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<sup>10</sup> See *id.* (collecting cases that examine each enumerated factor).

Attachment: Telecom Technical Review (1400 : 1200 41st Ave Verizon Appeal)

Mr. Ryan Safty  
Melton & 41<sup>st</sup> SC1 (Verizon)  
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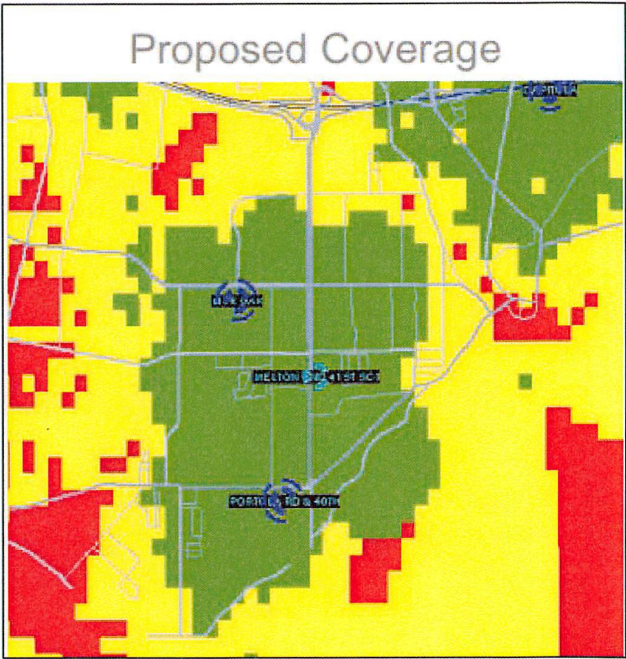


Figure 2: Proposed Coverage (Source: Verizon Capacity Report/Necessity Case)

The propagation map in Figure 2 shows the predicted Verizon signal coverage from the proposed site included. As depicted, the proposed site would improve the service capacity in the areas between Canyon Creek Road and Bloomfield Avenue, residential areas between 41<sup>st</sup> Avenue to the west and 47<sup>th</sup> Avenue to the east, below Jade Street to the north and around Nova Drive to the south.

Figure 3 below is the explanation used for Figure 1 and Figure 2 provided by the applicant in its Capacity Report/Necessity Case.

The proposed Melton & 41<sup>st</sup> SC1 site is a capacity site designed to provide data offload for Portola & 40th. The primary objective of this site is to support the rapid growth in 4G data use we are seeing in this area by providing a new small site to serve this residential area.

Green=Good In-Building, Yellow= Good In-Vehicle, Red=Good on-Street.

Figure 3: Explanation for Coverage Maps (Source: Verizon Capacity Report/Necessity Case)

The signal descriptions provided by Verizon are subjective only. They do not relate to any stated objective signals strength measurements that are provided in units of -dBm. As such, we accord the word descriptions little weight in this analysis.

Attachment: Telecom Technical Review (1400 : 1200 41st Ave Verizon Appeal)



Telecom Law Firm PC

Mr. Ryan Safty  
Melton & 41<sup>st</sup> SC1 (Verizon)  
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The fact that Verizon does not demonstrate a significant gap in its coverage, it does not necessarily mean that the City must (or even should) refuse to grant the permit. The City simply possesses its traditional land-use discretion as authorized under the Capitola Municipal Code (the "Code") and preserved in the Telecom Act. Accordingly, the City should evaluate the Verizon proposal against the established standards in the Code.

More useful as an objective justification for the proposed site are the graphs shown in Figure 4, below, which represent increasing data demand in the area (left graph), but a hard limitation on the current capacity to serve subscribers (right graph).

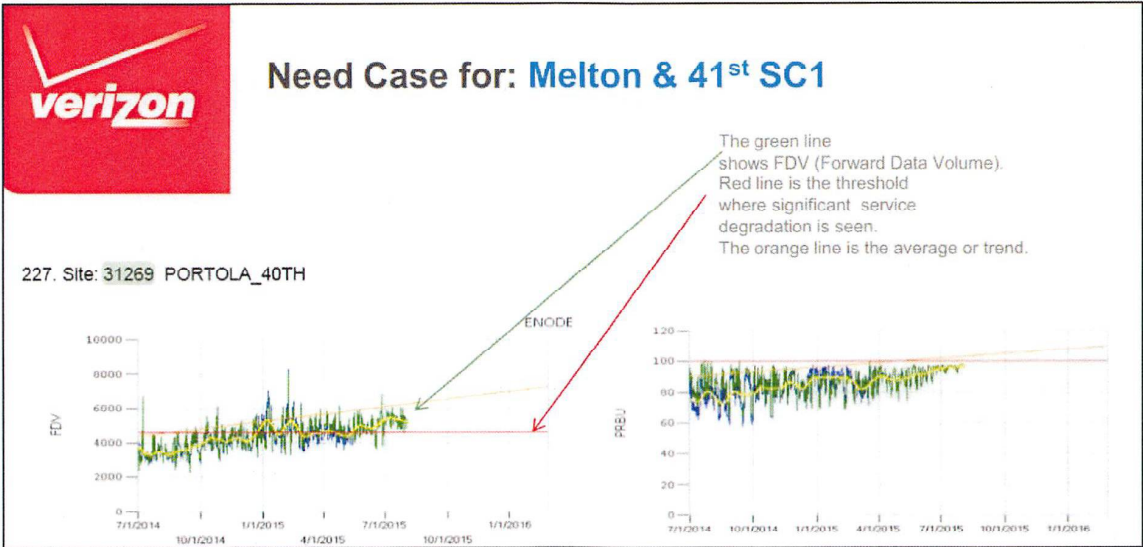


Figure 4: Capacity graphs before and after Melton & 41 SC1

Presuming the accuracy of the graphs in Figure 4, Verizon is on the verge of reaching its capacity to serve its subscribers at full speed in the identified service area. Not building the site in question would not create a substantial gap, or prohibit or have the effect of prohibiting Verizon’s ability to serve its customers; merely that that speed of data packets would be reduced once the capacity line in the right side graph of Figure 4 is reached.

According, Verizon has not demonstrated a significant gap, but it has provided evidence that it has reach a tipping point where the lack of new sites may result in the capping of transmission data rates. In no case is there a real prohibition of service claim.

**3.2. Least Intrusive Means**

Whether an applicant demonstrates a significant gap or not, the Telecom Act does not allow the applicant to build whatever site in whatever location it chooses. The applicant must also

Attachment: Telecom Technical Review (1400 : 1200 41st Ave Verizon Appeal)



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demonstrate that its proposal constitutes the least intrusive means to mitigate that significant gap.<sup>11</sup>

The “least intrusive means” refers to the site location and design that most closely conforms to the local values that would otherwise serve as grounds for denial.<sup>12</sup> For example, the lowest possible height constitutes the least intrusive means when the City would deny the project because it violates the zone height limit. Accordingly, the Capitola Municipal Code (“Code”) articulates the “local values” used to judge whether a proposal constitutes the least intrusive means.<sup>13</sup>

The Code sets out the preferred locations for wireless sites, in hierarchical order, as (1) facade-mounted facilities; (2) roof-mounted facilities; (3) ground-mounted facilities; (4) freestanding monopole facilities.<sup>14</sup> The proposed location is considered a preferred location by the Code, however not any roof-mounted facility will be allowed in the City since “roof-mounted antennas shall not be allowed when they are placed in locations where they significantly affect scenic views. However, such facilities may be allowed with incorporation of appropriate stealth techniques”.<sup>15</sup>

As to required design elements, the Code generally requires “all roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized. Screening panels may be used to mitigate visual impacts but must be designed to blend with the architecture of the building in terms of scale, material and color. The cost to provide such screening of visual equipment shall not by itself provide justification to allow conspicuous equipment or antennas to remain visible”.<sup>16</sup> Also, “all roof-mounted facilities shall be painted with a non-reflective matte finish using an appropriate color that blends with the backdrop. The final choice of colors shall be determined by the community development department on a case-by-case basis, in accordance with this subsection”.<sup>17</sup>

Verizon has not proposed the least intrusive means because the proposed cylindrical antenna does not conform to the Code requirements for having the least intrusive design.

