



# AGENDA

## CAPITOLA PLANNING COMMISSION

### Thursday, June 2, 2016 – 7:00 PM

Chairperson T.J. Welch  
Commissioners Ed Newman  
Gayle Ortiz  
Linda Smith  
Susan Westman

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

#### 2. ORAL COMMUNICATIONS

##### A. Additions and Deletions to Agenda

##### B. Public Comments

*Short communications from the public concerning matters not on the Agenda. 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.*

##### C. Commission Comments

##### D. Staff Comments

#### 3. APPROVAL OF MINUTES

##### A. Planning Commission - Regular Meeting - May 5, 2016 7:00 PM

#### 4. CONSENT CALENDAR

*All matters listed under "Consent Calendar" are considered by the Planning Commission to be routine and 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 Planning Commission votes on the action unless members of the public or the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.*

#### 5. PUBLIC HEARINGS

*Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.*

##### A. 503 Capitola Avenue #16-008 APN: 035-093-12

Design Permit to remodel the existing commercial space and build two new residential units above, and a Variance request to allow architectural features to encroach into the side and rear yard setbacks located in the CN (Neighborhood 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: Vincente Valente

Representative: Matson & Britton Architects, filed: 1/19/16

**B. 201 Esplanade #16-095 APN: 035-211-05**

Sign Permit and Design Permit application for two new awning signs on the front of the building and two new awning signs on the rear of the building for Rocks of Petra restaurant located in the CV (Central Village) Zoning District.

This project is in the Coastal Zone but is exempt from a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Xavier Sanchez

Representative: Amjad Al Asad, filed: 5/6/16

**C. 1890 Wharf Road #16-043 APN: 035-031-35**

Variance request and Major Revocable Encroachment Permit to extend an existing non-conforming roof overhang two feet further into the Wharf Road public right-of-way area and a Fence Permit height exception to allow for a six foot tall fence in the public right-of-way, located in the AR/R-1 (Automatic Review / Single-Family Residential) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: James P. DeMangos

Representative: James P. DeMangos, filed: 3/17/16

**D. 231 Esplanade #15-198 APN: 035-211-01**

Design Permit and Conditional Use Permit for the installation of a new Verizon wireless antenna and ancillary equipment on the roof of the Margaritaville building in the CV (Central Village) Zoning District.

This project is located in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Steve Yates

Representative: Jay Gruendle, filed 12/16/15

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



**APPEALS:** The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review can be appealed to the City Council within the (10) working days following the date of the Commission action. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a one hundred forty two dollar (\$142.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

**Notice regarding Planning Commission meetings:** The Planning Commission meets regularly on the 1<sup>st</sup> Thursday of each month at 7:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: [www.cityofcapitola.org](http://www.cityofcapitola.org). Agendas are also available at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the Community Development Department at (831) 475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, 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 Community Development Department 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:** Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: [www.cityofcapitola.org](http://www.cityofcapitola.org).



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, MAY 5, 2016  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

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

**2. ORAL COMMUNICATIONS**

- A. Additions and Deletions to Agenda - None**
- B. Public Comments - None**
- C. Commission Comments - None**
- D. Staff Comments - None**

**3. APPROVAL OF MINUTES**

**A. Planning Commission Regular Meeting of March 3, 2016**

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

**B. Planning Commission Special Meeting of March 31, 2016**

The commission supported a revision requested by Richard Lippi regarding his comments during the public hearing.

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

**4. CONSENT CALENDAR**

**A. 4790 Topaz St #16-044 APN: 034-066-03**

Modification to previously approved Design Permit for changes to roof line, exterior siding and window placement of the new residence in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Melissa Burke

Representative: Scott Haggblade, filed: 3/22/16

Minutes Acceptance: Minutes of May 5, 2016 7:00 PM (Approval of Minutes)

Commissioner Westman praised the new design.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of construction of a new 1,835-square-foot residence. The maximum Floor Area Ratio for the 3,281 square foot property is 56% (1,837 square feet). The total FAR of the project is 56% with a total of 1,835 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the modified final plans reviewed and approved by the Planning Commission on May 5, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
4. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
5. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
8. Prior to issuance of building permit, all Planning fees associated with permit # 16-044 shall be paid in full.
9. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
11. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans

- shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
12. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
  13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan. Erosion and sediment control shall be installed prior to the commencement of construction and maintained throughout the duration of the construction project.
  14. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
  15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
  16. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
  17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
  18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
  19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
  20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
  21. The applicant was granted a Design Permit and Coastal Development Permit for a new single-family home. In any case where the conditions of the permit have not been or 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.

## **FINDINGS**

### **A. The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the new single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

### **B. The application will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed new single-family residence compliments the existing single-family homes in the neighborhood.

### **C. This project is categorically exempt under Section 15303-A of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

This project involves design modifications to a previously approved new single-family residence in the R-1 (Single-Family Residential) Zoning District. Section 15303-A of the CEQA Guidelines exempts the construction of a new home in a residential zone.

## **COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in***

***combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 4790 Topaz Street. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

- The proposed project is located along Topaz Street. 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.

***(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***

- The proposed project is located on private property on Topaz Street. 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 residential lot.

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

- The project is located on a relatively flat lot.

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

- The project does not impact recreational needs of the public.

***d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;***

***e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;***

***f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.***

***(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);***

- No legal documents to ensure public access rights are required for the proposed project

***(D) (6) Project complies with visitor-serving and recreational use policies;***

**SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home on a residential lot of record.

**SEC. 30223**



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

- The project involves a single family home on a residential lot of record.

*c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

- The project involves a single family home on a residential lot of record.

***(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;***

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, and alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

- The project complies with the design guidelines and standards established by the Municipal Code.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;***

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

***(D) (12) Project complies with water and energy conservation standards;***

- The project is for a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel creek water district.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project complies with shoreline structure policies.

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

- This use is a principally permitted use consistent with the Single Family zoning district.

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

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

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

- The project site is not located within the area of the Capitola parking permit program.

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

**5. ADJOURNMENT**

Approved by the Planning Commission at the regular meeting of June 2, 2016.

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Linda Fridy, Minutes Clerk

Minutes Acceptance: Minutes of May 5, 2016 7:00 PM (Approval of Minutes)



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: JUNE 2, 2016  
 SUBJECT: **503 Capitola Avenue#16-008**      **APN: 035-093-12**

Design Permit to remodel the existing commercial space and build two new residential units above, and a Variance request to allow architectural features to encroach into the side and rear yard setbacks located in the CN (Neighborhood 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: Vincente Valente

Representative: Matson & Britton Architects, filed: 1/19/16

### **APPLICANT PROPOSAL**

The application for the existing mixed use structure at 503 Capitola Avenue includes a design permit for a partial remodel of the street level commercial unit and an extensive demolition and addition within the residential first and second stories. The application requires a variance for front, side, and rear yard setbacks and for exceeding the 80% valuation of a non-conforming structure.

### **BACKGROUND**

On April 13, 2015, the Architectural and Design Review Committee reviewed the application and provided the following direction to the applicant:

Public Works Representative, Daniel Uharriet: Daniel Uharriet explained the applicant must submit stormwater calculations, update site plan to delineate existing and proposed, and include drainage information. Public works also encouraged the use of pervious pavers within parking area and noted concern with the proposed location.

Local Historian, Carolyn Swift: Carolyn Swift noted that there is a small historic home located behind the residential portion of the home. The addition may obscure the view of the historic cabin. The local historian explained the small cabin is one of few early houses constructed outside the resort perimeter and was likely occupied in its early history by workers for the Hihn Company.

Building Official, Brian Van Son: Brian Van Son explained that the home will need to be fire sprinkled, a 2<sup>nd</sup> water meter will be required through Soquel Creek Water District, the remodel of the commercial suite will require 20% upgrades for accessibility, and a level landing may be needed in front of the commercial entrance door. If the new landing is required, an

Encroachment Permit will be required through the Public Works Department. He also noted that the width of Blue Gum Avenue must be verified due to the existing parking spot that encroaches into the fire alley.

Local Architect, Frank Phanton: Frank Phanton had no concerns with the design and expressed that the design will fit in nicely along Capitola Avenue.

Landscape Architect, Craig Waltz: Absent.

City Planner, Ryan Safty: Ryan Safty directed applicant to modify the second-story stairwell on the plans and noted that a variance will be required for the existing non-conforming commercial building and second-story side yard encroachments. Also, suggested including a streetscape and shadow study to assess compatibility and shadows on neighboring properties.

The applicant provided the additional materials requested except for the streetscape and shadow study. The streetscape and shadow study will be available at the Planning Commission hearing. The applicant had a timing issue and was unable to provide these items prior to staff publishing the Planning Commission agenda packet.

**DISCUSSION**

503 Capitola Avenue is located in the CN (Neighborhood Commercial) zoning district. The primary land uses found in the vicinity include a mix of residential, commercial, and office space. Capitola Avenue is pedestrian friendly with a sidewalk extending the entire west side of the street from the Village to Bay Avenue. Many of the structures in the immediate vicinity are nonconforming in terms of setbacks and have been built very close to the property line. The 500 block of Capitola Avenue transitions from the south with structures that are built close to front property line to increased front yard space to the north end of the block approaching Bay Avenue.

