

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 COUNCIL/SUCCESSOR JOINT BUDGET STUDY SESSION

THURSDAY, JUNE 16, 2016

6:00 PM

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

**CLOSED SESSION - 5:30 PM
CITY MANAGER'S OFFICE**

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Govt. Code §54956.9(d)(1)]

(Two cases)

1. Friends of Monterey Park v. the City of Capitola
[Santa Cruz Superior Court Case No. CV 16CV01091]
2. GTE Mobilenet of California Limited Partnership, a California limited partnership d/b/a/ Verizon Wireless v. City of Capitola
[United States District Court Case No 16-CV-02495-PSG]

**JOINT BUDGET STUDY SESSION OF THE CAPITOLA CITY
COUNCIL/SUCCESSOR AGENCY - 6:00 PM**

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a City Council/Successor Agency Joint Budget Study Session will be distributed to Council/Agency Members to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Council/Agency Members, nor be read by them prior to consideration of an item.

All matters listed on the Joint Budget Study Session of the City Council/Successor Agency 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.A. Public Communication regarding 1200 41st Avenue Appeal
- B. Item 8.A. Revised Plan Set regarding 1200 41st Avenue Appeal
- C. Item 8.E. Public Communication regarding Proposed Fee Schedule

- 4. ADDITIONS AND DELETIONS TO THE AGENDA**
- 5. PUBLIC COMMENT**

Oral Communications allows time for members of the Public to address the City Council/Successor Agency 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 / SUCCESSOR AGENCY / CITY TREASURER / STAFF COMMENTS**

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

7. CONSENT CALENDAR

All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

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

- A. Consider the June 1, 2016, City of Capitola, as Successor Agency to the Former Capitola Redevelopment Agency, Minutes
RECOMMENDED ACTION: Approve the subject minutes as submitted.
- B. Adoption of the Fiscal Year 2016/2017 Budget for the Successor Agency to the former Redevelopment Agency
RECOMMENDED ACTION: Approve the Resolution adopting the Successor Agency Fiscal Year 2016/2017 Budget.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

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

- A. Reconsideration of an 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 Project #15-119 as conditioned.
- B. Receive Public Opinion Survey Results
RECOMMENDED ACTION: Receive report, and provide direction to staff.
- C. Consider a Resolution Approving the Expenditure Plan for the Santa Cruz County Regional Transportation Commission's Transportation Improvement Plan
RECOMMENDED ACTION: Adopt Resolution.
- D. Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments for Fiscal Year 2016/2017
RECOMMENDED ACTION: Adopt the Resolution.
- E. Public Hearing to Consider the Proposed Fee Schedule for Fiscal Year 2016/2017; and a Resolution repealing Resolution No. 4036
RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2016/2017 and adopt the proposed Resolution repealing Resolution No. 4036.

- F. Adoption of the Fiscal Year 2016/2017 Budget for the City of Capitola
RECOMMENDED ACTION: Adopt the Resolution approving the Final 2016/2017 Fiscal Year City, and Capital Improvement Program Budget.

9. ADJOURNMENT

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

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

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

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

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

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

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

Subject: FW: Please Deny Verizon Cell Phone Antenna Application at Begonia Plaza

From: Teresa Lacques [<mailto:mometer@sbcglobal.net>]

Sent: Wednesday, June 15, 2016 9:20 PM

To: Bottorff, Ed (ebottorff167@yahoo.com) <ebottorff167@yahoo.com>; slharlan@ci.capitola.ca.us; Bertrand, Jacques <jbertrand@ci.capitola.ca.us>; Norton, Dennis (dnortondesigns@msn.com) <dnortondesigns@msn.com>; Termini, Mike (michael@triadelectric.com) <michael@triadelectric.com>

Cc: Safty, Ryan (rsafty@ci.capitola.ca.us) <rsafty@ci.capitola.ca.us>; mometer@sbcglobal.net

Subject: Please Deny Verizon Cell Phone Antenna Application at Begonia Plaza

Dear Mayor Bortoff, Vice Mayor Harlan, and Coun Bertrand, Norton and Termini,

I am writing you to urge you to reject Verizon Wireless's application for a cell phone tower at 1200 41st Avenue.

I was so glad when you overturned the Planning Commission's approval of this unnecessary cell phone tower back in March!

Our town is already overly burdened with these ugly cell phone towers. It was discussed at the March 10, 2016 meeting Verizon has more than enough cell phone towers in this area for its customers' needs. Verizon did not make any case that it needed more cell towers at this meeting. On that basis alone, you should continue to deny this permit.

Also, as I stated at the March meeting, you previously turned down a cell tower application on your own property.

I am 90 years old, and am a resident of the Tradewinds Senior Mobile Home Park, and live on a fixed income. I can't afford a cell phone and don't want one. I will be directly affected by this tower looming over my home. I am concerned it will negatively affect my property values, and the property values of my neighbors. I also regularly shop at New Leaf Market, as it is the only health food store within walking distance of my home. If this tower is approved, I will have to do my shopping elsewhere.

I know Verizon is suing Capitola over this, saying that you can't legally deny their tower for health reasons. They are a big corporate bully throwing their weight around. Shame on them. I was so proud when you stood up to them in March. I will be very disappointed if you cave in now and reverse your decision. Please find every means to turn this project down.

- For starters, the proposed project is very ugly and does not appear to be necessary, even by Verizon's own testimony at the March meeting.
- Second – I did not see proof that the proposed tower is sufficiently engineered so it won't be a hazard for falling down in an earthquake or a strong windstorm. This is a potential safety hazard that needs to be addressed (separate from concerns about radiation);

- Is it a fire hazard? These things use a lot of electricity and catch fire. This is located in a busy shopping center on the top of building. What kind of evacuation plans are there if this catches on fire? What kind of extra fire suppression is there to deal with an electrical fire on top the building that could be started from the cell tower? Below are some videos of catastrophic fires started on cell towers. Please watch these – include these as part of your record. Imagine if one of these fires broke out at Begonia Plaza when it was full of shoppers? Or during high winds that could spread it to neighboring properties?

https://www.youtube.com/watch?v=yN_KU4lmgO0&feature=related

<http://www.anticelltowerlawyers.com/questions-answers/do-cell-towers-ever-collaps/cell-tower-failures.html>

https://www.youtube.com/watch?v=y__NKVWrazg

- Will its location next to other properties create a risk to those properties from fire or falling?
- People do not want to buy houses near known cell phone towers. This project will likely decrease my property value and the property value of everyone in the Tradewinds Senior Mobile Home Park.
- It is easier to turn down an initial cell antenna application than a request for a second, third or fourth antenna at the same location (“co-location”). Once Verizon has a single antenna there, other cell phone companies will be able to force their antennas at that location. Each antenna of course increases the risk of fire, and further decreases surrounding property values.

I support you spending the money necessary to fight Verizon's bullying lawsuit. Also, the cell tower needs the Coastal Commission's approval as well. I think this is inconsistent with the protecting the aesthetic values of our coastal zone.

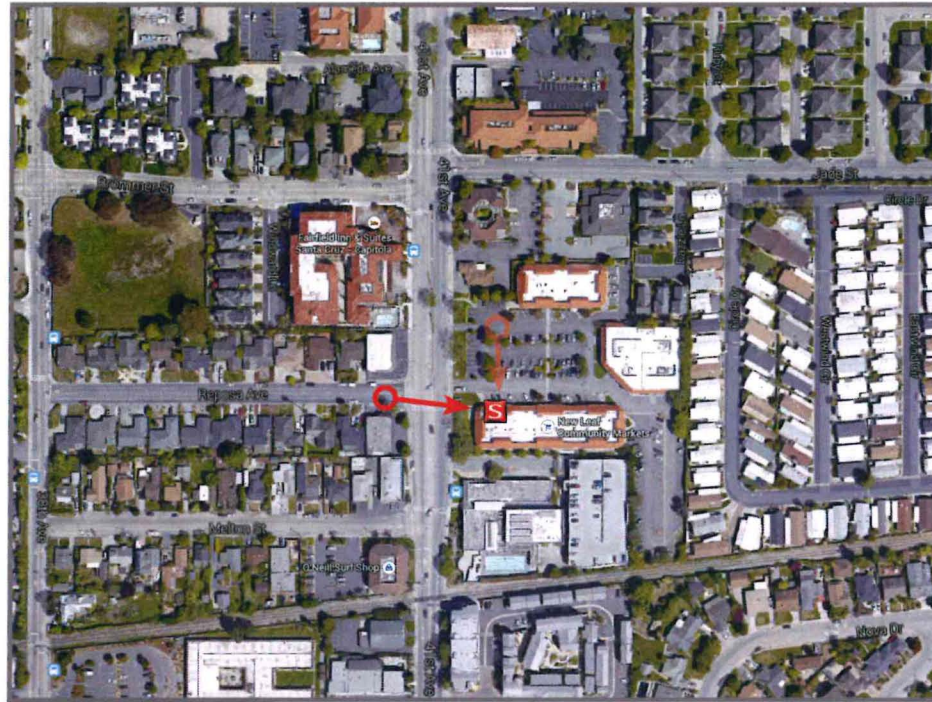
Also, I am concerned you did not make a good record of public comments against the tower last time. Your minutes listed some of the people who spoke, but only included the comments from people speaking in favor of the tower (like the Verizon guy). You left out the comments of the people who spoke against the tower, including me. In fact, the minutes left my name out of the record, even though I spoke up against the tower, too.

Thank you.

Teresa Lacques

4160 Jade Street, #95. Capitola, CA

Communication: Item 8.A. Public Communication regarding 1200 41st Avenue Appeal (ADDITIONAL MATERIALS)



LOCATION

©2015 Google Maps



EXISTING



PROPOSED FAUX CHIMNEY

PROPOSED

LOOKING EAST ACROSS 41ST AVENUE

ADDITIONAL MATERIAL – ITEM 8.A.
June 16, 2016, City Council/Successor Joint
Budget Study Session

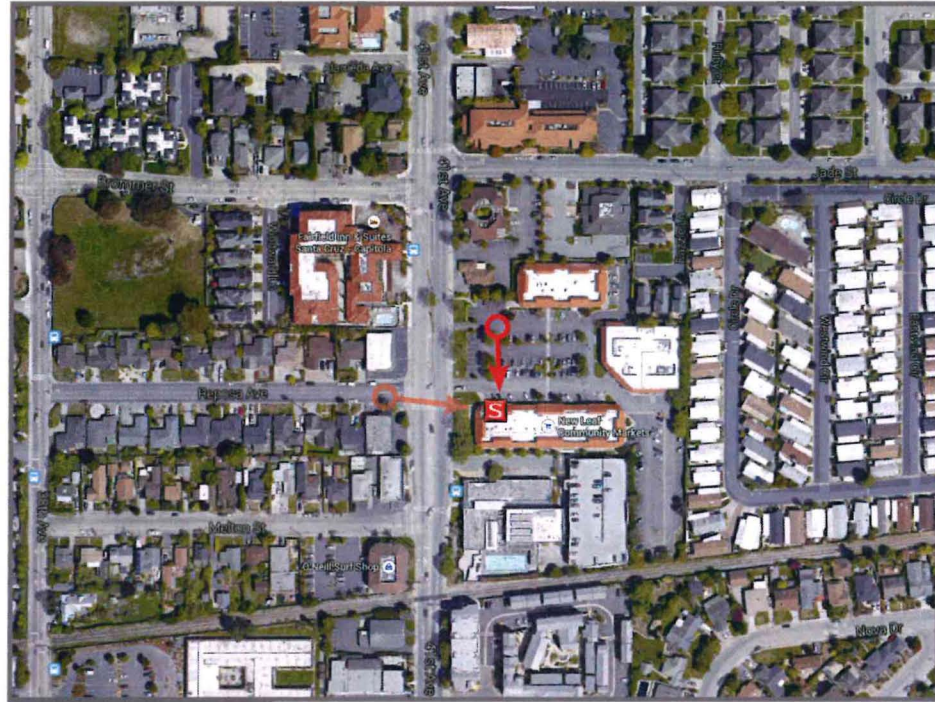


MELTON & 41ST SC 1

1200 41ST AVENUE CAPITOLA GA 95010



VIEW 2



LOCATION

©2015 Google Maps



EXISTING



PROPOSED LOOKING SOUTH FROM PARKING LOT

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

Communication: Item 8.A. Revised Plan Set regarding 1200 41st Avenue Appeal (ADDITIONAL MATERIALS)

GENERAL CONSTRUCTION NOTES:

- FOR THE PURPOSE OF CONSTRUCTION DRAWINGS, THE FOLLOWING DEFINITIONS SHALL APPLY:
GENERAL CONTRACTOR - GENERAL CONTRACTOR
SUBCONTRACTOR - CONTRACTOR (CONSTRUCTION)
OWNER - VERIZON WIRELESS
- ALL SITE WORK SHALL BE COMPLETED AS INDICATED ON THE DRAWINGS AND VERIZON WIRELESS PROJECT SPECIFICATIONS.
- GENERAL CONTRACTOR AND SUBCONTRACTOR SHALL VISIT THE SITE AND SHALL FAMILIARIZE HIMSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS. GENERAL CONTRACTOR AND SUBCONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS, DIMENSIONS, AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
- ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. GENERAL CONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL VERIZON WIRELESS ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF WORK.
- ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES, AND APPLICABLE REGULATIONS.
- UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
- PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY UNLESS OTHERWISE NOTED. DIMENSIONS SHOWN ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS THE MINIMUM REQUIRED CLEARANCE. THEREFORE, IT IS CRITICAL TO FIELD VERIFY DIMENSIONS, SHOULD THERE BE ANY QUESTIONS REGARDING THE CONTRACT DOCUMENTS, THE SUBCONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM THE ARCHITECT/ENGINEER PRIOR TO PROCEEDING WITH THE WORK. DETAILS ARE INTENDED TO SHOWN DESIGN INTENT. MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF WORK AND PREPARED BY THE ARCHITECT/ENGINEER PRIOR TO PROCEEDING WITH WORK.
- THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
- IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATIVE SPACE FOR APPROVAL BY THE ARCHITECT/ENGINEER PRIOR TO PROCEEDING.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF WORK AREA, ADJACENT AREAS AND BUILDING OCCUPANTS THAT ARE LIKELY TO BE AFFECTED BY THE WORK UNDER THIS CONTRACT. WORK SHALL CONFORM TO ALL OSHA REQUIREMENTS AND THE LOCAL JURISDICTION.
- GENERAL CONTRACTOR SHALL COORDINATE WORK AND SCHEDULE WORK ACTIVITIES WITH OTHER DISCIPLINES.
- ERECTION SHALL BE DONE IN A WORKMANLIKE MANNER BY COMPETENT EXPERIENCED WORKMAN IN ACCORDANCE WITH APPLICABLE CODES AND THE BEST ACCEPTED PRACTICE. ALL MEMBERS SHALL BE LAID PLUMB AND TRUE AS INDICATED ON THE DRAWINGS.
- SEAL PENETRATIONS THROUGH FIRE RATED AREAS WITH UL LISTED MATERIALS APPROVED BY LOCAL JURISDICTION. SUBCONTRACTOR SHALL KEEP AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DEBRIS.
- WORK PREVIOUSLY COMPLETED IS REPRESENTED BY LIGHT SHADED LINES AND NOTES. THE SCOPE OF WORK FOR THIS PROJECT IS REPRESENTED BY DARK SHADED LINES AND NOTES. SUBCONTRACTOR SHALL NOTIFY THE GENERAL CONTRACTOR OF ANY EXISTING CONDITIONS THAT DEVIATE FROM THE DRAWINGS PRIOR TO THE BEGINNING CONSTRUCTION.
- SUBCONTRACTOR SHALL PROVIDE WRITTEN NOTICE TO THE CONSTRUCTION MANAGER 48 HOURS PRIOR TO COMMENCEMENT OF WORK.
- THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER.
- THE SUBCONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.
- GENERAL CONTRACTOR SHALL COORDINATE AND MAINTAIN ACCESS FOR ALL TRADES AND SUBCONTRACTORS TO THE SITE AND/OR BUILDING.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR SECURITY OF THE SITE FOR THE DURATION OF CONSTRUCTION UNTIL JOB COMPLETION.
- THE GENERAL CONTRACTOR SHALL MAINTAIN IN GOOD CONDITION ONE COMPLETE SET OF PLANS WITH ALL REVISIONS, ADDENDA, AND CHANGE ORDERS ON THE PREMISES AT ALL TIMES.
- THE GENERAL CONTRACTOR AND SUBCONTRACTOR SHALL PROVIDE PORTABLE FIRE EXTINGUISHERS WITH A RATING OF NOT LESS THAN 2-A OR 2-A:10-B-C AND SHALL BE WITHIN 25 FEET OF TRAVEL DISTANCE TO ALL PORTIONS OF WHERE THE WORK IS BEING COMPLETED DURING CONSTRUCTION.
- ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY THE ARCHITECT/ENGINEER. EXTREME CAUTION SHOULD BE USED BY THE SUBCONTRACTOR WHEN EXCAVATING OR DRILLING PIERS AROUND OR NEAR UTILITIES. SUBCONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW. THIS SHALL INCLUDE BUT NOT BE LIMITED TO A) FALL PROTECTION, B) CONFINED SPACE, C) ELECTRICAL SAFETY, D) TRENCHING & EXCAVATION.
- ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED, CAPPED, PLUGGED OR OTHERWISE DISCONNECTED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, AS DIRECTED BY THE RESPONSIBLE ARCHITECT/ENGINEER, AND SUBJECT TO THE APPROVAL OF THE OWNER AND/OR LOCAL UTILITIES.
- THE AREAS OF THE OWNER'S PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABILIZED TO PREVENT EROSION.
- SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO THE EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE FEDERAL AND LOCAL JURISDICTION FOR EROSION AND SEDIMENT CONTROL.
- NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUNDING. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.
- THE SUBGRADE SHALL BE BROUGHT TO A SMOOTH UNIFORM GRADE AND COMPACTED TO 95 PERCENT STANDARD PROCTOR DENSITY UNDER PAVEMENT AND STRUCTURES AND 80 PERCENT STANDARD PROCTOR DENSITY IN OPEN SPACE. ALL TRENCHES IN PUBLIC RIGHT OF WAY SHALL BE BACKFILLED WITH FLOWABLE FILL OR OTHER MATERIAL PRE-APPROVED BY THE LOCAL JURISDICTION.
- ALL NECESSARY RUBBISH, STUMPS, DEBRIS, STICKS, STONES, AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LAWFUL MANNER.
- ALL BROCHURES, OPERATING AND MAINTENANCE MANUALS, CATALOGS, SHOP DRAWINGS, AND OTHER DOCUMENTS SHALL BE TURNED OVER TO THE GENERAL CONTRACTOR AT COMPLETION OF CONSTRUCTION AND PRIOR TO PAYMENT.
- SUBCONTRACTOR SHALL SUBMIT A COMPLETE SET OF AS-BUILT REDLINES TO THE GENERAL CONTRACTOR UPON COMPLETION OF PROJECT AND PRIOR TO FINAL PAYMENT.
- SUBCONTRACTOR SHALL LEAVE PREMISES IN A CLEAN CONDITION.
- THE PROPOSED FACILITY WILL BE UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SEWER SERVICE, AND IS NOT FOR HUMAN HABITAT (NO HANDICAP ACCESS REQUIRED).
- OCCUPANCY IS LIMITED TO PERIODIC MAINTENANCE AND INSPECTION, APPROXIMATELY 2 TIMES PER MONTH, BY VERIZON WIRELESS TECHNICIANS.
- NO OUTDOOR STORAGE OR SOLID WASTE CONTAINERS ARE PROPOSED.
- ALL MATERIAL SHALL BE FURNISHED AND WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST REVISION VERIZON WIRELESS GROUNDING STANDARD "TECHNICAL SPECIFICATION FOR CONSTRUCTION OF GSM/GPRS WIRELESS SITES" AND "TECHNICAL SPECIFICATION FOR FACILITY GROUNDING". IN CASE OF A CONFLICT BETWEEN THE CONSTRUCTION SPECIFICATION AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN.
- SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS REQUIRED FOR CONSTRUCTION. IF SUBCONTRACTOR CANNOT OBTAIN A PERMIT, THEY MUST NOTIFY THE GENERAL CONTRACTOR IMMEDIATELY.
- SUBCONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE ON A DAILY BASIS.
- INFORMATION SHOWN ON THESE DRAWINGS WAS OBTAINED FROM SITE VISITS AND/OR DRAWINGS PROVIDED BY THE SITE OWNER. CONTRACTORS SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING WITH CONSTRUCTION.
- NO WHITE STROBIC LIGHTS ARE PERMITTED. LIGHTING IF REQUIRED, WILL MEET FAA STANDARDS AND REQUIREMENTS.
- ALL COAXIAL CABLE INSTALLATIONS TO FOLLOW MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS.
- NO NOISE, SMOKE, DUST, OR VIBRATIONS WILL RESULT FROM THIS FACILITY. (DISREGARD THIS NOTE IF THIS SITE HAS A GENERATOR)
- NO ADDITIONAL PARKING TO BE PROPOSED. EXISTING ACCESS AND PARKING TO REMAIN, UNLESS NOTED OTHERWISE.
- NO LANDSCAPING IS PROPOSED AT THIS SITE, UNLESS NOTED OTHERWISE.

ELECTRICAL NOTES:

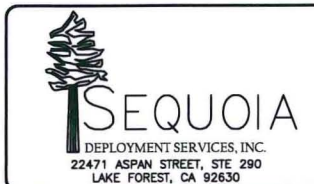
- ELECTRICAL CONTRACTOR SHALL SUPPLY AND INSTALL ANY/ALL ELECTRICAL WORK INDICATED. ANY/ALL CONSTRUCTION SHALL BE IN ACCORDANCE W/DRAWINGS AND ANY/ALL APPLICABLE SPECIFICATIONS. IF ANY PROBLEMS ARE ENCOUNTERED BY COMPLYING WITH THESE REQUIREMENTS, CONTRACTOR SHALL NOTIFY "CONSTRUCTION MANAGER" AS SOON AS POSSIBLE, AFTER THE DISCOVERY OF THE PROBLEMS, AND SHALL NOT PROCEED WITH THAT PORTION OF WORK, UNTIL THE "CONSTRUCTION MANAGER" HAS DIRECTED THE CORRECTIVE ACTIONS TO BE TAKEN.
- ELECTRICAL CONTRACTOR SHALL VISIT THE JOB SITE AND FAMILIARIZE HIMSELF WITH ANY/ALL CONDITIONS AFFECTING ELECTRICAL AND COMMUNICATION INSTALLATION AND MAKE PROVISIONS AS TO THE COST THEREOF. ALL EXISTING CONDITIONS OF ELECTRICAL EQUIP., LIGHT FIXTURES, ETC., THAT ARE PART OF THE FINAL SYSTEM, SHALL BE VERIFIED BY THE CONTRACTOR, PRIOR TO THE SUBMITTING OF HIS BID. FAILURE TO COMPLY WITH THIS PARAGRAPH WILL IN NO WAY RELIEVE CONTRACTOR OF PERFORMING ALL WORK NECESSARY FOR A COMPLETE AND WORKING SYSTEM.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE NEC AND ALL CODES AND LOCAL ORDINANCES OF THE LOCAL POWER & TELEPHONE COMPANIES HAVING JURISDICTION AND SHALL INCLUDE BUT NOT BE LIMITED TO:
C - NATIONAL FIRE CODES
A. UL - UNDERWRITERS LABORATORIES
B. NEC - NATIONAL ELECTRICAL CODE
C. NEMA - NATIONAL ELECTRICAL MANUFACTURERS ASSOC.
D. OSHA - OCCUPATIONAL SAFETY AND HEALTH ACT
E. SBC - STANDARD BUILDING CODE
- DO NOT SCALE ELECTRICAL DRAWINGS, REFER TO SITE PLANS AND ELEVATIONS FOR EXACT LOCATIONS OF ALL EQUIPMENT, AND CONFIRM WITH "CONSTRUCTION MANAGER" ANY SIZES AND LOCATIONS WHEN NEEDED.
- EXISTING SERVICES: CONTRACTOR SHALL NOT INTERRUPT EXISTING SERVICES WITHOUT WRITTEN PERMISSION OF THE OWNER.
- CONTRACTOR SHALL PAY FOR ANY/ALL PERMITS, FEES, INSPECTIONS AND TESTING. CONTRACTOR IS TO OBTAIN PERMITS AND APPROVED SUBMITTALS PRIOR TO THE WORK BEGINNING OR ORDERING EQUIPMENT.
- THE TERM "PROVIDE" USED IN CONSTRUCTION DOCUMENTS AND SPECIFICATIONS, INDICATES THAT THE CONTRACTOR SHALL FURNISH AND INSTALL.
- CONTRACTOR SHALL CONFIRM WITH LOCAL UTILITY COMPANY ANY/ALL REQUIREMENTS SUCH AS THE: LUG SIZE RESTRICTIONS, CONDUIT ENTRY, SIZE OF TRANSFORMERS, SCHEDULED DOWNTIME FOR THE OWNERS' CONFIRMATION, ETC... ANY/ALL CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE CONSTRUCTION MANAGER, PRIOR TO BEGINNING ANY WORK.
- MINIMUM WIRE SIZE SHALL BE #12 AWG, NOT INCLUDING CONTROL WIRING, UNLESS NOTED OTHERWISE. ALL CONDUCTORS SHALL BE COPPER WITH THWN INSULATION.
- OUTLET BOXES SHALL BE PRESSED STEEL IN DRY LOCATIONS, CAST ALLOY WITH THREADED HUBS IN WET/DAMP LOCATIONS AND SPECIAL ENCLOSURES FOR OTHER CLASSIFIED AREAS.
- IT IS NOT THE INTENT OF THESE PLANS TO SHOW EVERY MINOR DETAIL OF THE CONSTRUCTION. CONTRACTOR IS EXPECTED TO FURNISH AND INSTALL ALL ITEMS FOR A COMPLETE ELECTRICAL SYSTEM AND PROVIDE ALL REQUIREMENTS FOR THE EQUIPMENT TO BE PLACED IN PROPER WORKING ORDER.
- ELECTRICAL SYSTEM SHALL BE AS COMPLETELY AND EFFECTIVELY GROUNDING, AS REQUIRED BY SPECIFICATIONS, SET FORTH BY VERIZON WIRELESS.
- ALL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICAL CONTRACTOR IN A FIRST CLASS, WORKMANLIKE MANNER. THE COMPLETED SYSTEM SHALL BE FULLY OPERATIVE AND SUBJECT TO REGULATORY INSPECTION AND APPROVAL BY CONSTRUCTION MANAGER.
- ALL WORK SHALL BE COORDINATED WITH OTHER TRADES TO AVOID INTERFERENCE WITH THE PROGRESS OF CONSTRUCTION.
- CONTRACTOR SHALL GUARANTEE ANY/ALL MATERIALS AND WORK FREE FROM DEFECTS FOR A PERIOD OF NOT LESS THAN ONE YEAR FROM DATE OF ACCEPTANCE.
- THE CORRECTION OF ANY DEFECTS SHALL BE COMPLETED WITHOUT ANY ADDITIONAL CHARGE AND SHALL INCLUDE THE REPLACEMENT OR THE REPAIR OF ANY OTHER PHASE OF THE INSTALLATION, WHICH MAY HAVE BEEN DAMAGED THEREIN.
- ADEQUATE AND REQUIRED LIABILITY INSURANCE SHALL BE PROVIDED FOR PROTECTION AGAINST PUBLIC LOSS AND ANY/ALL PROPERTY DAMAGE FOR THE DURATION OF WORK.
- PROVIDE AND INSTALL CONDUIT, CONDUCTORS, PULL WIRES, BOXES, COVER PLATES AND DEVICES FOR ALL OUTLETS AS INDICATED.
- DITCHING AND BACK FILL: CONTRACTOR SHALL PROVIDE FOR ALL UNDERGROUND INSTALLED CONDUIT AND/OR CABLES INCLUDING EXCAVATION AND BACKFILLING AND COMPACTION. REFER TO NOTES AND REQUIREMENTS "EXCAVATION, AND BACKFILLING.
- MATERIALS, PRODUCTS AND EQUIPMENT, INCLUDING ALL COMPONENTS THEREOF, SHALL BE PROPOSED AND SHALL APPEAR ON THE LIST OF U.L. APPROVED ITEMS AND SHALL MEET OR EXCEED THE REQUIREMENTS OF THE NEC, NEMA AND IEC.
- CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR MANUFACTURERS CATALOG INFORMATION OF ANY/ALL LIGHTING FIXTURES, SWITCHES AND ALL OTHER ELECTRICAL ITEMS FOR APPROVAL BY THE CONSTRUCTION MANAGER PRIOR TO INSTALLATION.
- ANY CUTTING OR PATCHING DEEMED NECESSARY FOR ELECTRICAL WORK IS THE ELECTRICAL CONTRACTORS RESPONSIBILITY AND SHALL BE INCLUDED IN THE COST FOR WORK AND PERFORMED TO THE SATISFACTION OF THE "CONSTRUCTION MANAGER" UPON FINAL ACCEPTANCE.
- THE ELECTRICAL CONTRACTOR SHALL LABEL ALL PANELS WITH ONLY TYPEWRITTEN DIRECTORIES. ALL ELECTRICAL WIRING SHALL BE THE RESPONSIBILITY OF THE ELECTRICAL CONTRACTOR.
- DISCONNECT SWITCHES SHALL BE H.P. RATED HEAVY-DUTY, QUICK-MAKE AND QUICK-BREAK ENCLOSURES, AS REQUIRED BY EXPOSURE TYPE.
- ALL CONNECTIONS SHALL BE MADE WITH A PROTECTIVE COATING OF AN ANTI-OXIDE COMPOUND SUCH AS "NO-OXIDE A" BY DEARBORNE CHEMICAL CO. COAT ALL WIRE SURFACES BEFORE CONNECTING. EXPOSED COPPER SURFACES, INCLUDING GROUND BARS, SHALL BE TREATED - NO SUBSTITUTIONS.
- RACEWAYS: CONDUIT SHALL BE SCHEDULE 40 PVC MEETING OR EXCEEDING NEMA TC2 - 1990. CONTRACTOR SHALL PLUG AND CAP EACH END OF SPARE AND EMPTY CONDUITS AND PROVIDE TWO SEPARATE PULL STRINGS - 200 LBS TEST POLYETHYLENE CORD. ALL CONDUIT BENDS SHALL BE A MINIMUM OF 2 FT. RADIUS. RGS CONDUITS WHEN SPECIFIED, SHALL MEET UL-6 FOR GALVANIZED STEEL. ALL FITTINGS SHALL BE SUITABLE FOR USE WITH THREADED RIGID CONDUIT. COAT ALL THREADS WITH "BRITE ZINC" OR "GOLD GALV".
- SUPPORT OF ALL ELECTRICAL WORK SHALL BE AS REQUIRED BY NEC.
- CONDUCTORS: CONTRACTOR SHALL USE 98% CONDUCTIVITY COPPER WITH TYPE THWN INSULATION, 800 VOLT, COLOR CODED. USE SOLID CONDUCTORS FOR WIRE UP TO AND INCLUDING NO. 8 AWG. USE STRANDED CONDUCTORS FOR WIRE ABOVE NO. 8 AWG.
- CONNECTORS FOR POWER CONDUCTORS: CONTRACTOR SHALL USE PRESSURE TYPE INSULATED TWIST-ON CONNECTORS FOR NO. 10 AWG AND SMALLER. USE SOLDERLESS MECHANICAL TERMINAL LUGS FOR NO. 8 AWG AND LARGER.
- SERVICE: 240/120V, SINGLE PHASE, 3 WIRE CONNECTION AVAILABLE FROM UTILITY COMPANY. OWNER OR OWNERS AGENT WILL APPLY FOR POWER.
- TELEPHONE SERVICE: CONTRACTOR SHALL PROVIDE EMPTY CONDUITS WITH PULL STRINGS AS INDICATED ON DRAWINGS.
- ELECTRICAL AND TELCO RACEWAYS TO BE BURIED A MINIMUM OF 2' DEPTH.
- CONTRACTOR SHALL PLACE TWO LENGTHS OF WARNING TAPE AT A DEPTH OF 12" BELOW GROUND AND DIRECTLY ABOVE ELECTRICAL AND TELCO SERVICE CONDUITS. CAUTIONS TAPE TO READ "CAUTION BURIED ELECTRIC" OR "BURIED TELECOMM".
- ALL BOLTS SHALL BE STAINLESS STEEL.

GROUNDING NOTES:

- COMPRESSION CONNECTIONS (2), 2 AWG BARE TINNED SOLID COPPER CONDUCTORS TO GROUNDING BAR. ROUTE CONDUCTORS TO BURIED GROUNDING RING AND PROVIDE PARALLEL EXOTHERMIC WELD.
- EC SHALL USE PERMANENT MARKER TO DRAW THE LINES BETWEEN EACH SECTION AND LABEL EACH SECTION ("P", "A", "N", "I") WITH 1" HIGH LETTERS.
- ALL HARDWARE 18-8 STAINLESS STEEL, INCLUDING LOCK WASHERS, COAT ALL SURFACES WITH AN ANTI-OXIDANT COMPOUND BEFORE MATING. ALL HARDWARE SHALL BE STAINLESS STEEL 3/8 INCH DIAMETER OR LARGER.
- FOR GROUND BOND TO STEEL ONLY; INSERT A CADMIUM FLAT WASHER BETWEEN LUG AND STEEL. COAT ALL SURFACES WITH AN ANTI-OXIDANT COMPOUND BEFORE MATING.
- NUT & WASHER SHALL BE PLACED ON THE FRONT SIDE OF THE GROUNDING BAR AND BOLTED ON THE BACK SIDE.
- NUMBER OF GROUNDING BARS MAY VARY DEPENDING ON THE TYPE OF TOWER, ANTENNA LOCATION, AND CONNECTION ORIENTATION. PROVIDE AS REQUIRED.
- WHEN THE SCOPE OF WORK REQUIRES THE ADDITION OF A GROUNDING BAR TO AN EXISTING TOWER, THE SUBCONTRACTOR SHALL OBTAIN APPROVAL FROM THE TOWER OWNER PRIOR TO MOUNTING THE GROUNDING BAR TO THE TOWER.
- ALL ELECTRICAL AND GROUNDING AT THE CELL SITE SHALL COMPLY WITH THE NATIONAL ELECTRICAL CODE (NEC), NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 780 (LATEST EDITION), AND MANUFACTURER.