The City could require a different design because it retains the power to determine what constitutes the least intrusive means. For example, the City might decide that it would prefer a faux chimney with a matching double on the other side of the building that could conceal the

<sup>11</sup> See, e.g., *American Tower Corp. v. City of San Diego*, 763 F.3d 1035 (9th Cir. 2014).

<sup>12</sup> See *id.*

<sup>13</sup> See generally CAPITOLA MUNICIPAL CODE §§ 17.98 *et seq.*

<sup>14</sup> See *id.* at § 17.98.100.

<sup>15</sup> See *id.* at § 17.98.100(B).

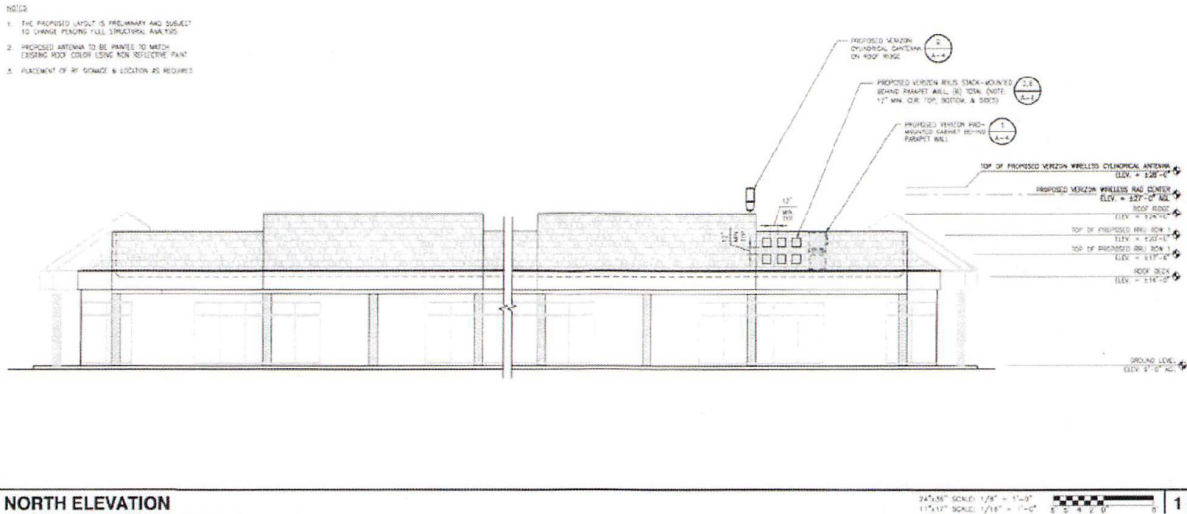
<sup>16</sup> See *id.* at § 17.98.100(D).

<sup>17</sup> See *id.* at § 17.98.100(E).



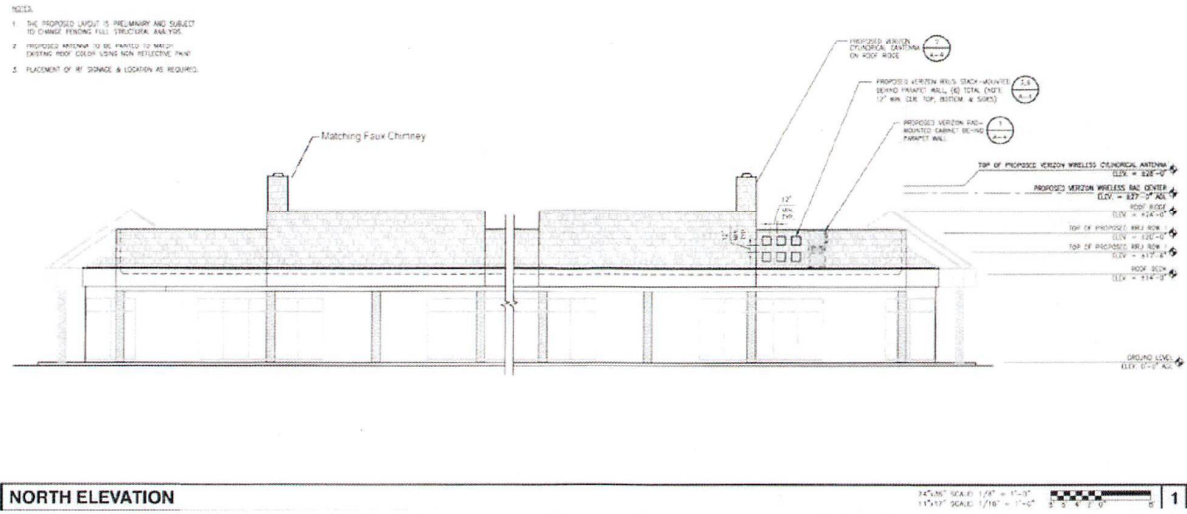
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antennas while blending as the natural façade of the building. Figure 5 shows the 'naked' antenna design proposed by Verizon. Figure 6 below depicts our recommendation of a balanced two faux chimney design that far less intrusive than the design proposed by Verizon. It is also visually balanced to match the symmetry of the underlying structure.



**NORTH ELEVATION** 24\"/>

Figure 5: Design as proposed by Verizon. (Plans by Verizon.) Not the least intrusive means.



**NORTH ELEVATION** 24\"/>

Figure 6: Faux chimney design that camouflages the antenna and is visually balanced on the building (Plans by Verizon; chimney design annotations by J. Kramer).

The faux chimney design is most consistent with CMC § 17.98.100 and § 17.98.120(D).

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#### 4. Conclusion

Based on the materials in the current application, the City should conclude that the application alleges but fails to demonstrate an actual significant gap in Verizon's coverage. The application materials do show an approaching 'speed limit' on data transfer rates that will be overcome with the addition of the proposed site.

The City should conclude that the proposed cylindrical panel antenna fails to be the least intrusive design, and that the applicant can modify the design to better conform to the City's Code by adopting the proposed dual faux chimney design, or some other camouflage design acceptable to the City.