503 Capitola Avenue has a 574 square-foot commercial unit at the street level and an 818 square-foot single-family residence set behind the commercial structure on the hill. The following table includes the development regulations for the CN zone relative to the existing non-conforming commercial structure and proposed residential addition:

**CN (Neighborhood Commercial) Zoning District**

<b>Development Standards</b>	<b>Existing</b>	<b>Proposed</b>
<b>Use</b>	Mixed Use	Mixed Use
<b>Permitted Use or CUP</b>	Permitted Use	Permitted Use
<b>Maximum Height: 27 ft</b>	18'- 8"	26' - 6"
<b>Lot Area:</b> There are no specific minimum lot area required except that there shall be sufficient area to satisfy any off-street parking and loading area requirements.		Complies
<b>Lot Coverage: There shall be no specific maximum lot coverage, except as follows:</b> A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, except that all parking may be provided within a structure. B. Front yard and open space requirements shall be satisfied.		Parking Complies.  Commercial Building existing non-conforming front yard.
<b>Front Yard Setback:</b> Allow for 15 foot landscape strip.		Commercial Building existing non-conforming front yard.

<b>Side Yard Setback:</b> 10% of the lot width for the first floor and fifteen percent of the lot width for the second floor.		Variance for new addition.  Commercial Building existing non-conforming side yard.
<b>Rear Yard Setback:</b> 20% of lot depth.		Variance requested for architectural details extending into rear yard.
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>
<b>Duplex Dwelling:</b> 2 spaces for each unit, 1 space for each unit must be covered.	<b>4 Total (2 covered)</b> Uncovered = 9' x 18' Covered = 10' x 20'	<b>4 Total (2 covered)</b> 2 uncovered = 9' x 18' 2 covered = 10' x 20'
<b>Retail use:</b> 1 space for every 240 square feet of gross floor area, each regular space must be a minimum of 9 feet by eighteen feet. Thirty percent of the spaces may be compact spaces of 8 feet by sixteen feet.	575sf / 240 = 2.4 = <b>2 required spaces</b> 1 may be compact Size = (9'x18') Compact = (8'x16')	<b>3 spaces</b> (1 compact) 2 regular = 9' x 18' 1 covered/compact = 8' x 16.5'
<b>Loading Areas per 17.51</b>		Complies
<b>Landscaping.</b> Five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards		Complies
<b>Accessory Building</b>		None
<b>Underground Utilities – required with 25% increase area</b>		Yes, required.

### Design Permit

The architect designed the addition to maintain the single story experience along the street with the structure stepping back up the hill. The ground floor massing is unchanged within the single story commercial structure. The residential first floor addition is set fifteen feet back from the property line in compliance with the front yard setback requirements. The second floor of the residential unit steps an additional five feet back.

The new structure will provide a fresh new look along the street at 503 Capitola Avenue. The commercial building will be updated with a new aluminum storefront door and windows and the existing stone veneer will be replaced with a smooth stucco exterior finish. The first story front elevation of the residential addition is primarily windows and doors with a roof deck over the commercial unit. The exterior finish on the residential building is primarily stucco with a small area of board and batt on the third story. Aluminum clad wood windows will be installed throughout. The home is further detailed with wood brackets, wood trim, copper gutters, and a copper chimney feature.

### Non-Conforming Structure

The commercial structure does not comply with the front and side yard setback regulations of the zoning code; and therefore, is a non-conforming structure. Pursuant to code section 17.72.070, an existing non-complying structure that will be improved beyond eighty percent of the present fair market value of the structure, may not be made unless the structure is brought into compliance with the current zoning regulations. The building official has reviewed the existing versus proposed values and concluded that the new addition will exceed the 80%

threshold. To bring the site into compliance the commercial structure would have to be demolished. The applicant is requesting a variance for the non-conforming structure requirements of §17.72.070 to keep the commercial structure in the existing non-conforming location.

### **Variance**

The applicant is requesting a variance for architectural elements on the new addition that extend into the front, side, and rear yard setbacks and for the compliance requirement for non-conforming structure that go beyond the 80% valuation threshold.

Pursuant to §17.66.090, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

- A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
- B. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

The applicant is requesting a variance to allow the continuation of the non-conforming structure that exceeds the eighty percent valuation. A variance is also required for new architectural features including: the roof deck over the commercial unit that extends into the front yard setback, 3 window seats that extend into the side and rear yard setbacks, and 2 chimneys that extend into the side and rear yard setbacks. There are no special circumstances applicable to the subject property in terms of size, shape, and topography; but findings can be made that the strict application of the code deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

There are numerous non-conforming structures within the 500 block of Capitola Avenue that extend in the required setbacks. Attachment 2 is an aerial of the properties in close vicinity to 503 Capitola Avenue with properties lines. The aerial provides evidence of the existing pattern of structures that were built very close to the properties lines. It should also be noted that the properties behind Capitola Avenue are located in the R-1 (single-family) zoning district. Within the R-1 districts the code allows bay windows and chimneys to extend into the setbacks.

The existing development pattern supports findings that the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone. Also, by allowing the commercial structure to be improved in the current location, the massing along the street will be retained with the single story commercial suite along the frontage of the pedestrian oriented street.

### **CEQA REVIEW**

Section 15302 of the CEQA Guidelines exempts the replacement or reconstruction of an existing structure on the same site with a new structure of the same purpose. This project involves a remodel of a commercial unit and replacement of residential in the CN (Neighborhood Commercial) Zoning District. No adverse environmental impacts were discovered during review of the proposed project

**RECOMMENDATION**

Staff recommends that the Planning Commission **approve** application #16-008 based on the following Conditions and Findings for Approval.

**CONDITIONS**

1. The project approval consists of a remodel of the ground floor commercial site and an extensive demolition and addition within the residential first and second stories. The application requires a variance for front, side, and rear yard setbacks and exceeding the 80% valuation for a remodel of a non-conforming building. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 2<sup>nd</sup>, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #16-008 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans



shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan. Erosion and sediment control shall be installed prior to the commencement of construction and maintained throughout the duration of the construction project.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

## **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
The proposed remodel and addition do not comply with the setback standards of the Zoning Ordinance, but special circumstances exist in relation with reduced setbacks enjoyed by many surrounding properties.
- B. **The application will maintain the character and integrity of the neighborhood.**  
The proposed remodel and addition will update the structure improving the integrity of the building and neighborhood. The variance to allow the existing non-conforming commercial structure to remain in the current location will maintain the character and development pattern along Capitola Avenue.
- C. **This project is categorically exempt under Section 15302 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15302 of the CEQA Guidelines exempts the replacement or reconstruction of an existing structure on the same site with a new structure of the same purpose. This project involves a remodel of a commercial unit and replacement of residential in the CN (Neighborhood Commercial) Zoning District. No adverse environmental impacts were discovered during review of the proposed project
- D. **Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**  
The strict application of the code deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. There are numerous non-conforming structures within the 500 block of Capitola Avenue that extend in the required setbacks.
- E. **The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**  
The existing development pattern of the block includes many existing non-conforming buildings that do not comply with front, side, and rear yard setbacks. Grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

### **COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 503 Capitola Avenue. The proposed project is not located in an area with coastal access. The proposed project 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 Capitola 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.

**(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. 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 neighborhood commercial lot.

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

- There are no topographic constraints to the development site.

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

- The project does not impact recreational needs of the public.

**d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;**

**e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;**

**f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.**

**(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**

- No legal documents to ensure public access rights are required for the proposed project

**(D) (6) Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a mixed use development on a neighborhood commercial lot of record.

**SEC. 30223**

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

- The project involves a mixed use development on a neighborhood 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 involves a mixed use development on a neighborhood 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 mixed use development on a neighborhood commercial lot of record. The project complies with applicable standards and requirements for provision for pedestrian access, alternate means of transportation and/or traffic improvements. Parking requirements were not required to be met due to the minor modification and being that the project does not add heated square footage.

***(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 is requesting a variance from the setback standards and non-conforming valuation of the Municipal Code, but meets the other requirements of the code. The city's architectural and site review committee reviewed the project and support the minor modifications to the existing residence.

***(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 mixed use development on a neighborhood commercial lot of record. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the soquel creek water district.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is not located in 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 prepared by qualified professionals for this project may be required. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project complies with shoreline structure policies.

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

- This use is a principally permitted use consistent with the Neighborhood Commercial zoning district.

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

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures, except for the variance request for setbacks and non-conforming evaluation.

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

- The project site is not located within the area of the Capitola parking permit program.