ENVIRONMENTAL NOTES

- ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH ISSUED PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYMENT OF FINES AND PROPER CLEAN UP FOR AREAS IN VIOLATION.
- CONTRACTOR AND/OR DEVELOPER SHALL BE RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS DURING CONSTRUCTION FOR PROTECTION OF ADJACENT PROPERTIES, ROADWAYS AND WATERWAYS AND SHALL BE MAINTAINED IN PLACE THROUGH FINAL JURISDICTIONAL INSPECTION & RELEASE OF SITE.
- CONTRACTOR SHALL INSTALL/CONSTRUCT ALL NECESSARY SEDIMENT/SILT CONTROL FENCING AND PROTECTIVE MEASURES WITHIN THE LIMITS OF SITE DISTURBANCE PRIOR TO CONSTRUCTION.
- NO SEDIMENT SHALL BE ALLOWED TO EXIT THE PROPERTY. THE CONTRACTOR IS RESPONSIBLE FOR TAKING ADEQUATE MEASURES FOR CONTROLLING EROSION. ADDITIONAL SEDIMENT CONTROL FENCING MAY BE REQUIRED IN ANY AREAS SUBJECT TO EROSION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DAILY INSPECTIONS AND ANY REPAIRS OF ALL SEDIMENT CONTROL MEASURES INCLUDING SEDIMENT REMOVAL AS NECESSARY.
- CLEARING OF VEGETATION AND TREE REMOVAL SHALL BE ONLY AS PERMITTED AND BE HELD TO A MINIMUM. ONLY TREES NECESSARY FOR CONSTRUCTION OF THE FACILITIES SHALL BE REMOVED.
- SEEDING AND MULCHING AND/OR SOODING OF THE SITE WILL BE ACCOMPLISHED AS SOON AS POSSIBLE AFTER COMPLETION OF THE PROJECT FACILITIES AFFECTING LAND DISTURBANCE.
- CONTRACTOR SHALL PROVIDE ALL EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED BY LOCAL, COUNTY AND STATE CODES AND ORDINANCES TO PROTECT EMBANKMENTS FROM SOIL LOSS AND TO PREVENT ACCUMULATION OF SOIL AND SILT IN STREAMS AND DRAINAGE PATHS LEAVING THE CONSTRUCTION AREA. THIS MAY INCLUDE SUCH MEASURES AS SILT FENCES, STRAW BALE SEDIMENT BARRIERS, AND CHECK DAMS.
- RIP RAP OF SIZES INDICATED SHALL CONSIST OF CLEAN, HARD, SOUND, DURABLE, UNIFORM IN QUALITY STONE FREE OF ANY DETRIMENTAL QUANTITY OF SOFT, FRIABLE, THIN, ELONGATED OR LAMINATED PIECES, DISINTEGRATED MATERIAL, ORGANIC MATTER, OIL, ALKALI, OR OTHER DELETERIOUS SUBSTANCES



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

REV	DATE	DESCRIPTION
E	02/22/2010	100% 2D'S FOR REVIEW
D	07/17/2015	100% 2D'S FOR REVIEW
C	04/08/2015	100% 2D'S FOR REVIEW
B	02/26/2015	95% 2D'S FOR REVIEW
A	12/01/2014	90% 2D'S FOR REVIEW

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

SHEET TITLE
GENERAL NOTES

SHEET NUMBER
GN-1

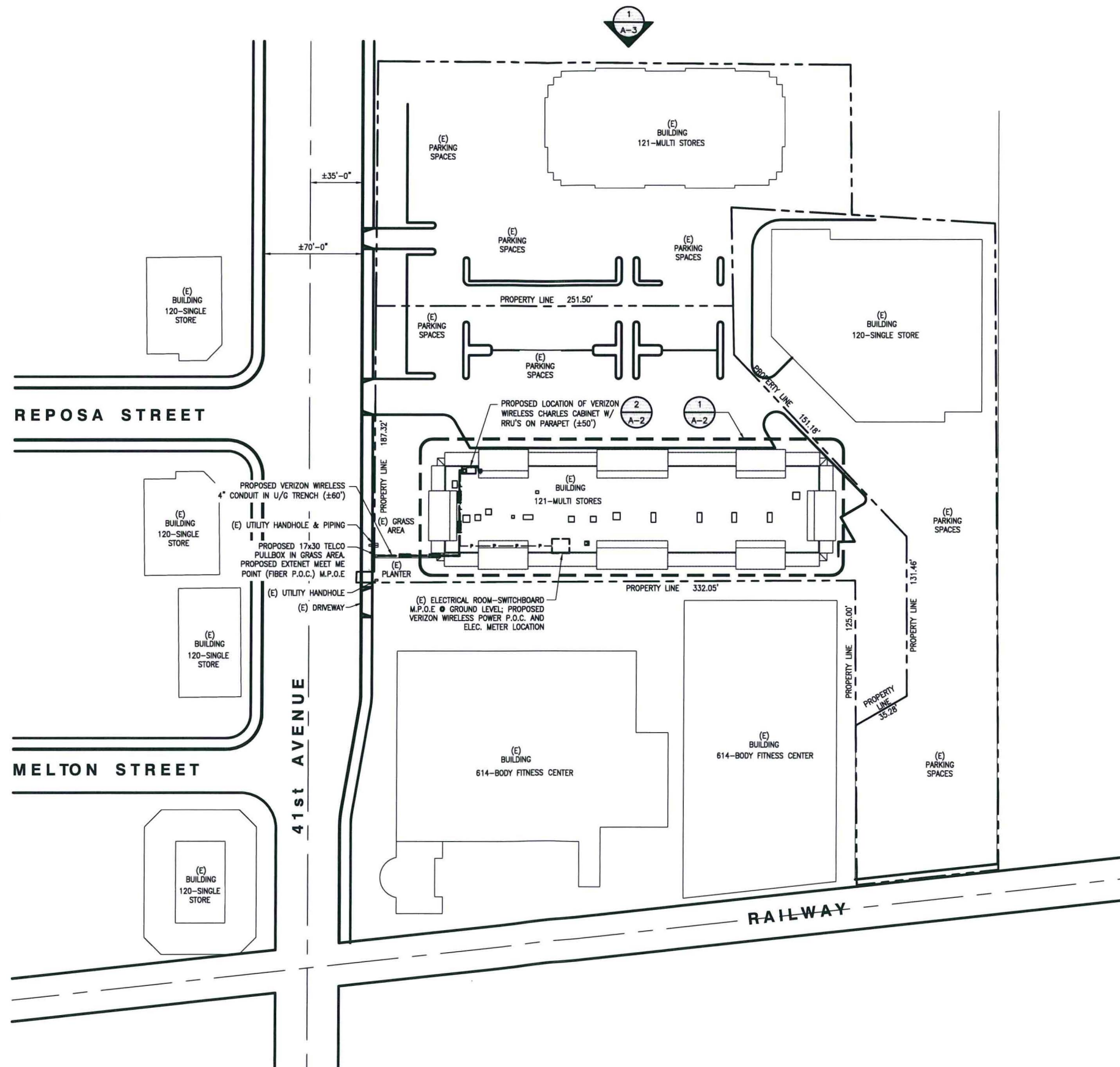
Communication: Item 8-A. Revised Plan Set regarding 1200 41st Avenue Appeal (ADDITIONAL MATERIALS)

NOTES:

1. NO EXISTING PARKING STALLS ARE BEING ADDED OR REMOVED AS PART OF THE PROPOSED INSTALLATION.
2. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
3. NO EXISTING LANDSCAPING AND IRRIGATION SYSTEM ARE BEING 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 ON THE COUNTY OF SANTA CRUZ WEBSITE. MSQUARED ENGINEERS CANNOT GUARANTEE THE ACCURACY OF THE DATA AND INFORMATION DEPICTED ON THE COUNTY OF SANTA CRUZ WEBSITE AND HEREBY EXPRESSLY DISCLAIMS ANY RESPONSIBILITY FOR THE TRUTH, VALIDITY, INVALIDITY, ACCURACY, INACCURACY OF ANY SAID DATA AND INFORMATION. THE PARCEL LINES ON MAPS ARE FOR ILLUSTRATION PURPOSES ONLY AND ARE NOT INTENDED TO BE USED AS A SURVEY PRODUCT. USER ACCEPTS RESPONSIBILITY FOR THE UNAUTHORIZED USE OR TRANSMISSION OF ANY SUCH DATA OR INFORMATION IN ITS ACTUAL OR ALTERED FORM.



verizonwireless
 2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

SEQUOIA
 DEPLOYMENT SERVICES, INC.
 22471 ASPAN STREET, STE. 290
 LAKE FOREST, CA 92630

m.squared
ENGINEERS
 1387 CALLE AVANZADO
 SAN CLEMENTE, CA 92673

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

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 1200 41st AVENUE
 CAPITOLA, CA 95010

SHEET TITLE
SITE PLAN

SHEET NUMBER
A-1

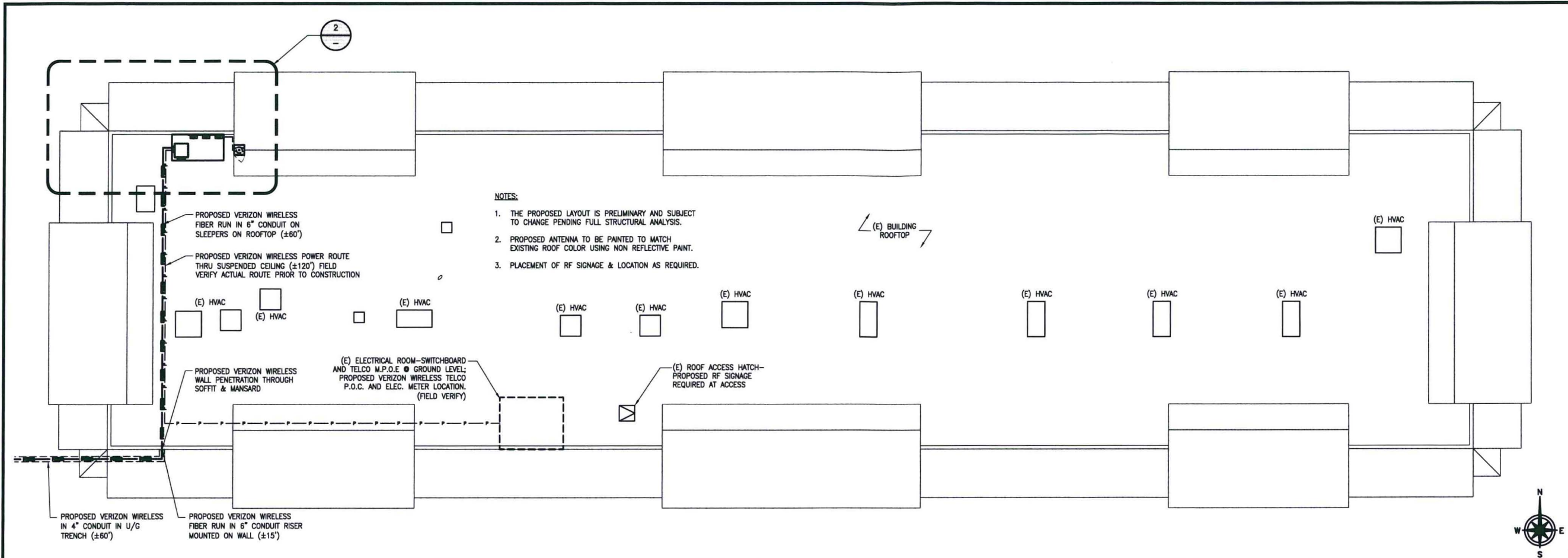
SITE PLAN

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



1

Communication: Item 8.A. Revised Plan Set regarding 1200 41st Avenue Appeal (ADDITIONAL MATERIALS)



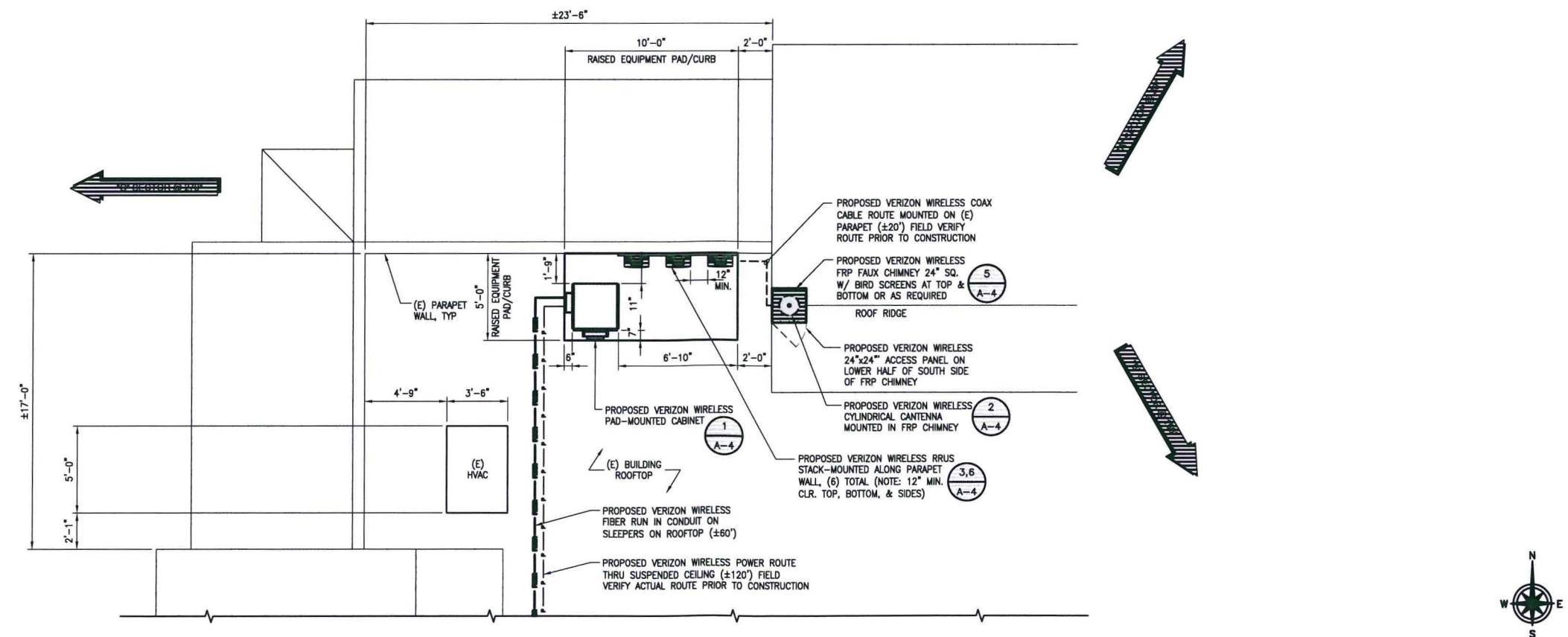
- NOTES:**
1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
 2. PROPOSED ANTENNA TO BE PAINTED TO MATCH EXISTING ROOF COLOR USING NON REFLECTIVE PAINT.
 3. PLACEMENT OF RF SIGNAGE & LOCATION AS REQUIRED.



ROOF PLAN

24"x36" SCALE: 3/32" = 1'-0"
 11"x17" SCALE: 3/64" = 1'-0"

- NOTES:**
1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
 2. PROPOSED ANTENNA TO BE PAINTED TO MATCH EXISTING ROOF COLOR USING NON REFLECTIVE PAINT.
 3. PLACEMENT OF RF SIGNAGE & LOCATION AS REQUIRED.



ANTENNA / EQUIPMENT LAYOUT

24"x36" SCALE: 1/4" = 1'-0"
 11"x17" SCALE: 1/8" = 1'-0"



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

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 CAPITOLA, CA 95010

SHEET TITLE
**ROOF PLAN AND
 ANTENNA/EQUIPMENT
 LAYOUT**

SHEET NUMBER
A-2

Communication: Item 8-A. Revised Plan Set regarding 1200 41st Avenue Appeal (ADDITIONAL MATERIALS)

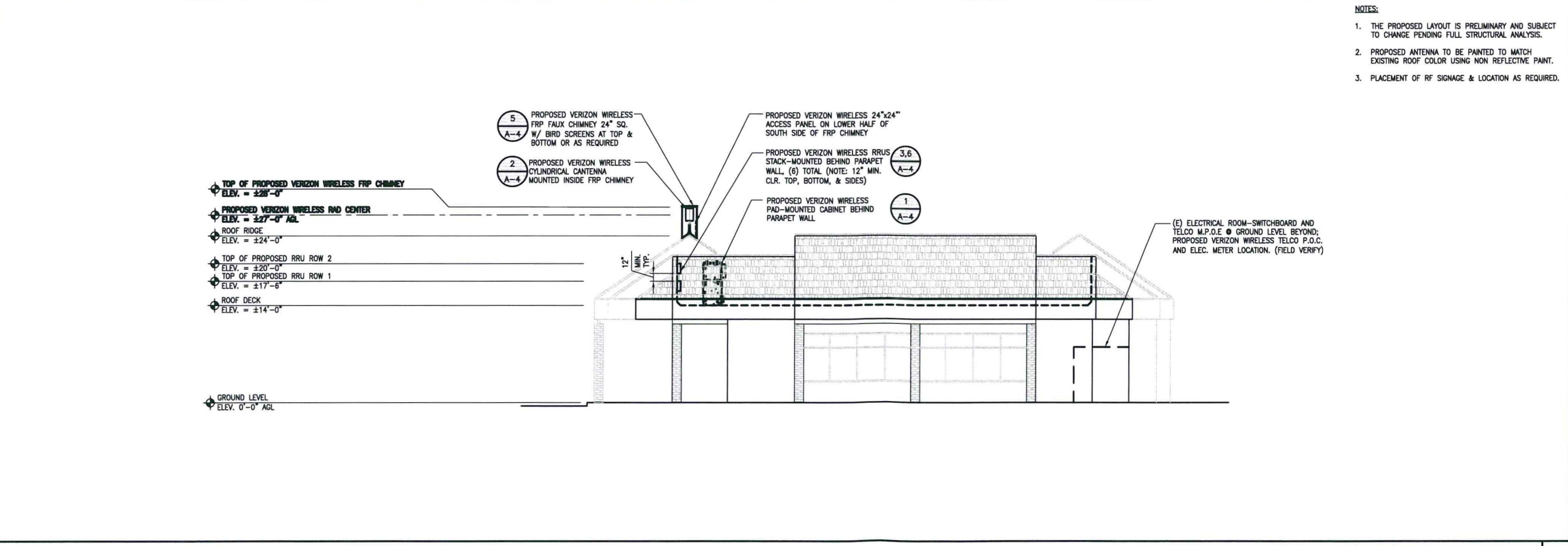
- NOTES:**
1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
 2. PROPOSED ANTENNA TO BE PAINTED TO MATCH EXISTING ROOF COLOR USING NON REFLECTIVE PAINT.
 3. PLACEMENT OF RF SIGNAGE & LOCATION AS REQUIRED.



NORTH ELEVATION

24"x36" SCALE: 1/8" = 1'-0"
 11"x17" SCALE: 1/16" = 1'-0"
 8' 6' 4' 2' 0' 8'

- NOTES:**
1. THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL ANALYSIS.
 2. PROPOSED ANTENNA TO BE PAINTED TO MATCH EXISTING ROOF COLOR USING NON REFLECTIVE PAINT.
 3. PLACEMENT OF RF SIGNAGE & LOCATION AS REQUIRED.



WEST ELEVATION

24"x36" SCALE: 1/8" = 1'-0"
 11"x17" SCALE: 1/16" = 1'-0"
 8' 6' 4' 2' 0' 8'

2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

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 22471 ASPAN STREET, STE 290
 LAKE FOREST, CA 92630

m.squared
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 1387 CALLE AVANZADO
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LOCATION NO:	295309
DRAWN BY:	DNL
CHECKED BY:	MM

REV	DATE	DESCRIPTION
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C	04/06/2015	100% ZD'S FOR REVIEW
B	02/28/2015	95% ZD'S FOR REVIEW
A	12/01/2014	90% ZD'S FOR REVIEW

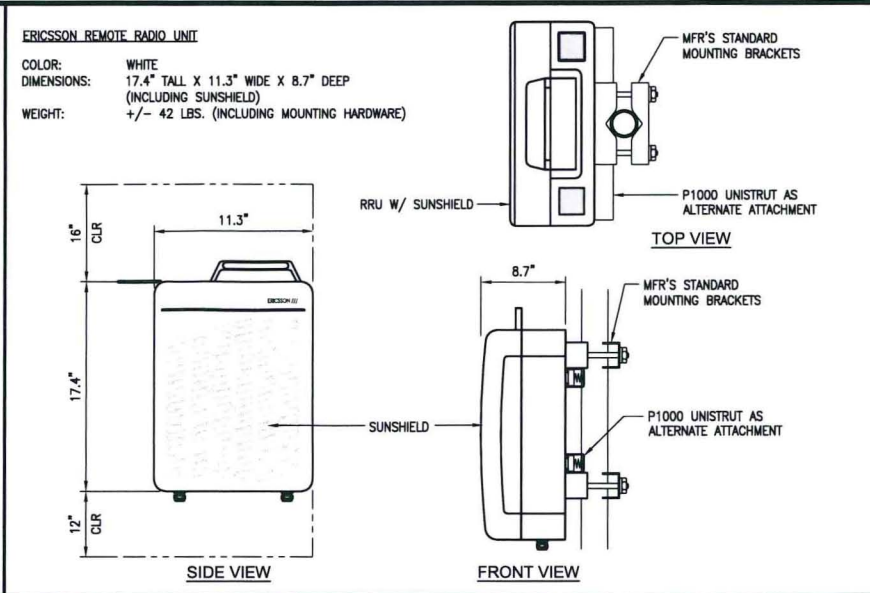
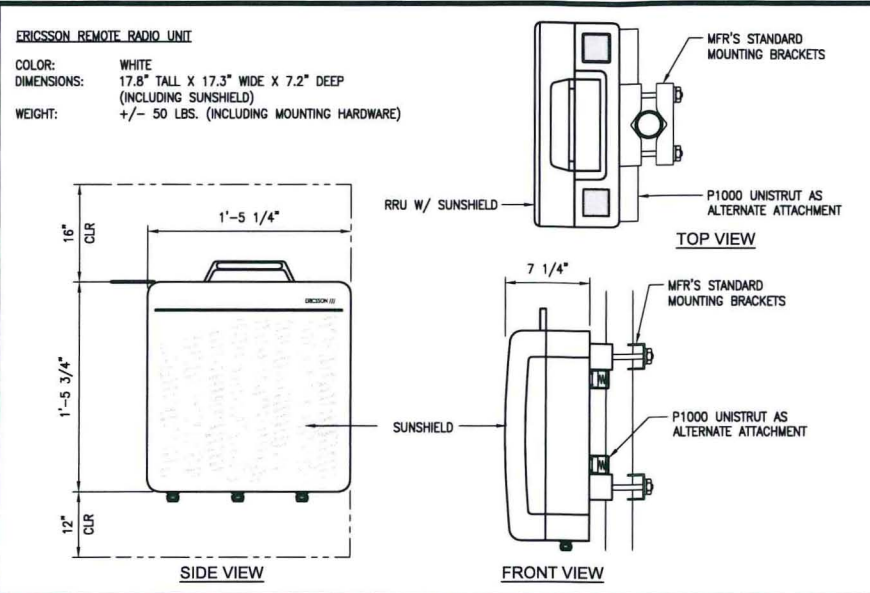
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 CAPITOLA, CA 95010

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A-3

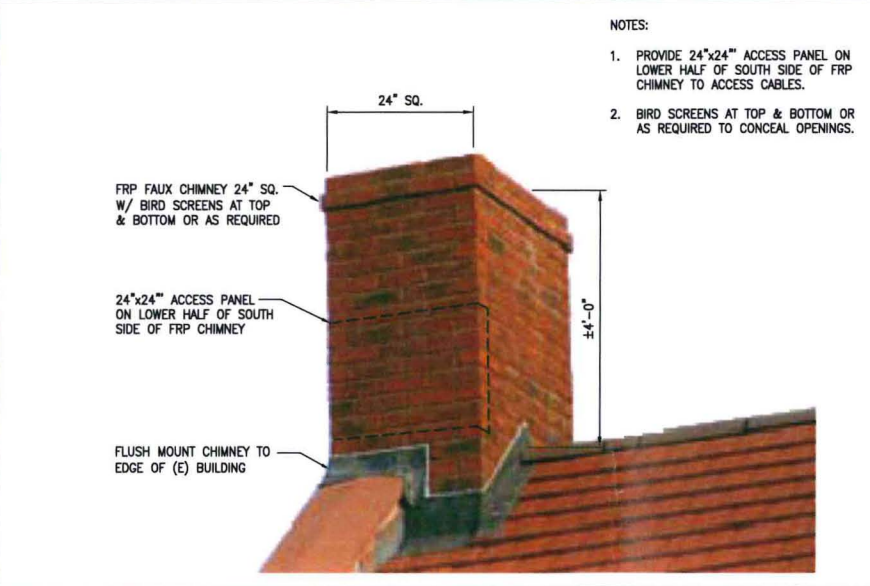
Communication: Item 8.A. Revised Plan Set regarding 1200 41st Avenue Appeal (ADDITIONAL MATERIALS)



NOT USED 24"x36" SCALE: NTS 11"x17" SCALE: NTS

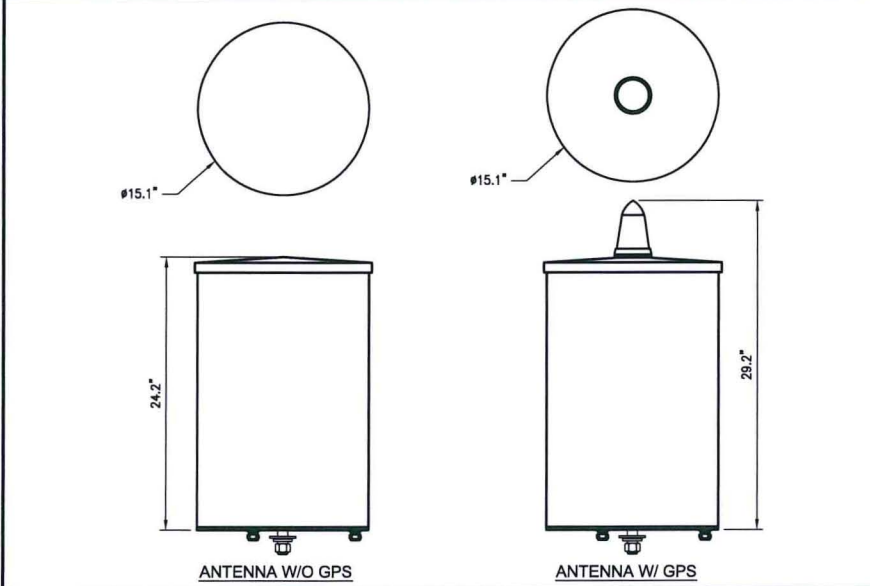
9 **ERICSSON RRUS 12** 24"x36" SCALE: NTS 11"x17" SCALE: NTS

6 **ERICSSON RRUS 11** 24"x36" SCALE: NTS 11"x17" SCALE: NTS



NOT USED 24"x36" SCALE: NTS 11"x17" SCALE: NTS

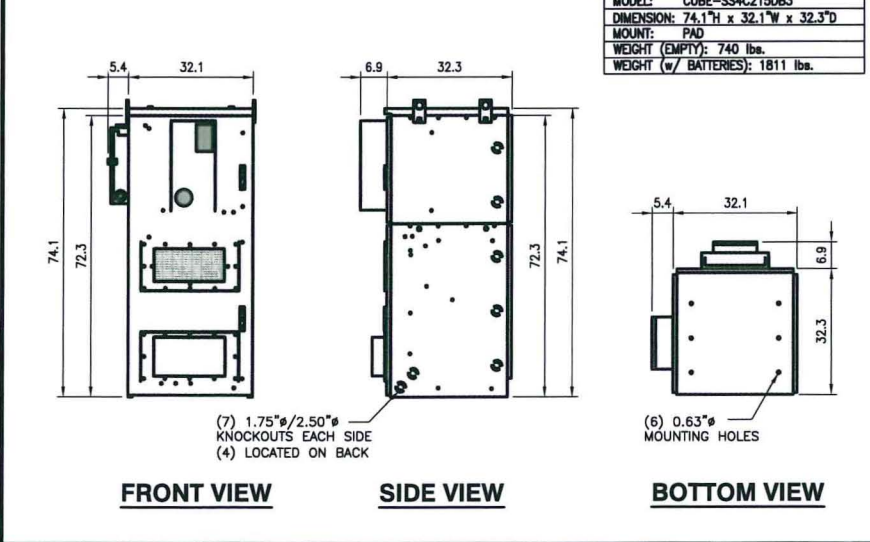
8 **RF CONCEALMENT** 24"x36" SCALE: NTS 11"x17" SCALE: NTS



NOT USED 24"x36" SCALE: NTS 11"x17" SCALE: NTS

5 **CYL-X7CAP-2 CANTENNA DETAIL** 24"x36" SCALE: NTS 11"x17" SCALE: NTS

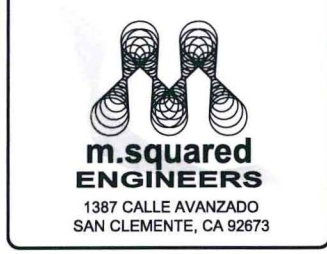
2 **CHARLES (CUBE)** 24"x36" SCALE: NTS 11"x17" SCALE: NTS



NOT USED 24"x36" SCALE: NTS 11"x17" SCALE: NTS

7 **NOT USED** 24"x36" SCALE: NTS 11"x17" SCALE: NTS

4 **CHARLES (CUBE)** 24"x36" SCALE: 1/2" = 1'-0" 11"x17" SCALE: 1/4" = 1'-0"



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

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 CAPITOLA, CA 95010

SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
A-4

Communication: Item 8.A. Revised Plan Set regarding 1200 41st Avenue Appeal (ADDITIONAL MATERIALS)

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

From: Welch, Mark
Sent: Thursday, June 16, 2016 9:32 AM
To: Sneddon, Su (ssneddon@ci.capitola.ca.us)
Subject: FW: Public Input Regarding Surf School Permit Fees

From: Cliff Hodges (Adventure Out) [mailto:cliff@adventureout.com]
Sent: Wednesday, June 15, 2016 5:21 PM
To: City Council <citycouncil@ci.capitola.ca.us>; Norton, Dennis (dnortondesigns@msn.com) <dnortondesigns@msn.com>; Bottorff, Ed (ebottorff167@yahoo.com) <ebottorff167@yahoo.com>; Bertrand, Jacques <jbertrand@ci.capitola.ca.us>; Harlan, Stephanie (sharlan@ci.capitola.ca.us) <sharlan@ci.capitola.ca.us>; Termini, Mike (michael@triadelectric.com) <michael@triadelectric.com>
Cc: Welch, Mark <mwelch@ci.capitola.ca.us>
Subject: Public Input Regarding Surf School Permit Fees

Dear Council Members:

SUBJECT: JUNE 16, 2016 BUDGET STUDY SESSION – 2016/2017 PROPOSED FEE SCHEDULE

My name is Cliff Hodges – I am the owner of Adventure Out. My organization has been teaching surf lessons in Capitola for 12 years and we are one of the City permitted surf schools. I was informed today (June 15, 2016) at 5pm by Finance Director, Mark C. Welch, that tomorrow you will be considering the 2016/2017 Fee Schedule which includes a proposed increase of the surf school permit from \$50 to \$500. Unfortunately, with only 25 hours’ notice, I cannot make the meeting to speak in person (I have a 5-week old infant at home – please excuse my absence).

However, I am submitting my comments by email here to oppose this increase on the grounds that is substantially out-of-line with permit fees for surf schools in other parts of California. Not to mention a ten-fold increase in any fee seems to me, to be quite extraordinary.

My company holds a surf camp permit with 2 other cities:

-In Santa Cruz, there are 3 permitted surf schools. We are allowed a total of 32 students in the water – equally divided amongst the 3 permit holders, that is 10.6 allowable “student spaces”. The permit fee is \$1000. Which breaks down to **\$94.34 per student space in Santa Cruz.**

-In Pacifica, I have the City permit which allows me 25 student spaces. These spaces are directly allocated to my permit (spaces are not shared amongst schools in Pacifica). The permit fee there is \$1200. **Which results in a cost of \$48 per student space in Pacifica.**

Furthermore, I have looked at other locations in California including Pismo Beach, San Diego County, and Santa Monica – I cannot find any permitting agency that has an effective fee rate that is over \$100 per student space for the annual fee.

In Capitola, the City allows for only 8 student spaces total, yet permits 5 schools. That is 1.6 spots per school. Increasing the fee to \$500 would be result in a cost of **\$312.50 per student space in Capitola.** This is over three times the cost of anywhere else in California (to my knowledge) and for a permit structure that enforces more restricted use than anywhere else, seems to me, to be phenomenally inflated.

Communication: Item 8.E. Public Communication regarding Proposed Fee Schedule (ADDITIONAL MATERIALS)

Running a surf school is not cheap – insurance, gear, payroll, etc are all quite expensive. A ten-fold increase in the permit fee is astronomical in my opinion, and I implore the Council to consider a more reasonable increase in the range of \$100-\$150 per school. Thank you in advance for considering my position.



Cliff Hodges
CEO & Founder
Adventure Out LLC

email: cliff@adventureout.com
mobile: 831-236-4212
office: 800-509-3954
fax: 866-388-9249
web: www.adventureout.com



Communication: Item 8.E. Public Communication regarding Proposed Fee Schedule (ADDITIONAL MATERIALS)



JOINT BUDGET STUDY SESSION CAPITOLA CITY COUNCIL/ SUCCESSOR AGENCY AGENDA REPORT

MEETING OF JUNE 16, 2016

FROM: City Manager Department

SUBJECT: Consider the June 1, 2016, City of Capitola, as Successor Agency to the Former Capitola Redevelopment Agency, Minutes

RECOMMENDED ACTION: Approve the subject minutes as submitted.

DISCUSSION: Attached for the Successor Agency's approval are the minutes of the subject meetings.