/jlk

Attachment: Telecom Technical Review (1400 : 1200 41st Ave Verizon Appeal)

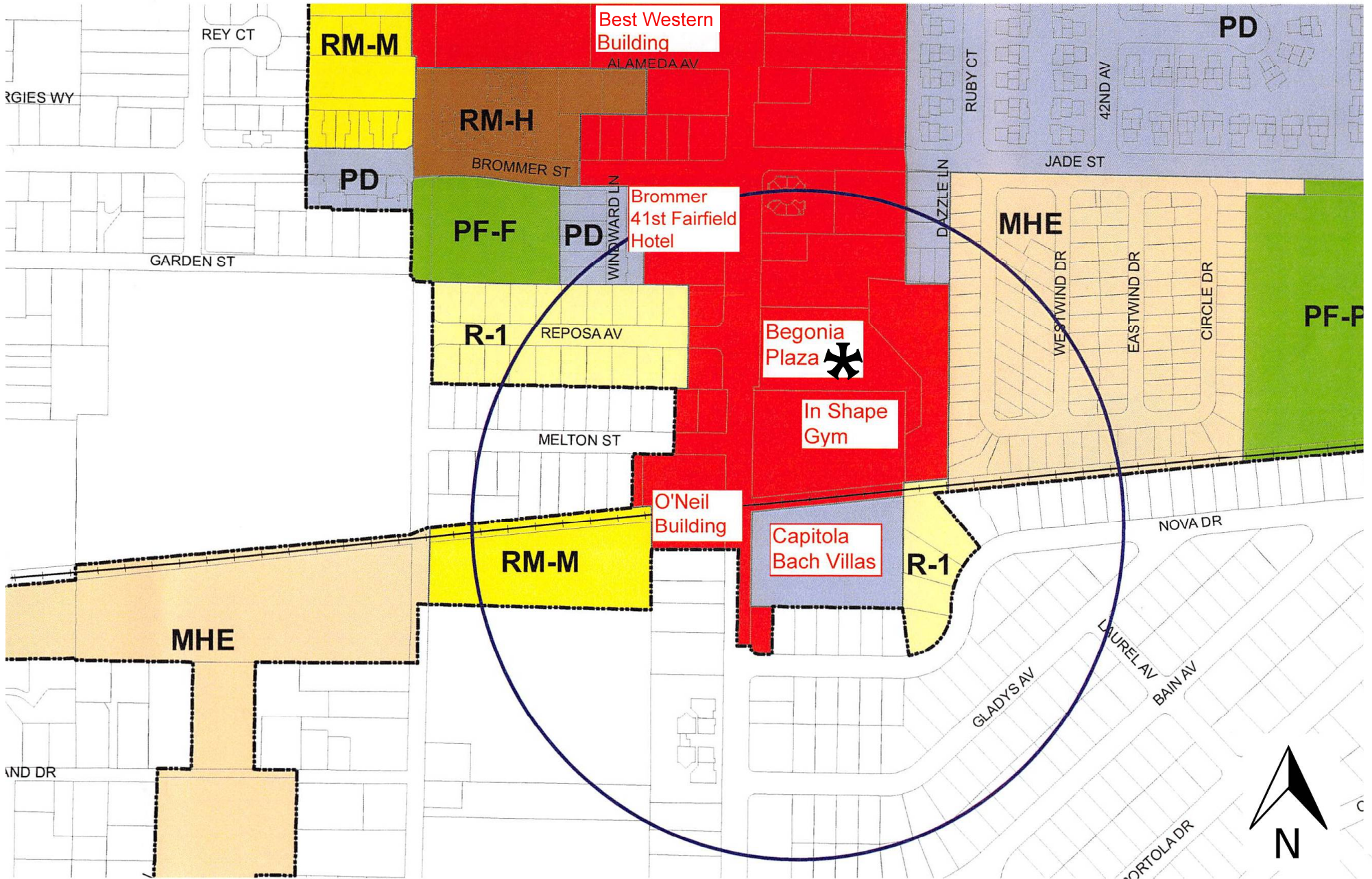


Telecom Law Firm PC



# VERIZON'S PROPOSED SEARCH RING & LOCATION OPTIONS

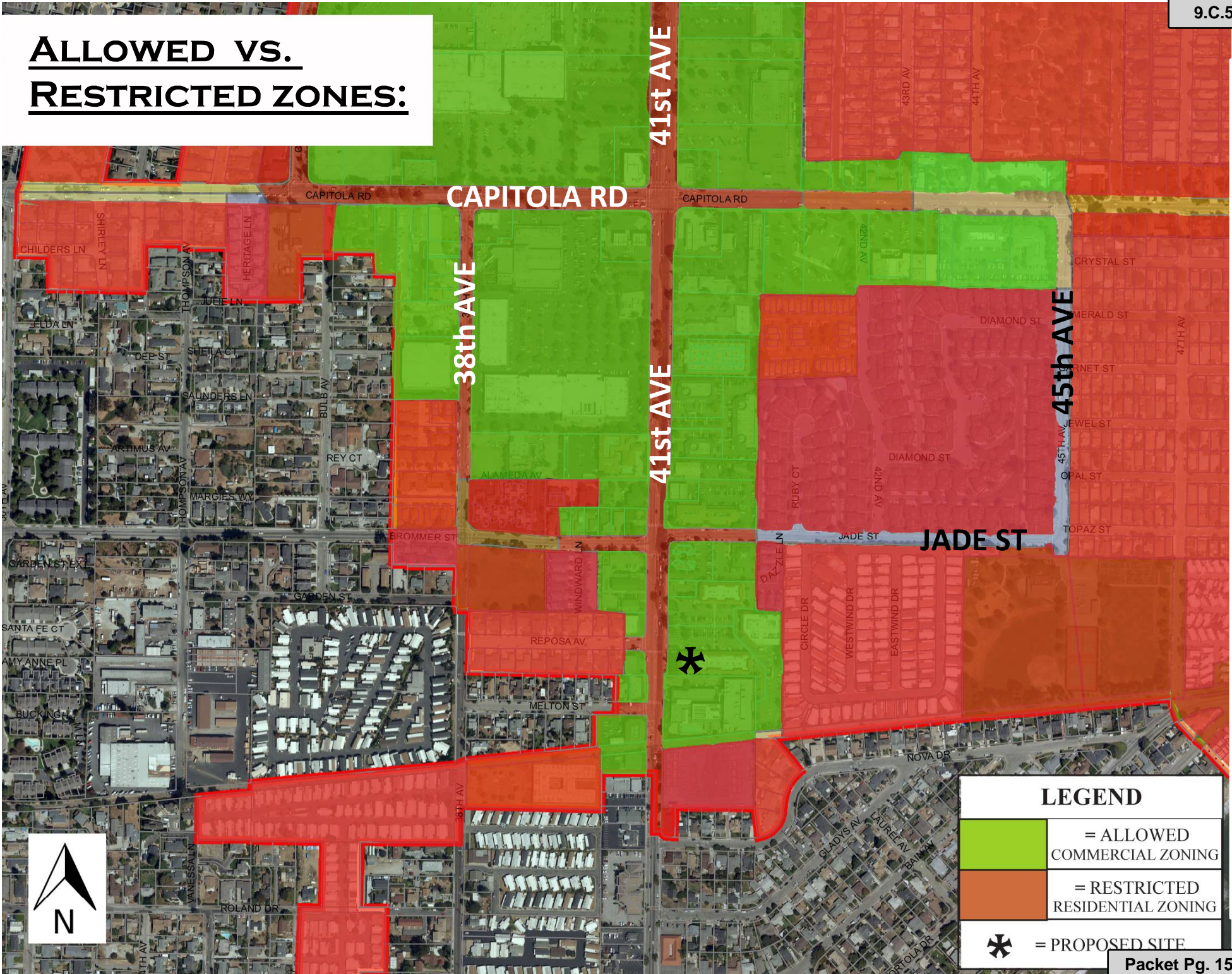
 = PROPOSED SITE






Attachment: Alternative Locations Graphic (1400 : 1200 41st Ave Verizon Appeal)