**ATTACHMENTS:**

1. 503 Capitola Avenue Plans
2. 503 Capitola Avenue Aerial

Prepared By: Katie Cattan  
Senior Planner

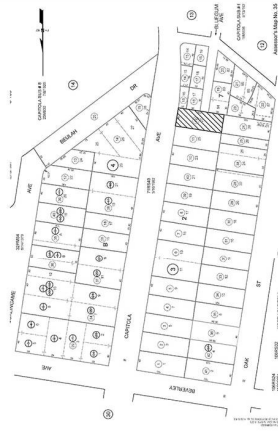
# VALENTE BUILDING

## 503 CAPITOLA AVENUE CAPITOLA, CA 95008

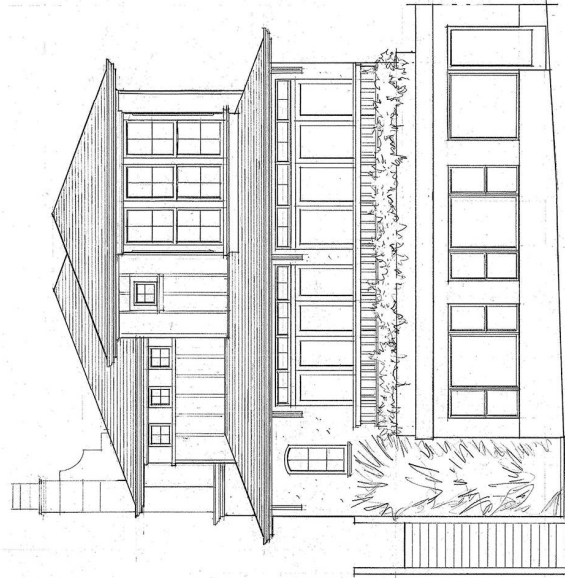
### COMMERCIAL SPACE



VICINITY MAP



PARCEL MAP



OWNER: VINCE VALENTE  
125 E. SUNNYCAKES AVENUE SUITE 201  
CAMPBELL, CA 95008

A.P.N.: 035 - 093 - 12

TZONING: CN

OCCUPANCY GROUP: R-2 (PER 2015 CRC)

CONSTRUCTION TYPE: V-N

PROJECT DESCRIPTION:  
A NEW 2 UNIT APARTMENT BUILDING WITH CARPORT TO REPLACE EXISTING SINGLE FAMILY DWELLING. REMOVE EXISTING STREET FRONT AND RECONSTRUCT TO MEET ALL CITY STANDARDS TO BE ADDED WITH ACCESS FROM BLUE GUM AVENUE.

**PROJECT INFORMATION**

P1	TITLE SHEET	SU-1	SURVEY
P2	DEMOLITION & COMMERCIAL	L-1	LANDSCAPE PLAN
P3	STAIR PLAN		
P4	SECOND FLOOR PLAN		
P5	EXTERIOR ELEVATIONS		
P6	EXTERIOR ELEVATIONS		
C1	SPACING & DRAINAGE PLAN		
C2	CONTROL PLAN		

**SHEET INDEX**

EXISTING CONDITIONED AREA	576.4 S.F.
COMMERCIAL SPACE	818.4 S.F.
SINGLE FAMILY RESIDENCE	1,393.8 S.F.
TOTAL EXISTING CONDITIONED AREA:	
EXISTING AREAS TO BE DEMOLISHED	
SINGLE FAMILY RESIDENCE	818.4 S.F.
PROPOSED CONDITIONED AREAS	
UNIT 1	
1st FLOOR:	449 S.F.
2nd FLOOR:	513.4 S.F.
TOTAL CONDITIONED AREA:	962.4 S.F.
UNIT 2	
1st FLOOR:	38.5 S.F.
2nd FLOOR:	1,155.5 S.F.
TOTAL CONDITIONED AREA:	1,194.3 S.F.
TOTAL GROSS FLOOR AREA:	2,739.4 S.F.
TOTAL LOT SIZE:	4,000 S.F.

**PARKING TOTALS**

UNIT 1	COVERED (CARPORT): 1 UNCOVERED
UNIT 2	COVERED (CARPORT): 1 UNCOVERED
COMMERCIAL	SPACES REQUIRED: 575.4 / 740 =
SPACES PROVIDED:	3 SPACES
COMPACT ALLOWABLE:	30% X 2.4 =
COMPACT ALLOWABLE:	7.2% X 2.4 =
COMMERCIAL SPACES PROVIDED	7 SPACES
STANDARD	
COMPACT	
TOTAL PARKING	

**PROJECT CALCULATIONS**

ARCHITECTS: MATSON BRITTON ARCHITECTS  
3000 S. BAYVIEW BLVD. SUITE 200  
SANTA CRUZ, CA 95062  
PHONE: 831-426-0344  
FAX: 831-426-4795

HANNAGAN LAND SURVEYING, INC.  
3000 S. BAYVIEW BLVD. SUITE 200  
SANTA CRUZ, CA 95062  
PHONE: 831-469-3428

ELLEN COOPER ARCHITECTS  
1155 N. GARDEN STREET  
SANTA CRUZ, CA 95062  
PHONE: 831-426-8845

**CONSULTANTS**

**ABBREVIATIONS**

&	AND	H.B.	HOSE BIB
L.A.	ANGLE	HDR.	HEADER
@	AT	HDWR.	HARDWARE
°	DEGREE	HORIZ.	HORIZONTAL
A.B.	ABOVE	HT. H.	HEIGHT
(A)	ANCHOR BOLT	I.D.	INSIDE DIAMETER
A.C.I.	AMERICAN CONCRETE INSTITUTE	I.N.	INCHES
ADJ.	ADJACENT	INSUL.	INSULATION
A.F.F.	ABOVE FINISH FLOOR	INT.	INTERIOR
A.I.S.C.	AMERICAN INSTITUTE OF STEEL CONSTRUCTION	J.	JOINT
ALT.	ALTERNATE	K.P.	KING POST
ALUM.	ALUMINUM	L	LENGTH
APPROX.	APPROXIMATELY	MAX.	MAXIMUM
ARCH.	ARCHITECTURAL	M.B.	MACHINE BOLT
A.S.I.M.	AMERICAN SOCIETY OF TESTING MATERIALS	MEMB.	MEMBRANE MANUFACTURER
(B)	BELOW	MIL	MILL
BLDG.	BUILDING	MISC.	MISCELLANEOUS
BLKG.	BLOCKING	MW.	MICROWAVE
BM.	BENCHMARK	N	NORTH
B.N.	BOTTOM NAILING	(N)	NOT TO SCALE
B.O.	BOTTOM OF	O	OVER
B.O.BOTT.	BOTTOM OF	O.C.	ON CENTER
BTWN.	BETWEEN	O.D.	OUTSIDE DIAMETER
C.B.	CABINET	O.H.	OPPOSITE HAND
C.B.	CABINET	O.V.	OVEN
C.E.	CEILING JOIST	N.I.C.	NOT IN CONTRACT
C.F.	CEILING FINISH	PL.	PLATE
C.G.	CEILING	PLYWD.	PLYWOOD
CL.	CLEAR	P.K.G.	PARKING
COL.	COLUMN	P.F.	FOUNDS PER SQUARE FOOT
CONC.	CONCRETE	P.S.I.	POUNDS PER SQUARE INCH
CONT.	CONTINUOUS	QTY.	QUANTITY
CR.	CENTERLINE	RAD.	RADIUS
C.	CENTERLINE	R.B.	ROOF BEAM
DB	DOUBLE	RCP.	REFLECTED CEILING PLAN
DEG.	DEGREE	RE.	REFERENCE
DEMO.	DEMOLISH	REF.	REFINISHED
DET. DTL	DETAIL	REIN.	REINFORCED
D.W.	DISHWASHER	REQD.	REQUIRED
DWG.	DRAWING	R.M.	ROOM
DWN.	DOWN	R.O.	ROUGH OPENING
(E)	EXISTING	R.R.	ROUGH RAFTER
EA.	EACH	SCHED.	SCHEDULE
EN.	EDGE NAILING	S.F.	SQUARE FOOT
EL.	ELEVATION	SQ. FT.	SQ. FT.
ELEV.	ELEVATOR	SHTG.	SHEATHING SHEET
ENG.	ENGINEER	SIM.	SIMILAR
EQ.	EQUAL	S.L.	SLOPED
EQ.	EQUAL	SPRL.	SPRINKLER
E.W.	EACH WAY	SQ.	SQUARE
F.B.	FLOOR BEAM	STG.	STAGGER
F.F.	FINISHED FLOOR FINISH	STD.	STANDARD
F.N.	FLOOR NAILING	STR.	STRUCTURAL
FL.	FLOOR	T&B	TOP & BOTTOM
FL.	FLOOR	T&G	TONGUE & GROOVE
F.N.	FLOOR NAILING	THK.	THICK
F.O.	FOUNDATION	T.O.	TOP OF
F.P.	FACE OF	T.P.	TOILET PAPER
F.R.	FIRE RATED	TYP.	TYPICAL
FIG.	FIGURE	U.B.C.	UNIFORMED CODE
FIG.	FIGURE	VERT.	VERTICAL
FR.	FREER	W.	WIDTH
GALV.	GALVANIZED	WH.	WOOD
G.B.	GRADE BEAM	WATER HEATER	
GYP. BD.	GYP. BOARD		

MATSON ARCHITECTS  
728 N BRANFLORE  
SANTA CRUZ  
95062

THE ARCHITECT'S CONTRACT  
FOR COMMERCIAL BUILDINGS  
BASED ON THE 2015 CONSTRUCTION CONTRACT DOCUMENTS  
ISSUED BY THE CALIFORNIA ARCHITECTS ASSOCIATION