ATTACHMENTS:

1. Draft June 1, 2016, Successor Agency Minutes

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

6/10/2016

**DRAFT JOINT BUDGET STUDY SESSION
CAPITOLA CITY COUNCIL/SUCCESSOR AGENCY
TO THE FORMER REDEVELOPMENT AGENCY
JOINT BUDGET STUDY SESSION MINUTES
WEDNESDAY, JUNE 1, 2016 – 6:00 PM**

CALL TO ORDER

Mayor/Chair Bottorff called the meeting to order at 6:00 PM.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Present: Mayor/Chair Ed Bottorff; Council Members/Board Members Dennis Norton, Jacques Bertrand, Stephanie Harlan, and Michael Termini

City Treasurer Christine McBroom was present.

2. ADDITIONAL MATERIALS (None provided)

3. ADDITIONS AND DELETIONS TO AGENDA (None provided)

4. PUBLIC COMMENTS

Mark Ebrahimian, 416 McCormick, stated that he was recently involved in volunteering for a neighborhood cleanup. He suggested activities in the community for seniors, such as lawn bowling or par course stations.

5. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member/Board Member Termini stated that the Capitola Rod & Custom Classic Car Show will be held in the Village on June 4th and 5th.

Council Member/Board Member Harlan stated that the City's Historical Museum will have a 60's pop-up display at the classic car show on June 5th.

City Manager Goldstein stated that Rosedale Avenue was paved today, and the Monte Family Skateboard Park grand opening and dedication will be on June 4th at 11 a.m.

6. CONSENT CALENDAR

- A. Consider the January 14, 2016, February 25, 2016, and the May 18, 2016, City of Capitola, as Successor Agency to the Former Capitola Redevelopment Agency, Minutes

RECOMMENDED ACTION: Approve the subject minutes as submitted.

RESULT:	ADOPTED ITEM 6.A. [UNANIMOUS]
MOVER:	Michael Termini, Council Member/Board Member
SECONDER:	Jacques Bertrand, Council Member/Board Member
AYES:	Norton, Bottorff, Bertrand, Harlan, Termini

7. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Receive a Presentation on the Fiscal Year 2016/2017 Proposed Budget and Continue Budget Study Session Deliberations [330-05/780-30]

RECOMMENDED ACTION: Receive presentation and continue City Council/Successor Agency Budget deliberations, and provide direction to staff for preparation of the Budget Resolutions for adoption.

There was City Council consensus to approve the proposed General Fund items in the proposed Fiscal Year 2016/2017 Budget.

There was Council consensus to appoint Council Member Termini and Council Member Bertrand to serve on the Ad Hoc Tech Committee; the Committee will also include City Manager Goldstein, Assistant to the City Manager Laurent, and member of Vision Capitola. The Council directed the Ad Hoc Tech Committee to review the City communications with the community (i.e. City newsletters, various social media outlets, and links in the City's website).

City Council directed staff to work with new Soquel Union Elementary School District Superintendent to discuss Community Center lease and improvements, including parking lot.

There was Council consensus to appoint Council Member Harlan and Mayor Bottorff to serve on the Ad Hoc Community Grant Committee to review grant applications and discuss the regional "Results Based Collective Impact Model; budgeting \$275,000.

8. ADJOURNMENT

The meeting was closed at 7:35 p.m.

Ed Bottorff, Mayor/Chair

ATTEST:

Susan Sneddon, City Clerk/Secretary

Attachment: Draft June 1, 2016, Successor Agency Minutes (1514 : Successor Agency Minutes)



JOINT BUDGET STUDY SESSION CAPITOLA CITY COUNCIL/ SUCCESSOR AGENCY AGENDA REPORT

MEETING OF JUNE 16, 2016

FROM: Finance Department

SUBJECT: Adoption of the Fiscal Year 2016/2017 Budget for the Successor Agency to the former Redevelopment Agency

RECOMMENDED ACTION: Approve the Resolution adopting the Successor Agency Fiscal Year 2016/2017 Budget.

BACKGROUND: On May 13, 2016, the proposed Fiscal Year 2016/2017 Budget was distributed. The City Council/Successor Agency held joint public budget hearings on May 18 and June 1, 2016, to review the draft Budget, receive public comment, and receive input from the Finance Advisory Committee. At the June 1, 2016, budget hearing, City Council directed staff to prepare a Resolution to adopt the Successor Agency Budget.

DISCUSSION: At the June 1, 2016, City Council/Successor Agency meeting, staff was directed to prepare a draft Resolution to adopt the Capitola Successor Agency Budget. The Successor Agency Budget is payments of approved obligations of the Successor Agency that are authorized through Recognized Obligation Payment Schedules (ROPS) for successive six month periods. Funding of the obligations comes from property tax proceeds allocated to a Redevelopment Property Tax Trust Fund (RPTTF), the Department of Finance, State Controller's Office, and County Auditor-Controller audit each ROPS submission, prior period adjustment report, and RPTTF cash flow and balance.

The Resolution necessary to adopt the Fiscal Year 2016/2017 Budget, Successor Agency Summary (Exhibit A).

FISCAL IMPACT: The fiscal impact by adopting the Capitola Successor Agency Budget is represented in the attached Summary of the Successor Agency.

ATTACHMENTS:

1. FY 2016/17 Capitola Successor Agency Summary (Exhibit A) (PDF)

Report Prepared By: Mark Welch
Finance Director

Reviewed and Forwarded by:

FY 2016/17 Successor Agency Budget Adoption
June 16, 2016

FY 2016/17 Successor Agency Budget Adoption
June 16, 2016

DRAFT RESOLUTION

**RESOLUTION OF THE SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE CITY OF CAPITOLA
ADOPTING THE 2016/2017 FISCAL YEAR SUCCESSOR AGENCY BUDGET**

WHEREAS, it is necessary to adopt the 2016/2017 Fiscal Year Budget for the Successor Agency to the former Redevelopment Agency of the City of Capitola; and

WHEREAS, the Successor Agency Board has conducted budget study sessions, has heard and considered public comments, and has modified the proposed budget accordingly, and wishes to adopt such budget for the Fiscal Year July 1, 2016, through June 30, 2017; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Successor Agency to the Redevelopment Agency of the City of Capitola that the 2016/2017 Fiscal Year Budget is hereby adopted, including Exhibit A (Fund Summary); and

BE IT FURTHER RESOLVED that the Finance Director is directed to enter the budget into the Successor Agency's accounting records in accordance with appropriate accounting practices, and the City Manager/Executive Director, with the Finance Director's assistance, shall assure compliance therewith.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Board of Directors of the Successor Agency to the Redevelopment Agency of the City of Capitola on the 16th day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ed Bottorff, Chair

ATTEST:

Susan Sneddon, Secretary

Exhibit A: Successor Agency Summary

	Estimated Balance 07/01/2016	Revenues	Transfers In	Expenditures	Transfers Out	Estimated Balance 06/30/2017
Successor Agency	331,942	424,331	-	569,895	-	186,378

Attachment: FY 2016/17 Capitola Successor Agency Summary (Exhibit A) (1511 : FY 2016/17 Successor Agency Budget Adoption)



JOINT BUDGET STUDY SESSION CAPITOLA CITY COUNCIL/ SUCCESSOR AGENCY AGENDA REPORT

MEETING OF JUNE 16, 2016

FROM: Community Development

SUBJECT: Reconsideration of an 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 Project #15-119 as conditioned.

BACKGROUND: On January 21, 2016, the Planning Commission considered an application on for a Design Permit, Conditional Use Permit and Coastal Development Permit for a wireless telecommunications facility at 1200 41st Avenue. The proposed small-cell wireless antenna includes 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 41st Avenue and other public vantage points.

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

On March 10, 2016, the Capitola City Council reviewed the appeal. The City Council voted unanimously to uphold the appeal and thus deny the application due to proximity to restricted zoning districts and insufficient proof that a "significant gap" exists in their coverage.

On May 9, 2016, GTE Mobilnet of California Limited Partnership filed a lawsuit on behalf of Verizon in Federal court against the City of Capitola, alleging the City illegally denied their application and challenging the City's wireless ordinance alleging it "is so restrictive that it effectively bars new wireless facilities in most of the City, even though they no significant visual or other impacts".

On May 26, 2016, the City Council voted unanimously to reconsider the appeal during the June 16, 2016 hearing. The matter will be reviewed de novo, allowing the City Council to consider the appeal as if it were before the Council for the first time.

1200 41st Ave Verizon Appeal
June 16, 2016

FISCAL IMPACT: None

ATTACHMENTS:

1. Draft Conditions and Findings of Approval for 6-16-16 City Council Hearing
2. Excerpt of Draft Minutes from 5-26-16 City Council Hearing
3. Appeal Letter
4. Minutes from 3-10-16 City Council Hearing
5. Minutes from 1-21-16 Planning Commission Hearing
6. Verizon Project Submittal
7. Telecom Technical Review
8. Alternative Locations Analysis
9. Planning Commission 1-21-16 Staff Report, Conditions and Findings

Report Prepared By: Ryan Safty
Assistant Planner

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/10/2016

Draft Conditions and Findings of Approval for 6-16-16 City Council Hearing

CONDITIONS OF APPROVAL

1. The project approval consists of a new, small-cell wireless antenna facility on to an existing commercial building at 1200 41st Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the City Council on June 16th, 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 41st 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 ten 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 and City Council 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 and City Council 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 41st 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 41st 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 41st 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.

**DRAFT CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, MAY 26, 2016**

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

EXCERPT

RESULT:	APPROVED TO SUSPEND ROSENBERG’S RULE OF ORDER REGARDING THE MOTION TO RECONSIDER¹;
MOVER:	Michael Termini, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

RESULT:	APPROVED TO RECONSIDER AN ITEM AT THE JUNE 16, 2016, OR THE JUNE 23, 2016, CITY COUNCIL MEETING REGARDING AN APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE A WIRELESS TELECOMMUNICATIONS ANTENNA AT 1200 41ST AVENUE, CAPITOLA.
MOVER:	Michael Termini, Council Member
SECONDER:	Jacques Bertrand, Council Member
AYES:	Bottorff, Bertrand, Harlan, Norton, Termini

¹ A motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion)... If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

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.

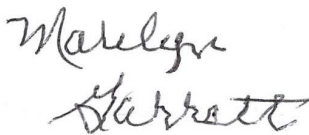
The ordinance clearly states that wireless facilities are not to be placed closer than 500 feet from residential housing. The Begonia Plaza cell tower will be placed within much closer than 500 feet. This ordinance was approved by the council in order to protect its residents.

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,



Marilyn 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 (1508 : 1200 41st Ave Verizon Appeal)

**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTE EXCERPT
THURSDAY, MARCH 10, 2016**

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

C. Appeal of a Planning Commission Decision to Approve a Wireless Telecommunications Antenna at 1200 41st Avenue [730-10]

The following spoke against upholding the Planning Commission’s decision to approve a Wireless Telecommunications Antenna at 1200 41st Avenue:

- Marketa Bilkova, Five Branches University Assistant Professor
- Barbara Bush, local resident
- Marilyn Garrett, Aptos resident
- Sylvia Skefich, local chiropractor
- Joseph Leight, Trade Winds Mobile Home Park resident
- Lowell W., local resident
- R. Martin, Soquel resident
- Bruce Tanner, local resident
- Gale, local resident
- Paul Lacques, Trade Winds Mobile Home Park resident

Pete Shubin, Verizon Representative, stated that the proposed cell tower complies with FCC regulations.

Peter Pethoe, 434 Escalona, Santa Cruz, suggested that the proposed cell tower be installed at a greater height resulting in less radiation to residents.

RESULT:	OVERRULED THE PLANNING COMMISSION DECISION TO APPROVE A WIRELESS TELECOMMUNICATIONS ANTENNA AT 1200 41ST AVENUE AND TO UPHOLD THE APPEAL ON THE BASIS OF PROXIMITY TO RESTRICTED ZONING [UNANIMOUS]
MOVER:	Michael Termini, Council Member
SECONDER:	Dennis Norton, Councilmember
AYES:	Norton, Bertrand, Harlan, Termini, Bottorff

ATTEST:

Susan Sneddon, City Clerk

Attachment: Minutes from 3-10-16 City Council Hearing (1508 : 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 41st 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 41st 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 41st 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 41st 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 41st 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.

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

9. ADJOURNMENT

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

Linda Fridy, Minutes Clerk



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 & 41st Street

Location: 1200 41st 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 41st 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 41st 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 41st 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 41st Avenue in East Santa Cruz and to offload nearby Portola & 40th 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 41st Fairfield Hotel, Gladys 41st Building, Betty Burger, InShape Gym, and Capitola Beach Villas. Of these alternative sites, landlords of the O'Neil Building, ADR Building, Brommer 41st Fairfield Hotel, and Gladys 41st 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 41st 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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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 41st 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.

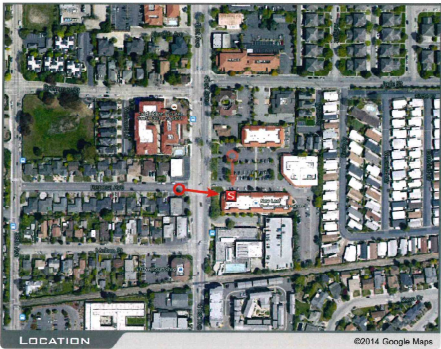


MELTON & 41ST SC 1

1200 41ST AVENUE CAPITOLA CA 95010



VIEW 1



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

Attachment: Verizon Project Submittal (1508 : 1200 41st Ave Verizon Appeal)

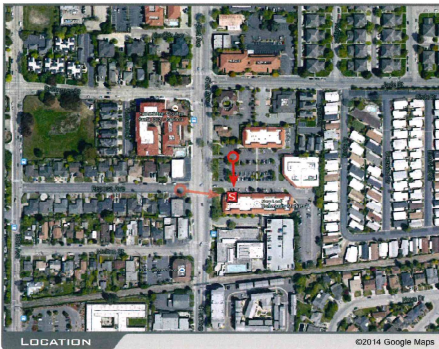


MELTON & 41ST SC 1

1200 41ST AVENUE CAPITOLA CA 95010



VIEW 2



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

Attachment: Verizon Project Submittal (1508 : 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: MJ

REV	DATE	DESCRIPTION
D	07/17/2015	ISSUE 20'S FOR REVIEW
C	04/06/2015	ISSUE 20'S FOR REVIEW
B	02/09/2015	ISSUE 20'S FOR REVIEW
A	12/01/2014	ISSUE 20'S FOR REVIEW

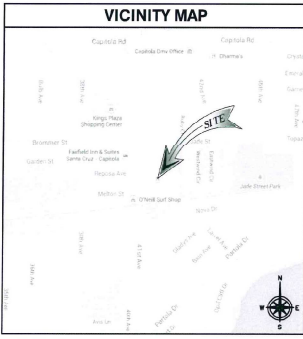
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, TO CITY OF CAPITOLA

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 MITCHELL DRIVE, BLDG 9 WALNUT CREEK, CA 94598
UNIVERSAL COORDINATES:	UTM 50T 52247 N 1215890203 E (21° 57' 52.26" W 36° 58' 08.62" N)
UNUSUAL TYPE:	IND-10
CURRENT USE:	COMMUNITY COMMERCIAL
NEAREST 1/4 SECTION:	644-101-100
ZONING JURISDICTION:	CITY OF CAPITOLA
COUNTY:	SANTA CRUZ COUNTY
PROPOSED USE:	UNMANNED TELECOMMUNICATIONS FACILITY



DRIVING DIRECTIONS	
DIRECTIONS FROM VERIZON SITE:	
1. LEAVE NORTH ON MITCHELL DR TOWARD	5. AFTER LEFT AT THE TRAIL, GO ONE BLOCK
2. GO SOUTH ON	FOR INTERSTATE 805 TO SAN JOSE AND
3. TURN RIGHT ON 41ST AVE (SOUTH)	WALNUT CREEK BLVD
4. TRAVEL SOUTH ON 41ST AVE UNTIL YOU	6. TAKE THE 41ST AVE LEFT
REACH THE 1ST TRAFFIC LIGHT AND	7. TAKE THE MESSON BLVD/STATE ROUTE 210 EAST
TURN LEFT ONTO THE WESTSIDE 800 S RAMP	8. KEEP RIGHT AT THE TRAFFIC LIGHT SIGNAL FOR
TO SAN JOSE	MESSON BLVD W AND MERGE ONTO MESSON BLVD
9. MERGE ONTO I-805 S	

PROJECT DESCRIPTION	
PROPOSED VERIZON WIRELESS INSTALLATION. THE SCOPE WILL CONSIST OF THE FOLLOWING:	
• INSTALL	(1) NEW VERIZON COMMERCIAL CABINET
• INSTALL	(1) NEW VERIZON INTEGRATED POWER CABINET
• INSTALL	(5) NEW VERIZON RAIN-FAST RAIN LINES (RFLS)
• INSTALL	(1) NEW VERIZON 10M-CEM-FIBER CABINET (LOCATION-100)
• INSTALL	(1) NEW VERIZON PFC CABINET (LOCATION-100)
• INSTALL	(1) NEW VERIZON ELECTRIC METER (LOCATION-100)
• INSTALL	(1) NEW VERIZON FIBER CABLE IN CONDUIT
• 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 EXEMPT FROM SEWER MAINTENANCE. 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	
• CITY/COUNTY ORDINANCES	
• BUILDING OF TRADE & CODE ADMINISTRATORS (BOCA)	
• 2013 CALIFORNIA MECHANICAL CODE	
• AMERICAN SOCIETY OF SAFETY ENGINEERS (ASSE)	
• 2013 CALIFORNIA ELECTRICAL CODE	
• 2013 CALIFORNIA PLUMBING 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.



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	SITE PLAN
A-2	ROOF PLAN AND ANTENNA/EQUIPMENT LAYOUT
A-3	ELECTRICALS
A-4	EQUIPMENT DETAILS

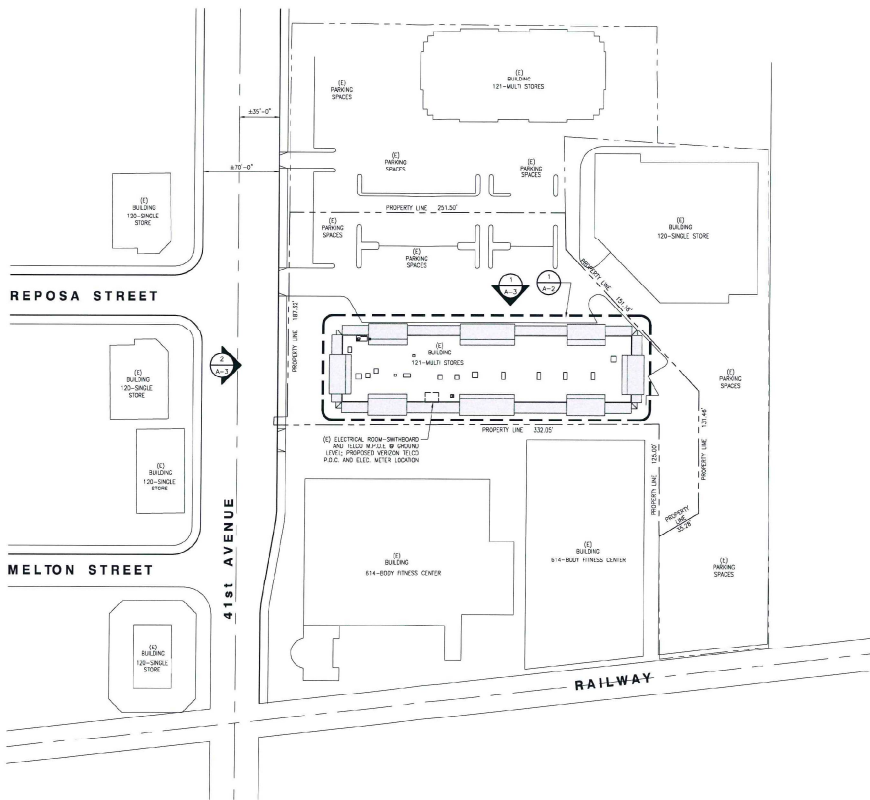
APPROVALS	
THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.	
LANDLORD:	DATE:
UNMANNED MANAGER:	DATE: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

Attachment: Verizon Project Submittal (1508 : 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 BEING 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'



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

REV	DATE	DESCRIPTION
0	07/17/2015	ISS 20'S FOR REVIEW
1	09/08/2015	ISS 20'S FOR REVIEW
2	12/02/2015	ISS 20'S FOR REVIEW
3	12/01/2014	ISS 20'S FOR REVIEW

IF A REVIEWER OF ONE OF THESE SHEETS HAS ANY ACTION UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER TO SIGN THE SHEETS.

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

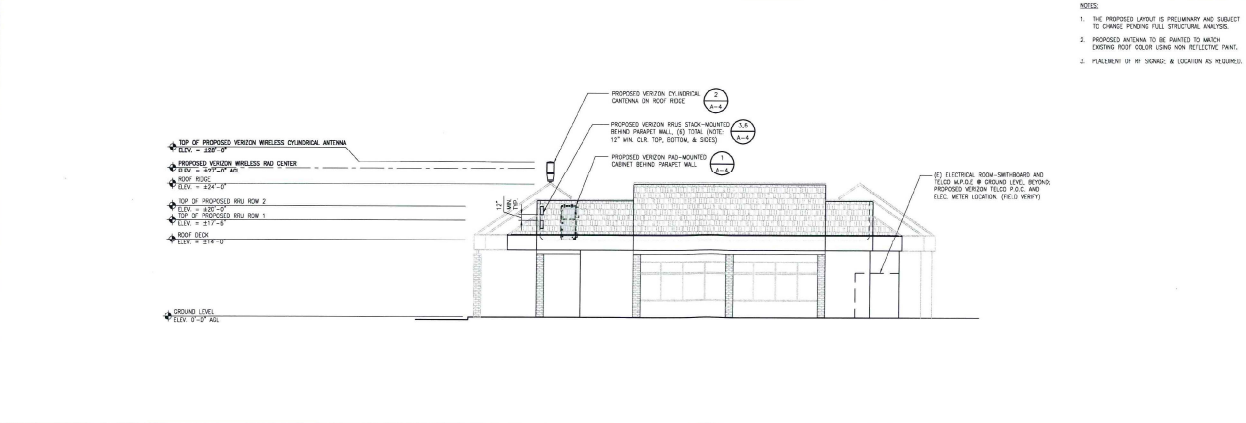
SHEET TITLE
SITE PLAN

SHEET NUMBER
A-1


Attachment: Verizon Project Submittal (1508 : 1200 41st Ave Verizon Appeal)




NORTH ELEVATION




WEST ELEVATION



2785 MITCHELL DRIVE, SUITE 9
WALNUT CREEK, CA 94598



2471 ASPEN STREET, SUITE 200
SANTA FE SPRING, CA 92677



1587 CALLE AVANZADO
SAN CLEMENTE, CA 92673

LOCATION NO:	205303
DRAWN BY:	DKL
CHECKED BY:	LJJ
DATE:	

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

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

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A-3

Attachment: Verizon Project Submittal (1508 : 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 & 41st Street

Location: 1200 41st 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 & 41st
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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 Melissa Samarin
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Site No.: Melton & 41st Street

Location: 1200 41st Avenue Capitola, CA 95010

Alternative Site Analysis

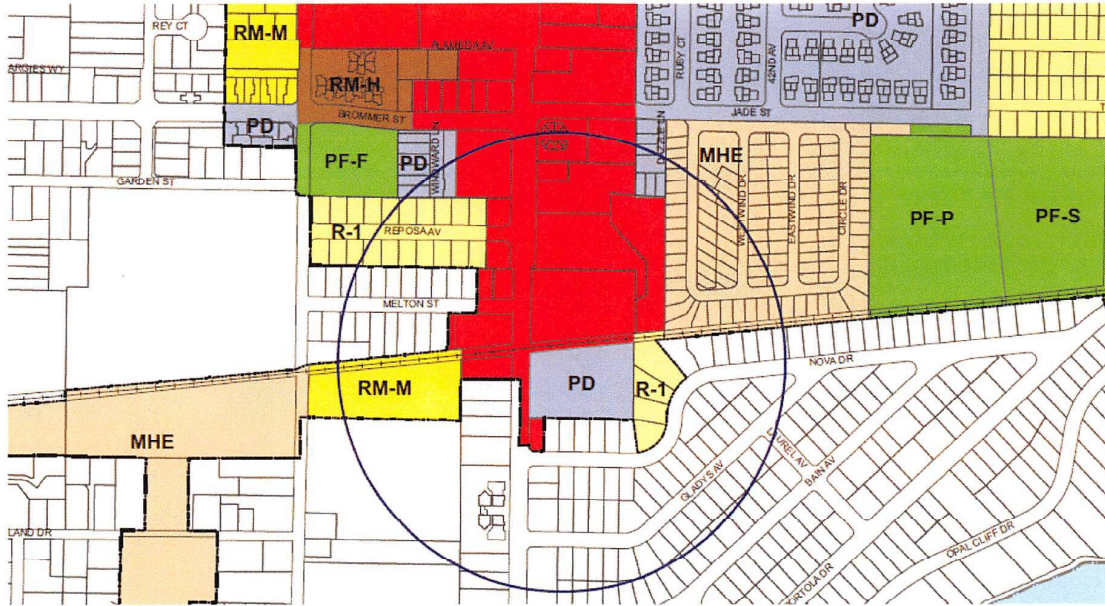
Verizon Wireless determines the need for a new wireless telecommunications facility through the collection of network test data, customer comments, projected growth in customer network usage, and the effects of the deployment of new technologies that both improve service and capability of the network. A new site is needed in the area around 41st 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 41st Avenue in East Santa Cruz and to offload nearby Portola & 40th 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.

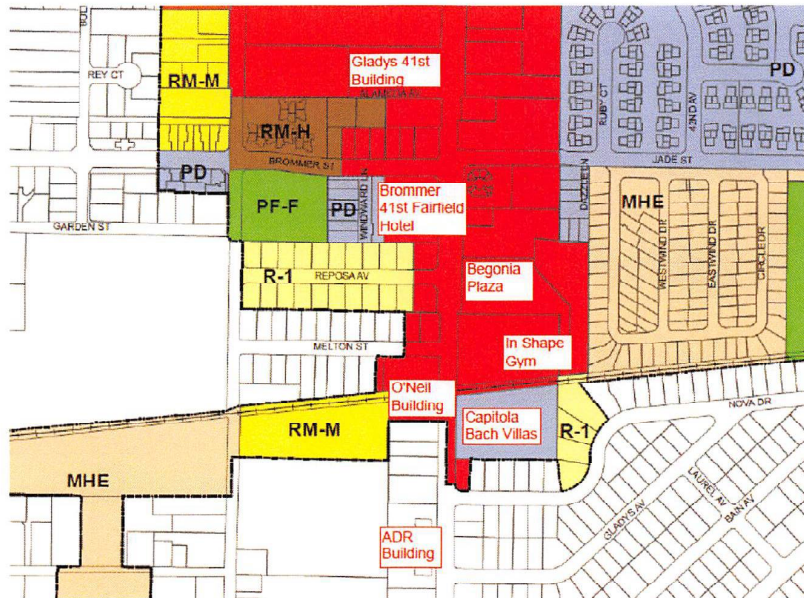


Attachment: Verizon Project Submittal (1508 : 1200 41st Ave Verizon Appeal)

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

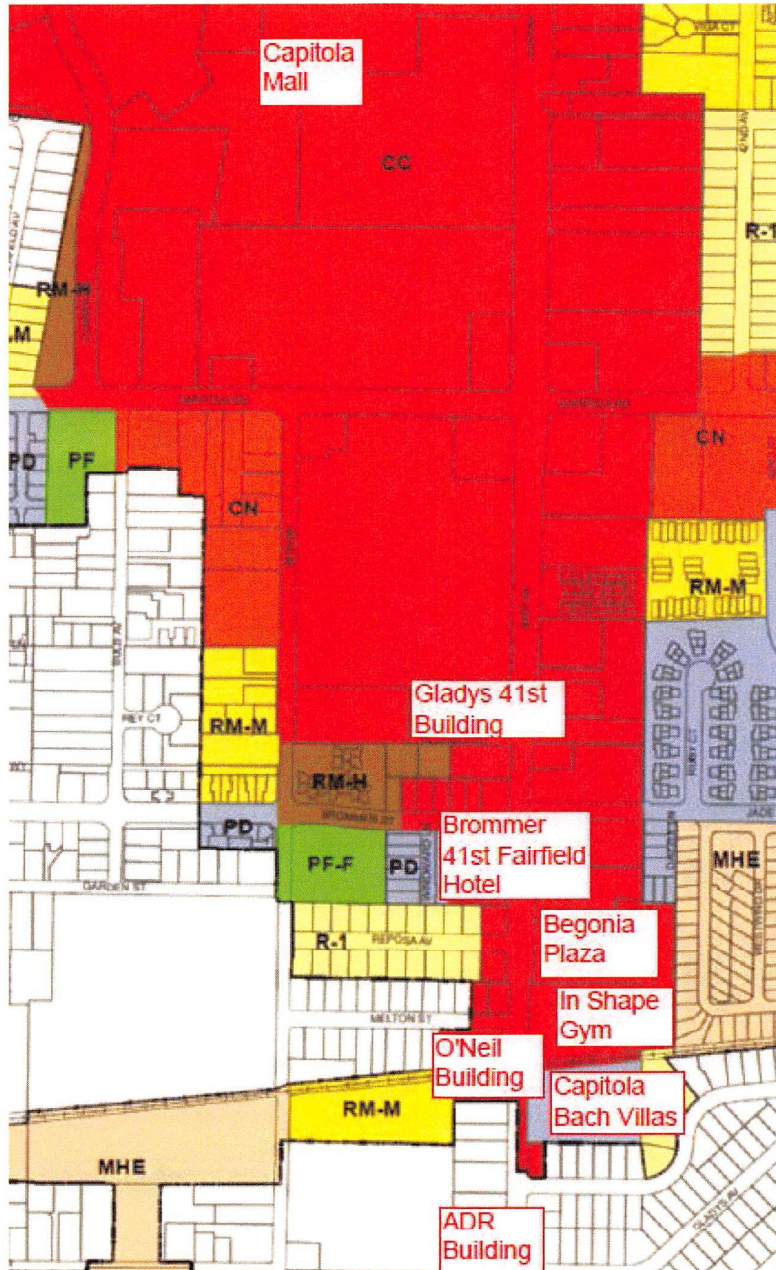


The zoning map below shows the locations of the candidates considered for proposed facility Melton & 41st SC1.



Attachment: Verizon Project Submittal (1508 : 1200 41st Ave Verizon Appeal)

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



Attachment: Verizon Project Submittal (1508 : 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 41st 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 41st Fairfield Hotel - 1225 41st 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 41st Building - 1030 41st 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 41st 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 41st 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 41st 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 41st 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 & 41st is to offload existing

Portola Rd and 40th 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 & 40th 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 41st Avenue between Jade Street and Portola Drive and encompasses a commercial strip along 41st 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

Planning Response

Applicant: Verizon Wireless
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Lake Forest, CA 92630

Melissa Samarin
(562) 458-1944

Site No.: Melton & 41st Street

Location: 1200 41st 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 41st Avenue in Capitola and East Santa Cruz and to offload nearby Portola & 40th 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

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 Melton & 41st
 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 41st 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 41st Avenue in East Santa Cruz and to offload nearby Portola & 40th 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.

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September 24, 2015
 Melton & 41st
 Verizon Wireless
 Page 3 of 4

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September 24, 2015
Melton & 41st
Verizon Wireless
Page 4 of 4

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.

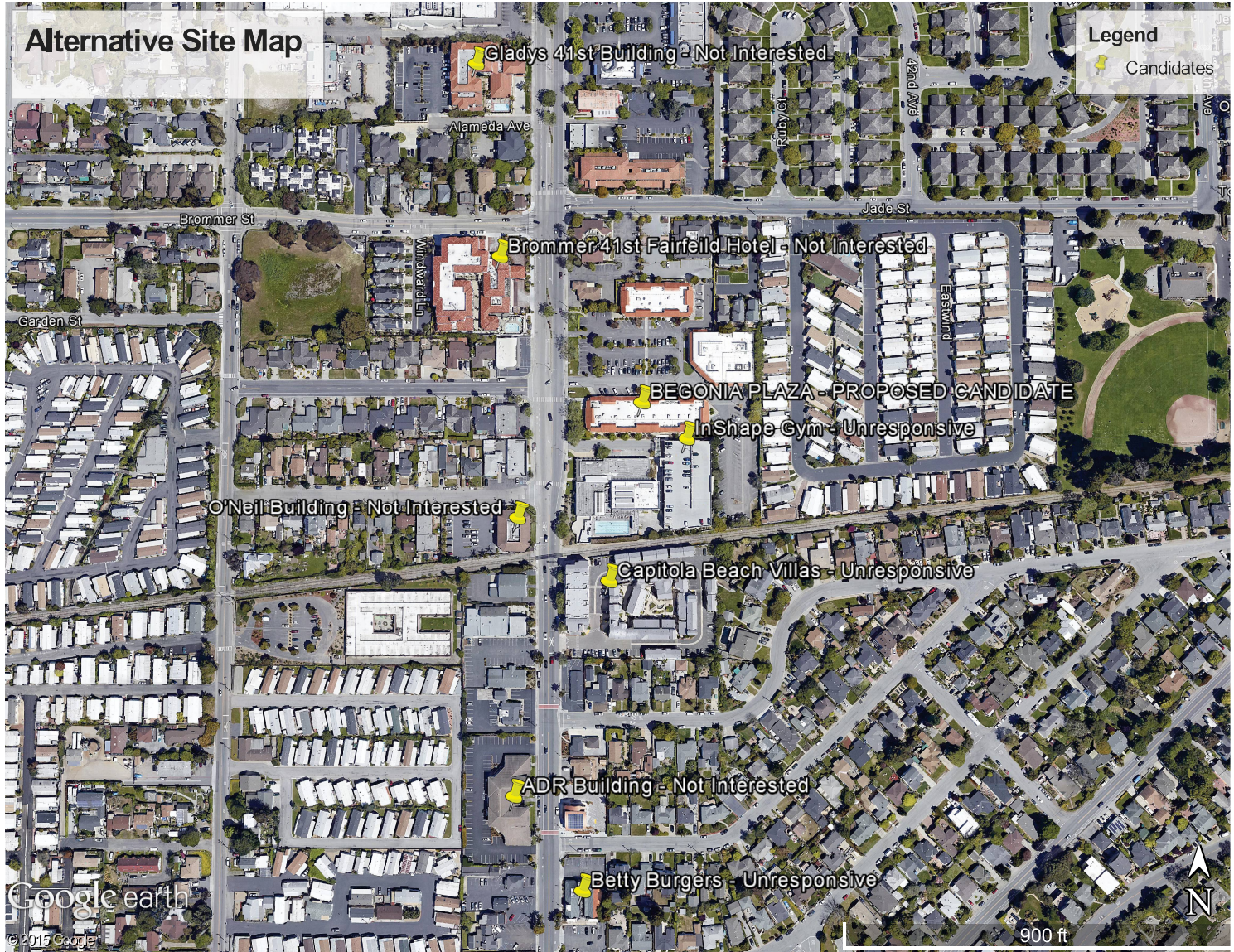
Site Design

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.