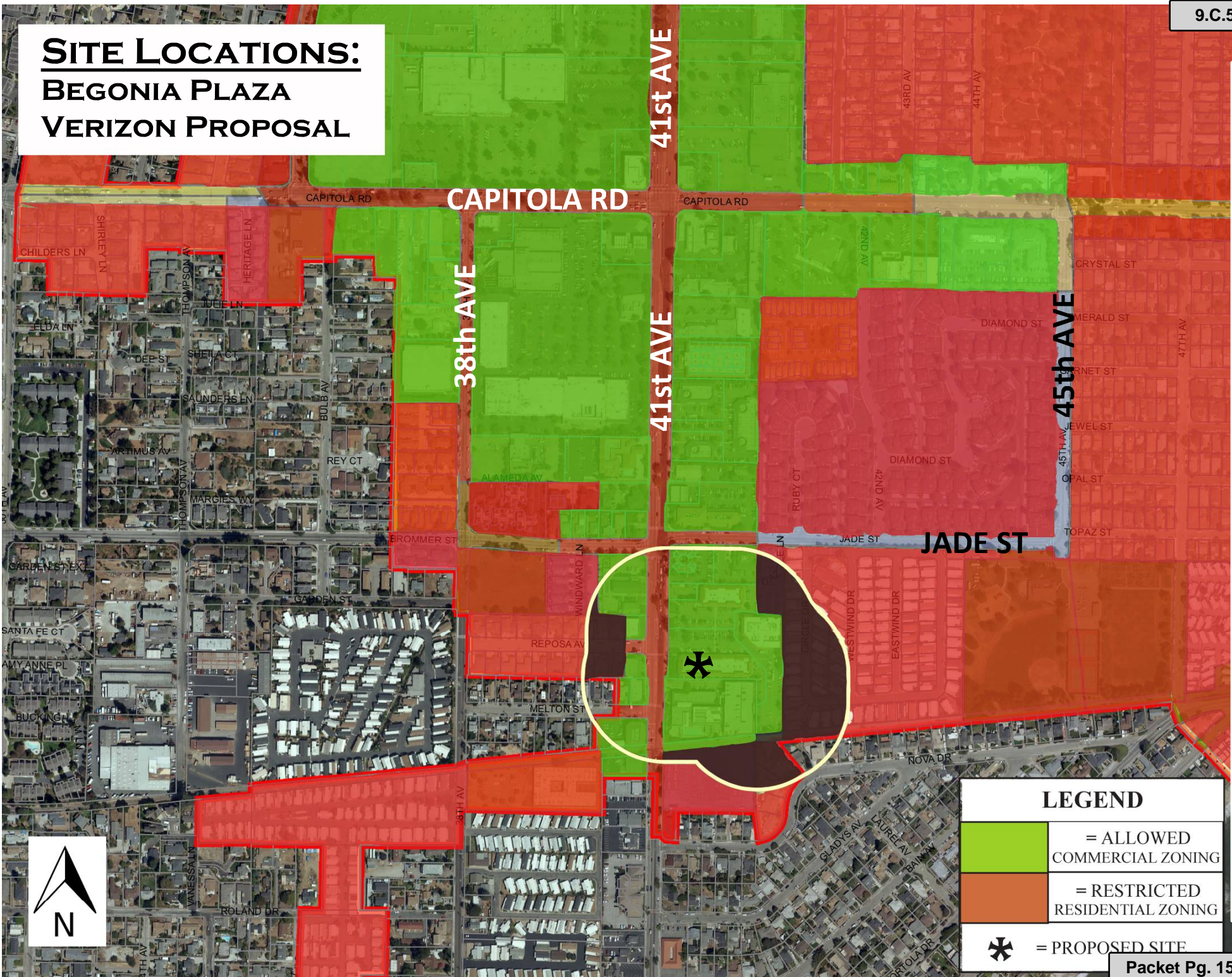



# ALLOWED VS. RESTRICTED ZONES:



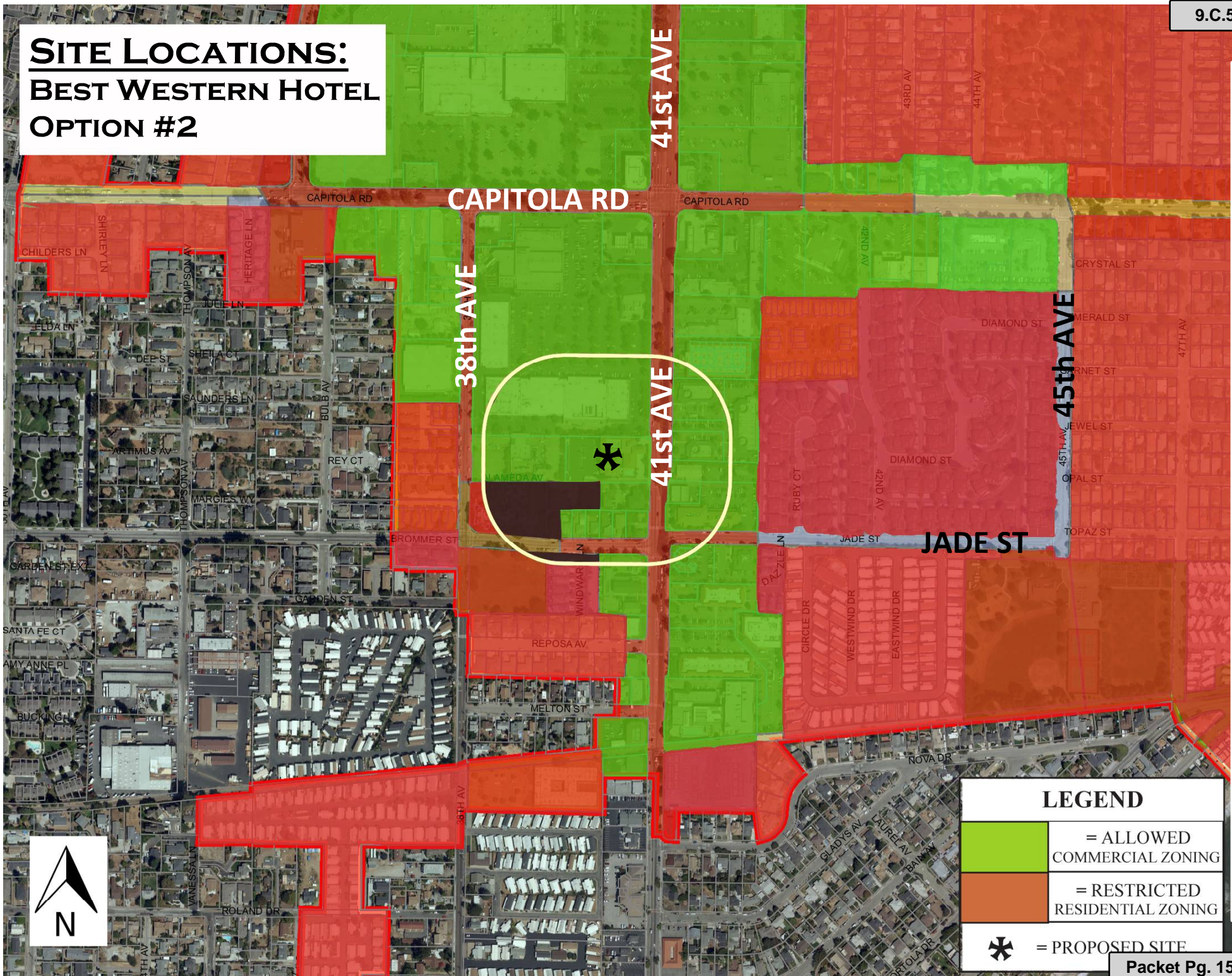
LEGEND	
	= ALLOWED COMMERCIAL ZONING
	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE




# SITE LOCATIONS: BEGONIA PLAZA VERIZON PROPOSAL



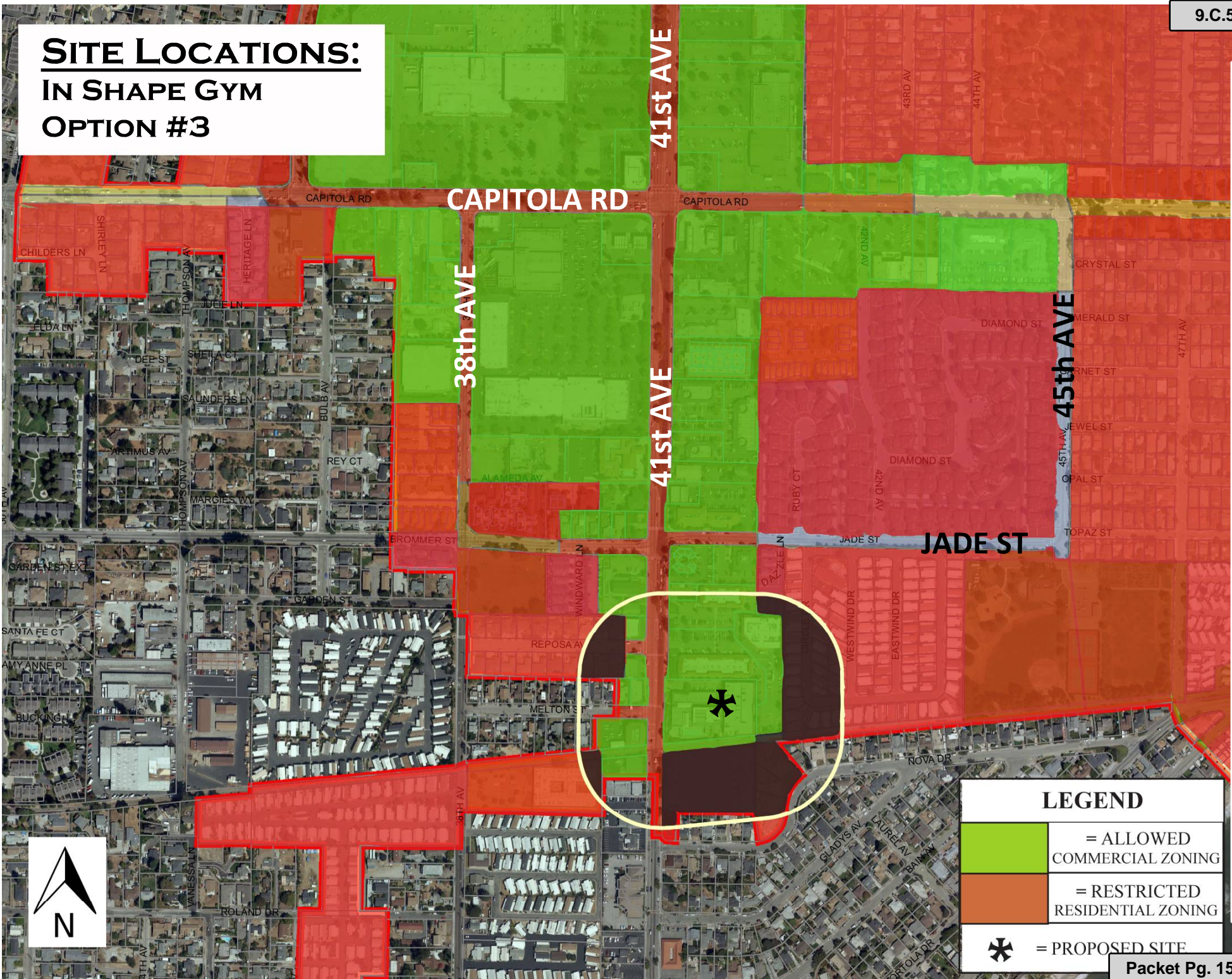
LEGEND	
	= ALLOWED COMMERCIAL ZONING
	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE

# SITE LOCATIONS: BEST WESTERN HOTEL OPTION #2



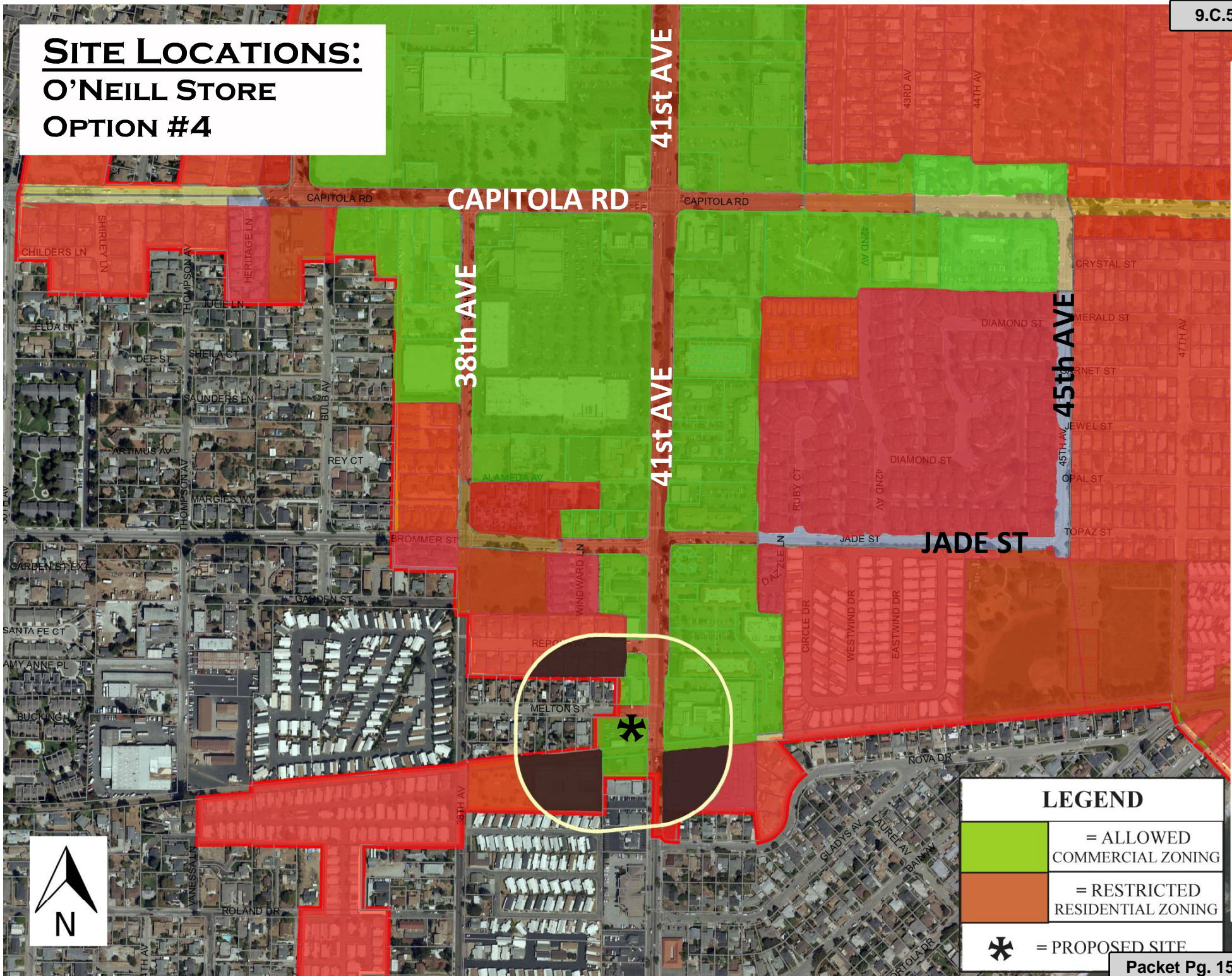
LEGEND	
	= ALLOWED COMMERCIAL ZONING
	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE




# SITE LOCATIONS: IN SHAPE GYM OPTION #3



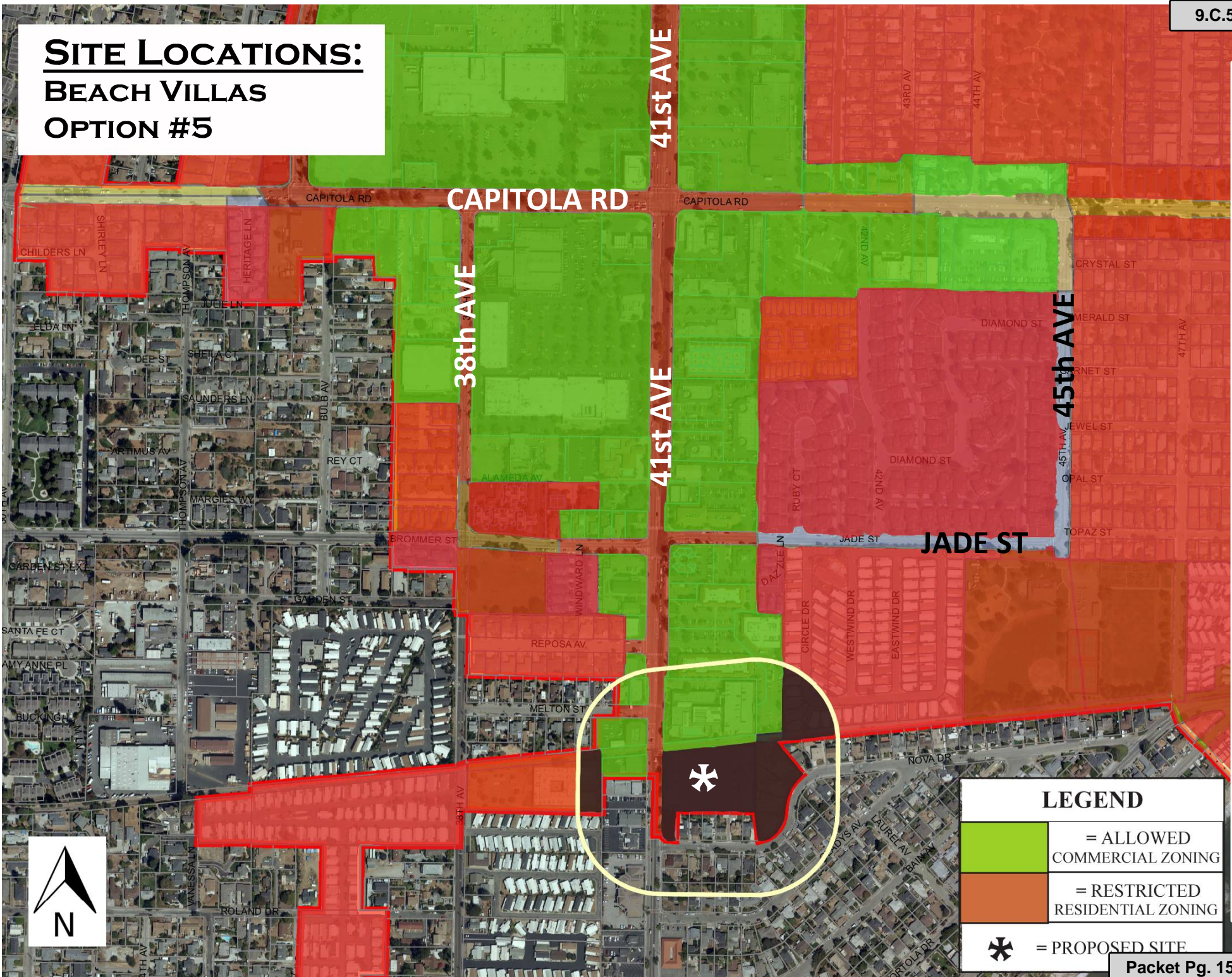
LEGEND	
	= ALLOWED COMMERCIAL ZONING
	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE

# SITE LOCATIONS: O'NEILL STORE OPTION #4



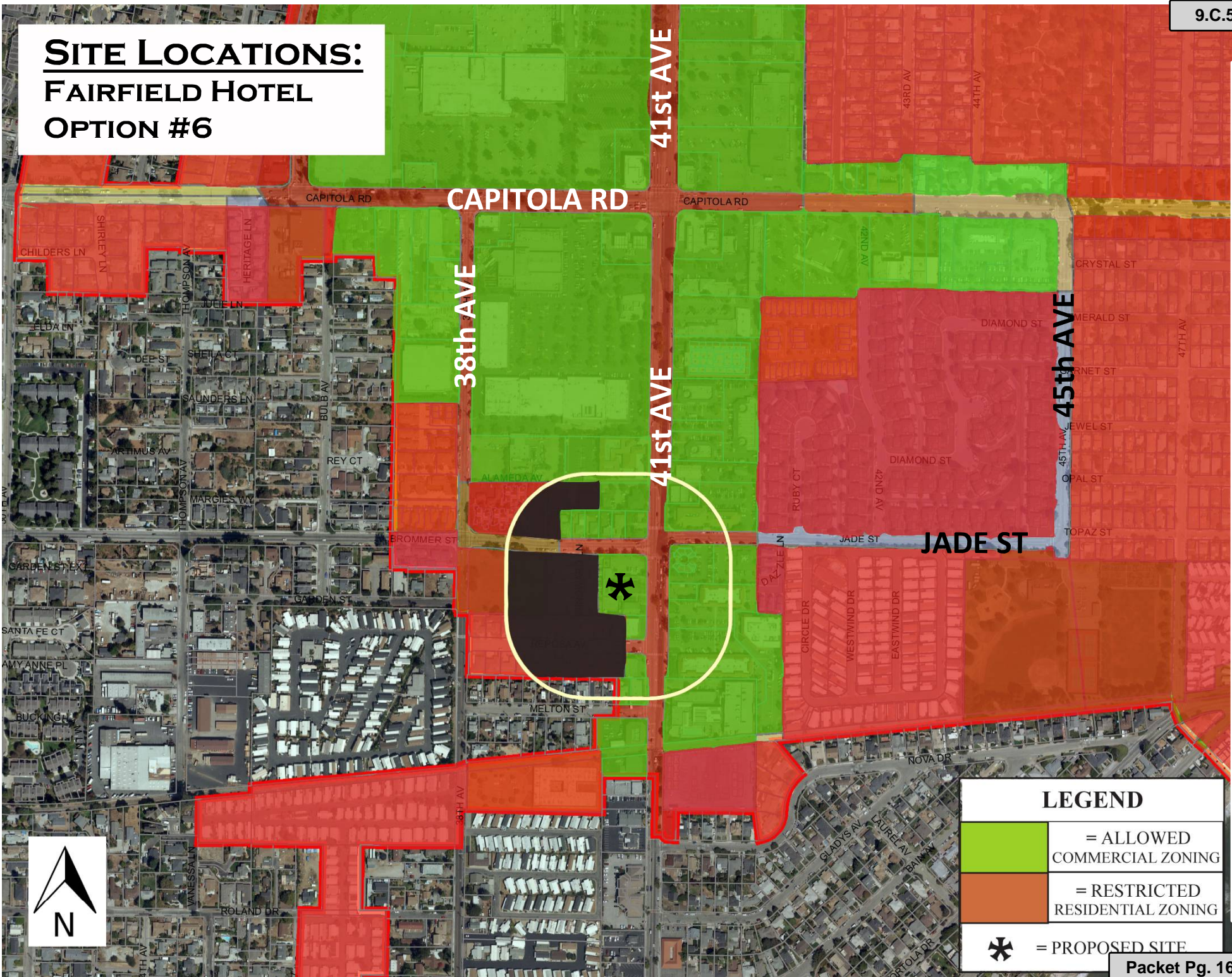
LEGEND	
	= ALLOWED COMMERCIAL ZONING
	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE




# SITE LOCATIONS: BEACH VILLAS OPTION #5



LEGEND	
	= ALLOWED COMMERCIAL ZONING
	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE

# SITE LOCATIONS: FAIRFIELD HOTEL OPTION #6



LEGEND	
	= ALLOWED COMMERCIAL ZONING
	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE

Attachment: Alternative Locations Graphic (1400 : 1200 41st Ave Verizon Appeal)





## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: JANUARY 21, 2016  
 SUBJECT: **1200 41st Ave #15-119 APN: 034-101-38**

Design Permit and Conditional Use Permit for the installation of a new Verizon wireless antenna and ancillary equipment on the roof of the Begonia Plaza commercial building in the CC (Community Commercial) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Begonia Plaza LLC

Representative: Verizon Wireless – Sequoia Deployment Services, filed 7/27/15

### **APPLICANT PROPOSAL**

The applicant is proposing to construct a new cylindrical antenna structure on the roof of the existing commercial building at 1200 41<sup>st</sup> Avenue. The proposed antenna will sit roughly four feet above the existing roof line. The proposed antenna will be visible from public areas (41<sup>st</sup> Ave and adjacent sidewalks) and does not meet the location standards established by the Zoning Ordinance.

### **BACKGROUND**

On July 27<sup>th</sup>, 2015, the applicant submitted a proposal for a new small-cell wireless facility to be located on the existing Begonia Plaza multi-tenant commercial building. The application was reviewed on August 12<sup>th</sup> by the Architectural and Site Review Committee. The only comments generated were from the Planning Department, who informed the applicant that the following additional submittals were required to make the application “complete”: visual analysis and screening techniques, co-location assessment, and a Significant Gap analysis for the proposed non-conforming location. Based on staff’s recommendation for improved screening, the applicant re-submitted photo-simulations and a material board showing a ‘cantenna’ screen proposed over the antenna with multiple color options, as well as a Co-location Assessment and a Significant Gap report for the proposed location (Attachment 1).

### **ANALYSIS**

A wireless facility which is not co-locating, is located within the required zone setbacks, and does not incorporate stealth technology, requires a conditional use permit with a public hearing before the Planning Commission (§17.98.040).

The Capitola Municipal Code restricts wireless antenna facilities from being located within 500 feet of a residential, public facility, or parks and open space zoning district. In addition to the

required 500 feet setback to restricted zones, the code also states that “in no event” may a new wireless facility be located within 300 feet of a restricted zoning district (Attachment 2). Verizon’s proposal at 1200 41<sup>st</sup> Avenue is located approximately 240 feet from the Reposa Avenue residences due west, and thus does not comply with setback restrictions.

The proposed new small-cell wireless facility would be located along the 41<sup>st</sup> Avenue corridor, in the CC (Community Commercial) zoning district. The adjacent uses are primarily commercial, being that this area is a commercial/retail hub. The proposed antenna, although small and slightly covered, would be visible from 41<sup>st</sup> Avenue. The proposal does not meet the Municipal Code’s design and visual impact requirements within 17.98.120. Attachment 2 outlines the extensive zoning code requirements for new wireless antenna development relative to the application. To mitigate impacts of the use on surrounding commercial uses and neighbors, the Planning Commission may condition the application related to the location, design, maintenance and operation of the proposal. Planning Commission may require redesign or relocation of the facility, and may also direct the applicant to resubmit a revised proposal for further consideration (17.98.040).

The Planning Commission, however, may not deny an application based on environmental effects of Radio Frequency (RF) emissions. According to Section 332(c) of the Communications Act, “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” Therefore, RF emissions were not reviewed as a part of this application.

### **DISCUSSION**

The Telecom Act (Federal Telecommunications Act of 1996) states that local governments cannot prohibit personal wireless communication services. Although the Capitola Municipal Code states that in no event may a new facility be located within 300 feet of a restricted zoning district, the FCC’s regulations pertaining to wireless telecommunication facilities may preempt the City’s ability to deny a permit if the applicant can demonstrate that the City’s regulations are tantamount to prohibiting the provision of wireless services. This Federal Act gives wireless applicants the ability to challenge the validity of local regulations if it can prove that the regulations are preventing them from filling a “significant gap” in its coverage. In order to be exempt from the code’s setback restrictions, the applicant must be able to prove that the new facility would eliminate or substantially reduce a significant gap in the carrier’s network and that there are no alternatives to the location and design of the facility that could reduce said gaps in the “least intrusive means” possible.

City staff reviewed the proposed new antenna location to determine if an alternative location could be used which is outside of the restricted zoning districts. The graphic in Attachment 3 shows the “alternative sites” that Verizon contacted in regards to alternative locations within the allowed and restricted zoning districts. Each location option includes a 300’ buffer ring around the proposed parcel, showing how each location meets the required setback from residential/restricted zones. In the attached graphics, green parcels represent properties with wireless allowed within the zoning district, and red-colored parcels represent parcels in which wireless is restricted. According to Verizon’s proposed target search ring and coverage maps, there is no alternative location that would fill the said “gap” and also be located outside of the Municipal Code’s restricted zoning districts. The Capitola Mall site would be located outside of restricted zoning districts, however it is outside of Verizon’s “search ring” and therefore would not help fill their coverage gap. Based on staff’s analysis of Verizon’s “alternative sites” within

the search ring, there are no other properties which could provide an increased setback from restricted zoning districts while still meeting the applicant's coverage objectives.

### **Consultant Review**

In Accordance with Municipal Code section 17.98.070.A.19, staff contracted Telecom Law Firm to provide an independent review of the proposal, paid for by the applicant. Telecom conducted a technical analysis of Verizon's capacity-finding report, evaluated whether or not a "Significant Coverage Gap" currently exists, reviewed how their proposal will affect the coverage gap, and offered an alternative design recommendation (Attachment 4).

### **Significant Gap Analysis**

Within the significant gap analysis of the report, Telecom analyzed whether or not a "significant gap" in the applicant's coverage exists, how their proposal will affect the said gap, and alternative site and design recommendations. Figures 1, 2 and 4 of Verizon's Capacity Report and Necessity Case show Verizon's existing and proposed signal coverage (Attachment 4). According to Telecom, the information provided in Verizon's report is proprietary and cannot be validated without full access to Verizon's capacity data. However, Telecom was able to determine that the information provided by Verizon seems reasonable and appears to improve capacity coverage at this location. Telecom concluded that a new facility at this location would improve capacity coverage within Verizon's target search area and allow Verizon to provide its members with full speed service in this area. Therefore, an exception may be made to the setback requirements from restricted zoning districts.

### **Least Intrusive Means Analysis**

In addition to the applicant proving that a "significant gap" exists, they must also successfully demonstrate that their proposal constitutes the least intrusive means to mitigate that significant gap. The applicant must prove that it has made a legitimate effort to identify and evaluate less intrusive alternatives that would most closely conform to the local values of the city's municipal code. Verizon must prove that they have considered: less sensitive site locations, alternative antenna and equipment designs, and co-location, among others, and that the proposal is the "least intrusive means" to filling the service gap.