REVISIONS

COMMERCIAL SPACE  
503 CAPITOLA AVENUE  
CAPITOLA, CA 95010  
APN: 035 - 093 - 12

TITLE SHEET

DATE: 01/12/16

DESIGNED BY: LC

DRAWN BY: VALENTE

CHECKED BY: P1

SCALE: AS SHOWN







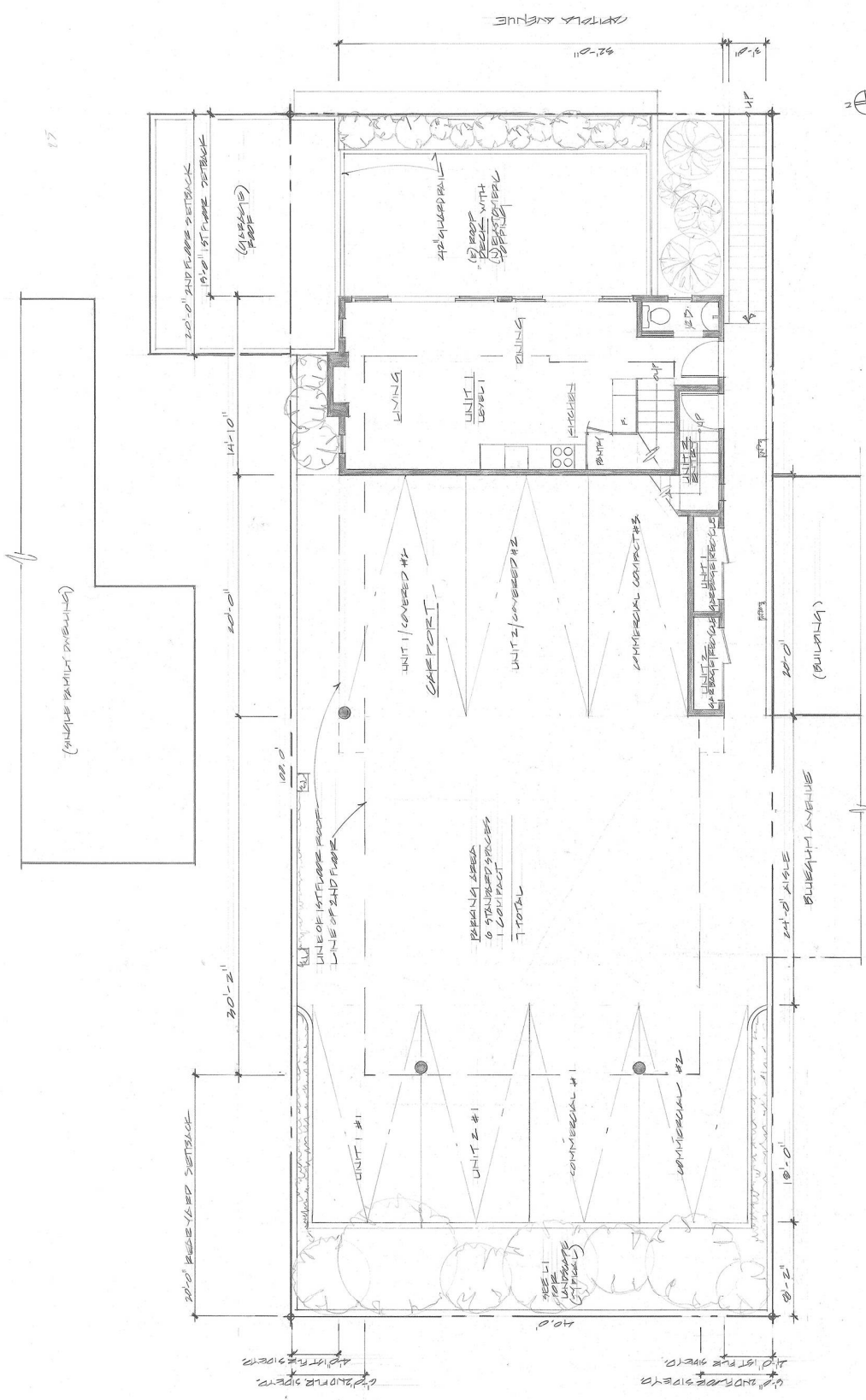
NOTICE: THIS PLAN IS THE PROPERTY OF MATSON ARCHITECTS AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF MATSON ARCHITECTS.

DATE: 11/12/10  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

VLAETE BUILDING  
 503 CAPITOLA AVENUE  
 CAPITOLA, OREGON 97331


FIRST FLOOR  
 11/12/10

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- NOTE:
1. EXISTING DRAINAGE PATTERNS TO REMAIN
  2. PROVIDE RAIN BARRELS AS REQUIRED BY CITY.
  3. PERSONS AND NEARBY FROM 10' TO 20' FROM PERIMETER OF RAIN BARRELS.
  4. MAINTAIN PERIMETER (SEE) FOR

FIRST FLOOR SITE PLAN  
 1/4" = 1'-0"



726 K RAVENHILL  
SANTA CRUZ  
CALIFORNIA  
95128-1044

NOTICE  
THE LICENSEE OR CONTRACTOR  
HEREON REPRESENTS AND WARRANTS  
THAT THE INFORMATION CONTAINED  
HEREIN IS TRUE AND CORRECT  
AND THAT THE LICENSEE OR CONTRACTOR  
IS NOT PROVIDING ANY SERVICES  
WHICH ARE UNLAWFUL OR UNETHICAL  
OR IN VIOLATION OF ANY APPLICABLE  
LAW OR REGULATION.

REVISIONS

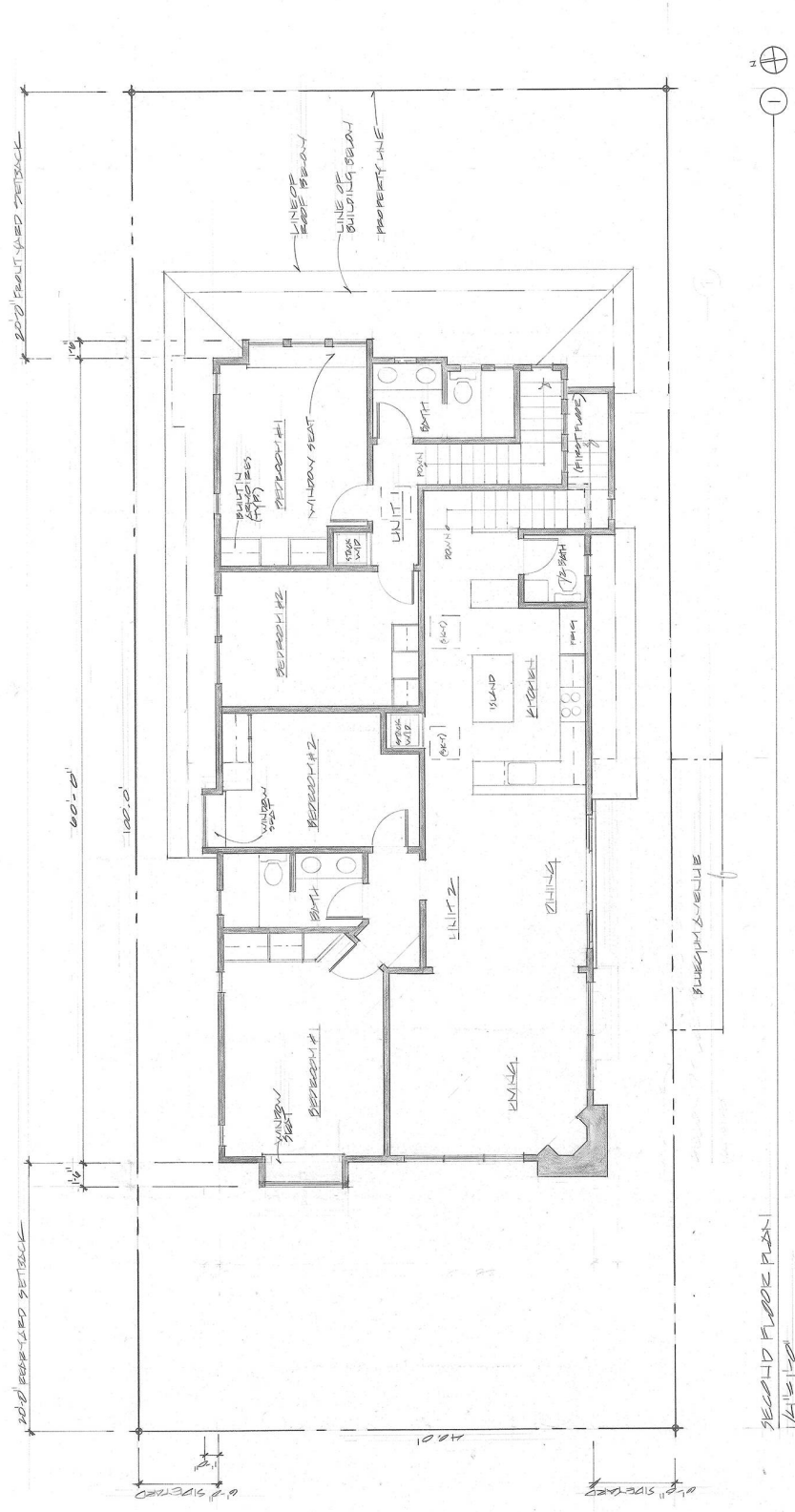
NO.	DATE	DESCRIPTION
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VALERIE BUILDING  
903 CAPITOLA AVENUE  
SANTA CRUZ, CA 95128