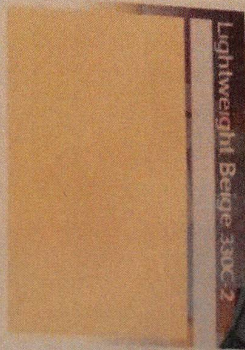

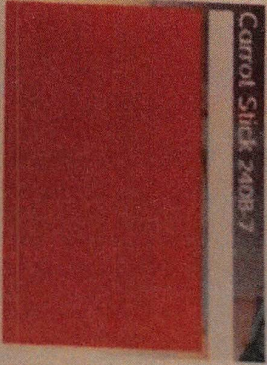



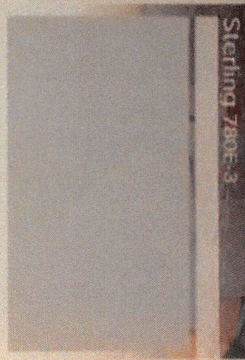
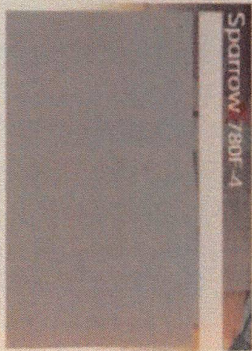




In order to mitigate further visual impact to the site, Verizon Wireless will paint the antenna any color the City of Capitola deems appropriate. Please refer to material paint sample board.

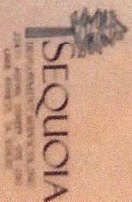
Site Removal Process

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



Attachment: Verizon Project Submittal (1508 : 1200 41st Ave Verizon Appeal)

 <p>Lightweight Beige 380C-2</p>	 <p>Medium Ferracotta 210B-4</p>	 <p>Carrot Stick 240B-7</p>
		
 <p>Sterling 780E-3</p>	 <p>Sparrow 780F-4</p>	 <p>Black Suede S-H-790</p>
		



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 ²	1.00 mW/cm ²
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.



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

FIG4
Page 1 of 4

Attachment: Verizon Project Submittal (1508 : 1200 41st Ave Verizon Appeal)

**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/cm², 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[‡] 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.

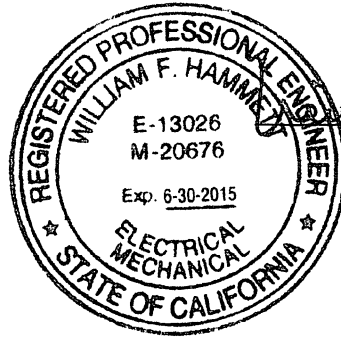
[‡] Signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (*e.g.*, a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health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

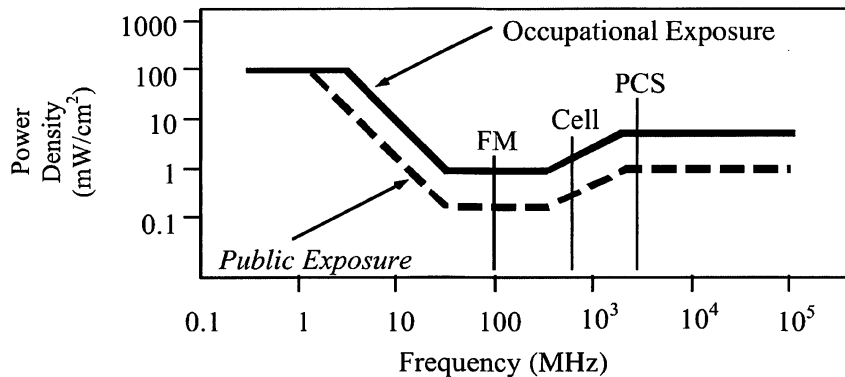
Attachment: Verizon Project Submittal (1508 : 1200 41st Ave Verizon Appeal)

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 ²)	
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/f²</i>
3.0 – 30	1842/ f	<i>823.8/f</i>	4.89/ f	<i>2.19/f</i>	900/ f ²	<i>180/f²</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 (1508 : 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/cm²,

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/cm²,

- where θ_{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
 η = 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 (1508 : 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.

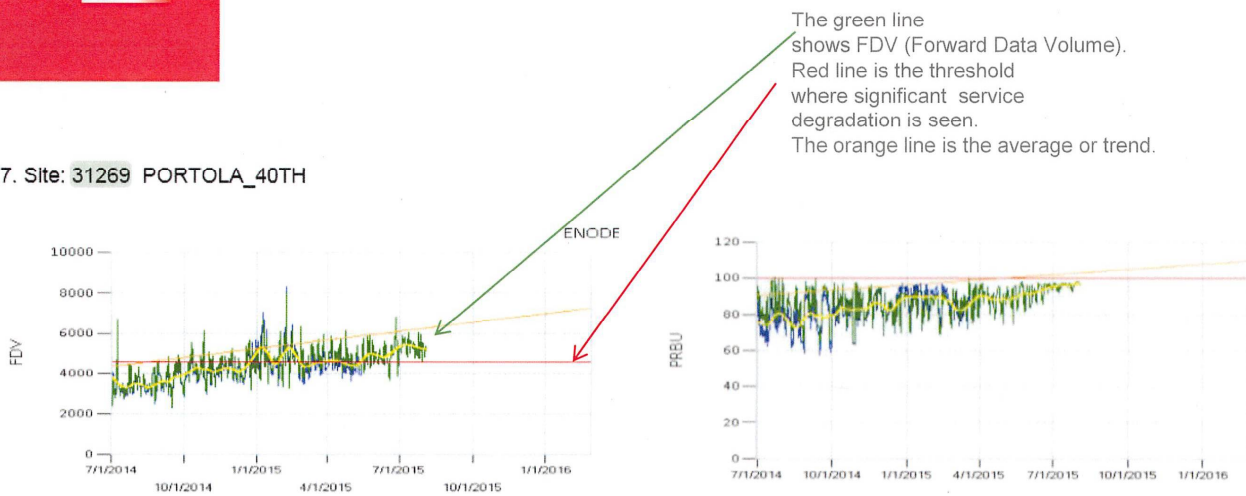
Where our customers use their wireless devices continues to evolve. While we once needed to cover highways and business districts, we are seeing increasing issues with high growth in residential areas. Current statistics show that about 1 of 3 American households no longer have a landline phone. To serve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

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Need Case for: Melton & 41st SC1

227. Site: 31269 PORTOLA_40TH



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

The graph above left shows **FDV (Forward Data Volume)**. **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 & 40th St reached the red line on or around August of 2014 according to the average. Data has been severely limited since.

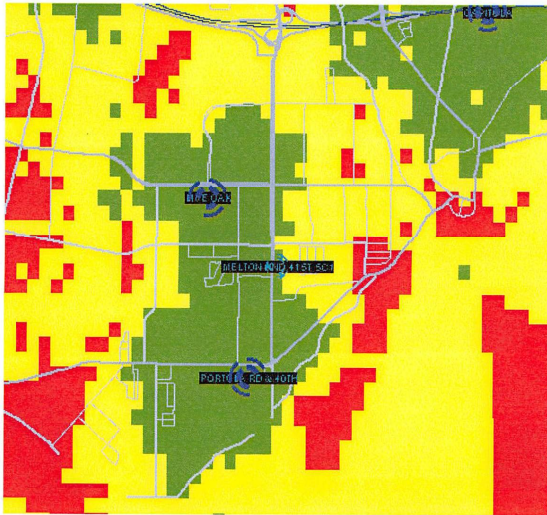
The graph above right shows the **PRBU (Physical Resource Block per User)**. At or around May of this year, the average of this measurement crossed the red line. This again shows in another way that the user experience is already impacted here.

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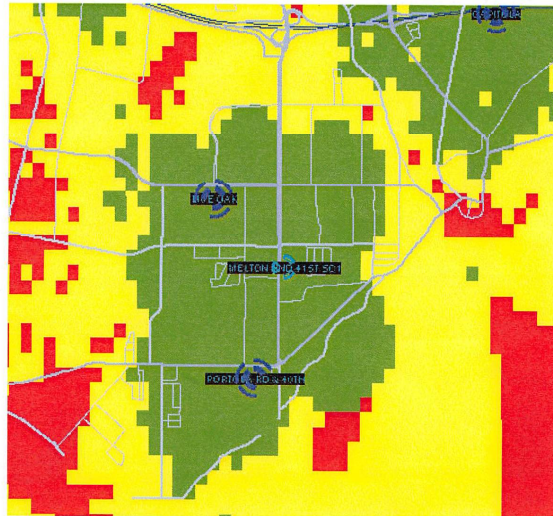


Need Case for: Melton & 41st SC1

Existing Coverage



Proposed Coverage



The proposed Melton & 41st 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.

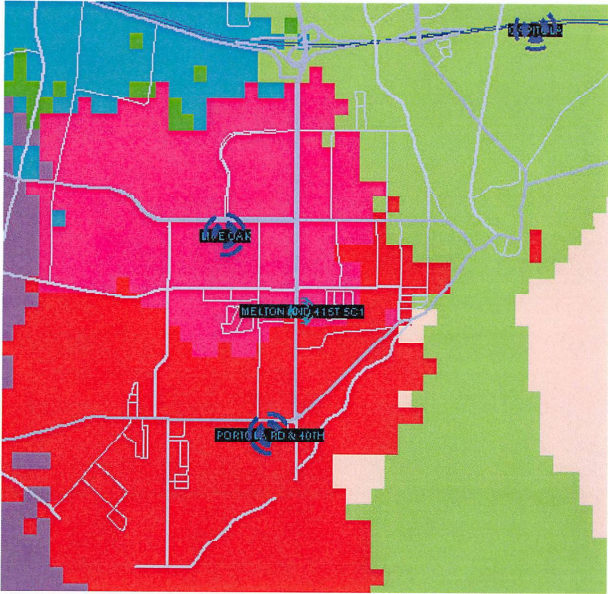
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Attachment: Verizon Project Submittal (1508 : 1200 41st Ave Verizon Appeal)

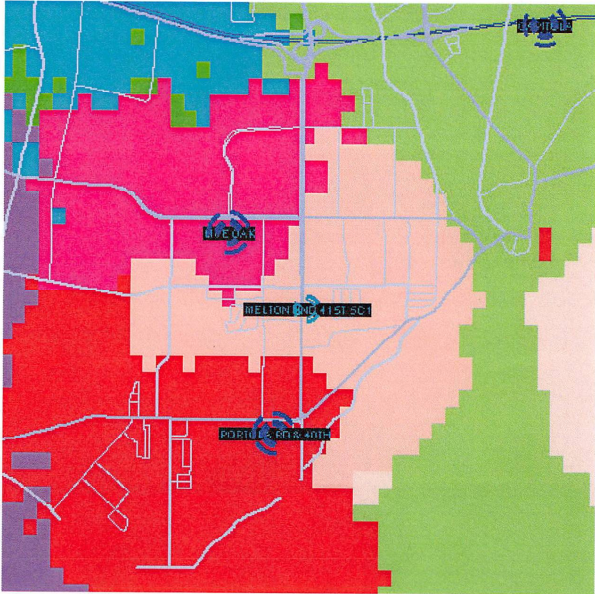


Need Case for: Melton & 41st SC1

Best Server without Melton & 41st SC1



Best Server with Melton & 41st SC1



The plots above show the best server or sectors that cover this area. The site will offload the area that Portola & 40th 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 (1508 : 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 & 41st 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 41st 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 rooftop¹.

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.”² 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, 2015.³ 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.⁴ This definition

¹ We note that the title page T-1 of the Verizon plans dated July 17, 2015 describe many equipment locations to be determined (“TBD”).

² 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)).

³ 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.).

⁴ See 47 U.S.C. § 1455(a)(2).

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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.⁵ 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.⁶ 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.”⁷ 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’”⁸ Accordingly, whether a gap rises to a legally significant gap depends on the contextual factors in each individual application.⁹

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

⁵ 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)).

⁶ See *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 733 (9th Cir. 2005).

⁷ See *id.*

⁸ See *id.*

⁹ 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.¹⁰ 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.

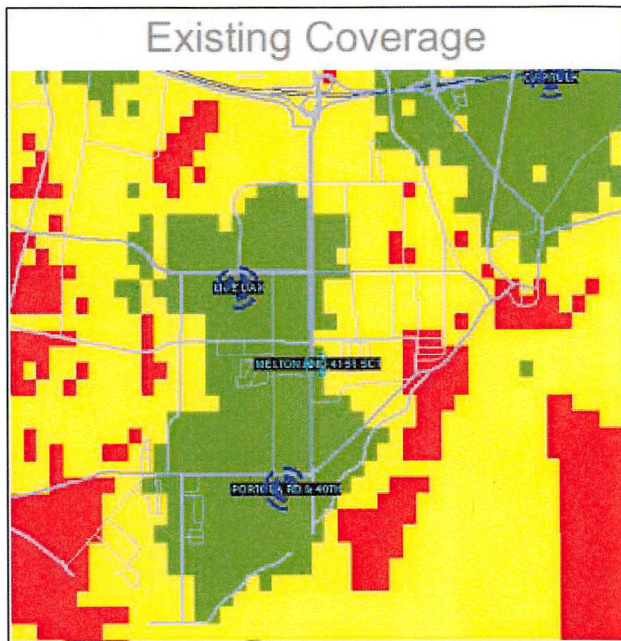


Figure 1: Existing Coverage (Source: Verizon Capacity Report/Necessity Case)

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 41st Avenue to the west and 47th Avenue to the east, below Jade Street to the north and around Nova Drive to the south.

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¹⁰ See *id.* (collecting cases that examine each enumerated factor).

Attachment: Telecom Technical Review (1508 : 1200 41st Ave Verizon Appeal)



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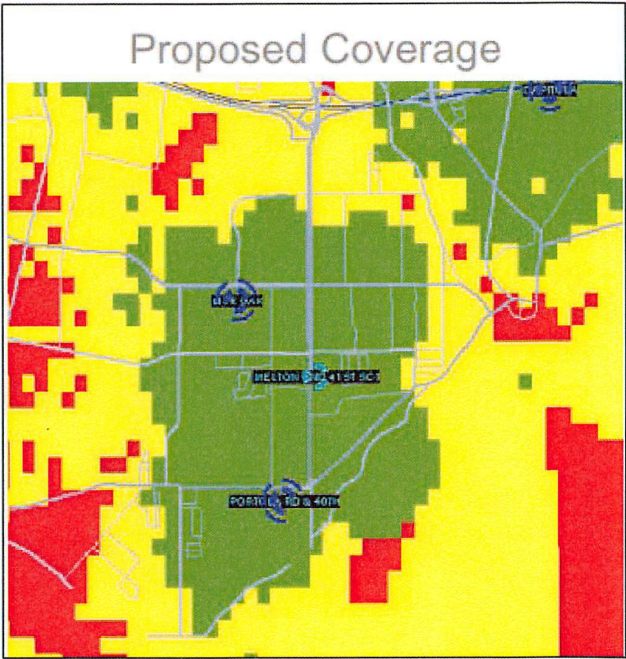


Figure 2: Proposed Coverage (Source: Verizon Capacity Report/Necessity Case)

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 41st Avenue to the west and 47th 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 & 41st 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 (1508 : 1200 41st Ave Verizon Appeal)



Telecom Law Firm PC

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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).

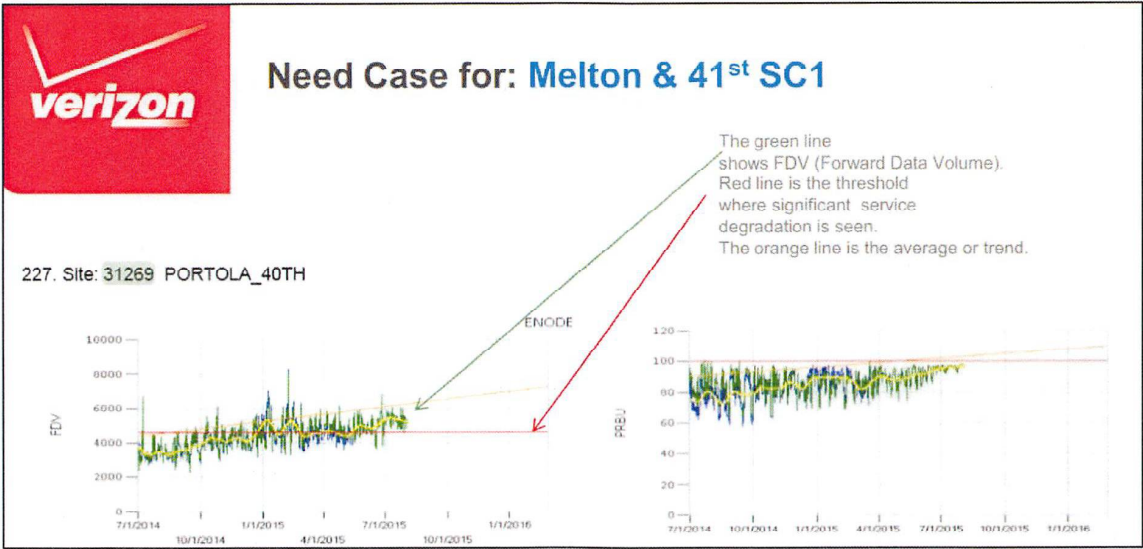


Figure 4: Capacity graphs before and after Melton & 41 SC1

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 (1508 : 1200 41st Ave Verizon Appeal)



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demonstrate that its proposal constitutes the least intrusive means to mitigate that significant gap.¹¹

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.¹² 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.¹³

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.¹⁴ 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”.¹⁵

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”.¹⁶ 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”.¹⁷

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

¹¹ See, e.g., *American Tower Corp. v. City of San Diego*, 763 F.3d 1035 (9th Cir. 2014).

¹² See *id.*

¹³ See generally CAPITOLA MUNICIPAL CODE §§ 17.98 *et seq.*

¹⁴ See *id.* at § 17.98.100 .

¹⁵ See *id.* at § 17.98.100(B).

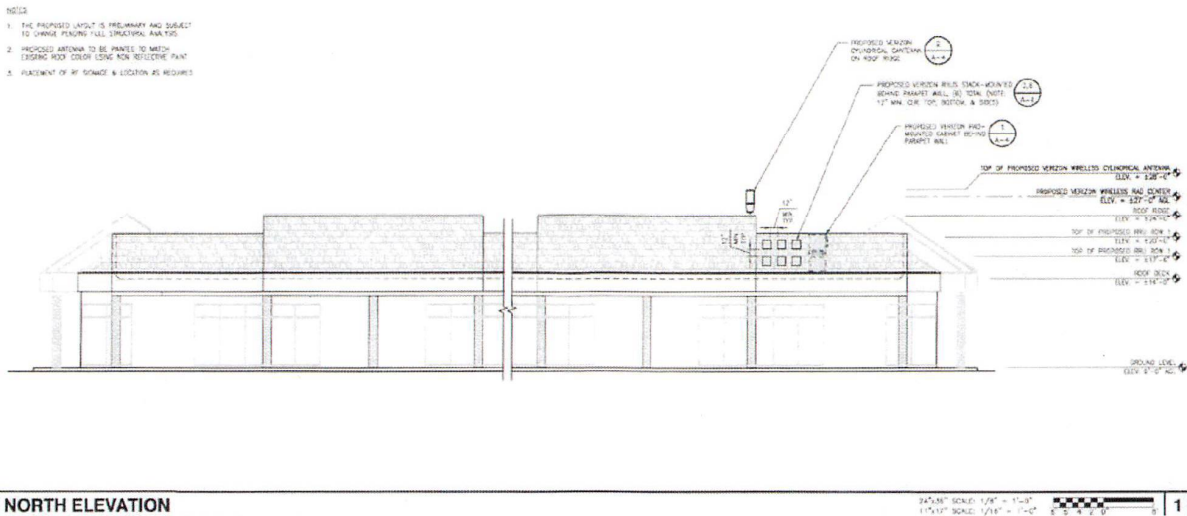
¹⁶ See *id.* at § 17.98.100(D).

¹⁷ See *id.* at § 17.98.100(E).

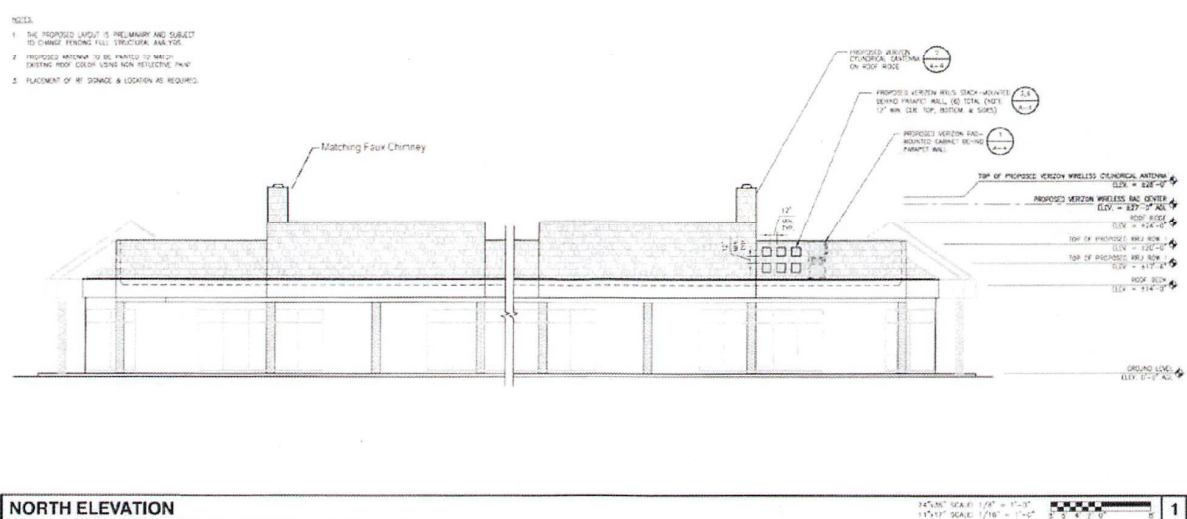


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antennas while blending as the natural façade of the building. Figure 5 shows the 'naked' antenna design proposed by Verizon. Figure 6 below depicts our recommendation of a balanced two faux chimney design that far less intrusive than the design proposed by Verizon. It is also visually balanced to match the symmetry of the underlying structure.



NORTH ELEVATION
Figure 5: Design as proposed by Verizon. (Plans by Verizon.) Not the least intrusive means.



NORTH ELEVATION
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.

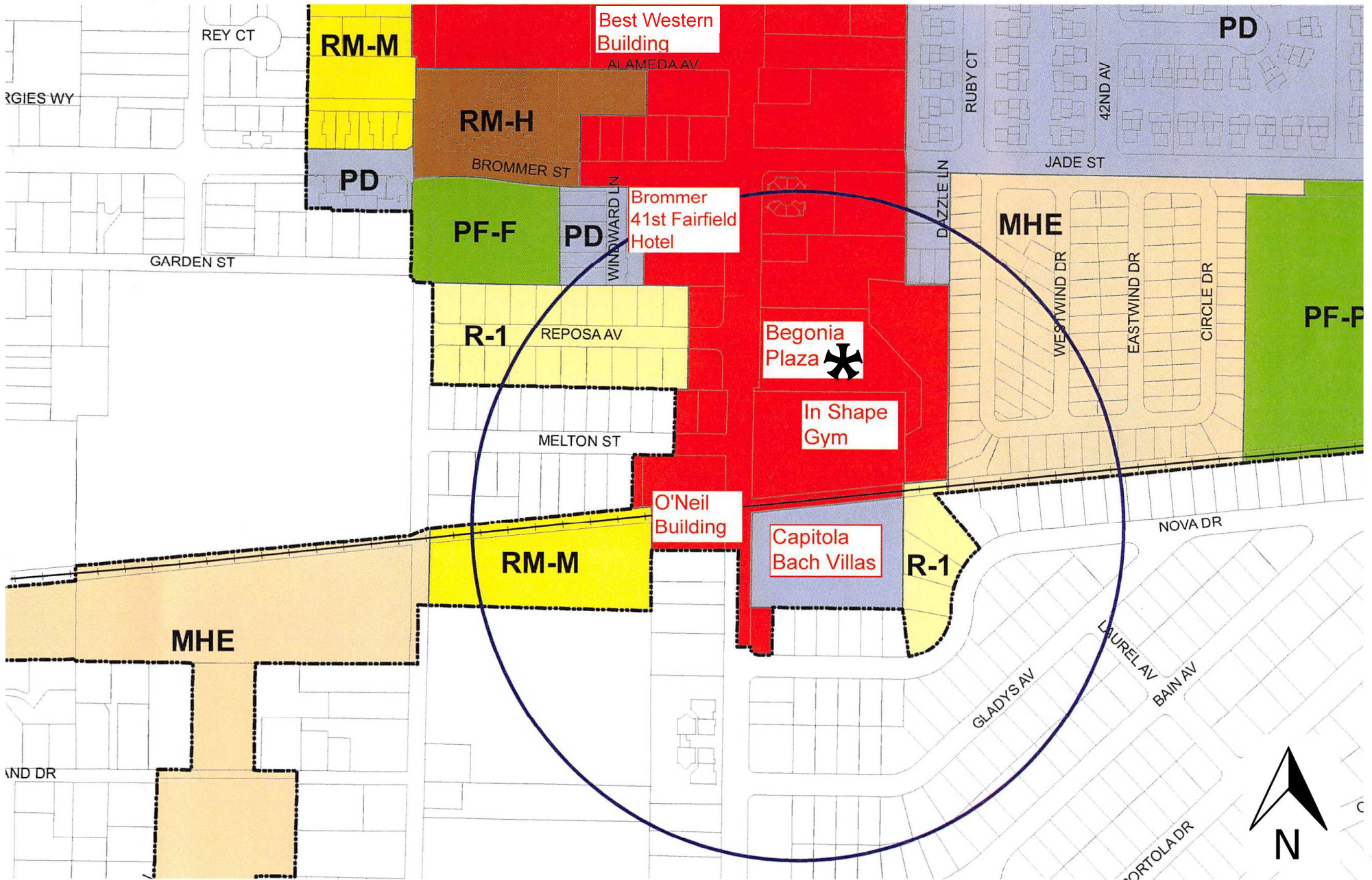
The City should conclude that the proposed cylindrical panel antenna fails to be the least intrusive design, and that the applicant can modify the design to better conform to the City's Code by adopting the proposed dual faux chimney design, or some other camouflage design acceptable to the City.

/jlk



VERIZON'S PROPOSED SEARCH RING & LOCATION OPTIONS

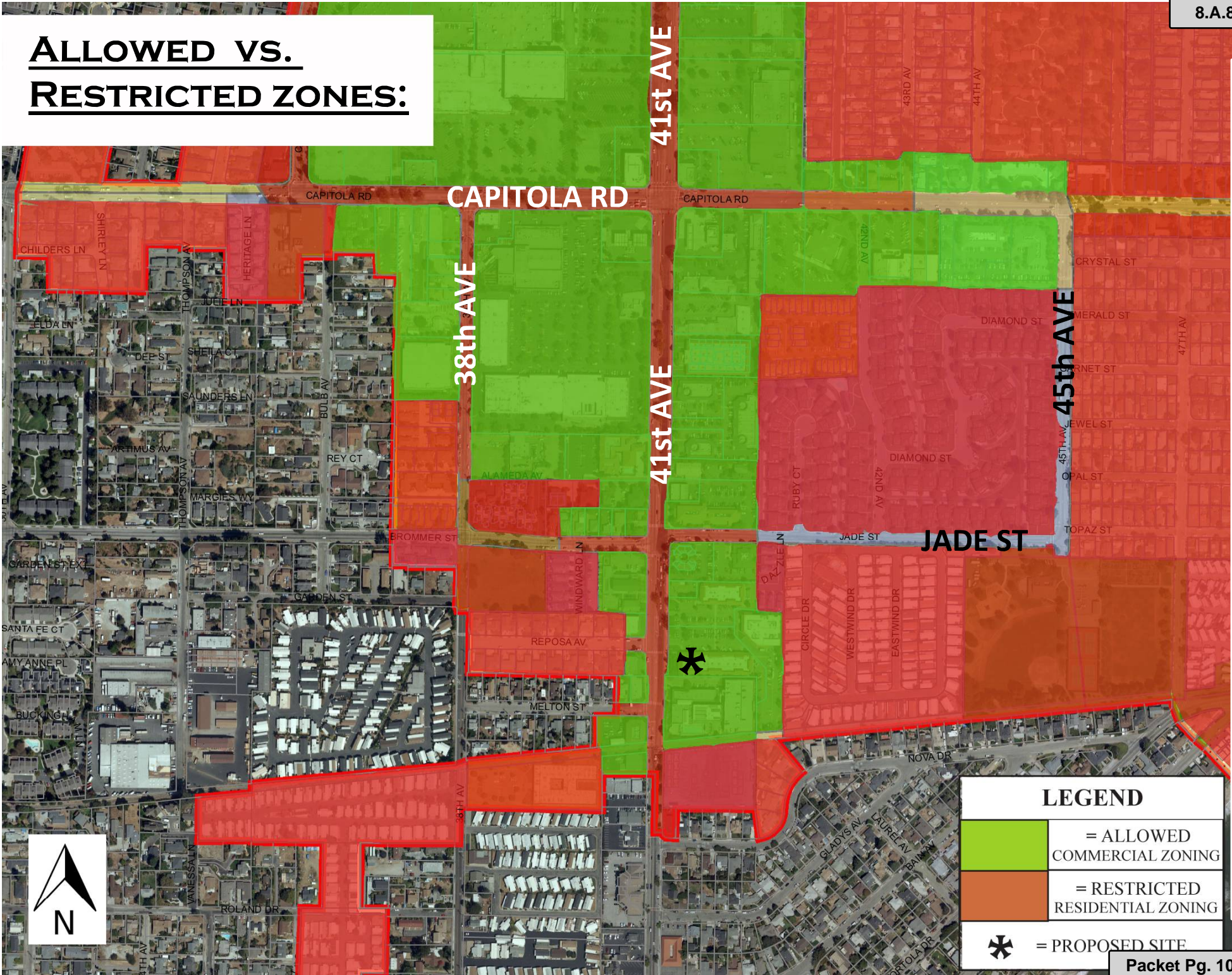
 = PROPOSED SITE



Attachment: Alternative Locations Analysis (1508 : 1200 41st Ave Verizon Appeal)

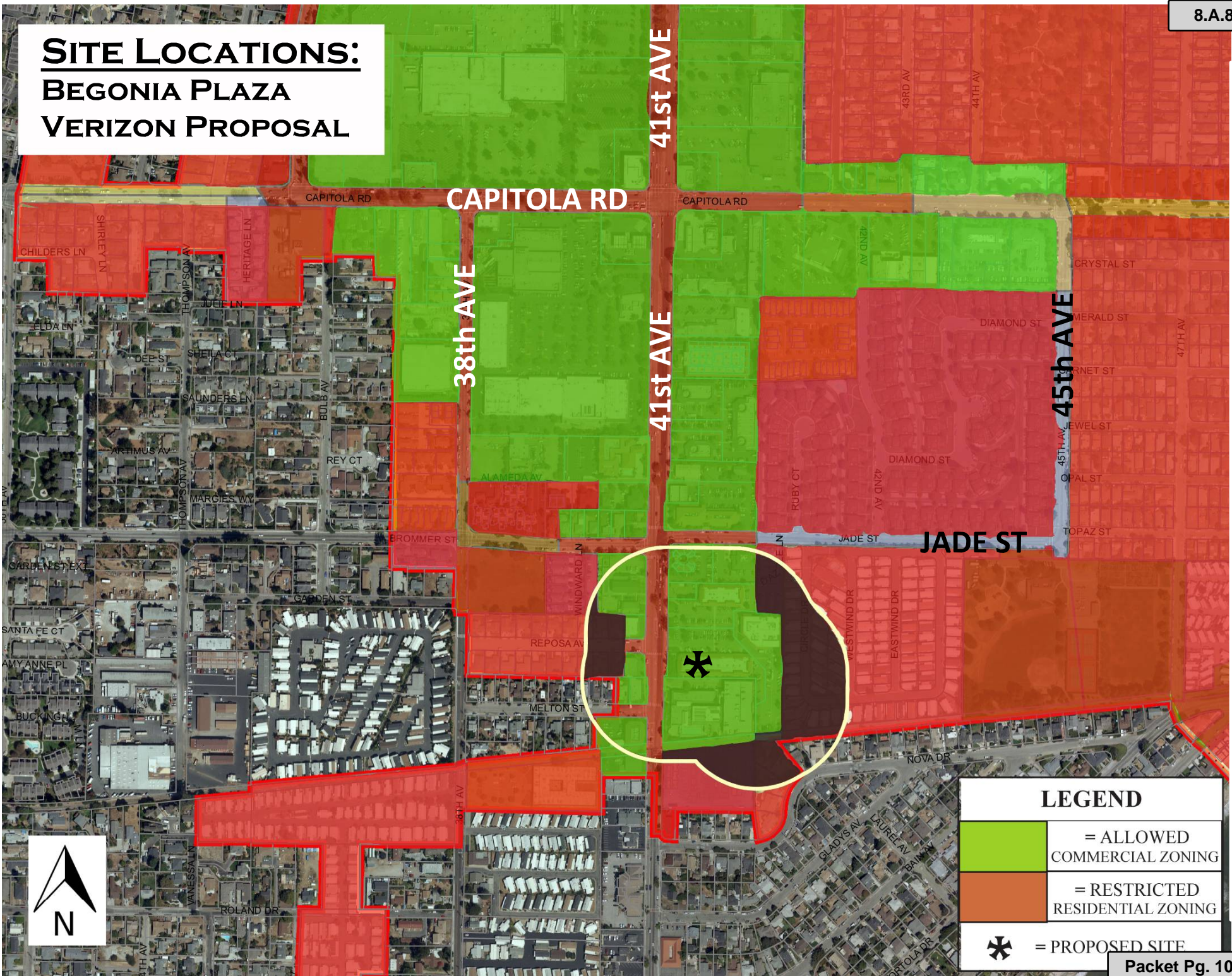





ALLOWED VS. RESTRICTED ZONES:



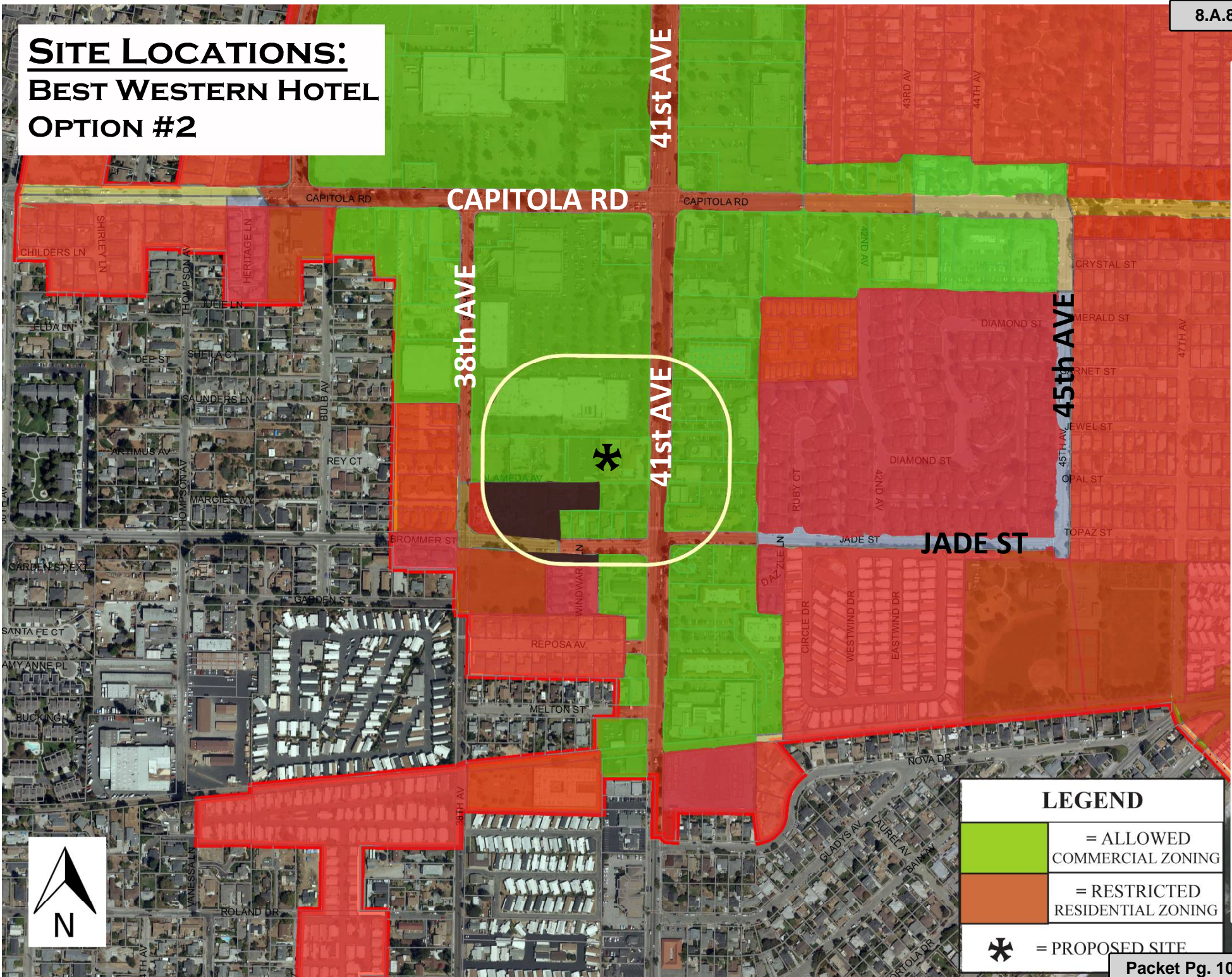
LEGEND	
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	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE




SITE LOCATIONS: BEGONIA PLAZA VERIZON PROPOSAL



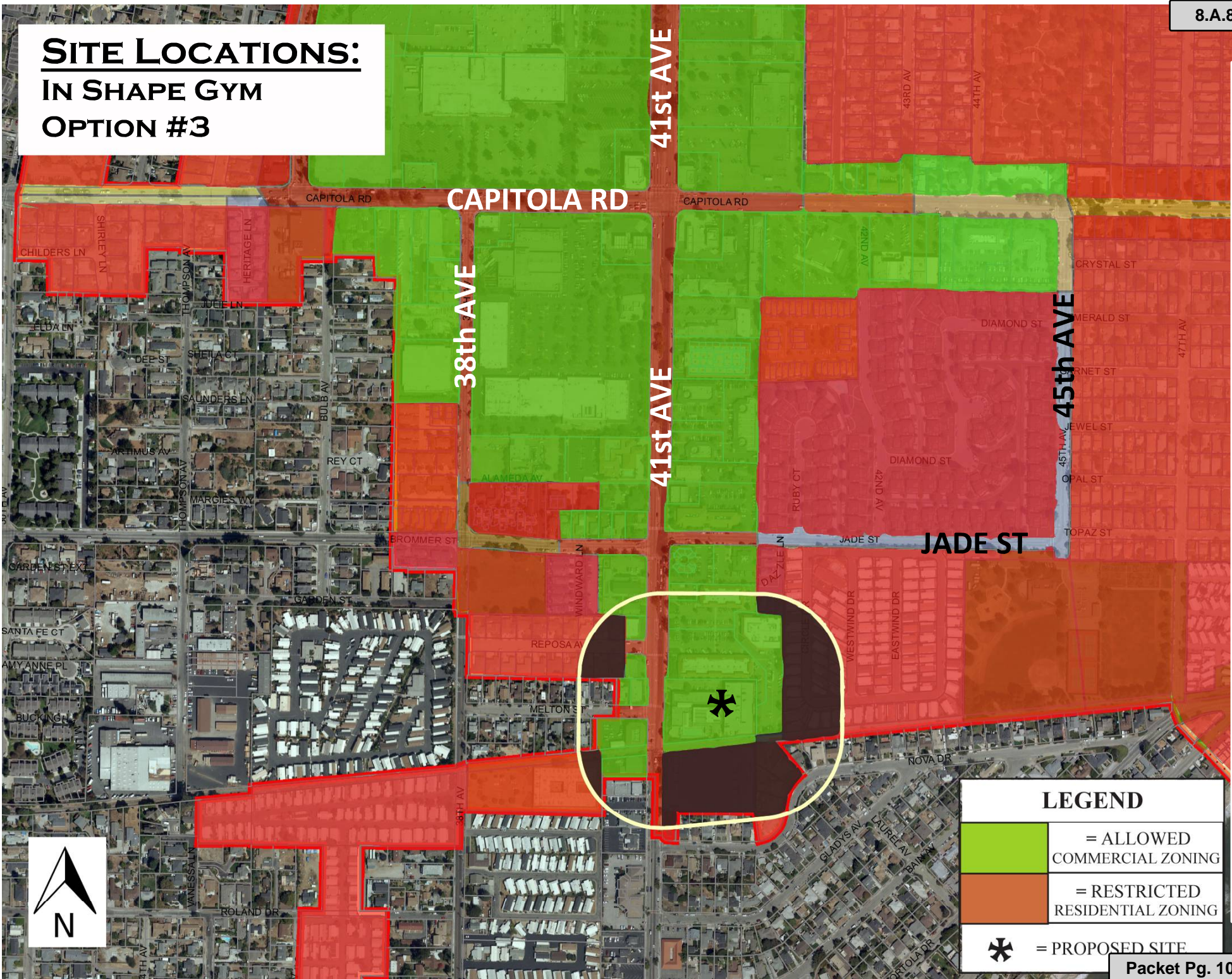
LEGEND	
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	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE




SITE LOCATIONS: BEST WESTERN HOTEL OPTION #2



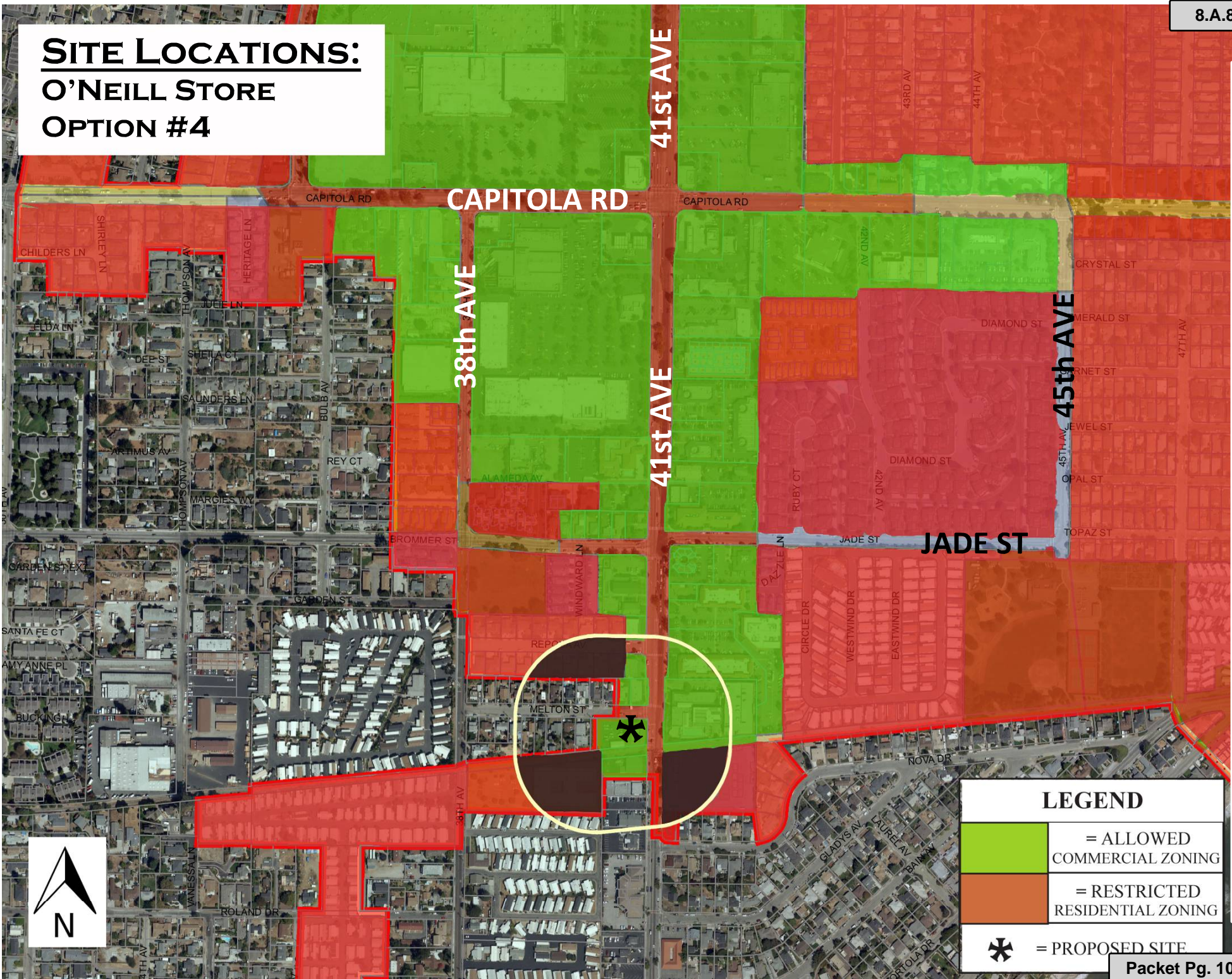
LEGEND	
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	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE

SITE LOCATIONS: IN SHAPE GYM OPTION #3



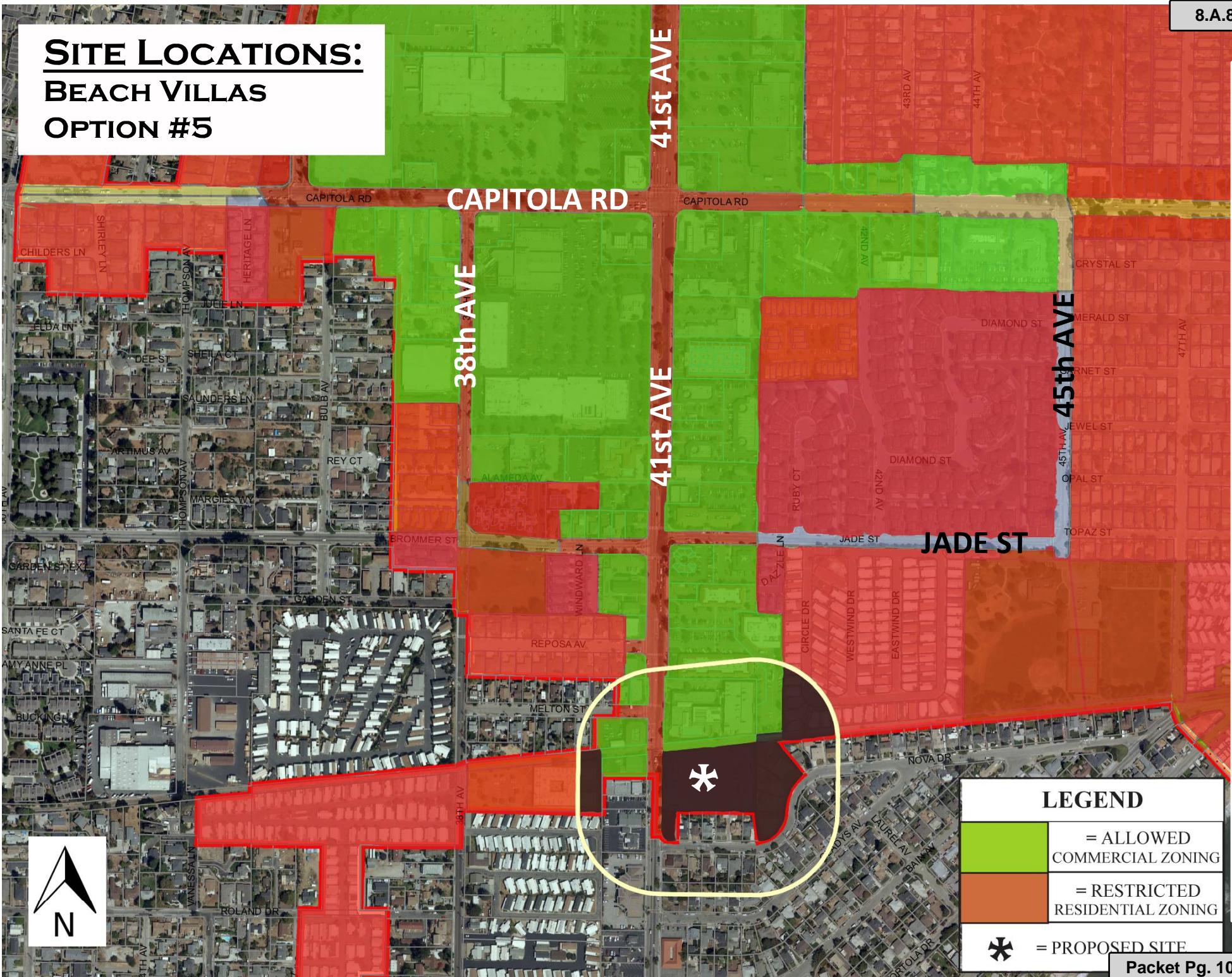
LEGEND	
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	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE




SITE LOCATIONS: O'NEILL STORE OPTION #4



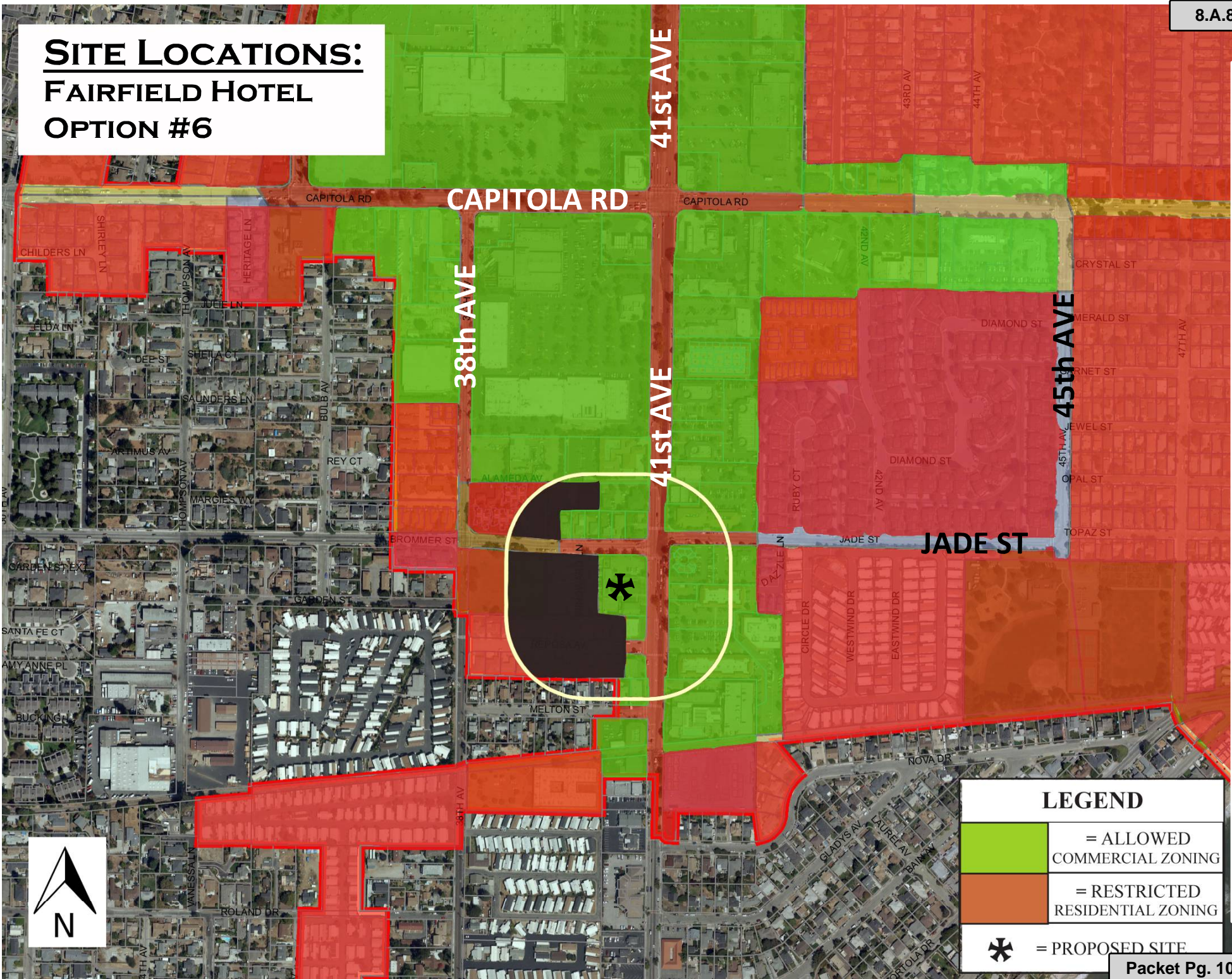
LEGEND	
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	= RESTRICTED RESIDENTIAL ZONING
	= PROPOSED SITE




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 Analysis (1508 : 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 41st Avenue. The proposed antenna will sit roughly four feet above the existing roof line. The proposed antenna will be visible from public areas (41st Ave and adjacent sidewalks) and does not meet the location standards established by the Zoning Ordinance.

BACKGROUND

On July 27th, 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 12th 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 41st 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 41st 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 41st 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 41st 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 41st Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 21st, 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 41st 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 41st 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 41st 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 41st 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.

ATTACHMENTS:

1. Verizon Submittal
2. Site Planning and Zoning Information
3. Alternative Location Analysis
4. Consultant Review

Prepared By: Ryan Safty
Assistant Planner



JOINT BUDGET STUDY SESSION CAPITOLA CITY COUNCIL/ SUCCESSOR AGENCY AGENDA REPORT

MEETING OF JUNE 16, 2016

FROM: City Manager Department
SUBJECT: Receive Public Opinion Survey Results

RECOMMENDED ACTION: Receive report, and provide direction to staff.

BACKGROUND: The City Council authorized a contract with Gene Bregman and Associates for public opinion polling on May 12, 2016. The polling is intended to better understand community goals/expectations and priorities identified in the General plan and Vision Capitola report.

DISCUSSION: The polling results may be helpful as the City considers an extension of Measure D, a 1/4% sales tax which is scheduled to expire in 2017. Such an extension would require voter approval on the November 6, 2016, ballot. An extension of Measure D, which generates about \$1 million a year, would not result in an increase in the sales tax, only a continuation of the existing rate.

An extension could be used to help finance needed repairs and enhancements to the Capitola wharf, making the wharf more resilient to future storms. In addition there may be other City priorities a Measure D extension could be used to fund.

Mr. Bregman will present the result of the polling at the meeting.

The deadline to place a measure on the ballot is August 12. The City Council only has one regular meeting scheduled this July (July 28, 2016). The Council may consider scheduling a special meeting prior to the August 12th deadline to further discuss a possible Measure D extension.

FISCAL IMPACT: None.

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

6/10/16



JOINT BUDGET STUDY SESSION CAPITOLA CITY COUNCIL/ SUCCESSOR AGENCY AGENDA REPORT

MEETING OF JUNE 16, 2016

FROM: City Manager Department

SUBJECT: Consider a Resolution Approving the Expenditure Plan for the Santa Cruz County Regional Transportation Commission's Transportation Improvement Plan

RECOMMENDED ACTION: Adopt Resolution.

BACKGROUND: There are insufficient funds available to operate, maintain, and improve the local transportation system, especially as state and federal sources have dramatically decreased and become increasingly unreliable. Existing transportation revenues make up far less than 50% of what is required to maintain and improve roads, highways, bridges, sidewalks, bicycle facilities, and public transit.

With insufficient revenues available for transportation projects in Santa Cruz County, the Santa Cruz County Regional Transportation Commission (SCCRTC) has worked with local jurisdictions, transit agencies, and the community to identify reliable new local funding mechanisms, which cannot be taken away from the state.

Since approval of the long range Regional Transportation Plan in June 2014, the SCCRTC has solicited input from community groups, local jurisdictions, project sponsors, and the community at large about how to invest revenues from a possible local ½ cent sales tax transportation ballot measure. At its December 2015 meeting, the SCCRTC approved a draft Expenditure Plan for using new revenues to repair and maintain local streets and roads; preserve transportation services for seniors and people with disabilities; make traveling safer for drivers, buses, pedestrians and bike riders; preserve and maintain the rail and trail corridor; build the coastal rail trail; improve traffic flow and reduce congestion. The City Council reviewed and endorsed the draft overall investment plan earlier this year.

SCCRTC Transportation Improvement Plan
June 16, 2016

DISCUSSION: At its June 16, 2016, meeting the SCCRTC is adopting the final ballot measure Ordinance and Expenditure Plan, contingent on approval of the final Expenditure Plan (Exhibit A) by a majority of local cities and the Board of Supervisors.

Placing a ½-cent sales tax on the ballot will allow local agencies to meet more of the community's wide range of transportation needs with a dependable local funding source, which can also provide a match to leverage additional funding. The transportation measure must be approved by a super (2/3) majority of voters in Santa Cruz County.

The proposed ballot measure includes five primary areas of transportation investment: neighborhood projects - including direct allocations to cities and the county to maintain and improve the local street and road network, highway corridors, mobility access, rail corridor, and active transportation. This comprehensive and inclusive approach ensures that whatever mode of transportation a person uses, there would be support for enhancements that help get everybody moving.

The final Expenditure Plan approved by the SCCRTC provides a specific breakdown of how revenues from a new half-cent sales tax would be distributed. Approximately 30% of the revenues will be distributed to local jurisdictions. Local jurisdictions could use these direct allocations on local streets and road pavement projects, pothole repairs, school and neighborhood traffic safety projects, bicycle and pedestrian projects, and operational improvements. The following amounts are expected to be distributed to local jurisdictions each year (in 2016 dollars):

<u>Capitola</u>	<u>Santa Cruz</u>	<u>Scotts Valley</u>	<u>Watsonville</u>	<u>County of Santa Cruz</u>
\$340,000	\$1,100,000	\$245,000	\$770,000	\$2,500,000

Funds to cities and the County will be distributed based on a formula developed by local city managers and the County of Santa Cruz. Funds will be distributed at least quarterly to cities and the County of Santa Cruz based on each jurisdiction's proportional share of the countywide population (29%), lane miles of roadway (39%) and site where the Measure revenues (transaction and use tax) are generated (32%). Population, road mile, and tax site generation figures will be updated each year based on the latest available data.

In addition to funds distributed to local jurisdictions, the Expenditure Plan includes funding to the Santa Cruz Metropolitan Transit District for public transit and paratransit service for seniors and people with disabilities, funds for the Community Bridges paratransit service, auxiliary lanes on Highway 1 down to State Park Drive, funds to construct and maintain the Monterey Bay Sanctuary Scenic Trail, and funds to analyze the benefits and costs of transit service options in the 32-mile rail corridor and rail corridor maintenance.

Specific details regarding the division of funding between the transit entities, Highway 1, the Sanctuary Trail, and rail will be finalized by the RTC Board on June 16, and will be presented to the City Council at the meeting.

The SCCRTC has done a lot of work to craft a measure that addresses the multi-modal and diverse needs of our community. Building on the framework in the Regional Transportation Plan (RTP), the proposed Transportation Investment Plan helps move forward the extensive list of transportation infrastructure projects in our community. It is a strong plan that helps improve traffic flow, expand alternative transportation options, and supports our ongoing infrastructure

SCCRTC Transportation Improvement Plan
June 16, 2016

needs. Therefore staff recommends the Council approve the attached expenditure plan (Exhibit A) by passing the attached resolution and encourage the community to support the measure once it is placed on the ballot.

SCCRTC Transportation Improvement Plan
June 16, 2016

FISCAL IMPACT: As proposed, the ½-cent sales tax is projected to generate \$17 million per year with 30% of the revenue designated for Neighborhood Projects implemented by local jurisdictions. The City of Capitola would receive an estimated \$340,000 annually. This funding would augment the Capital Improvement Program funding for street, pedestrian, bike, and safe routes projects.

ATTACHMENTS:

1. SCCRTC Expenditure Plan (Exhibit A) (PDF)

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/10/2016

**DRAFT RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CAPITOLA
TO APPROVES THE SANTA CRUZ COUNTY
FINAL TRANSPORTATION EXPENDITURE PLAN**

WHEREAS, the County of Santa Cruz and the Cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville operate, maintain, and make improvements to the local street and road network, which includes over 1,800 lane miles of roads, traffic signals, sidewalks, bicycle paths, and other transportation facilities; and

WHEREAS, the Monterey Bay Sanctuary Scenic Trail Network, including the Rail Trail, is a planned multi-use bicycle and walking path that is separated from vehicular traffic and will span the length of Santa Cruz County connecting homes, schools, jobs, coastal and other key destinations; and

WHEREAS, the Santa Cruz County Regional Transportation Commission's (SCCRTC) long range Santa Cruz County Regional Transportation Plan identifies a severe funding gap between the extensive local transportation needs (\$5.7 billion) and projected revenue sources (\$2.8 billion) through the year 2035; and

WHEREAS, the Local Transportation Authority and Improvement Act, California Public Utilities Code Section 180000 *et seq.* ("Act"), generally authorizes a local transportation authority to place a ballot measure before the voters of the county to authorize a retail transactions and use tax to fund transportation-related projects and programs ("Transportation Tax"), upon the approval of two-thirds of the electors voting upon the measure; and

WHEREAS, the SCCRTC as the transportation planning agency of the County of Santa Cruz is also acting as the Local Transportation Authority for purposes of the Act including imposing a Transportation Tax; and

WHEREAS, based on extensive community outreach, the SCCRTC has developed a balanced and inclusive package of transportation projects to receive funds from a ½ cent sales tax for 30 years; and

WHEREAS, the Act further provides that a county transportation expenditure plan shall be prepared for the expenditure of the revenues expected to be derived from the Transportation Tax and California Public Utilities Code Section 180206, requires cities representing a majority of the population of Santa Cruz County to take action to approve the Expenditure Plan for a countywide transportation sales tax measure; and

THEREFORE BE IT RESOLVED that the City Council of the Capitola, consistent with California Public Utilities Code Section 180206, hereby approves the final transportation expenditure plan (Exhibit A) prepared for the expenditure of the revenues expected to be derived from the tax proposed for the November 8, 2016 ballot by the SCCRTC pursuant to Chapter 5 of Division 19 of the California Public Utilities Code.

I HEREBY CERTIFY that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 16th day of June, 2016, by the following vote:

SCCRTC Transportation Improvement Plan
June 16, 2016

AYES:
NOES:
ABSENT:
ABSTAIN:

Ed Bottorff, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

Exhibit A:
Santa Cruz County
2016 Transportation Improvement Plan - Expenditure Plan
-Subject to Approval by the RTC board on June 16, 2016-

Overview

The 2016 Transportation Improvement Plan (TRIP) - Expenditure Plan for Santa Cruz County provides a balanced vision to improve, operate and maintain Santa Cruz County's transportation network. The plan will provide safer routes to schools for local students; maintain mobility and independence for seniors and those with disabilities; invest in bicycle and pedestrian pathways and bridges on an unprecedented scale; repave roadways, repair potholes and improve safety on local streets; ease congestion on major roadways; and invest in transportation projects that reduce the pollution that causes global warming.

SUMMARY OF TRANSPORTATION INVESTMENTS	% of Funds
Neighborhood Projects	
Direct Allocation to Cities and County	30%
Local roadway pavement repair and operational improvements, school and neighborhood traffic safety projects, bicycle and pedestrian projects	
San Lorenzo Valley Hwy 9 Corridor Improvements - \$10 million	
Highway 17 Wildlife Crossing - \$5 million	
Highway Corridors	
Highway 1 Corridor	25%
Auxiliary lanes that separate entering and exiting traffic from through lanes to improve traffic flow and safety: 41st Ave-Soquel Dr; Bay/Porter-Park; State Park-Park	
Bicycle and pedestrian over-crossings	
Traveler Information and Transportation Demand Management	
<i>Example Programs: Cruz511, Carpool/Vanpool Programs</i>	
Highway Safety and Congestion Reduction Programs	
<i>Example Programs: Freeway Service Patrol and Safe on 17 Enforcement</i>	
Transit for Seniors and People with Disabilities	
Direct Allocation to Service Providers	18%
Santa Cruz METRO (15%)	
Community Bridges Lift Line Paratransit Service (3%)	
Active Transportation	
Monterey Bay Sanctuary Scenic Trail (Coastal Rail Trail)	17%
Bike and pedestrian trail construction; maintenance, management and drainage of rail and trail corridor; install conduit for internet and electrical services	
Rail Corridor	
Infrastructure Preservation and Analysis of Options	10%
<i>Example Projects: Bridge replacements and repairs, track maintenance, environmental analysis of possible transit options</i>	
Rail Connection to Bay Area and Other Locations in California	
Watsonville Junction/Pajaro Train Station connecting to other locations in California- \$10 million	
Total	100%

DESCRIPTION OF PROJECTS AND PROGRAMS TO BE FUNDED

The Expenditure Plan identifies transportation projects to be funded from a new one-half of one percent transactions and use tax, to be collected for thirty (30) years, if two-thirds of voters approve the ballot measure in 2016. The Expenditure Plan is presented to the voters of Santa Cruz County as a means to address insufficient funding to meet current and projected transportation needs in Santa Cruz County. Given current sales tax receipts, one-half of one percent transaction and use tax is expected to generate \$17 million a year in 2016 dollars, totaling approximately \$500 million for transportation investments. These local funds can be used to leverage state and federal transportation funds that would otherwise be unavailable. The investments described in the Expenditure Plan reflect the best efforts to achieve consensus among varied transportation needs of Santa Cruz County residents.

Three types of investments are funded in the Expenditure Plan: investment categories which are allocated a percentage of net revenues, capital investments which are allocated specific dollar amounts, and ongoing direct allocations of a percentage of net revenues to cities, the County of Santa Cruz, and transit operators for capital projects and operations. The following describes the investments funded by the Santa Cruz County 2016 Transportation Improvement Plan - Expenditure Plan.

Neighborhood Projects – 30% per year

Direct Allocation to Cities and County

The existing local street and road, bicycle, and pedestrian systems are critical to the everyday movement of people within the county. Much of the local roadway system is aging, has potholes, and is in need of major repair. Continued deferred maintenance will result in an exponential increase in the cost of maintaining the roadway system. Additionally, many sections of the county currently have inadequate facilities for bicyclists and pedestrians to travel safely. Current resources, without generation of new revenues for transportation, cannot provide adequate funding to maintain the local roadway system at the level necessary to adequately serve the public or expand the bicycle and pedestrian system to encourage more users.

Approximately \$135 million (\$4.5 million per year) in Measure Revenues will be allocated to the cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville and the County of Santa Cruz for transportation projects. Projects to be funded with Measure Revenues may include: fixing potholes, local roadway repairs, rehabilitation, reconstruction and intersection improvements; new and improved sidewalks, crosswalks and bicycle lanes and paths, especially near schools; and other transportation projects as necessary for the benefit of residents in those jurisdictions. The County of Santa Cruz and the cities of Capitola, Santa Cruz, Scotts Valley and Watsonville, who are best able to determine their local transportation needs, shall each prepare an annual report through a public process to identify how they plan to spend their share of measure funds and how measure funds were spent in the prior year.