According to Telecom's report, Verizon has not proposed the least intrusive means. Pursuant to the design standards laid out in section 17.98.120 – D/E of the Capitola Municipal Code:

*D. All roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized. Screening panels may be used to mitigate visual impacts but must be designed to blend with the architecture of the building in terms of scale, material and color. The cost to provide such screening of visual equipment shall not by itself provide justification to allow conspicuous equipment or antennas to remain visible.*

*E. All roof-mounted facilities shall be painted with a non-reflective matte finish using an appropriate color that blends with the backdrop. The final choice of colors shall be determined by the community development department on a case-by-case basis, in accordance with this subsection.*

Verizon's cylindrical antenna screen would be visible from the 41<sup>st</sup> Avenue corridor and does not blend with the architecture of the building. The City has the ability to require a modified design with the authority to determine what constitutes the "least intrusive means" of design. As an example alternative, Telecom came up with a "faux chimney" design proposal that would screen the proposed antenna with a fake chimney screen, which will eliminate the visible cylindrical

antenna and better blend with the architecture and design of the existing commercial building. Therefore, staff recommends that the applicant re-design their proposal and that the Planning Commission approve of a modified project which incorporates Telecom's alternative proposal (Attachment 4) or an equivalent stealth design which camouflages the facility to the satisfaction of the Community Development Director.

To address Telecom's recommendation and the Municipal Code requirements, staff included Conditions of Approval #4 – 17.

### **CEQA**

This project is categorically exempt under Section 15303 of the California Environmental Quality Act. The proposed project involves the construction of a new, small-cell Verizon wireless antenna facility. The project will result in a minor modification to the exterior of an existing structure. No adverse environmental impacts were discovered during project review by staff.

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve a modified project for application #15-119, with required re-design of the wireless facility to a fully stealth design, based on the following Conditions and Findings for Approval.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of a new, small-cell wireless antenna facility on to an existing commercial building at 1200 41<sup>st</sup> Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 21<sup>st</sup>, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. All Planning fees associated with permit #15-119 shall be paid in full.
3. The applicant was granted a design permit, conditional use permit, and location exemption for the installation of a new, small-cell Verizon wireless antenna facility on the rooftop of the existing commercial building at 1200 41<sup>st</sup> Avenue. In any case where the conditions of the permit are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the Planning Commission may revoke the permit.
4. Prior to Building Permit issuance, the applicant shall submit a modified, stealth design to screen the antenna facility from public view, to the satisfaction of the Community Development Director.
5. The wireless communication facilities shall comply with all Federal Communication Commission (FCC) rules, regulations, and standards. Every two years the wireless telecommunications service provider shall submit to the director of community development: (1) a certification by a licensed engineer that the emissions are within the current FCC standards; and (2) a report on the level of cumulative radio frequency

emissions within an eight hundred-foot radius from the subject antenna.

6. All roof-mounted facilities shall be painted with a non-reflective matte finish using an appropriate color that blends with the backdrop. The final choice of colors shall be approved by the community development department, in accordance with section 17.98.120 of the Capitola Municipal Code.
7. The wireless communications facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the director when deemed necessary.
8. 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 director. Testing and maintenance activities, which do not generate audible noise, may occur at any time, unless otherwise prohibited by the director.
9. All wireless communications providers shall provide signage, as required by the director, which shall identify the name and phone number of the wireless communications provider for use in case of an emergency.
10. The new wireless communications facilities shall be maintained by the wireless service provider in good condition. This shall include keeping all wireless communications facilities graffiti free.
11. At time of Building Permit submittal, the wireless carrier applicant must submit equipment specifications for all proposed rooftop equipment in order for the Building Department to verify existing structure's load capacity. The Building Department may require a report prepared by a structural and electrical engineer.
12. The wireless communications facility which provides service to the general public shall be designed to survive a natural disaster without interruption in operation. To this end, the measures listed in section 17.98.200 of the Municipal Code shall be implemented.
13. Wireless communications providers shall provide the city with a notice of intent to vacate a site a minimum of thirty days prior to the vacation, and all other forms of cessation of operation on-site shall follow the rules and regulations set forth in Municipal Code section 17.98.210.
14. In the event that the original permittee (Verizon) sells its interest in a wireless communication facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the city for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project (#15-119) shall be provided by the succeeding carrier to the community development department within thirty days of transfer of interest of the facility.

15. This permit shall be valid for a period of five years. An approval may be extended administratively from the initial approval date for a subsequent five years and may be extended administratively every five years thereafter upon the verification of the wireless communications provider's continued compliance with Municipal Code chapter 17.98 and with the findings and conditions of approval under which the application was originally approved. This does not apply to preexisting legal nonconforming uses.
16. Should the director determine that the wireless communications facility may no longer be in compliance, the director may, at his or her discretion, schedule a public hearing before the planning commission at which the planning commission may modify or revoke an approval in accordance with chapter 17.98.240 of the Municipal Code.
17. All wireless communications facilities shall meet the current standards and regulations of the Federal Communications Commission, 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 regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within ninety 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 facilities into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of such facilities at the wireless communications provider's expense.

## **FINDINGS**

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**  
The Planning Commission reviewed and approved the applications with conditions of approval with respect to the maintenance, design and operation of the use to ensure that the new wireless facility will not have a negative impact on the surrounding commercial and residential uses and secure the general purposes of the Zoning Ordinance and General Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**  
The Planning Commission reviewed and approved the application with conditions of approval to ensure that the antenna is screened from public view so as to preserve the character and identity of the neighborhood.
- C. **This project is categorically exempt under the Section 15303 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
The proposed project involves the construction of a new, small-cell Verizon wireless antenna facility. The project will result in a minor modification to the exterior of an existing structure. Section 15303 exempts new small structures and minor modifications to the exterior of an existing structure.

## **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 wireless antenna project is proposed to be located on an existing commercial building at 1200 41<sup>st</sup> Ave. The existing building is not located in an area with coastal access. The new antenna 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 41st Avenue. No portion of the project is located along the shoreline or beach.

**(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, however 41<sup>st</sup> Avenue is a heavily used pedestrian and automobile thoroughfare.

**(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 off of 41<sup>st</sup> 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. 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.



***(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 in a commercial area without sensitive habitat areas.

***b. Topographic constraints of the development site;***

- The project is located on a flat lot.

***c. Recreational needs of the public;***

- The project does not impact recreational needs of the public, however it will be visible from public right-of-ways.

***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;***

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***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 is proposed to be located on an existing commercial lot of record.

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project is proposed to be located on an existing commercial 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 is proposed to be located on an existing commercial 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 an antenna addition to an existing commercial building. The proposal does not affect, and thus 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 does not comply with the design guidelines and standards established by the Municipal Code. Planning Staff's modified approval will condition the proposal to meet design guidelines.

***(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 new small-cell wireless antenna facility. The GHG emissions for the project are projected at less than significant impact. No water fixtures are proposed.

***(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 are not required for this application. 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 is not located along a shoreline.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- The use is not allowed where it is proposed, being that it is within 500 feet of a restricted residential zone.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project does not conform in that the design is not properly screened and it is proposed in a restricted area.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project will not affect the Capitola parking permit program.

**ATTACHMENTS:**

1. Verizon Submittal
2. Site Planning and Zoning Information
3. Alternative Location Analysis
4. Consultant Review

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