SECOND FLOOR PLAN

SCALE

1" = 10'-0"



SECOND FLOOR PLAN  
11/15/16







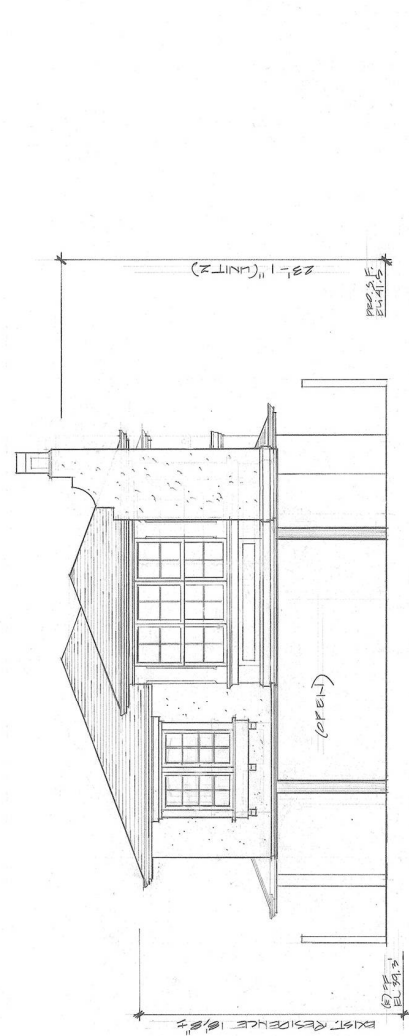
228 N BARKHOLE  
 SAN FRANCISCO, CA 94102  
 415.774.8888  
 WWW.MATSONARCHITECTS.COM