Funds will be distributed at least quarterly to cities and the County of Santa Cruz based on each jurisdiction's proportional share of the countywide population (29%), lane miles of roadway (39%) and site where the Measure Revenue from the

transaction and use tax is generated (32%). Population, road mile, and tax site generation figures will be updated each year based on the latest available data.

San Lorenzo Valley Highway 9 Corridor

Ten (\$10) million in Measure Revenues is designated for transportation projects improving travel for residents of San Lorenzo Valley. Example projects may include:

- Safety projects for people walking, biking or driving in the Highway 9 corridor through San Lorenzo Valley
- Projects that provide safe access to schools along or near Highway 9
- Intersection and signal improvements
- Bicycle lanes, paths and/or signage
- Accessible pedestrian crosswalks and sidewalks, including lighting and flashing pedestrian beacons that increase visibility
- Improved access to bus stops and bus service

Highway 17 Wildlife Crossing

Highway 17 is a major connection between the Monterey Bay Region and San Francisco Bay Area. The dense traffic, concrete median barriers, and lack of drainage culverts and/or bridge undercrossings makes Highway 17 a major barrier for wildlife moving through the Santa Cruz Mountains. Mountain lions, bobcats and deer have all been hit trying to cross Highway 17 which also makes it dangerous for the motorists. Five (\$5) million in Measure Revenues will be allocated for construction of a safe passage for wildlife to cross under Highway 17. This project will improve safety for both drivers and wildlife.

Highway Corridors – 25%

Aging highway systems continue to operate under high traffic volumes as population, and thus demand for moving people and goods increases. State highways provide essential mobility for Santa Cruz County residents, businesses, and visitors. The highway corridors are the region's main thoroughfares with Highway 1 carrying over 100,000 people daily. Measure Revenues are needed to improve traffic flow and safety as state and federal formula funds do not fund most highway improvements in Santa Cruz County. Measure Revenues (25% or approximately \$125 million total) will be allocated to Highway 1 and Highway 17 corridor projects to increase the safety and efficiency of these corridors in Santa Cruz County.

Highway 1 Corridor

Highway investments included in the Expenditure Plan, improve traffic flow and safety on Highway 1, especially for South County and Mid-County commuters, small businesses, bus riders and first responders (law enforcement, fire, medical) by adding auxiliary lanes between three interchanges: 41st Ave-Soquel Dr; Bay Ave/Porter St-Park Ave; and State Park Dr-Park Ave. Auxiliary lanes are lower cost highway projects that can improve flow by separating entering or exiting traffic from the through lanes. Approximately 10% of all of the injuries and fatalities in Santa Cruz County in 2013 occurred between Soquel Dr and Park Ave on Highway 1. Auxiliary lanes can help to improve safety on this high traffic volume corridor.

New bridges for cyclists and pedestrians

Highways can separate neighborhoods and make it harder to ride a bike or walk to access locations of interest. In order to improve bicycle and pedestrian movement between neighborhoods, employment, retail, medical, and recreation sites on either

side of Highway 1, Measure Revenues can be used to construct bicycle/pedestrian bridges crossing over Highway 1 including crossings in Live Oak near Chanticleer Avenue and in Aptos/Seacliff near Mar Vista Elementary School. Measure Revenues can also improve bicycle and pedestrian facilities on existing crossings.

Traveler Information and Transportation Demand Management

The efficiency of the existing transportation system can be increased by promoting use of transit, carpooling, vanpooling, as well as bicycling and walking. Transportation demand management strategies can reduce the number of vehicles on our roadways especially during peak periods. Examples of transportation demand management programs that could be funded by this measure include "Cruz511", the traveler information service for Santa Cruz County, and carpool/vanpool programs.

Highway Safety and Congestion Reduction Programs

Improving safety is a primary goal of this measure. Programs that reduce fatal and injury collisions on highways and reduce congestion are also funded by Measure Revenues. Examples of programs that improve safety and reduce congestion are the Safe on 17 Task Force and the Freeway Service Patrol (roving tow trucks that remove stalled or disabled vehicles, debris, and other obstructions that may cause backups).

Transportation for Seniors and People with Disabilities – 18% per year

Direct Allocation to Service Providers

Seniors and disabled persons make up an increasing percentage of Santa Cruz County's population. For seniors and persons with disabilities, access to healthcare, social services, shopping, and recreation is key to quality of life. A number of specialized transportation programs have been implemented which meet specialized needs for transportation to medical services, social service programs, shopping and other purposes that cannot be met by conventional bus transit. An aging population will require maintenance and expansion of transit and paratransit services for elderly and disabled residents into the future.

Measure Revenues (15% or approximately \$2.5 million per year) will be distributed to Santa Cruz Metropolitan Transit District (METRO) to provide transit and paratransit service for seniors and people with disabilities. Measure Revenues (3% or approximately \$500,000 per year) will be allocated to the Consolidated Transportation Services Agency for Santa Cruz County (Community Bridges-Lift Line) for paratransit service. Paratransit works with social service agencies to increase transportation options for seniors, individuals with disabilities, and persons with low incomes. Funds will be distributed at least quarterly.

Active Transportation – 17%

Monterey Bay Sanctuary Scenic Trail (Coastal Rail Trail)

Measure Revenues (17% or approximately \$85 million total) will be allocated for the Monterey Bay Sanctuary Scenic Trail Network, otherwise known as the Coastal Rail Trail, for people walking and bicycling along the coast in Santa Cruz County. The coastal rail and trail corridor connects Watsonville, Aptos, Capitola, Live Oak, Santa Cruz, and Davenport and links to trails in Monterey County. The trail offers spectacular views of the Monterey Bay, historic trestles, and a flat surface free of automobile traffic. This trail will provide kids, commuters and recreational bicyclists

and walkers a safe and enjoyable way to travel. Funds will be used for trail construction, maintenance, operation, management and drainage of the rail and trail corridor and will leverage other state and federal grants for completion of the trail network.

Rail Corridor – 10%

Infrastructure Preservation and Analysis of Options

Ten percent of Measure Revenues (approximately \$50 million total) will be used for preservation of the Rail Corridor infrastructure and analysis of its future potential use to better serve Santa Cruz County residents and visitors. Projects include maintaining the publicly-owned Santa Cruz Branch Rail Line (including bridge and track maintenance, repair and replacement) and an environmental analysis to answer important community questions about possible future transit uses of the corridor through a transparent public process. The Measure Revenues do not include funding for any new train/rail service.

Connections to Bay Area and Other Locations in CA

A maximum of ten (\$10) million in Measure Revenues will be used to build the Watsonville-Pajaro Junction Rail Station connecting Santa Cruz County residents to planned Capitol Corridor and Amtrak service to the San Francisco Bay Area and the rest of California. This project will enhance regional access for local residents and visitors. It is projected that more than 80% of the users of this station will be Santa Cruz County residents.

Notes

(1) Estimated revenues from a ½-cent transaction and use tax are \$17 million per year (in 2016 dollars) for 30 years. The present value (i.e., present day purchasing power) of the Measure Revenues, is forecasted to be approximately \$500 Million. The actual revenues to be received over the 30-year life of the tax will be affected by various economic factors, such as inflation and economic growth or decline. The estimated amounts for each category reflect the allocation of approximately \$500 Million. The estimated amounts for each category, divided by \$500 Million, establishes ratios for the allocation among the categories. While total revenues will vary, the net percentages to each investment category will remain constant over the 30-year life of the tax.

(2) Percentages are net after costs required for administration, implementation and oversight of the measure -- including annual independent fiscal audits, reports to the public, preparation and implementation of state mandated reports, oversight committee, and other administration, implementation and oversight responsibilities as may be necessary to administer and implement the ordinance and the Expenditure Plan. Administrative salaries and benefits shall not exceed 1% of total Measure Revenues.

(3) If bonding is used to advance implementation of any of these projects, finance costs will be paid from the percent of funds designated for the associated investment category.

(4) It is anticipated that a portion of the total costs of the projects included in the Expenditure Plan will also be funded from federal, state, and local sources, as described in the Regional Transportation Plan (RTP).

(5) Outside of the funds to local jurisdictions and transit agencies which will be allocated on an ongoing basis, based on revenues generated, the Santa Cruz County Regional Transportation Commission shall allocate Measure Revenues to all other categories of transportation projects and specific capital projects. Capital

investments will be made based upon clearly defined project descriptions and limits resulting from the outcomes of environmental analyses, design, and public input, as applicable.

(6) In the event that any agency that is designated funds through the Expenditure Plan is dissolved, the redistribution of funds will be based on the same formulas minus the dissolved agency. New or successor entities that come into existence in Santa Cruz County during the life of the Expenditure Plan, such as incorporation of a new city, merging of agencies, or designation of a new agency as the county Consolidated Transportation Services Agency or transit agency, may be considered as eligible recipients of funds through the amendment process as set forth in the Ordinance.

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JOINT BUDGET STUDY SESSION CAPITOLA CITY COUNCIL/ SUCCESSOR AGENCY AGENDA REPORT

MEETING OF JUNE 16, 2016

FROM: Finance Department

SUBJECT: Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments for Fiscal Year 2016/2017

RECOMMENDED ACTION: Adopt the Resolution.

BACKGROUND: On June 23, 2005, the City Council adopted Ordinance No. 889 adding Chapter 5.10 to the Capitola Municipal Code establishing the Capitola Village and Wharf Business Improvement Area (CVWBIA). The CVWBIA assessments fund various programs that benefit the businesses within the CVWBIA district boundaries and are renewed annually.

FISCAL IMPACT: There is no fiscal impact to the City. All administrative costs for billing and collections incurred by the City are reimbursed to the City from the CVWBIA.

ATTACHMENTS:

1. Signed Resolution 4049 & Exhibit A (PDF)

Report Prepared By: Mark Sullivan
Senior Accountant

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

6/3/2016

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
CONFIRMING THE FISCAL YEAR 2016/2017 CAPITOLA VILLAGE AND WHARF BUSINESS
IMPROVEMENT AREA ASSESSMENTS AND ADOPTING THE ANNUAL PLAN
AND FISCAL YEAR 2016/2017 CVWBIA BUDGET**

WHEREAS, the Capitola Village and Wharf Business Improvement Area ("CVWBIA") has prepared a report to the City of Capitola for Fiscal Year 2016/2017 pertaining to the Business Improvement Area assessments for the CVWBIA under California Streets and Highways Code §36533; and

WHEREAS, that report was filed with the City Clerk on May 26, 2016; and

WHEREAS, Capitola Municipal Code §5.10.050 requires annual assessments to be imposed within the CVWBIA pursuant to a formula set forth in City Council Resolution No. 3453 referenced in Capitola Municipal Code §5.10.030, and later amended by Resolution No. 3546, Resolution No. 4023, and Resolution No. 4049; and

WHEREAS, on May 26, 2016, the City Council adopted Resolution No. 4049 stating its intention to levy business improvement assessments for Fiscal Year 2016/2017, receiving the Annual Report and Fiscal Year 2016/2017 Budget, and approving the CVWBIA Assessment Basis/Business Addresses and Assessment Method; and

WHEREAS, pursuant to Resolution No. 4049 the City Council, in accordance with California Streets and Highways Code Section §36535, held a public hearing on June 16, 2016, as provided for in Streets and Highways Code Sections §36524 and §36525, at which time it considered the annual report, the levy of business improvement assessments for Fiscal Year 2016/2017, and received oral and written protests and endorsements to the regularity or sufficiency of the proposed business improvement assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

1. The Fiscal Year 2016/2017 Capitola Village and Wharf Business Improvement Area Annual Report, including the Fiscal Year 2016/2017 budget, as filed with the City Clerk on May 26, 2016, and received by the City Council on May 26, 2016, as part of Resolution No. 4049, is hereby confirmed and adopted.

2. The adoption of this Resolution shall constitute the Fiscal Year 2016/2017 levy of assessments provided for in Chapter 5.10 of the Capitola Municipal Code pertaining to the Capitola Village and Wharf Business Improvement Area zone and rate of assessments adopted by the City Council on June 16, 2016.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 16th day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Ed Bottorff, Mayor

ATTEST:

Susan Sneddon, City Clerk

RESOLUTION 4049

**RESOLUTION OF INTENTION OF THE CITY COUNCIL
OF THE CITY OF CAPITOLA
TO LEVY BUSINESS IMPROVEMENT ASSESSMENTS
FOR FISCAL YEAR 2016/2017**

WHEREAS, the Capitola Village and Wharf Business Improvement Area (“CVWBIA”) has prepared a report to the City of Capitola for Fiscal Year 2016/2017 pertaining to the Business Improvement Area assessments for the CVWBIA under California Streets and Highways Code §36533; and

WHEREAS, Capitola Municipal Code §5.10.050 requires annual assessments to be imposed within the CVWBIA pursuant to a formula set forth in City Council Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

1. The Annual Report and Proposed Fiscal Year 2016/2017 Budget of the CVWBIA pertaining to business improvement assessments, as presented in Exhibit “A” attached hereto, is received.
2. The City Council intends to levy and collect assessments within the CVWBIA for Fiscal Year 2016/2017.
3. The proposed activities authorized by Capitola Municipal Code Chapter 5.10 are described in the afore-referenced CVWBIA Annual Report. These activities include a variety of promotional activities, including village maintenance and beautification programs, and extended holiday parking programs. A number of promotional information media announcements and publications will also be financed from these funds, including regional magazine advertising, broadcast advertising and website advertising.
4. The Business Improvement Area is bounded per the map referenced in Municipal Code §5.10.020 and included in Ordinance 1003. The CVWBIA boundaries are not being altered this year.
5. The Annual Report of the CVWBIA and proposed assessments for Fiscal Year 2016/2017 are presented in Exhibit “A” attached hereto. The assessment formula is based on the classification of benefited businesses and the businesses’ number of full-time equivalent employees. A new assessment category “Restaurant - Limited” is added and defined in Exhibit A. The proposed renewal plan does not change the assessment amounts from last year and continues to offer a discount of 10% for assessments paid by the due date.
6. The Capitola City Council will hold a public hearing in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California, at the hour of 6:00 p.m., on Thursday, June 16, 2016, to receive any oral or written protests or endorsements to the regularity or sufficiency of the proposed business improvement assessments. If written protests complying with Streets and Highways Code §36524 and §36525 are received from the owners of businesses which will pay fifty percent or more of the assessments, assessments will not be levied, the procedure will be terminated and will not be reconsidered until one full year has elapsed.

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RESOLUTION 4049

7. The City Clerk is directed to give notice of the public hearing to consider the levy of business improvement assessments for Fiscal Year 2016/2017 by publishing this Resolution of Intention in a newspaper of general circulation in the City once, at least ten days prior to the public hearing.

8. The CVWBIA Advisory Committee is directed to give notice of the public hearing to each business owner in the area by mailing a copy of the Council's Resolution of Intention to each business.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 26th day of May, 2016, by the following vote:

AYES: Council Members Bertrand, Harlan, Norton, Termini, and Mayor Bottorff
NOES: None
ABSENT: None
ABSTAIN: None



Ed Bottorff, Mayor

ATTEST:

 CMC
 Susan Sneddon, City Clerk

EXHIBIT A

Resolution No. 4049

**Annual Report & Proposed Fiscal Year 2016-2017 Budget
CVWBIA Assessment Basis
CVWBIA Business Listing and Assessment Method**

Activities

The Capitola Village and Wharf Business Improvement Area ("CVWBIA" or "District"), serves as the primary marketing agent for the Village and Wharf businesses with the goal of increasing tourism and promoting the Capitola Village and Wharf areas. All of the activities of the CVWBIA relate to achieving the single objective of marketing the Capitola Village and Wharf Area. Informational brochures for visitors, an attractive and active website linked to Village and Wharf merchants, a Village map identifying locations of Village and Wharf merchants, newsletters, advertising programs, holiday events, parking facilities, and Village betterment projects are key focuses of the District. This District is the only unified source of funding for the promotion of the Village and Wharf. These goals and objectives can be achieved by the CVWBIA continuing to fund activities and projects that will:

- Increase the number of year-round visits to the businesses within the District, emphasizing the period of October through May of each year.
- Increase the number of people who stay, shop, and dine in the Village and on the Wharf of Capitola.
- Improve access to information regarding the businesses and services provided by the Village and Wharf BIA to likely visitors to the area via the internet and printed brochures/directories.
- Provide fun, family-oriented events throughout the year emphasizing the attributes of the Village and Wharf, by working in partnership with the Capitola/Soquel Chamber of Commerce.
- Improve and enhance the appearance of the Village and Wharf in concert with the City of Capitola.
- Enhance the ability of the CVWBIA to serve as a liaison between individual business owners, local governments, and private agencies, including the City of Capitola.
- Increase awareness outside of our community about the uniqueness of Capitola.

As the CVWBIA begins its eleventh year, we will continue and expand successful programs from prior years, which include the following:

1. **Village Directories.** Over 85,000 directories are printed and distributed annually.
2. **Directory Distribution.** The CVWBIA has contracted with Certified Folder Display Service for distribution of 55,000 brochures in San Jose, Santa Clara and San Francisco and 20,000 brochures in Santa Cruz. This company has exclusive rights to lobby racks in many hotels, resorts, motels and visitor centers.

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RESOLUTION 4049

3. **Website Presence.** We maintain a recently updated, modern website (www.capitolavillage.com) for ease of use and connectivity to local businesses and short-term rentals. The website has a complete directory of all businesses in the boundaries of the CVWBIA with pictures and links to their individual websites. A schedule of events, sorted by month with contact information included, is provided to encourage visitors to the Village and Wharf. There is a News tab that includes the CVWBIA monthly newsletter, photos and videos of events, and news articles. The CVWBIA captures email addresses for future correspondence with website visitors via vacation and prize contests and visitor sign ups at merchants' shops throughout the Village and Wharf.
4. **Volunteers.** The CVWBIA members participate with the Capitola/Soquel Chamber of Commerce and volunteer at the various events they sponsor in the Village. The CVWBIA employs only one part-time employee and the remainder of the development and implementation of programs is staffed by volunteers.
5. **Holiday Activities.** The CVWBIA works with the Chamber and the City on the Christmas Holiday decorations and events. The CVWBIA hosts a Tree Lighting Ceremony, Holiday Faire, Community Caroling, and provides Holiday music throughout the Village. The CVWBIA also provides lights for trees throughout the Village and homes on Depot Hill.
6. **Advertising.** The CVWBIA places advertisements in regional travel magazines that draw visitors to the Village and Wharf. The CVWBIA will continue to co-op with the Santa Cruz County Conference and Visitors Council to promote Capitola by advertising in print, on television and radio.
7. **Membership Breakfast.** The quarterly breakfasts are an opportunity to inform members about current activities and receive valuable input.
 - a. Educational presentations on social networking, search engine optimization and other business enhancement tools are provided.
 - b. Regular attendance and reports by City representatives, including the City Manager, Chief of Police, Council Members and Director of Public Works, keep our membership informed and foster a partnership with the City to address issues in the Village.
8. **Public Works.** The CVWBIA contributes annually to the City of Capitola Public Works Department. Our contribution is used to help maintain the Village.
9. **Chamber of Commerce.** The CVWBIA contributes annually to support community interest projects and events.
10. **Activities.** The CVWBIA members support many community events, including the Rod & Classic Car Show, Wednesday night concerts, Begonia Festival and various other activities in the Village.

RESOLUTION 4049

**Capitola Village & Wharf Business Improvement Area
Assessment Basis**

The method of assessment classifies businesses within the CVWBIA boundaries into seven categories:

1. Retail / Service businesses
2. Restaurant / Bar / Take-out food and beverage businesses
3. Restaurant - Limited
4. Office and Professional businesses / Specialty
5. Short-term Rental businesses
6. Seasonal Foods
7. Hotel / Motel / Inn businesses

Assessment fees are assigned to these seven business categories by number of full-time equivalent employees, a flat rate, and a per unit amount. Registered non-profits are exempt from assessment fees.

The following table shows the assessment fees for the proposed CVWBIA. A 10% discount is offered to businesses that pay their assessment by the due date.

Business Category	Number of Full-Time Equivalent Employees*		
	0 – 5 employees	6 – 10 employees	More than 10 employees
Retail / Service	\$462	\$924	\$1,386
Restaurant / Bar / Take-out	\$528	\$1,056	\$1,584
	Flat Fee		
Restaurant – Limited**	\$308		
Office / Professional / Specialty	\$132		
Short-term Rental***	\$198		
Seasonal Food Service	\$308		
	Per Unit Fee		
Hotel / Motel / Inn	\$396 per unit		

Footnote* “Full-time employee” is an employee who works 2,000 hours per year or more. Multiple part-time employees are combined into a single full-time employee for the basis of this assessment calculation. (i.e. “fulltime equivalents”)

Footnote** “Restaurant-Limited” businesses are defined as small, informal cafes serving simple foods, baked goods, and/or drinks, for consumption on or off the premises, that may or may not have seating, including, but not limited to, coffee stores, juice bars, bakeries, delicatessens, and confectioneries. Annual gross receipts are \$150,000 or less.

Footnote*** “Short-term rental” businesses are defined as those dwellings which, at least once per fiscal year, are rented to a tenant for a tenancy of less than thirty days.

8406

RESOLUTION 4049

In-Lieu Payments/Trades. The City Manager is authorized to approve “in lieu” assessment payments in the form of Gift Certificates from CVWBIA retail, food or lodging business members whereby these businesses tender retail, restaurant and lodging gift certificates for use by the CVWBIA in connection with its promotional activities. The amount of “in lieu” assessment payments will be fixed per category, with exceptions that may be authorized by the City Manager.

Business Category	Assessment	Cash	In-lieu/Trade
Retail/Service (0 - 5 Employees)	\$462	\$387	\$75
Retail/Service (6 - 10 Employees)	\$924	\$774	\$150
Restaurant/Bar (0 - 5 Employees)	\$528	\$453	\$75
Restaurant/Bar (6 - 10 Employees)	\$1,056	\$906	\$150
Restaurant/Bar (11+ Employees)	\$1,584	\$1,359	\$225
Restaurant – Limited	\$308	\$308	\$0
Office / Professional /Specialty	\$132	\$132	\$0
Hotel / Motel / Inn	\$396 per unit	50%	50%
Short-term Rental	\$198	\$198	\$0
Seasonal Food Service	\$308	\$308	\$0

Associate Membership. CVWBIA is authorized to accept “associate membership” financial contributions from businesses outside the CVWBIA, which may wish to participate in the CVWBIA’s promotional activities, but are not subject to the CVWBIA assessments.

New Business Assessment. Assessments will be prorated by the quarter in which a business opens. “In Lieu” payments will be accepted.

Business Closing. A business notifying the CVWBIA before the end of the first quarter of the fiscal year (September 30th) that it will close before December 31st will be exempt from paying the assessment for that fiscal year. If the business does not close before December 31st, it must pay the year’s assessment in full.

Discount. There will be a 10% discount for paying the assessment by the due date of August 31, 2016.

Delinquencies. CVWBIA has a clear policy relative to delinquent assessments. Businesses that have not paid their assessment by October 31, 2016, will be removed from the CVWBIA website and brochure. Assessments that have not been paid by January 31, 2017, will be sent to collections.

RESOLUTION 4049

8407

**Capitola Village & Wharf Business Improvement Area
Estimated Actual for FY 2015-2016 and Proposed Budget for FY 2016-2017**

	FY 14/15 Actual	FY 15/16 Amended	FY 15/16 Est. Actual	FY 16/17 Proposed
Beginning Fund Balance	\$ 6,675	\$ 839	\$ 839	\$ 61
Revenues				
BIA Assessment Revenues - Cash*	55,075	56,000	56,309	79,948
BIA Assessment Discount	-	-	-	(23,948)
BIA Assessment Revenues - Trade**	9,000	13,000	13,380	13,000
BIA Assessment Late Fees			610	
Interest Revenue	73	35	84	50
Total Revenues	64,148	69,035	70,383	69,050
Total Source of Funds	\$ 70,823	\$ 69,874	\$ 71,222	\$ 69,111
Expenditures				
Advertising	\$ 49,064	\$ 66,000	\$ 60,752	\$ 57,000
Maintenance - City Public Works	3,000	3,000	3,000	3,000
Billing/Collection - City Accounting	4,200	4,200	4,200	4,200
Capitola Soquel Chamber Of Commerce	3,000	3,000	3,000	3,000
Supplies	3,305	71	208	200
Doubtful Accounts	7,416	2,000		200
Total Expenditures	69,985	78,271	71,160	67,600
Ending Fund Balance	\$ 839	\$ (8,397)	\$ 61	\$ 1,511

The following tables provide detail for selected items of the proposed FY 16/17 Budget:

Assessment Revenue Detail*	Proposed FY 16/17	Advertising Detail	Proposed FY 16/17
Retail / Service	\$ 22,638	Gift Certificates**	\$ 13,000
Restaurant / Bar / Take-out	18,480	Holiday	5,000
Restaurant - Limited	2,156	CVC Partnership	7,500
Office / Professional / Specialty	3,696	TV/Radio	6,000
Hotel / Motel / Inn	19,404	CDS Distribution	6,000
Short-term Rentals	13,266	Directories Printing	6,500
Seasonal Foods	308	Consulting-Marketing/Internet	11,000
Subtotal	\$ 79,948	Website changes	1,000
		Printing Explore	1,000
		Subtotal	\$ 57,000

* 16/17 Proposed Budget revenues reduced from BIA roster estimates based on prior year actual information

** Gift Certificates are provided from "Trade" revenues

8408

RESOLUTION 4049

Capitola Village & Wharf Business Improvement Area Budget Discussion

The CVWBIA will begin Fiscal Year 2016-2017 with an estimated fund balance of \$61.

Revenues: The proposed revenue is derived from the CVWBIA business roster and corresponding assessment rates. The allocation of cash and in-lieu revenue is based upon FY 2015-16 actual.

Expenditures:

Summary. The proposed expenditures include advertising and related services of \$57,000, City public works maintenance for beautification of \$3,000, City accounting staff of \$4,200 for billing and accounts payable services and \$3,000 for the partnership with the Chamber of Commerce. This year's proposed budget also includes \$200 for doubtful accounts and \$200 for supplies.

Advertising is the CVWBIA's principal expenditure.

- **Gift Certificates (\$13,000).** Members may satisfy a portion of their annual fee with gift certificates. These certificates are used to promote specific businesses in the Village through donations to various activities in the Village and promotional incentives to potential visitors to Capitola.
- **TV & Radio Advertising (\$6,000).** While these are a more expensive form of advertising media, we attempt to take advantage of special opportunities with spots that emphasize the Capitola Village.
- **Brochures (\$12,500).** We spend over \$10,000 printing and distributing directories of all members plus special events in the Village. These are very attractive and useful brochures, which are available at all local merchants and in distribution centers throughout the area.
- **Website (\$1,000).** Our website www.capitolavillage.com is now eleven years old and was overhauled in 2015-16.
- **Consulting and Marketing (\$11,000).** The CVWBIA coordinates all marketing programs, maintains a customer list, sends a newsletter to all members and one to "customers", coordinates and maintains our website and maintains a liaison with our members and partners.

The following is a roster of open businesses in the assessment area as of May 18, 2016.

RESOLUTION 4049

8409

**Capitola Village & Wharf Business Improvement Area
Business Listing and Assessment Method**

Business Type	Assessment Method	Estimate Assessment	
F = FOOD (Larger restaurants)	Per employee category: 0-5; 6-10; >10 employees	F	\$18,480
RL = RESTAURANT LIMITED	Flat fee	RL	\$2,156
H = HOTEL/MOTEL/INN	Flat fee per unit or room	H	\$19,404
O = OFFICE/PROFESSIONAL	Flat fee	O	\$3,696
R = RETAIL/SERVICE	Per employee category: 0-5; 6-10; >10 employees	R	\$22,638
SF = SEASONAL FOOD	Flat fee	SF	\$308
SR = SHORT TERM RENTALS	Flat fee per unit	SR	\$13,266
X = EXEMPT	No Assessment	X	\$0
		Total	\$79,948

Business Address	Business Name	Type	FY16/17 Est. Size	FY16/17 Est. Amount Due
1400 Wharf Rd	Wharf House Restaurant	F	6 - 10	\$1,056
209A Esplanade	Pizza My Heart	F	6 - 10	\$1,056
231 Esplanade #102	Stockton Bridge Grille	F	6 - 10	\$1,056
215 Esplanade	Paradise Beach Grille	F	> 10	\$1,584
1750 Wharf Rd	Shadowbrook Restaurant	F	> 10	\$1,584
203 Esplanade	Zelda's	F	> 10	\$1,584
110 Monterey	Britannia Arms Pub & Rest.	F	> 10	\$1,584
231 Esplanade #101	Margaritaville	F	> 10	\$1,584
316 Capitola Ave	Bella Roma Café	F	0 - 5	\$528
123 Monterey	El Toro Bravo	F	0 - 5	\$528
231 Esplanade #100	Mr. Toots Coffee & Tea	F	0 - 5	\$528
200 Monterey #1	Souza's Ice Cream & Candy	F	0 - 5	\$528
103 Stockton Ave	Armida Winery	F	0 - 5	\$528
200 Monterey #3	Geisha Japanese Restaurant & Tea House	F	0 - 5	\$528
104 Stockton Ave	Village Grill & Creamery	F	0 - 5	\$528
209B Esplanade	Bay Bar & Grill	F	0 - 5	\$528
207 Esplanade	Sea Side Siam	F	0 - 5	\$528
115 San Jose Ave, Ste. #7	CAVA Wine Bar	F	0 - 5	\$528
200 Monterey Avenue #2	Taqueria Baja	F	0 - 5	\$528
115 San Jose Avenue Ste. #6	Caruso's Tuscan Cuisine	F	0 - 5	\$528
211 Esplanade	The Sand Bar	F	0 - 5	\$528
427 Capitola Avenue	Avenue Café	F	0 - 5	\$528
210 Esplanade	Capitola Hotel II, LLC	H	8	\$3,168
5000 Cliff Dr.	Harbor Lights Motel	H	10	\$3,960
250 Monterey	Inn at Depot Hill	H	12	\$4,752
1500 Wharf Rd	Venetian Hotel	H	19	\$7,524
309 Capitola Ave.	Vice Salon	O		\$132
312E Capitola Ave	57 Design Inc.	O		\$132
312D Capitola Ave	Beach House Rentals	O		\$132
301 Capitola Ave	David Lyng & Associates	O		\$132
411 Capitola Ae	Fuse Architects	O		\$132
415 Capitola Ave	James B. Colip Insurance	O		\$132

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RESOLUTION 4049

Business Address	Business Name	Type	FY16/17 Est. Size	FY16/17 Est. Amount Due
425 Capitola Ave. #3	Kathy Macdonald Association	O		\$132
314 Capitola Ave	Katz & Lapides	O		\$132
331 Capitola Ave. #B	Michael Lavigne Real Estate	O		\$132
331 Capitola Ave Ste. K	Newman & Marcus, LLP	O		\$132
413 Capitola Ave	Richard Emigh, Land Use	O		\$132
331 Capitola Ave. #D	Suess Insurance Agency	O		\$132
312 Capitola Ave Ste. C	Violet Blossom Massage	O		\$132
208 San Jose Ave	Capitola Surf & Paddle	O		\$132
220 Capitola Avenue	Psychic Mermaid	O		\$132
331 Capitola Ave	Capitola Village Real Estate	O		\$132
314 Capitola Ave	Law Offices of Sam Storey	O		\$132
200 Monterey Avenue	Lindemann & Sloan Properties	O		\$132
820 Bay Avenue Suite 210	Speech Righter, Inc.	O		\$132
425 Capitola Ave Ste. #1	Bodhi Addiction Treatment and Wellness	O		\$132
314 Capitola Ave	Springwater Wealth Management, LLC	O		\$132
314 Capitola Ave	John H. McSpadden	O		\$132
115 San Jose Ave	Art of Mine	O		\$132
115 San Jose Ave Suite N	The Stowaway Hair Studio	O		\$132
202 Stockton Ave	Bayside Property Management Services	O		\$132
314 Capitola Avenue	Miles J. Dolinger, Attorney at Law	O		\$132
201 Monterey Ste. H	Landmark Properties	O		\$132
212 San Jose Ave #2	Aaron Burke & Assoc.	O		\$132
1400 Wharf Rd	Capitola Boat & Bait	R	0 - 5	\$462
131 Monterey	Capitola Beach Co.	R	0 - 5	\$462
208A Monterey	Avalon Visions	R	0 - 5	\$462
110 Capitola Ave #3	Avijah Fashion Gallery	R	0 - 5	\$462
417 Capitola Ave	Betsy's Summerhouse Antiques	R	0 - 5	\$462
217 Capitola Ave	Big Kahuna Hawaiian Shirts	R	0 - 5	\$462
109 Capitola Ave	Capitola Seashells	R	0 - 5	\$462
205 Capitola Ave	Chocolate Bar	R	0 - 5	\$462
209 Capitola Ave	Craft Gallery	R	0 - 5	\$462
207 Capitola Ave	Craft Gallery Annex	R	0 - 5	\$462
114 Stockton Av	Euphoria Rio Mix	R	0 - 5	\$462
110 Capitola Ave., #2	Free to Ride	R	0 - 5	\$462
212 Capitola Ave	Gaia Earth Treasures	R	0 - 5	\$462
219 Capitola Ave	Hot Feet	R	0 - 5	\$462
201 Monterey #B	Kickback	R	0 - 5	\$462
120 Stockton Ave.	Latta	R	0 - 5	\$462
202 Capitola Ave.	Nubia Swimwear	R	0 - 5	\$462
204 Capitola Ave	Oceania	R	0 - 5	\$462
321 Capitola Ave	Pacific Gallery	R	0 - 5	\$462
110 Capitola Ave #1	Panache Bath & Body Shop	R	0 - 5	\$462
107 Capitola Ave	Phoebe's	R	0 - 5	\$462
300 Capitola Ave	Quality Market	R	0 - 5	\$462
116 San Jose Av	Rainbow City Limit	R	0 - 5	\$462
216 Capitola Ave.	Slap Happy	R	0 - 5	\$462
214 Capitola Ave	Super Silver	R	0 - 5	\$462
117 Capitola Ave	Surf n Shack	R	0 - 5	\$462
120 San Jose Ave	Sweet Asylum	R	0 - 5	\$462