ARCHITECTS  
 REGISTERED ARCHITECTS  
 STATE OF CALIFORNIA  
 ARCHITECT LICENSE NO. 10000

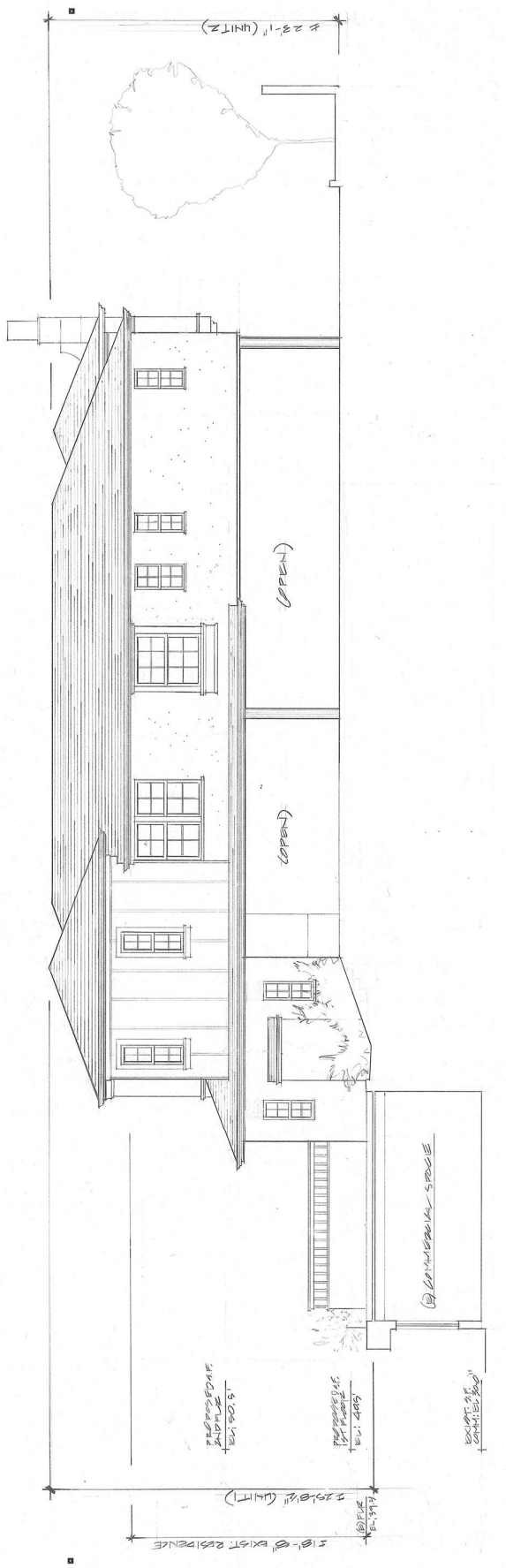
VEHUTE BUILDING  
 503 CAPITOLA AVENUE  
 SAN FRANCISCO, CA 94102

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PG 46



WEST ELEVATION  
1/4\"/>



NORTH ELEVATION / SECTION  
1/4\"/>







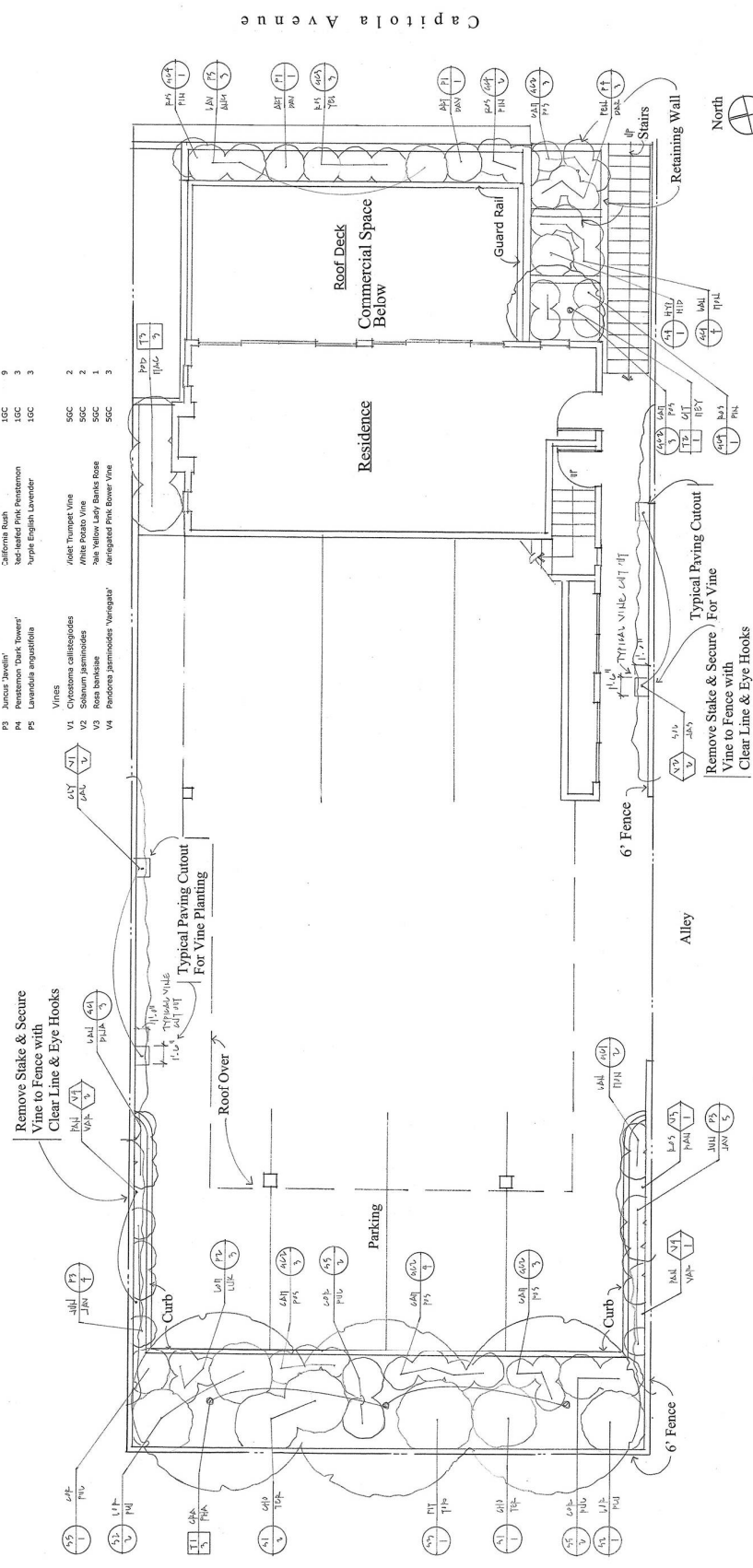






**Planting Legend**

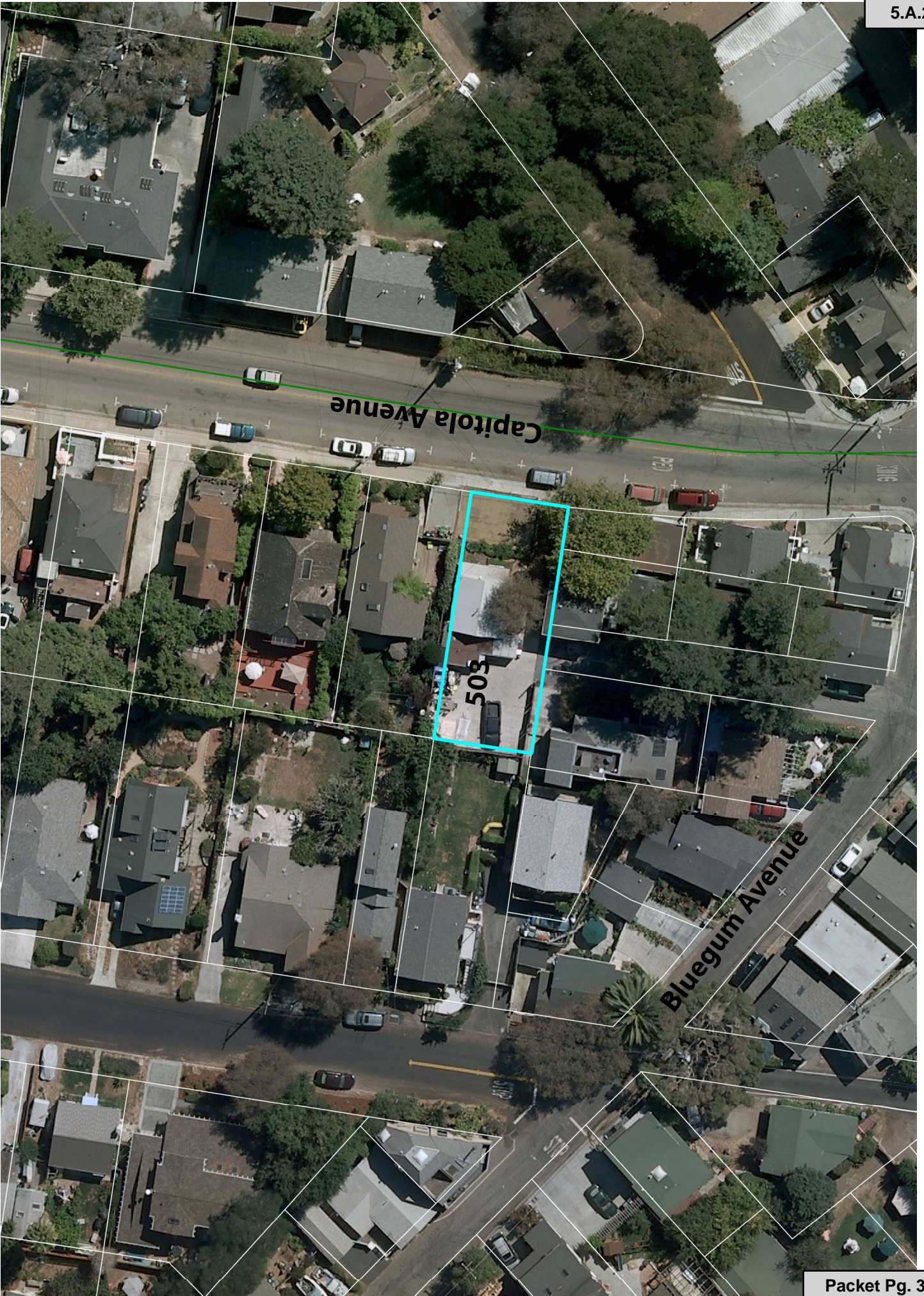
Sym	Botanical Name	Common Name	Size	Quan	Grass/cover	Notes
T1	Crataegus phaeocarpa	Hawthorn	15GC	3	G01	Deep Yellow Trailing Lantana
T2	Celastrus ciliatus	Winterberry	15GC	3	G02	Purple Screen Ballflower
T3	Chamaecrista nictitans	Golden Plover	15GC	3	G03	Yellow Flower Carpet Rose
T4	Chamaecrista nictitans	Golden Plover	15GC	3	G04	Light Pink Flower Carpet Rose
S1	Chrysanthemum	White Mexican Orange	50C	3		
S2	Longitropis	Red-leaved Pink Fringe Flower	50C	3		
S3	Pithecolobium	Integrifolia	50C	1		
S4	Hypericum	Yellow Hypericum	15GC	1		
S5	Correa	Pink Australian Fuchsia	15GC	5		
P1	Artemisia	Silver Chrysanthemum	15GC	2		
P2	Lonicera	Yellow Bellflower	15GC	6		
P3	Juncus	Blue Juncus	15GC	9		
P4	Penstemon	Red-leaved Pink Penstemon	15GC	3		
P5	Lavandula	Purple English Lavender	15GC	3		
V1	Chytostema	White Trumpet Vine	50C	2		
V2	Chytostema	White Trumpet Vine	50C	2		
V3	Rosa	Red-leaved Pink Rose	50C	2		
V4	Pendulous	Integrifolia	50C	3		



**Planting Notes**

- Remove soil as required to accommodate soil amendments and ensure positive drainage away from all structures.
  - After the completion of all grading and underground construction, all planting areas shall be finish graded, 1/2" smooth.
  - Use a minimum of 2" of topsoil over the finished grade.
  - Use a minimum of 2" of topsoil over the finished grade.
  - No obstructions of plants or materials to be sited shall be located within the drip line of any existing tree to be saved.
- QUALITY OF PLANT MATERIALS**
- Plants shall be healthy and free from diseases and pests.
  - Plants not conforming to common nursery standards or found unacceptable by the Landscape Architect will be rejected and shall be replaced at no additional cost to the owner.
  - Plants shall be delivered to the site in a container that is suitable for the species and size of the plant.
  - Plants shall be delivered to the site in a container that is suitable for the species and size of the plant.
  - Plants shall be delivered to the site in a container that is suitable for the species and size of the plant.
- INSTALLATION**
- Planting holes shall be as deep as the root ball and 3 times the width of the root ball.
  - Plants shall be placed in the hole with the root ball centered and the top of the root ball 1/2" above the ground level.
  - Backfill for the plants shall be 50% topsoil and 50% black mulch.
  - Plants shall be secured with 2" of redwood bark, 1/2" bark or other approved material.
  - All trees shall be staked with 2" x 2" x 10' long pole pins. Stake outside the root ball and secured with two rubber tree ties.





Attachment: 503 Capitolita Avenue Aerial (1486 : 503 Capitolita Avenue)





## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: JUNE 2, 2016  
 SUBJECT: **201 Esplanade #16-095 APN: 035-211-05**

Sign Permit and Design Permit application for two new awning signs on the front of the building and two new awning signs on the rear of the building for Rocks of Petra restaurant located in the CV (Central Village) Zoning District. This project is in the Coastal Zone but is exempt from a Coastal Development Permit.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Xavier Sanchez  
 Representative: Amjad Al Asad, filed: 5/6/16

### **APPLICANTS' PROPOSAL**

The applicant is proposing two new awning signs on the front of the building and two awning signs on the rear of the building for Rocks of Petra (previously Mr. Kebab) located at 201 Esplanade in the CV (Central Village) Zoning District. The new signs and awnings require Planning Commission approval of a Design Permit and Sign Permit.

### **DISCUSSION**

Rocks of Petra is located at 201 Esplanade at the east end of the row of restaurants and bars closest to the beach. The restaurant has an entrance and a to-go window located on the frontage along Esplanade. Previously, there was one wall sign between the entrance and the to-go window. The current application is the result of a code enforcement complaint for installation of signs without a permit. The owner removed the existing wall sign and installed two new awning signs on the front elevation above the door and to-go window. The owner also installed two awnings on the rear of the building that have advertising on the valance.

The code does not have specific regulations for awnings with signs. All signs in the Central Village are subject to the standards identified in §17.57.060.B, as follows:

1. Relate all signs to their surroundings in terms of size, shape, color, texture, and lighting so that they are complimentary to the overall design of the building and are not in visual competition with other conforming signs in the area. Signs should be an integral part of the building and site design.

Front Façade: The proposed signs on the front façade complement the building design with the rounded canvas awning above the entry door and to-go window. The signs are not in visual competition with other signs in the area.

Rear Façade: The two awnings on the rear of the building were attached below the existing roof overhang. They do not appear as an integral part of the building design. There is limited space between the roof overhang and the property line. The awnings that were installed are too large for the site and when fully extended cross the property line. Also, the writing on the valance is crowded with two lines filling approximately 80 percent of the valance and use two different font types. The majority of signs in the village have a single line on the valance with a single font, creating a cleaner look.

2. Arrange any external spot of flood sign lighting so that the light source is screened from direct view, and so that the light is directed against the sign and does not shine into adjacent property or distract motorists or pedestrians.

Front Awning: Each awning has a strand of LED lights within the canvas. The light source is screened from direct view and does not shine into adjacent properties or act as a distraction.

3. Sign programs will be developed for buildings which house more than one business. Signs need not match but should be compatible for the building and each other.

Staff analysis: Not applicable. The location has one tenant.

4. One menu box with a maximum of 3 square feet shall be allowed for each restaurant. The board design and materials shall be consistent with the materials and design of the building face.

Staff analysis: The applicant currently has a menu sign taped to the front door. If the Planning Commission would prefer a menu box be approved for the site, the sign application may be conditioned to allow one menu box sign up to three square feet.

5. If banners and flags are placed on the buildings they must be included and reviewed as part of the sign program.

Staff analysis: Not applicable. No banners or flags are proposed within the application.

6. Sidewalk signs are permitted subject to specific standards.

Staff analysis: The applicant is not requesting a sidewalk sign within the proposal. In September of 2015 and in February of 2016, the property was subject to code enforcement to remove an unpermitted sidewalk sign. The sidewalk sign was removed.

The Central Village Design Guidelines require that awnings be at least eight feet above the sidewalk be conditioned to be replaced when they have shown wear, and must obtain an Encroachment Permit. The awning over the front entry is seven feet six inches high and the awning over the to-go window is seven feet ten inches high. There is no additional room to lift the awnings due to the existing roof overhang. The guidelines are not strict development regulations and the Planning Commission may allow the proposed seven feet six inch height. The building department requires six feet eight inches of clearance to comply with accessibility standards. The awnings comply with the accessibility standard. A condition of approval is included to require replacement of the awning when wear and tear is present. The awnings on the front of the building are not located over City property, therefore an encroachment permit is not required.

The Central Village Design guidelines also include specific guidance on signs along the Esplanade. The guidelines state “no signs shall be placed on the beach face of Esplanade structures.” The awning signs on the rear of the building do not follow the guideline as they have been placed to be viewed from the beach. A condition of approval has been added to require removal of the two back awnings.

### **CEQA**

Section 15301(g) of the CEQA Guidelines exempts upgraded copy (signs) on existing structures. This project involves two new signs on the front façade of an existing restaurant in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends that the Planning Commission **approve** the two signs on the front elevation and **deny** the two awnings on the rear elevation for application #16-095, subject to the following conditions and findings:

### **CONDITIONS**

1. The project approval consists of two sign located on the front façade of 201 Esplanade in the CV (Central Village) zoning district. The proposed project is approved as indicated in the conditions of approval reviewed and approved by the Planning Commission on June 2, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Two new signs and one new menu sign are approved for the property at 201 Esplanade. The approved signs include:
  - a. One (1) Awning Sign over the entrance on the front façade of the restaurant. The sign is 2 feet high by 8 feet wide and 2 feet 5 inches deep.
  - b. One (1) Awning Sign over the to-go window on the front façade of the restaurant. The sign is 2 feet high by 5 feet wide by 1 foot 7 inches deep.
3. The awnings must be kept clean and appear in good condition. Awnings are vulnerable to the natural elements and therefore the awnings shall be replaced by the owner when they show signs of wear.
4. A Building Permit for the front awning signs must be obtained from the Building Department 30 days of approval by the Planning Commission.
5. Two retractable awnings were installed on the rear of the building without approval by the Planning Commission. The two awning on the rear of the building were denied by Planning Commission. The awnings on the rear of the building must be removed within 30 days of the denial by Planning Commission.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.

### **FINDINGS**

- A. **The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**

The two awning signs on the front of the building were designed to maintain the character and aesthetic of the Central Village district.

**B. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.**

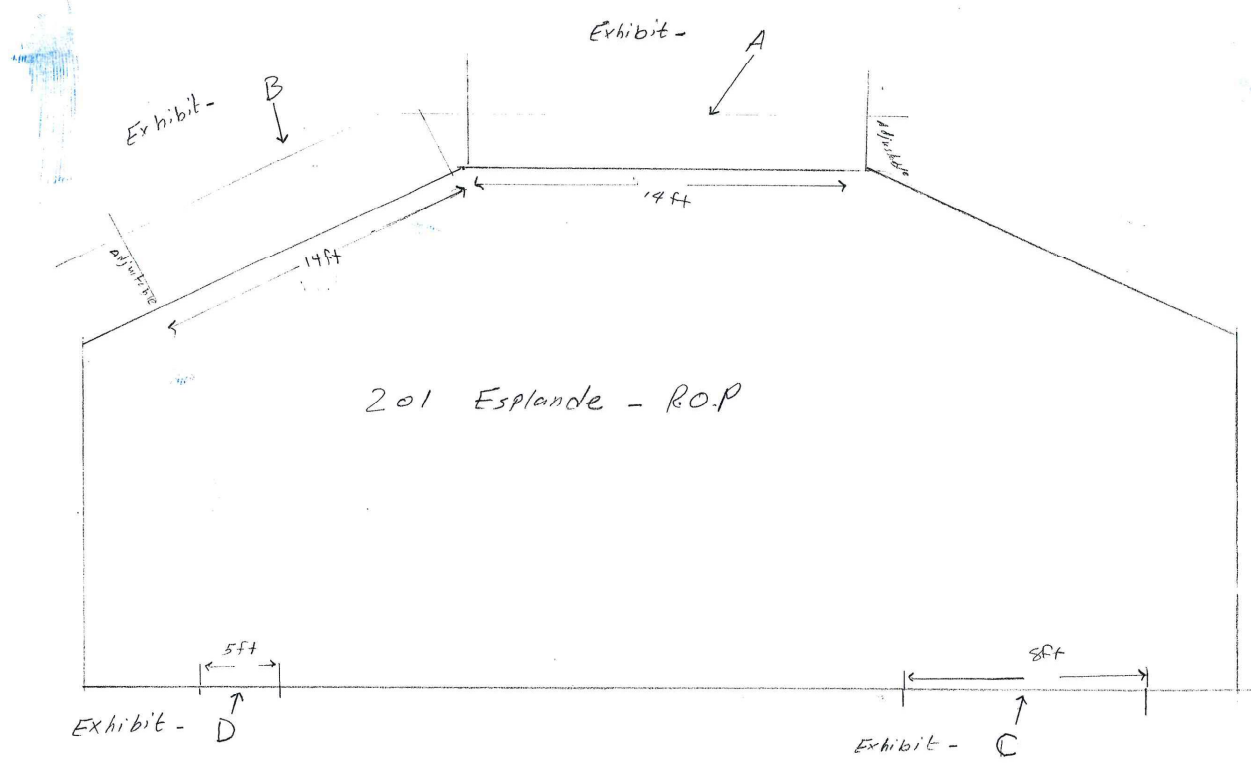
The signs on the front of the building complement the building design and the Esplanade. The two awnings proposed on the rear of the building have not been designed to fit within the architecture of the building or within the property lines and therefore have been denied.

**ATTACHMENTS:**

1. 201 Esplanade Plans

Prepared By: Katie Cattan  
Senior Planner

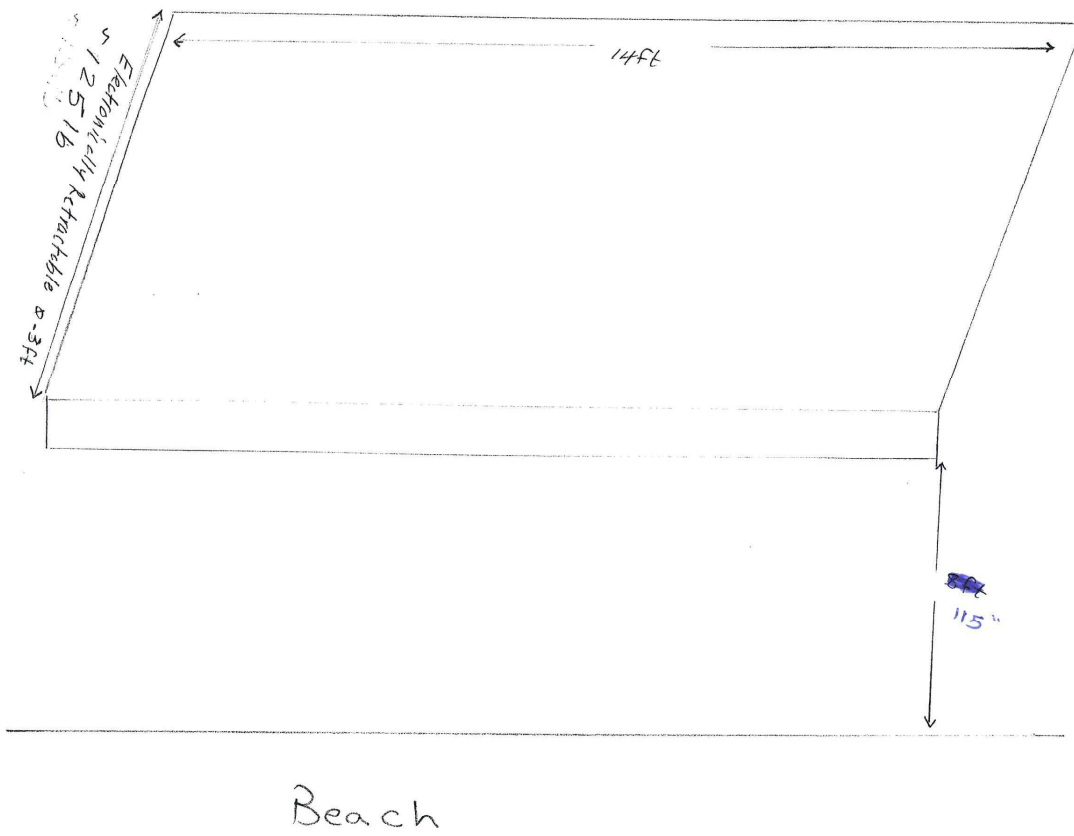
201 Esplanade - TOP-VIEW OF R.O.P.