Attachment: Signed Resolution 4049 & Exhibit A (1158 : Business Improvement Area Advisory Committee Resolution)

RESOLUTION 4049

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Business Address	Business Name	Type	FY16/17 Est. Size	FY16/17 Est. Amount Due
121 San Jose Ave	Thomas Kinkade Gallery	R	0 - 5	\$462
201 Capitola Ave	Village Mouse	R	0 - 5	\$462
122 Capitola Ave	Yvonne	R	0 - 5	\$462
115 San Jose Ave.	Parking at the Mercantile	R	0 - 5	\$462
120 Monterey Ave.	Parking at the Theater	R	0 - 5	\$462
201 Monterey #A	Village Sea Glass	R	0 - 5	\$462
112 Capitola Ave. Suite, 100	Lumen Gallery	R	0 - 5	\$462
115 Capitola Ave	Capitola Reef	R	0 - 5	\$462
409 Capitola Ave	Art Inspired	R	0 - 5	\$462
115 San Jose Avenue	Om Rythms	R	0 - 5	\$462
224 Esplanade	RNTF, LLC dba Bedroom Desserts	R	0 - 5	\$462
112 Stockton Av	Sea Level T's	R	0 - 5	\$462
207 Monterey Avenue #100	Stella Boutique/Stella Mitchell	R	0 - 5	\$462
115 San Jose Avenue	Carousel Taffy & Treats	R	0 - 5	\$462
222 Esplanade	Slow Coast	R	0 - 5	\$462
111 Capitola Avenue	Gallery One	R	0 - 5	\$462
115 San Jose Ave	BFF Boutique	R	0 - 5	\$462
215 Capitola Ave	Vanity by the Sea	R	0 - 5	\$462
401 Capitola Avenue	Charley & Company	R	0 - 5	\$462
210 Capitola Avenue	Just Baby Gifts & Apparel	R	0 - 5	\$462
126 San Jose Ave	Zen Island	R	0 - 5	\$462
116 Stockton Ave	Xandra Swimwear	R	0 - 5	\$462
210 Monterey #1	Thai Basil	RL	0 - 5	\$308
312-B Capitola Avenue	It's Wine Tyme	RL	0 - 5	\$308
201 Esplanade	Rocks of Petra (ROP)	RL	0 - 5	\$308
105 Stockton Ave	Sea Side Coffee	RL	0 - 5	\$308
311 Capitola Ave	Calyпсо's Cove	RL	0 - 5	\$308
201 Monterey #C	Capitola Deli & Café	RL	0 - 5	\$308
110 Stockton Avenue	Bouchees	RL	0 - 5	\$308
107 San Jose Ave, Ste. #8	Left Coast Sausage Worx	SF	0 - 5	\$308
222 San Jose Av	Avonne Stone Jacobs, Judy Jacobs	SR	1	\$198
303 Cherry Way	Cal & Carla Cornwell	SR	1	\$198
305 Riverview Ave.	Capitola Pelican House	SR	1	\$198
1500 Wharf Rd #5	Colleen Merle Lund	SR	1	\$198
310 Riverview Ave	Eleanor Glover	SR	1	\$198
1500 Wharf Rd #14	Erline Mello	SR	1	\$198
318 Capitola Ave #2	Fred & Sharon Andres	SR	1	\$198
215 Monterey #A	Greg & Maxine Sivaslian	SR	1	\$198
206 Monterey	Jay & Pamela Chesavage	SR	1	\$198
5005 Cliff Dr. #3	Jean Ladoucour	SR	1	\$198
301 Cherry Way	Jeff & Kathie Gaylord	SR	1	\$198
208 Monterey C	Pat Castagnola	SR	1	\$198
327 Riverview Ave A	Paulo Franca	SR	1	\$198
109 Monterey #4	Sharon Dougan	SR	1	\$198
1500 Wharf Rd #7	Viola M Carr	SR	1	\$198
1500 Wharf Rd. #1	Bob Coe	SR	1	\$198
1500 Wharf Rd. #20	Leonard Tyson	SR	1	\$198
4960 Cliff Dr. #2	Tim & Stacy Hopkins	SR	1	\$198
1500 Wharf Rd #11	Jeri Chestnut	SR	1	\$198

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RESOLUTION 4049

Business Address	Business Name	Type	FY16/17 Est. Size	FY16/17 Est. Amount Due
225 San Jose Av	Michelle & Stephen Murphy	SR	1	\$198
318 Capitola Ave #1	Randy Hayes	SR	1	\$198
4995 Cliff B	David Johnson	SR	1	\$198
1500 Wharf Road #2	Albert Ribisi & Mary Scolari	SR	1	\$198
208 Stockton Ave	George Adzich	SR	1	\$198
5005 Cliff Drive Unit 1	Tom & Susan Baines	SR	1	\$198
4950 Cliff Drive	Lou Bergma	SR	1	\$198
318 Capitola Avenue #4	Deborah Cohen 318 Capitola Ave #4	SR	1	\$198
206 California Ave	Vito Mazzarino	SR	1	\$198
131 Lawn Way	Sunshine Villa	SR	1	\$198
318 Riverview	LaRock Rental	SR	1	\$198
215 San Jose Ave #A	Surf City Rentals Inc.	SR	1	\$198
320 Riverview	Leslie Vineyard	SR	1	\$198
409 Riverview	Creekside Cottage	SR	1	\$198
417 Riverview	Bridget Taylor	SR	1	\$198
309 Cherry Ave	Pan American Investments	SR	1	\$198
190 El Camino Medio	Gray Whale Beach House	SR	1	\$198
102 Lawn Way	Craig & Mimi French	SR	1	\$198
1500 Wharf Rd. #9	Grandma's Nest	SR	1	\$198
5005 Cliff Drive #6	Alanna Harvey	SR	1	\$198
212 El Camino Medio	Doug Raetz	SR	1	\$198
116 Esplanade #A-B	Dorean Moore	SR	2	\$396
317 & 327 Riverview Ave B	Steve & Linda Woodside	SR	2	\$396
5005 Cliff Dr. #4, 314 Riverview	Sue Norris	SR	2	\$396
1500 Wharf Rd #3,4	Watson Family Limited Partnership (Mike Newell)	SR	2	\$396
109 Cherry Ave Units A & B	Bill & Julie Kenney	SR	2	\$396
209 Stockton A & B	Castillo Properties	SR	2	\$396
4980 Cliff Unit A & B	Steve Pericone	SR	2	\$396
207 A & B San Jose Ave	Bailey Property Management	SR	2	\$396
397 & 399 Riverview Ave.	Castellanos Properties - Windmill Properties	SR	2	\$396
231 Esplanade #301, #300, #200	Robert Chestnut	SR	3	\$594
212 Monterey Ave #1, 3, 4	Joseph Minigione	SR	3	\$594
211 Monterey #A, B, C	Lindemann & Sloan Properties	SR	3	\$594
				\$79,948



JOINT BUDGET STUDY SESSION CAPITOLA CITY COUNCIL/ SUCCESSOR AGENCY AGENDA REPORT

MEETING OF JUNE 16, 2016

FROM: Finance Department

SUBJECT: Public Hearing to Consider the Proposed Fee Schedule for Fiscal Year 2016/2017; and a Resolution repealing Resolution No. 4036

RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2016/2017 and adopt the proposed Resolution repealing Resolution No. 4036.

BACKGROUND: Part of the annual budget process is a review of the City's Fee Schedule. The current Fee Schedule was adopted on November 24, 2015, as part of a comprehensive fee study. The fee study was conducted to ensure that our fee levels were compliant with State Law. One of the recommendations from our consultant, Matrix Consulting Group, was that we review the fee schedule on a yearly basis and implement a CPI adjustment.

State law requires the City to conduct a public hearing where testimony can be taken before any fees are added or existing fees are altered. Staff is recommending a few changes in the 2016/2017 Fee Schedule including a 2.6% CPI adjustment, two new fees, an increase in the Surf School Permit and a few other minor adjustments.

DISCUSSION:

Miscellaneous Fees: Miscellaneous Fees include the CPI adjustment and the addition of the Administrative Decision Appeal Fee set at \$350. Staff believes the Administrative Decision Appeal Fee is necessary due to the many hours of staff resources used to bring an appeal to the City Council. The fee study found that the total cost of the Administrative Decision Appeal is \$3,092. Staff is recommended a lower fee to not be cost prohibitive for resident to bring an appeal.

Parks and Recreation Fees: Staff is recommending no changes to the Parks and Recreation Fee Schedule. The increased fees adopted last year are in effect for 2016/2017 programs. Specifically Junior Guards fees increased 15% and Camp Capitola increased 10%.

Police Department Fees: Police Department fees include a 2.6% inflationary adjustment. Included Flash Drives, CD/DVD Production on the same fee line as Video Tapes with the same fee of cost of the material plus staff time. Reduced the Citation Sign-Offs from \$14 to \$0.

City Fee Schedule 2016/2017
June 16, 2016

Currently Police Officers can sign-off at \$0 but the records staff charges \$14. By reducing to \$0 our records staff can sign-off on citation since the majority of people don't want to pay the fee currently. Staff is also recommending reducing the Copies of Reports and Citations to \$0.25/page versus the current \$25 for Crime Reports and \$9 for Citations. The \$0.25/page is the same fee we charge for other copies requested under our Miscellaneous Fees. The Surf School Permit fee is proposed to increase from \$52 to \$500 to better reflect the City's costs to administer the program.

Animal Service Fees: Animal Service fees are adopted by Santa Cruz County and this Resolution adopts the fee schedule they have in place.

Historical Museum Fees: No changes proposed to the Historical Museum fees.

Building Fees: Building fees have been updated to include the inflationary adjustment. We also show Solar P.V. Systems (Commercial Sales/Distribution) fee as an at cost fee versus \$0 and the Temporary Trailer/Mobile Home Occupancy Permit at \$50 versus \$5 due to clerical error in the November update.

Planning Fees: The Planning fees have been updated to include the inflationary adjustment and the addition of the Residential Single Family - Staff Review at \$750 to ensure the simpler design permits reflect actual cost to provide.

Public Works Fees: The Public Works fees have been updated to include the inflationary adjustment and the consolidation of Construction Items/Utility Fees into one category with the same Levels.

FISCAL IMPACT: The fiscal impact from the fee updates offset the increased cost to provide the services to the Community. The Fiscal Year 2016/2017 Budget includes the increased fee level. The proposed fee schedule will become effective July 1, 2016.

ATTACHMENTS:

1. Exhibit A: Fiscal Year 2016/17 Fee Schedule (PDF)
2. Exhibit B: Fiscal Year 2016/17 Animal Service Fees(PDF)
3. Exhibit C 2016 17 Fee Schedule Comparision (PDF)

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/10/2016

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA REPEALING
RESOLUTION NO. 4036 AND AMENDING THE CITY'S FEE SCHEDULE FOR
FISCAL YEAR 2016/2017**

WHEREAS, the Government Code of the State of California, Section 66018 requires local agencies to notice and hold at least one open and public meeting prior to levying a new fee or increasing an existing fee; and

WHEREAS, the City Council of the City of Capitola has held a duly noticed public hearing on June 16, 2016, to consider increases to existing fees charged for various City services; and

WHEREAS, this fee schedule sets forth the City's cost recovery fee programs, which includes minimum deposits against which staff costs, adjusted for overhead, are assessed; and

WHEREAS, the City Council adopted Resolution No. 4036 on November 24, 2015, stating that all flat fees, with the exception of those established by law, shall be adjusted annually by the Consumer Price Index (CPI) for the San Francisco, Oakland, San Jose area; and

WHEREAS, the City of Capitola will analyze the fee schedule on a yearly basis to ensure hour estimate and staff cost are reasonable; and

WHEREAS, the fee schedule has been updated as described in Exhibit A; and

WHEREAS, the City of Capitola has made available to the public the required data pursuant to Government Code Section 66018 for at least ten days prior to adoption of a revised fee schedule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Capitola does hereby resolve as follows:

- Adopts the City of Capitola Fee Schedule pursuant to the changes in Exhibit A attached hereto are hereby approved to become effective on July 1, 2016; and
- Adopts the Animal Services Fees identified in Exhibit B attached hereto are hereby approved to become effective on July 1, 2016.

I HEREBY CERTIFY that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 16th day of June, 2016, by the following vote:

AYES:

City Fee Schedule 2016/2017
June 16, 2016

NOES:
ABSENT:
ABSTAIN:

Ed Bottorff, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

Description	2016/17 Fee Schedule
MISCELLANEOUS FEES	
Administrative Decision Appeal Fee	\$350
Bingo Permit (Municipal Code § 5.16.190) can change by resolution	\$60
Capitola Municipal Code	\$613
Capitola Municipal Code Supplement Service (Per year)	\$184
Copies:	
1 – 5 copies	\$0
6 or more copies (Per copy)	\$0.25 / page
Gov't Code § 81008 (Political Reform Act) statements/reports (Per copy)	\$0.10 / page
DVD's	\$28
Entertainment Permit Application Fee	\$36
Single Event Permit	\$36
Minor Entertainment Permit	\$150
Regular Entertainment Permit	\$562
Pet Shops and Kennel License Fee (Municipal Code § 5.20.020) set only by ordinance	\$21
Returned Check Fee	\$36
Business License Overpayment Refund Fee (resolution 3532, ord 871)	0 (Set to -0- by Council in 2011)
Business License Late Payment Penalty Admin. Fee (Reso. 3532)	\$35 + 10% each month late
Business License Application Fee (Reso. 3532)	\$36
Business License - Disability Access and Education Fee (State)	\$0
Temporary, Publicly Attended Activities, Application Fee (Municipal Code § 9.36.040)	\$32
Public Art (Total Building Valuation \$250,000 or more) (Municipal Code Chapter 2.58)	2% of TBV or 1% in lieu to City
Notice of Intent to Circulate Initiative Petition (Elections Code § 9103(b))	\$205
Bandstand Rental Fee	\$215 / 4 hrs or \$645 all day / deposit \$1,500
Notary Service Fees (State Code)	
Acknowledgment or proof of a deed, or other instrument, to include the seal and writing of the certificate	\$10 / signature
Administering an oath or affirmation to one person and executing the jurat, including the seal	\$10 / signature
Credit Card Transaction Fee	3%

Description	2016/17 Fee Schedule
PARKS AND RECREATION FEES	
<u>All fees are evaluated annually to determine if they are competitive with other recreation programs in Santa Cruz County</u>	
Classes	
Negotiated Instructor Activity Fee (Instructor receives 65% of this fee, Department retains 35%)	Negotiated
Registration Fee - Resident (Capitola Residents Only)	\$16 per class
-Department retains this fee	
Non-Resident (Anyone residing outside of the City) in addition to Residential Registration Fee	\$14 per class
-Department retains this fee	
Senior Discount	10%
Sports	
<u>League Fees</u>	
Costs + 30% admin fee	
League fees will change depending upon number and type of leagues offered, number of games per league, number of officials, amount of equipment needed, field/site prep and maintenance, and whether or not playoffs & awards are offered. Fees are calculated based on direct costs + 30% admin fee.	
<u>Junior Guards</u>	
5 weeks resident/non resident	\$278/\$315
4 weeks resident/non resident	\$220/\$252
<u>Camp Capitola</u>	
All day 2 week session, resident/non resident	\$238 / \$262
1/2 day resident/non resident	\$135 / \$152
All day 3 week session, resident/non resident	\$353 / \$389
1/2 day resident/non resident	\$184 / \$201
Extended Care--daily resident/non resident	\$8.00
Extended Care--weekly resident/non resident	\$35
Transportation fee to Jr. Guards (1st Session / 2nd Session)	\$54 / \$42
<u>Private Tennis Lessons</u>	
75% of Activity Fee	
<u>Facility Rentals</u>	
Softball & Soccer fields hourly rental; non profit youth groups/other non profit & Cap residents/all others	\$13 / \$25 / \$33
<u>Jade Street Community Center</u>	
Rooms A&B hourly rent	\$42
Room C hourly rent	\$58
Kitchen hourly rent	\$21
Entire Center hourly rent	\$150
Non profit discount of Jade Street Facility rents	25%
Field Prep and/or additional staffing required to prepare for or supervise the Sports rentals only	\$13 / hr
Notes:	
Costs mean staff costs adjusted for benefits, department overhead, and City overhead as calculated by the City Manager. Costs can also mean direct cost of a consultant. When consultant costs are included 21% of such costs will be charged to cover staff time for contract management. <i>Staff costs do not accrue during an appeal unless appeal is made by applicant.</i>	
Deposits are stated as minimums. Actual deposits depend on the evaluation by staff of an individual project or application. The City Manager may lower minimum deposits if the application or project justifies a lower deposit. When an application involves multiple minimum fees the highest minimum fee applies.	

Attachment: Exhibit A: Fiscal Year 2016/17 Fee Schedule (1485 : City Fee Schedule 2016/2017)

Description	2016/17 Fee Schedule
POLICE DEPARTMENT FEES	
Special Event Permit	\$57
Amplified Sound Permit (Municipal Code 9.12.040)	\$29
DUI Cost Recovery Fee (Res. 3533)	Not to exceed \$12,000
Copies of reports: Crime Reports, Special Reports, etc. (Regardless of number of pages)	\$0.25 / page
Copies of: Citations, Code sections, Ordinances, etc.	\$0.25 / page
Bicycle Licenses (New)	\$10
Bicycle Licenses (Renewal)	\$7
Citation Sign-Offs	\$0
Photographs	\$18 + administration fees
VIN verifications	\$15
Video Tapes, Flash Drive, CD/DVD Production	Cost + \$50 1st Hour (Minimum) + \$25 / hour
Local Fire Arm dealers (set by state)	
New application	set by state
Renewal	set by state
Second Dealers License (set by state)	
Application	set by state
Renewal	set by state
Taxi Fee per application	set by state
Civil Subpoena (per case) (set by state)	set by state
Parking Permits (separate action by the Council)	
Neighborhoods per year (Resolution No. 3733)	\$25
Village Preferential Permit (Resolution No. 3733)	\$50 per year
Village Employer/Employee Permit (Resolution No. 3733)	\$50 per year
Morning Village Parking Permit (Resolution No. 3715)	\$50 per year
Concealed Weapon Permits (set by state)	
<i>Application</i>	
Standard	set by state
Judicial	set by state
Employment	set by state
<i>Renewal</i>	
Standard	set by state
Judicial	set by state
Employment	set by state
Firearm Surrender Fees (set by state law)	
1-5 guns	set by state
6+guns	set by state
Vehicle Storage per day	\$25
Administrative fee to release Impounded / Stored Vehicle	\$122
Surf School Permit Fee	\$500
<u>Animal Services Fees</u>	
See Exhibit B "Animal Services Fees"	

Description	2016/17 Fee Schedule
BUILDING FEES	
The cost of a “combination building permit” shall be 1.5 times the amounts shown in Table 1-A. A “combination building permit” is defined as a permit for a scope of construction work regulated by two or more of the model codes. The model codes are the building code, the plumbing code, the mechanical code and the electrical code.	
The cost of a “building permit” shall be the amounts shown in Table 1-A. A “building permit” is defined as a permit for a scope of construction work regulated solely by a single model code. The model codes are the building code, the plumbing code, the mechanical code and the electrical code.	
TABLE 1-A	
Total Valuation	FEES
\$1.00 to \$500.00	\$24.11
\$501.00 to \$2,000.00	\$24.11 for the first \$500.00 plus \$3.13 for each additional \$100.00 or fraction thereof.
\$2,001.00 to \$25,000.00	\$71.05 for the first \$2,000.00 plus \$14.36 for each additional \$1000.00 or fraction thereof.
\$25,001.00 to \$50,000.00	\$401.42 for the first \$25,000.00 plus \$10.36 for each additional \$1,000.00 or fraction thereof.
\$50,001.00 to \$100,000.00	\$660.49 for the first \$50,000.00 plus \$7.18 for each additional \$1,000.00 or fraction thereof.
\$100,001.00 to \$500,000.00	\$1,019.59 for the first \$100,000.00 plus \$5.75 for each additional \$1,000.00 or fraction thereof.
\$500,001.00 to \$1,000,000.00	\$3,317.83 for the first \$500,000.00 plus \$4.87 for each additional \$1,000.00 or fraction thereof.
\$1,000,001.00 and up	\$5,754.58 for the first \$1,000,000.00 plus \$2.66 for each additional \$1,000.00 or fraction thereof.
Building Plan Check Fee	65% of Building Permit Fee
Greywater System Permit	\$0
Electric Vehicle Charging Permits (<i>* Note: These fees were added to the fee schedule for FY2011-12, but will be waived per the Green Energy Incentive Program</i>)	
a. Level I (120 volts)	\$0
b. Level II (208-240 volts)	\$0
c. Level III (480 volts)	\$0
Solar P.V. System	\$0
Solar P.V. System (Commercial Sale/Distribution)	Cost
Solar Hot Water Heater	\$0

Attachment: Exhibit A: Fiscal Year 2016/17 Fee Schedule (1485 : City Fee Schedule 2016/2017)

Description	2016/17 Fee Schedule
Research Fee - 1/2 hour minimum charge	Cost
Information Technology Fee (Resolution No. 3786 adopted 11/12/09)	5% of Permit Fee
Temporary Trailer/Mobile Home Occupancy Permit	\$50
Structural Review of Engineered Plans	cost + 21%
Outside Consultant Plan Review	cost + 21%
Stop Work Order Fee	2x the singular building permit fee
<u>Grading Plan Review Fees</u>	
50 cubic yard or less	\$ -
51 to 100 cubic yard	\$ 24.11
101 to 1,000 cubic yards	\$ 37.96
1,001 to 10,000 cubic yards	\$ 49.25
10,001 to 100,000 cubic yards	\$50.53 for first 10,000 plus \$25.14 for each additional 10,000 cubic yards
100,001 to 200,000 cubic yards	\$276.76 for first 100,000 plus \$13.59 for each additional 10,000 cubic yards
200,001 cubic yards or more	\$412.71 for first 200,000 plus \$7.44 for each additional 10,000 cubic yards
<u>Grading Permit Fees</u>	
50 cubic yard or less	\$ 24.11
51 to 100 cubic yard	\$ 37.96
101 to 1,000 cubic yards	\$37.96 for first 100 plus \$17.96 for each additional 100 cubic yards
1,001 to 10,000 cubic yards	\$199.56 for first 1,000 plus \$14.88 for each additional 1,000 cubic yards
10,001 to 100,000 cubic yards	\$333.45 for first 10,000 plus \$67.72 for each additional 10,000 cubic yards
100,001 to 200,000 cubic yards	\$942.89 for first 100,000 plus \$37.45 for each additional 10,000 cubic yards

Description	2016/17 Fee Schedule
PLANNING FEES	
Administration/Documents	
Continuance Request - Applicant (2+)	\$151
Staff Billing Rate	Cost
Appeals-by Applicant	Cost
Appeals- by City Officials	\$0
Appeals- by Other	\$146
Appeals - Coastal Commission	\$0
Appeals -Building/Zoning Code Violations	\$146
Records Search/Research/Special Report	Cost
Administrative Permits	
Tree Removal I- Staff -Review	\$123
Tree Removal -PC Review	\$1,026
Tree Removal -- 3 or more trees on a property	\$263
Tree Installation Deposit (Refundable)	513
Commercial Sidewalk/Parking Lot Sale Permit	\$74
Tenant Use Permit (MCUP)--Staff approval	\$75
Transient Rental Occupancy Use Permit	\$513
Home Occupation Use Permit	\$154
Fence Permit- Staff approval	\$42
Fence Permit- PC approval	\$770
Sign Permits	
Temporary Signs and Banner Permits	\$37
Signs-permit - Staff Review	\$124
Signs- permit - PC Review	\$513
Master Sign Program	Cost; \$3,000 min deposit
Village Sidewalk Sign Permit	\$63
Design Permits	
Residential-Single Family- Staff Review	\$750
Residential-Single Family	\$2,565
Residential Multi-Family	\$3,590
Commercial	\$4,000 Deposit
Secondary Dwelling Unit- Staff Review	\$513
Secondary Dwelling Unit- PC Review	\$1,539
Use Permits	
Master Conditional Use Permit	Cost; \$3,500 min. deposit
Conditional Use Permit - Staff approval	\$1,539
Conditional Use Permit--PC approval	Cost; \$3,000 min. deposit
Temporary Use Permit	\$78
Subdivisions	
Certificate of Compliance & Lot Merger	\$513
Boundary Line Adjustment	\$820
Tentative Parcel Map	Cost; \$2,000 min. deposit
Tentative Map	Cost; \$5,000 min. deposit
Revised Map	\$2,000 Deposit
Time Extension	\$2,000 Deposit
Subdivision Modification	\$2,000 Deposit
Plan Amendments	
General Plan Amendment	Cost; \$5,000 min. deposit
Local Coastal Plan Amendment	Cost; \$5,000 min. deposit
Rezone	Cost; \$5,000 min. deposit
Planned Development Rezone	Cost; \$3,500 min. deposit
Other Discretionary Permits	
Variance	\$1,539
Coastal Development Permit	\$770

Description	2016/17 Fee Schedule
Coastal Permit Exclusion	\$86
Mobile home Park Change of Use or Closure	\$5,000 Deposit
Development Agreement	Cost; \$5,000 min. deposit
Specific Plan	Cost; \$5,000 min. deposit
Permit Time Extension -Staff Review	\$513
Permit Time Extension - PC Review	\$1,539
Permit Amendment (any permit)	50% of original cost
Annexation	Costs+ overhead / \$3,000 min. deposit
Environmental Review	
Negative Declaration (and Mitigated ND)	Cost; \$2,000 min deposit
EIR Processing	Cost; + 17% of consultant; \$10,000 min deposit
Mitigation/Condition Monitoring Program	Cost + 21%
NEPA Compliance	Cost + 21%
Other Permits/Fees	
Conceptual Review Fee- PC	\$1,539
Conceptual Review Fee- PC and CC	\$2,309
Technical Study Preparation and Review	Cost + 21%
NOTE: Third party review costs to be required as necessary	Cost + 21%
Code Compliance	Double Application Fees
Research Fee - 1/2 hour minimum charge	Cost
Pre-Application Review	\$215
Building Plan Check & Final Inspection	20% of Building Permit Fee
Major Development Project Fee	Cost; \$5,000 min. deposit
Inclusionary Housing	
Inclusionary Housing -Unit Sale	\$513
Inclusionary Housing -Unit Refinance	\$205
Other Fees and Assessments	
General Plan Maintenance Fee	Total Building Valuation X 0.5%
Information Technology Fee (Resolution No. 3786 adopted 11/12/09)	5% of Permit Fee
Green Building Educational Resource Fund Fee (Municipal Code 17.10.080)	Fee equals .0025 times the overall building permit valuation of the project.
Affordable Housing In-Lieu Fees	
For Sale Housing Developments of two to six units (Municipal Code Chapter 18.02/Reso. 3473) :	
All Units	\$10 per sq. ft.
For Sale Housing Developments of Seven or more units	
#Units	#Units Built
7	1
	\$0
8-13	1
	Total # units minus 7 @ \$10 per avg. sq. ft. per unit
14	2
	\$0
15-20	2
	Total # units minus 14 @ \$10 per avg. sq. ft. per unit
21	3
	\$0
22-27	3
	Total # units minus 21 @ \$10 per avg. sq. ft. per unit
28	4
	\$0
Rental Multi-Family	\$6 per sq. ft.

NOTES:

- All Fees are non-refundable.
- Deposit accounts are billed on a time and material basis. Additional deposits may be necessary depending on the complexity of the project. Any unused monies in a deposit account will be refunded following case closure.
- The Community Development Director may reduce the total fee/deposit requirements for applications which are unlikely to require the full deposit amounts established herein.
- Applications which include a fee and a deposit payment will be processed with a single deposit account.
- Outside agency fees, including but not limited to County recordation fees, State Fish and Wildlife fees, etc. are charged at cost.
- The Community Development Director may establish a reasonable fee or deposit amount for permit types required by the Capitola Municipal Code or State law which are not included in the fee schedule.
- Flat fee applications are entitled up to two public hearings. Additional public hearings shall be charged to the applicant at cost.
- The Community Development Director may designate a project as a Major Development Project if it has a valuation of \$2M+ or is considered technically

Attachment: Exhibit A: Fiscal Year 2016/17 Fee Schedule (1485 : City Fee Schedule 2016/2017)

Description	2016/17 Fee Schedule
PUBLIC WORKS DEPARTMENT FEES	
Encroachment Permits	
Non-Construction Items (includes materials storage within right-of-way road and sidewalk closures)	\$61
Village Sidewalk Encroachment Permit	\$36
Construction Items	
Level A	\$ 185
Level B	\$ 410
Level C	\$ 820
Level D	\$ 1,333
Level E	\$ 1,847
Blanket Permits (repair and maintenance of existing facilities)	\$ 2,050
Private Improvement Permits/Encroachment Agreement	
Applications for Minor Permits	\$ 205
Applications for Major Permits	\$ 513
Memorial Bench	\$ 1,026
Memorial Plaque (wharf)	\$ 770
Memorial Plaque (Grand Ave)	\$ 770
Memorial Plaque (tree)	\$500 + Cost of Tree
Memorial Picnic Table	\$ 1,487
Seasonal Boat Storage Permits	
Seasonal Permit	\$400 per month
Short Term Permit	\$15 per day
Stormwater Development Review Fee	
Stormwater Plan Review Fee	\$ 102
Large Project Plan Review Deposit	
Tier 2	\$ 3,078
Tier 3	\$ 4,104
Research Fee - 1/2 hour minimum charge	Cost
Information Technology Fee (Resolution No. 3796 adopted 11/12/09)	5% of Permit Fee
Final Map	Cost; \$3,000 min. deposit

Description	2016/17 Fee Schedule
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HISTORICAL MUSEUM FEES

Research Fee - 1/2 hour minimum charge	Cost
Print of an electronically available Photograph in Collection	\$7
Digital Copies of Collection Items	\$17
Scan High Resolution Tiff File of any collection item for a customer	\$21

Attachment: Exhibit A: Fiscal Year 2016/17 Fee Schedule (1485 : City Fee Schedule 2016/2017)

FY 2016/17 Fees: Charged by Santa Cruz County**License Fees – Dogs**

Altered - one year	\$29	
Unaltered - one year	\$100 with Unaltered Animal Certificate	
Late Penalty	\$15	
Senior Citizen (65+) - one year, altered (waived for one dog)	\$29	
Potentially Dangerous/Vicious dog – one year	\$200	
Unaltered Animal Certificate -- one time	\$250	
Exemption from Unaltered Animal Certificate	\$15 plus license fee	
Administrative fee for mailed licenses		\$1

License Fees – Cats

Unaltered Animal Certificate	\$250
Late Penalty	\$15
Failure to license-if impounded	\$30
Feral Cat Colony Registration Fee	\$20

Quarantine Fees

Home Quarantine (Field Check)	\$75
Shelter Quarantine	\$50 plus board fees

Service Fees

Microchip	\$15
Microchip for impounded dogs and cats	\$25
Dog/Cat trap rental	\$10
Dog Humane Trap Deposit	\$255
Cat Humane Trap Deposit	\$70
Pick-Up Animal in a Trap	\$75
Pick-Up of Owned Animal	\$75
Pick-up and Disposal of Deceased Animal on Private Property	\$85
Use of Livestock Trailer	\$100/\$150 (1st /2nd time)

Medical Fees

Medical groom	\$45
Medical nail trim	\$15
Medication dispensed	\$20
Vet procedure	\$25
Rabies	\$14
Medical bath	\$20
Wound prep	\$35

Owner Surrender of Animal Residing in Santa Cruz County

Owner Surrender of Dog	\$50	\$0
Owner Surrender of Cat	\$35	\$0
Owner Surrender of Rabbit	\$25	\$0
Owner Surrender of Exotic	\$55	\$0
(snake, lizard, bird, turtle)	\$15-\$35	\$0
small rodents	\$10-\$25	\$0
Large livestock	\$100	\$0
small livestock	\$75	\$0
Large Exotic	\$55	\$0

Owner Surrender of Animal Residing Outside of Santa Cruz County

Owner Surrender of Dog	\$50	\$50
Owner Surrender of Cat	\$35	\$35
Owner Surrender of Rabbit	\$25	\$25
Owner Surrender of Exotic	\$55	\$55
(snake, lizard, bird, turtle)	\$15-\$35	\$15-\$35
small rodents	\$10-\$25	\$10-\$25
Large livestock	\$100	\$100
small livestock	\$75	\$75
Large Exotic	\$55	\$55

FY 2016/17 Fees: Charged by Santa Cruz County**Protective Custody Fee**

Owner Arrest	\$75 /hour min.(2 hours after hrs)
Confiscate/Humane	\$75 /hour min.(2 hours after hrs)
Emergency Hospital	\$25

Owner Requested Euthanasia \$50 Plus Disposal

Disposal of Owned Dead Animals
 \$30 Up to 19 lbs
 \$40 20 – 69 lbs
 \$55 70 – 99 lbs
 \$70 100 – Up

Refund Processing Fee \$25

Animal Control Officer Services \$75/hour

Field Return of Owned Animal \$75 unaltered penalty fee if applicable

Spay/Neuter Fees for Impounded Animals

Cats
 Neuter \$55
 Spay \$80

Dogs
 Neuter 30 lbs/under \$100
 Neuter 50 lbs/under \$110
 Neuter 75 lbs/under \$120
 Neuter 99 lbs/under \$130
 Neuter +100 lbs \$150
 Spay 30 lbs/under \$100
 Spay 50 lbs/under \$120
 Spay 75 lbs/under \$130
 Spay 99 lbs/under \$160
 Spay +100 lbs \$190

Planned Pethood Spay/Neuter Fees

Dog \$100
 Cat \$50
 Rabbit \$75
 "Fix-a-Pit" Program all Pit Bulls & Chihuahuas \$50

Animals over 100 lbs., in heat, pregnant or cryptorchid add \$20

Fees for Additional Required Services

Microchip \$15
 License \$29
 Rabies \$10
 Late drop-off fee \$20
 Late pick-up fee \$40/night
 Blood panel \$55

ONE STOP Fees with Purchase of License

Rabies \$10
 Microchip \$15

FY 2016/17 Fees: Charged by Santa Cruz County

Nuisance Abatement Appeals Fee (County)	\$75
Non-sufficient Funds Check Fee	\$40
Puppy Training Deposits	\$100-\$200
Training Room Rental Fees	\$22

FINES FOR VIOLATIONS OF ANIMAL ORDINANCE – ADMINISTRATIVE CITATION PROGRAM***Failure to license**

First offense in one year	\$100
Second offense in one year	\$200
Third offense in one year	\$500

****Failure to microchip**

First offense in one year	\$100
Second offense in one year	\$200
Third offense in one year	\$500

*****Failure to provide rabies vaccination,**

First offense in one year	\$100
Second offense in one year	\$200
Third offense in one year	\$500

Failure to display license (each dog) \$50

******Failure to spay or neuter dog or cat over 6 months, unless owner holds unaltered animal certificate**

First offense	\$250
Second offense	\$500
Third offense	\$750

Dog running at large, first offense	\$100
Dog running at large, second offense	\$200
Dog running at large, third offense	\$250

Dog off leash, first offense	\$50
Dog off leash, second offense	\$150
Dog off leash, third offense	\$250

Safety of animal in parked vehicle \$250

Failure of owner to pick up after dog or cat defecating \$100

Habitual noisy animals (6.12.090) \$100

Permitting livestock to trespass, per offense \$200

All first offense recommended penalties not subject to cure will be reduced by 50% if they are paid in full by 5:00 p.m. of the first business day following issuance.

*Citations for failure to license will be dismissed if cured within 7 calendar days, including day of issuance

**Citations for failure to microchip will be dismissed if cured within 7 calendar days, including day of issuance

***Citations for failure to provide rabies vaccination will be dismissed if cured within 7 calendar days, including day of issuance

****Citations for failure to spay or neuter dog or cat over 6 months, unless owner holds unaltered animal certificate will be dismissed if ASA receives evidence that animal was spayed or neutered within 30 calendar days, including day of issuance.

Description	2015/16 Current Fee	2016/17 Fee Schedule
MISCELLANEOUS FEES		
Administrative Decision Appeal Fee	N/A	\$350
Bingo Permit (Municipal Code § 5.16.190) can change by resolution	\$58	\$60
Capitola Municipal Code	\$597	\$613
Capitola Municipal Code Supplement Service (Per year)	\$179	\$184
Copies:		
1 – 5 copies	\$0	\$0
6 or more copies (Per copy)	\$0.25 / page	\$0.25 / page
Gov't Code § 81008 (Political Reform Act) statements/reports (Per copy)	\$0.10 / page	\$0.10 / page
DVD's	\$27	\$28
Entertainment Permit Application Fee	\$35	\$36
Single Event Permit	\$35	\$36
Minor Entertainment Permit	\$146	\$150
Regular Entertainment Permit	\$548	\$562
Pet Shops and Kennel License Fee (Municipal Code § 5.20.020) set only by ordinance	\$20	\$21
Returned Check Fee	\$35	\$36
Business License Overpayment Refund Fee (resolution 3532, ord 871)	0 (Set to -0- by Council in 2011)	0 (Set to -0- by Council in 2011)
Business License Late Payment Penalty Admin. Fee (Reso. 3532)	\$35 + 10% each month late	\$35 + 10% each month late
Business License Application Fee (Reso. 3532)	\$35	\$36
Business License - Disability Access and Education Fee (State)	\$0	\$0
Temporary, Publicly Attended Activities, Application Fee (Municipal Code § 9.36.040)	\$31	\$32
Public Art (Total Building Valuation \$250,000 or more) (Municipal Code Chapter 2.58)	2% of TBV or 1% in lieu to City	2% of TBV or 1% in lieu to City
Notice of Intent to Circulate Initiative Petition (Elections Code § 9103(b))	\$200	\$205
Bandstand Rental Fee	\$210 / 4 hrs or \$630 all day / deposit \$1,500	\$215 / 4 hrs or \$645 all day / deposit \$1,500
Notary Service Fees (State Code)		
Acknowledgment or proof of a deed, or other instrument, to include the seal and writing of the certificate	\$10 / signature	\$10 / signature
Administering an oath or affirmation to one person and executing the jurat, including the seal	\$10 / signature	\$10 / signature
Credit Card Transaction Fee	3%	3%

Description	2015/16 Current Fee	2016/17 Fee Schedule
PARKS AND RECREATION FEES		
<u>All fees are evaluated annually to determine if they are competitive with other recreation programs in Santa Cruz County</u>		
Classes		
Negotiated Instructor Activity Fee (Instructor receives 65% of this fee, Department retains 35%)	Negotiated	Negotiated
Registration Fee - Resident (Capitola Residents Only) -Department retains this fee	\$16 per class	\$16 per class
Non-Resident (Anyone residing outside of the City) in addition to Residential Registration Fee -Department retains this fee	\$14 per class	\$14 per class
Senior Discount	10%	10%
Sports		
<u>League Fees</u>	Costs + 30% admin fee	Costs + 30% admin fee
League fees will change depending upon number and type of leagues offered, number of games per league, number of officials, amount of equipment needed, field/site prep and maintenance, and whether or not playoffs & awards are offered. Fees are calculated based on direct costs + 30% admin fee.		
<u>Junior Guards</u>		
5 weeks resident/non resident	\$278/\$315	\$278/\$315
4 weeks resident/non resident	\$220/\$252	\$220/\$252
<u>Camp Capitola</u>		
All day 2 week session, resident/non resident	\$238 / \$262	\$238 / \$262
1/2 day resident/non resident	\$135 / \$152	\$135 / \$152
All day 3 week session, resident/non resident	\$353 / \$389	\$353 / \$389
1/2 day resident/non resident	\$184 / \$201	\$184 / \$201
Extended Care--daily resident/non resident	\$8.00	\$8.00
Extended Care--weekly resident/non resident	\$35	\$35
Transportation fee to Jr. Guards (1st Session / 2nd Session)	\$54 / \$42	\$54 / \$42
<u>Private Tennis Lessons</u>	75% of Activity Fee	75% of Activity Fee
<u>Facility Rentals</u>		
Softball & Soccer fields hourly rental; non profit youth groups/other non profit & Cap residents/all others	\$13 / \$25 / \$33	\$13 / \$25 / \$33
<u>Jade Street Community Center</u>		
Rooms A&B hourly rent	\$42	\$42
Room C hourly rent	\$58	\$58
Kitchen hourly rent	\$21	\$21
Entire Center hourly rent	\$150	\$150
Non profit discount of Jade Street Facility rents	25%	25%
Field Prep and/or additional staffing required to prepare for or supervise the Sports rentals only	\$13 / hr	\$13 / hr
Notes:		
Costs mean staff costs adjusted for benefits, department overhead, and City overhead as calculated by the City Manager. Costs can also mean direct cost of a consultant. When consultant costs are included 21% of such costs will be charged to cover staff time for contract management. <i>Staff costs do not accrue during an appeal unless appeal is made by applicant.</i>		
Deposits are stated as minimums. Actual deposits depend on the evaluation by staff of an individual project or application. The City Manager may lower minimum deposits if the application or project justifies a lower deposit. When an application involves multiple minimum fees the highest minimum fee applies.		

Attachment: Exhibit C 2016 17 Fee Schedule Comparison (1485 : City Fee Schedule 2016/2017)

Description	2015/16 Current Fee	2016/17 Fee Schedule
POLICE DEPARTMENT FEES		
Special Event Permit	\$56	\$57
Amplified Sound Permit (Municipal Code 9.12.040)	\$28	\$29
DUI Cost Recovery Fee (Res. 3533)	Not to exceed \$12,000	Not to exceed \$12,000
Copies of reports: Crime Reports, Special Reports, etc. (Regardless of number of pages)	\$24	\$0.25 / page
Copies of: Citations, Code sections, Ordinances, etc.	\$6	\$0.25 / page
Bicycle Licenses (New)	\$10	\$10
Bicycle Licenses (Renewal)	\$7	\$7
Citation Sign-Offs	\$14	\$0
Photographs	\$18 + administration fees	\$18 + administration fees
VIN verifications	\$14	\$15
Video Tapes, Flash Drive, CD/DVD Production	\$50 1st Hour (Minimum) + \$25 / hour	Cost + \$50 1st Hour (Minimum) + \$25 / hour
Local Fire Arm dealers (set by state)		
New application	set by state	set by state
Renewal	set by state	set by state
Second Dealers License (set by state)		
Application	set by state	set by state
Renewal	set by state	set by state
Taxi Fee per application	set by state	set by state
Civil Subpoena (per case) (set by state)	set by state	set by state
Parking Permits (separate action by the Council)		
Neighborhoods per year (Resolution No. 3733)	\$25	\$25
Village Preferential Permit (Resolution No. 3733)	\$50 per year	\$50 per year
Village Employer/Employee Permit (Resolution No. 3733)	\$50 per year	\$50 per year
Morning Village Parking Permit (Resolution No. 3715)	\$50 per year	\$50 per year
Concealed Weapon Permits (set by state)		
Application		
Standard	set by state	set by state
Judicial	set by state	set by state
Employment	set by state	set by state
Renewal		
Standard	set by state	set by state
Judicial	set by state	set by state
Employment	set by state	set by state
Firearm Surrender Fees (set by state law)		
1-5 guns	set by state	set by state
6+guns	set by state	set by state
Vehicle Storage per day	\$24	\$25
Administrative fee to release Impounded / Stored Vehicle	\$119	\$122
Surf School Permit Fee	\$52	\$500
Animal Services Fees		
See Exhibit B "Animal Services Fees"		

Attachment: Exhibit C 2016 17 Fee Schedule Comparison (1485 : City Fee Schedule 2016/2017)

Description	2015/16 Current Fee	2016/17 Fee Schedule
BUILDING FEES		
The cost of a "combination building permit" shall be 1.5 times the amounts shown in Table 1-A. A "combination building permit" is defined as a permit for a scope of construction work regulated by two or more of the model codes. The model codes are the building code, the plumbing code, the mechanical code and the electrical code.		
The cost of a "building permit" shall be the amounts shown in Table 1-A. A "building permit" is defined as a permit for a scope of construction work regulated solely by a single model code. The model codes are the building code, the plumbing code, the mechanical code and the electrical code.		
TABLE 1-A		
Total Valuation	FEES	FEES
\$1.00 to \$500.00	\$23.50	\$24.11
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof.	\$24.11 for the first \$500.00 plus \$3.13 for each additional \$100.00 or fraction thereof.
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1000.00 or fraction thereof.	\$71.05 for the first \$2,000.00 plus \$14.36 for each additional \$1000.00 or fraction thereof.
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof.	\$401.42 for the first \$25,000.00 plus \$10.36 for each additional \$1,000.00 or fraction thereof.
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof.	\$660.49 for the first \$50,000.00 plus \$7.18 for each additional \$1,000.00 or fraction thereof.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof.	\$1,019.59 for the first \$100,000.00 plus \$5.75 for each additional \$1,000.00 or fraction thereof.
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof.	\$3,317.83 for the first \$500,000.00 plus \$4.87 for each additional \$1,000.00 or fraction thereof.
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$2.59 for each additional \$1,000.00 or fraction thereof.	\$5,754.58 for the first \$1,000,000.00 plus \$2.66 for each additional \$1,000.00 or fraction thereof.
Building Plan Check Fee	65% of Building Permit Fee	65% of Building Permit Fee
Greywater System Permit	\$0	\$0
Electric Vehicle Charging Permits (* Note: These fees were added to the fee schedule for FY2011-12, but will be waived per the Green Energy Incentive Program)		
a. Level I (120 volts)	\$0	\$0
b. Level II (208-240 volts)	\$0	\$0
c. Level III (480 volts)	\$0	\$0
Solar P.V. System	\$0	\$0
Solar P.V. System (Commercial Sale/Distribution)	\$0	Cost
Solar Hot Water Heater	\$0	\$0
Research Fee - 1/2 hour minimum charge	Cost	Cost
Information Technology Fee (Resolution No. 3786 adopted 11/12/09)	5% of Permit Fee	5% of Permit Fee
Temporary Trailer/Mobile Home Occupancy Permit	\$5	\$50
Structural Review of Engineered Plans	cost + 21%	cost + 21%
Outside Consultant Plan Review	cost + 21%	cost + 21%
Stop Work Order Fee	2x the singular building permit fee	2x the singular building permit fee
Grading Plan Review Fees		
50 cubic yard or less	\$ -	\$ -
51 to 100 cubic yard	\$ 23.50	\$ 24.11
101 to 1,000 cubic yards	\$ 37.00	\$ 37.96
1,001 to 10,000 cubic yards	\$ 49.25	\$ 49.25
10,001 to 100,000 cubic yards	\$49.25 for first 10,000 plus \$24.50 for each additional 10,000 cubic yards	\$50.53 for first 10,000 plus \$25.14 for each additional 10,000 cubic yards
100,001 to 200,000 cubic yards	\$269.75 for first 100,000 plus \$13.25 for each additional 10,000 cubic yards	\$276.76 for first 100,000 plus \$13.59 for each additional 10,000 cubic yards
200,001 cubic yards or more	\$402.25 for first 200,000 plus \$7.25 for each additional 10,000 cubic yards	\$412.71 for first 200,000 plus \$7.44 for each additional 10,000 cubic yards

Attachment: Exhibit C 2016 17 Fee Schedule Comparison (1485 : City Fee Schedule 2016/2017)

Description	2015/16 Current Fee	2016/17 Fee Schedule
Grading Permit Fees		
50 cubic yard or less	\$ 23.50	\$ 24.11
51 to 100 cubic yard	\$ 37.00	\$ 37.96
101 to 1,000 cubic yards	\$37.00 for first 100 plus \$17.50 for each additional 100 cubic yards	\$37.96 for first 100 plus \$17.96 for each additional 100 cubic yards
1,001 to 10,000 cubic yards	\$194.50 for first 1,000 plus \$14.50 for each additional 1,000 cubic yards	\$199.56 for first 1,000 plus \$14.88 for each additional 1,000 cubic yards
10,001 to 100,000 cubic yards	\$325.00 for first 10,000 plus \$66.00 for each additional 10,000 cubic yards	\$333.45 for first 10,000 plus \$67.72 for each additional 10,000 cubic yards
100,001 to 200,000 cubic yards	\$919.00 for first 100,000 plus \$36.50 for each additional 10,000 cubic yards	\$942.89 for first 100,000 plus \$37.45 for each additional 10,000 cubic yards

Attachment: Exhibit C 2016 17 Fee Schedule Comparison (1485 : City Fee Schedule 2016/2017)

Description	2015/16 Current Fee	2016/17 Fee Schedule
PLANNING FEES		
Administration/Documents		
Continuance Request - Applicant (2+)	\$147	\$151
Staff Billing Rate	Cost	Cost
Appeals-by Applicant	Cost	Cost
Appeals- by City Officials	\$0	\$0
Appeals- by Other	\$142	\$146
Appeals - Coastal Commission	\$0	\$0
Appeals -Building/Zoning Code Violations	\$142	\$146
Records Search/Research/Special Report	Cost	Cost
Administrative Permits		
Tree Removal I- Staff -Review	\$120	\$123
Tree Removal -PC Review	\$1,000	\$1,026
Tree Removal -- 3 or more trees on a property	\$257	\$263
Tree Installation Deposit (Refundable)	\$500	\$513
Commercial Sidewalk/Parking Lot Sale Permit	\$72	\$74
Tenant Use Permit (MCUP)--Staff approval	\$73	\$75
Transient Rental Occupancy Use Permit	\$500	\$513
Home Occupation Use Permit	\$150	\$154
Fence Permit- Staff approval	\$41	\$42
Fence Permit- PC approval	\$750	\$770
Sign Permits		
Temporary Signs and Banner Permits	\$36	\$37
Signs-permit - Staff Review	\$121	\$124
Signs-permit - PC Review	\$500	\$513
Master Sign Program	Cost; \$3,000 min deposit	Cost; \$3,000 min deposit
Village Sidewalk Sign Permit	\$61	\$63
Design Permits		
Residential-Single Family- Staff Review	N/A	\$750
Residential-Single Family	\$2,500	\$2,565
Residential Multi-Family	\$3,500	\$3,590
Commercial	\$4,000 Deposit	\$4,000 Deposit
Secondary Dwelling Unit- Staff Review	\$500	\$513
Secondary Dwelling Unit- PC Review	\$1,500	\$1,539
Use Permits		
Master Conditional Use Permit	Cost; \$3,500 min. deposit	Cost; \$3,500 min. deposit
Conditional Use Permit - Staff approval	\$1,500	\$1,539
Conditional Use Permit--PC approval	Cost; \$3,000 min. deposit	Cost; \$3,000 min. deposit
Temporary Use Permit	\$76	\$78
Subdivisions		
Certificate of Compliance & Lot Merger	\$500	\$513
Boundary Line Adjustment	\$800	\$820
Tentative Parcel Map	Cost; \$2,000 min. deposit	Cost; \$2,000 min. deposit
Tentative Map	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Revised Map	\$2,000 Deposit	\$2,000 Deposit
Time Extension	\$2,000 Deposit	\$2,000 Deposit
Subdivision Modification	\$2,000 Deposit	\$2,000 Deposit
Plan Amendments		
General Plan Amendment	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Local Coastal Plan Amendment	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Rezone	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Planned Development Rezone	Cost; \$3,500 min. deposit	Cost; \$3,500 min. deposit
Other Discretionary Permits		
Variance	\$1,500	\$1,539
Coastal Development Permit	\$750	\$770
Coastal Permit Exclusion	\$84	\$86
Mobile home Park Change of Use or Closure	\$5,000 Deposit	\$5,000 Deposit

Attachment: Exhibit C 2016 17 Fee Schedule Comparison (1485 : City Fee Schedule 2016/2017)

Description	2015/16 Current Fee	2016/17 Fee Schedule
Development Agreement	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Specific Plan	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Permit Time Extension - Staff Review	\$500	\$513
Permit Time Extension - PC Review	\$1,500	\$1,539
Permit Amendment (any permit)	50% of original cost	50% of original cost
Annexation	Costs+ overhead / \$3,000 min. deposit	Costs+ overhead / \$3,000 min. deposit
Environmental Review		
Negative Declaration (and Mitigated ND)	Cost; \$2,000 min deposit	Cost; \$2,000 min deposit
EIR Processing	Cost; +21% of consultant; \$10,000 min deposit	Cost; +21% of consultant; \$10,000 min deposit
Mitigation/Condition Monitoring Program	Cost + 21%	Cost + 21%
NEPA Compliance	Cost + 21%	Cost + 21%
Other Permits/Fees		
Conceptual Review Fee- PC	\$1,500	\$1,539
Conceptual Review Fee- PC and CC	\$2,250	\$2,309
Technical Study Preparation and Review	Cost + 21%	Cost + 21%
NOTE: Third party review costs to be required as necessary	Cost + 21%	Cost + 21%
Code Compliance	Double Application Fees	Double Application Fees
Research Fee - 1/2 hour minimum charge	Cost	Cost
Pre-Application Review	\$210	\$215
Building Plan Check & Final Inspection	20% of Building Permit Fee	20% of Building Permit Fee
Major Development Project Fee	Cost; \$5,000 min. deposit	Cost; \$5,000 min. deposit
Inclusionary Housing		
Inclusionary Housing -Unit Sale	\$500	\$513
Inclusionary Housing -Unit Refinance	\$200	\$205
Other Fees and Assessments		
General Plan Maintenance Fee	Total Building Valuation X 0.5%	Total Building Valuation X 0.5%
Information Technology Fee (Resolution No. 3786 adopted)	5% of Permit Fee	5% of Permit Fee
Green Building Educational Resource Fund Fee (Municipal)	Fee equals .0025 times the overall building permit valuation of the project.	Fee equals .0025 times the overall building permit valuation of the project.
Affordable Housing In-Lieu Fees		
For Sale Housing Developments of two to six units (Municipal Code Chapter 18.02/Reso. 3473) :		
All Units	\$10 per sq. ft.	\$10 per sq. ft.
For Sale Housing Developments of Seven or more units		
#Units	#Units Built	
7	1	\$0
8-13	1	Total # units minus 7 @ \$10 per avg. sq. ft. per unit
14	2	\$0
15-20	2	Total # units minus 14 @ \$10 per avg. sq. ft. per unit
21	3	\$0
22-27	3	Total # units minus 21 @ \$10 per avg. sq. ft. per unit
28	4	\$0
Rental Multi-Family	\$6 per sq. ft.	\$6 per sq. ft.

- NOTES:
- All Fees are non-refundable.
 - Deposit accounts are billed on a time and material basis. Additional deposits may be necessary depending on the complexity of the project. Any unused monies in a deposit account will be refunded following case closure.
 - The Community Development Director may reduce the total fee/deposit requirements for applications which are unlikely to require the full deposit amounts established herein.
 - Applications which include a fee and a deposit payment will be processed with a single deposit account.
 - Outside agency fees, including but not limited to County recordation fees, State Fish and Wildlife fees, etc. are charged at cost.
 - The Community Development Director may establish a reasonable fee or deposit amount for permit types

Attachment: Exhibit C 2016 17 Fee Schedule Comparison (1485 : City Fee Schedule 2016/2017)

Description	2015/16 Current Fee	2016/17 Fee Schedule
PUBLIC WORKS DEPARTMENT FEES		
Encroachment Permits		
Non-Construction Items (includes materials storage within right-of-way road and sidewalk closures)	\$59	\$61
Village Sidewalk Encroachment Permit	\$35	\$36
Construction Items		
\$0 to \$1,500 of valuation	\$85	
\$1,500 to \$50,000 valuation	\$86 + 5% of value over \$1,501	
over \$50,000 valuation	\$2500 + 3% of value over \$50,001	
Utility Fees/ Construction Items		
Level A	\$ 180	\$ 185
Level B	\$ 400	\$ 410
Level C	\$ 800	\$ 820
Level D	\$ 1,300	\$ 1,333
Level E	\$ 1,800	\$ 1,847
Blanket Permits (repair and maintenance of existing facilities)	\$ 2,000	\$ 2,050
Private Improvement Permits/Encroachment Agreement		
Applications for Minor Permits	\$ 200	\$ 205
Applications for Major Permits	\$ 500	\$ 513
Memorial Bench	\$ 1,000	\$ 1,026
Memorial Plaque (wharf)	\$ 750	\$ 770
Memorial Plaque (Grand Ave)	\$ 750	\$ 770
Memorial Plaque (tree)	\$500 + Cost of Tree	\$500 + Cost of Tree
Memorial Picnic Table	\$ 1,450	\$ 1,487
Seasonal Boat Storage Permits		
Seasonal Permit	\$400 per month	\$400 per month
Short Term Permit	\$15 per day	\$15 per day
Stormwater Development Review Fee		
Stormwater Plan Review Fee	\$ 100	\$ 102
Large Project Plan Review Deposit		
Tier 2	\$ 3,000	\$ 3,078
Tier 3	\$ 4,000	\$ 4,104
Research Fee - 1/2 hour minimum charge	Cost	Cost
Information Technology Fee (Resolution No. 3796 adopted 11/12/09)	5% of Permit Fee	5% of Permit Fee
Final Map	Cost; \$3,000 min. deposit	Cost; \$3,000 min. deposit

Attachment: Exhibit C 2016 17 Fee Schedule Comparison (1485 : City Fee Schedule 2016/2017)

Description	2015/16 Current Fee	2016/17 Fee Schedule
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HISTORICAL MUSEUM FEES

Research Fee - 1/2 hour minimum charge	Cost	Cost
Print of an electronically available Photograph in Collection	\$7	\$7
Digital Copies of Collection Items	\$17	\$17
Scan High Resolution Tiff File of any collection item for a customer	\$21	\$21

Attachment: Exhibit C 2016 17 Fee Schedule Comparison (1485 : City Fee Schedule 2016/2017)



JOINT BUDGET STUDY SESSION CAPITOLA CITY COUNCIL/ SUCCESSOR AGENCY AGENDA REPORT

MEETING OF JUNE 16, 2016

FROM: Finance Department

SUBJECT: Adoption of the Fiscal Year 2016/2017 Budget for the City of Capitola

RECOMMENDED ACTION: Adopt the Resolution approving the Final 2016/2017 Fiscal Year City, and Capital Improvement Program Budget.

BACKGROUND: On May 13, 2016, the proposed Fiscal Year 2016/2017 Budget was distributed. The City Council/Successor Agency held joint public budget hearings on May 18, 2016, and June 1, 2016, to review the draft budget, receive public comment, and receive input from the Finance Advisory Committee. At the June 1, 2016, budget hearing, City Council directed staff to prepare a Resolution to adopt the budget with General Fund adjustments and the reallocation of the General Fund surplus.

Details regarding these changes, along with internal corrections are included with the draft Resolution.

DISCUSSION: At the June 1, 2016, City Council meeting, staff was directed to prepare a draft Resolution to adopt the Budget with the following:

FY 2016/2017 General Fund Adopted Budget	Adjustment Amount
Police Department Multi-Disciplinary Interview Center	\$ 5,615
Increased Contractual Services for Esplanade Sidewalk Cleanings	\$10,000
Increase Arch/Site Review Stipend from \$25 to \$50/meeting	\$ 1,000
Replace Bollards on Wharf and Brommer	\$ 2,000
Net Difference - General Fund	\$17,516

The Resolution necessary to adopt the Fiscal Year 2016/2017 Budget details adjustments/corrections and estimated fund balances as presented in the attachments (Exhibits A, B, and C). This schedule also includes the corresponding transfers related to the preceding table.

Staff has also included an increase of \$8,000 in the Facilities Fund for City Hall

FY 2016/17 Budget Adoption
June 16, 2016

Maintenance, Reallocated \$100,000 from Hooper's Beach Stairs to Costal Access/Wharf Project and \$369,600 in the Gas Fund for proper accounting recognition of the awarded Air Board Grant.

FISCAL IMPACT: The fiscal impact by adopting the City Budget is represented in the attached General Fund Overview and Summary by Fund. The Fiscal Year 2016/2017 Adopted Budget, represents a balanced General Fund budget. The Fiscal Year 2016/2017 net operating surplus is anticipated to be \$1,965.

ATTACHMENTS:

1. Changes to the Proposed Budget (Exhibit A) (PDF)
2. FY 2016/17 General Fund Overview (Exhibit B) (PDF)
3. FY2016/17 Summary by Fund Exhibit C (PDF)

Report Prepared By: Mark Welch
Finance Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/10/2016

FY 2016/17 Budget Adoption
June 16, 2016

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ADOPTING THE 2016/2017 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT
PROGRAM (CIP) BUDGET**

WHEREAS, it is necessary to adopt the 2016/2017 Fiscal Year Budget for all City funds and Capital Improvement Program; and

WHEREAS, the City Council has conducted budget study sessions, has heard and considered public comments, and has modified the proposed budget accordingly, and wishes to adopt such budget for the Fiscal Year July 1, 2016, through June 30, 2017; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that the 2016/2017 Fiscal Year Budget is hereby adopted as amended, including Exhibit A (Changes to Proposed Budget), Exhibit B (General Fund Overview), and Exhibit C (Summary by Fund) to this Resolution; and

BE IT FURTHER RESOLVED that the Finance Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 16th day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ed Bottorff, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

FY16/17 Budget Changes		
FY 2016/17 Revenues /Resources	Acct #	Amount Incr./(Decr.)
Gas Fund Air Board Grant	1310-00-00-000-3350.011	369,600.00
Total Revenue Changes - All Funds		\$ 369,600.00
FY 2016/17 Expenditures/Transfers	Acct #	Amount
Police Department Multi-Disciplinary Interview Center	1000-20-20-000-4325.406	5,615
Increased Contractual Services for Esplanade Sidewalk Cleanings	1000-30-30-000-4375.520	10,000
Increase Arch/Site Stipend from \$25 to \$50/meeting	1000-40-40-000-4120.200	1,000
Replace Bollards on Wharf and Brommer	1000-30-30-000-4310.102	2,000
Hooper's Beach Stairs	1200-00-00-000-4390.100	(100,000)
Beach Access/Wharf	1200-00-00-000-4390.100	100,000
Gas Fund Air Board Grant	1310-00-00-000-4305.900	369,600
Total Expenditure/Transfer Changes - All Funds		\$ 388,215
FY16/17 Planned		
FY 2017/18 Expenditure	Acct #	Amount
Police Department Multi-Disciplinary Interview Center	1000-20-20-000-4325.406	5,615
Increased Contractual Services for Esplanade Sidewalk Cleanings	1000-30-30-000-4375.520	10,000
Increase Arch/Site Stipend from \$25 to \$50/meeting	1000-40-40-000-4120.200	1,000
Total Expenditure Changes - All Funds		\$ 16,615.00

Attachment: Changes to the Proposed Budget (Exhibit A) (1510 : FY 2016/17 Budget Adoption)

Exhibit B: General Fund Summary

General Fund Summary

Major Categories	FY 15/16 Adopted	FY 15/16 Estimated	FY 16/17 Adopted	FY 17/18 Planned
Revenues				
Taxes	\$ 11,319,500	\$ 11,479,028	\$ 11,837,099	\$ 11,453,218
Licenses and permits	531,650	580,250	601,650	601,850
Intergovernmental revenues	233,593	261,350	133,350	143,350
Charges for services	1,885,900	1,994,971	2,066,849	2,034,007
Fines and forfeitures	720,000	679,000	675,700	675,700
Use of money & property	59,100	57,100	57,100	57,100
Other revenues	67,400	64,910	44,900	43,700
Revenues Totals	\$ 14,817,143	\$ 15,116,609	\$ 15,416,648	\$ 15,008,925
Expenditures				
Personnel	\$ 8,383,075	\$ 8,356,787	\$ 8,807,779	\$ 8,549,751
Contract services	2,760,000	2,892,385	2,832,844	2,876,865
Training & Memberships	93,225	93,555	112,830	110,360
Supplies	552,400	548,250	568,500	531,500
Grants and Subsidies	277,296	277,316	275,000	275,000
Capital outlay	5,000	-	-	-
Internal service fund charges	954,500	954,500	1,159,000	1,156,000
Other financing uses	2,459,626	3,013,401	1,658,730	965,846
Expenditures Totals	\$ 15,485,122	\$ 16,136,194	\$ 15,414,683	\$14,465,322
Impact on Fund Balance ⁽¹⁾	\$ (667,979)	\$ (1,019,585)	\$ 1,965	\$ 543,603
Budgetary Fund Balance	\$ 889,963	\$ 548,357	\$ 550,322	\$ 1,093,925

(1) Impact on Fund Balance negative due to the allocation of the FY 14/15 ending fund balance

Attachment: FY 2016/17 General Fund Overview (Exhibit B) (1510 : FY 2016/17 Budget Adoption)

Exhibit C: Summary by Fund

8.F.3

	Estimated Balance 07/01/2016	Revenues	Transfers In	Expenditures	Transfers Out	Estimated Balance 06/30/2017
General Fund	\$ 548,357	\$ 15,416,648	\$ -	\$ 13,755,953	\$ 1,658,730	\$ 550,32
Designated Reserves						
Contingency Reserve	\$ 1,893,346	\$ -	\$ 10,000	\$ -	\$ -	\$ 1,903,34
PERS Contingency Reserve	300,000	-	-	-	-	300,00
Emergency Reserve	1,262,206	-	15,000	-	-	1,277,20
Donations	11,725	10,000	-	-	-	21,72
Facility Reserve	229,870	-	110,000	250,000	-	89,8;
Total Designated Reserves	\$ 3,697,147	\$ 10,000	\$ 135,000	\$ 250,000	\$ -	\$ 3,592,14
Debt Service						
Pension Obligation Bond	\$ 481,532	\$ -	\$ 668,595	\$ 668,595	\$ -	\$ 481,53
Pac Cove Lease Financing	330,403	-	165,066	165,066	-	330,40
Pac Cove Park	-	-	89,192	89,192	-	-
OPEB Trust	146,641	-	-	-	-	146,64
Total Debt Service	\$ 958,576	\$ -	\$ 922,853	\$ 922,853	\$ -	\$ 958,57
Capital Improvement Fund	\$ 1,772,604	\$ 253,000	\$ 752,047	\$ 752,047	\$ -	\$ 2,025,60
Internal Service Funds						
Stores	\$ 23,978	\$ -	\$ 35,000	\$ 35,000	\$ -	\$ 23,97
Information Techology	22,120	3,500	203,000	203,000	-	25,62
Equipment Replacement	96,414	-	128,000	78,000	-	146,41
Self-Insurance Liability	162,226	-	428,000	428,000	-	162,22
Workers Compensation	216,857	-	415,000	415,000	-	216,85
Compensated Absences	16,131	-	200,000	200,000	-	16,13
Total Internal Service Funds	\$ 537,726	\$ 3,500	\$ 1,409,000	\$ 1,359,000	\$ -	\$ 591,22
Special Revenue Funds						
SLESF-Suppl Law Enforcmnt Svc	\$ 139,981	\$ 100,300	\$ -	\$ 63,900	\$ -	\$ 176,38
SCCACT-SCC Anti-Crime Team	-	-	-	-	-	-
Gas Tax	34,012	581,916	-	591,600	-	24,32
Wharf	76,408	86,850	-	111,900	-	51,35
General Plan Update and Maint	65,631	85,000	-	114,000	-	36,63
Green Building Education	97,035	18,000	-	29,000	-	86,03
Public Arts Fee	223,189	30,000	-	39,300	-	213,88
Parking Reserve	23,152	-	100,000	-	100,000	23,15
Technology Fee	43,654	10,500	-	16,000	-	38,15
PEG-Public Education and Gov.	44,636	17,050	-	17,500	-	44,18
BIA-Capitola Village-Wharf BIA	-	66,000	-	66,000	-	-
CDBG Grants	(114,789)	300,000	-	329,397	-	(144,18
CDBG Program Income	(1,069)	-	-	-	-	(1,06
HOME Reuse	167,969	12,300	-	3,200	-	177,06
Housing Trust	20,907	22,000	-	-	25,000	17,90
Cap Hsg Succ- Program Income	104,793	15,000	-	60,000	-	59,79
Total Special Revenue Funds	925,509	1,344,916	100,000	1,441,797	125,000	803,62
Successor Agency	331,942	424,331	-	569,895	-	186,37
Total Fund Balance - All Funds	\$ 8,771,861	\$ 17,452,395	\$ 3,318,900	\$ 19,051,545	\$ 1,783,730	\$ 8,707,88

Attachment: FY2016/17 Summary by Fund Exhibit C (1510 : FY 2016/17 Budget Adoption)