Attachment: 201 Esplanade Plans (1488 : 201 Esplanade)

RECEIVED  
MAY 6 2016  
CITY OF CAPITOLA

Exhibit A, B - Top view Retractable Awning.



Attachment: 201 Esplanade Plans (1488 : 201 Esplanade)



Exhibit A



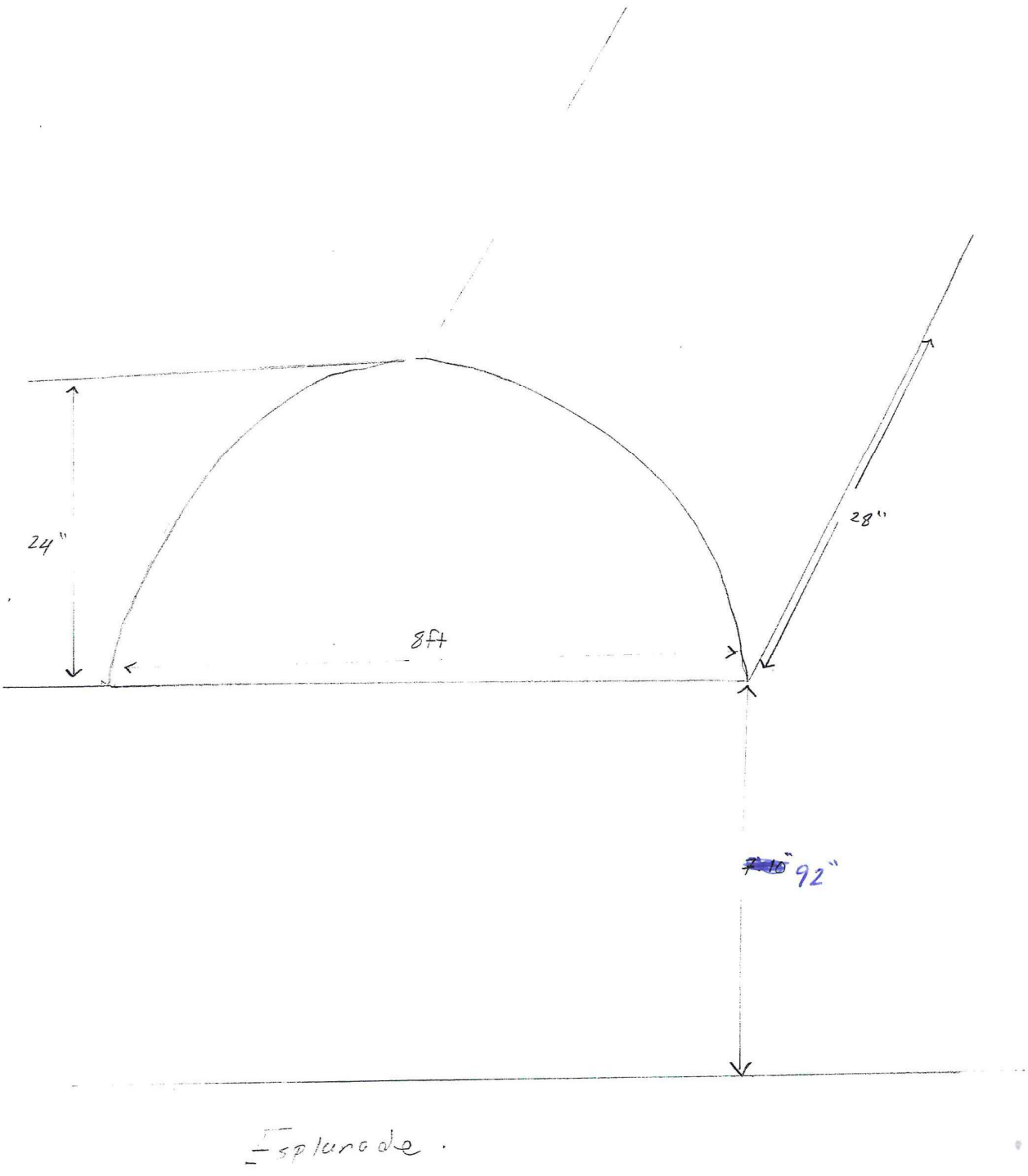
Attachment: 201 Esplanade Plans (1488 : 201 Esplanade)

Exhibit B



Attachment: 201 Esplanade Plans (1488 : 201 Esplanade)

Exhibit C - Front Door Awning



Attachment: 201 Esplanade Plans (1488 : 201 Esplanade)

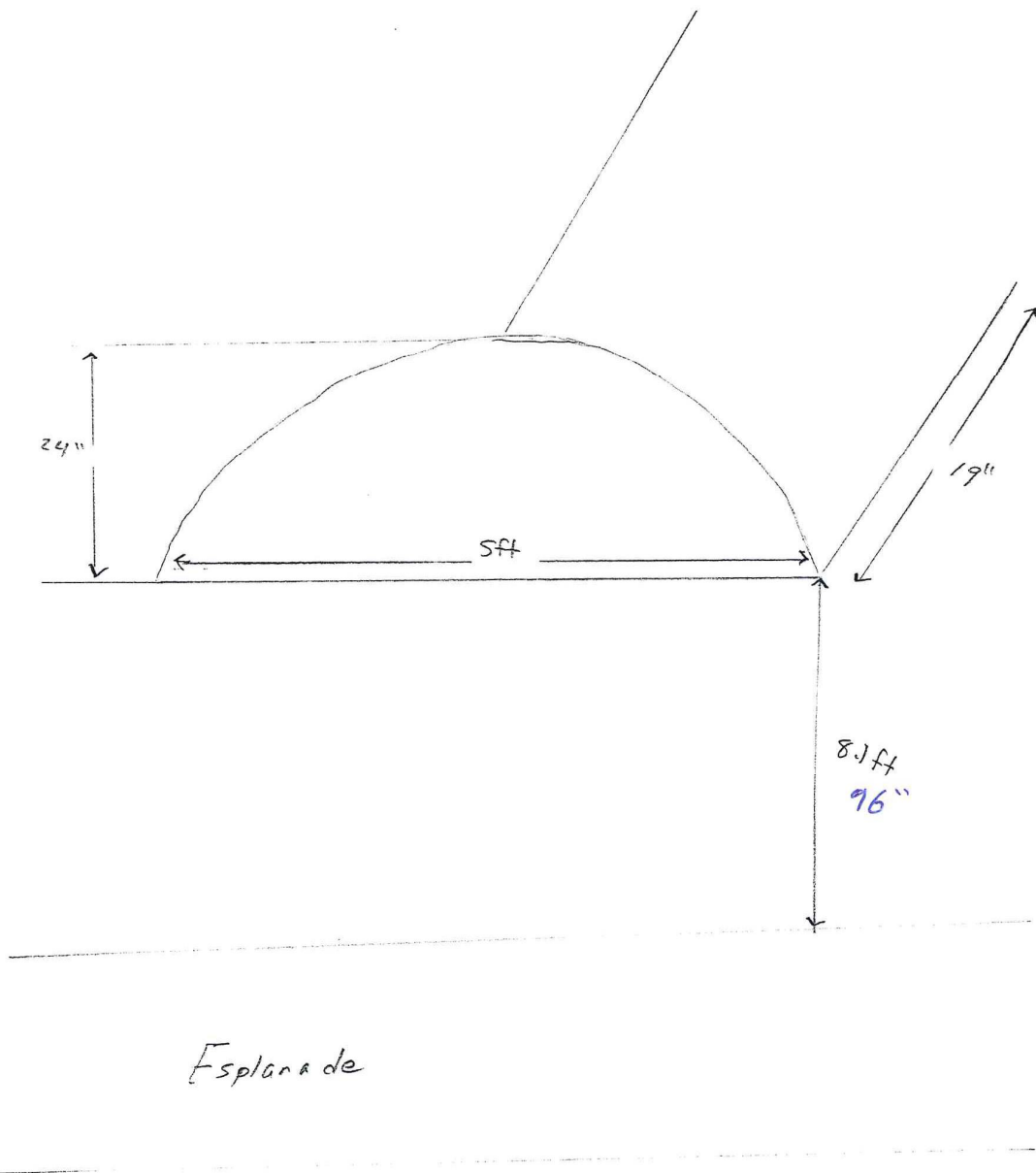
Exhibiting Front Door



Attachment: 201 Esplanade Plans (1488 : 201 Esplanade)



Exhibit D - Take-out Window



Attachment: 201 Esplanade Plans (1488 : 201 Esplanade)

Exib. t D Take-out

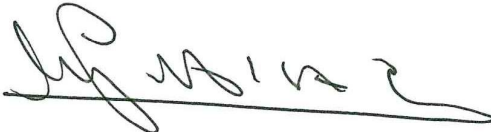


Attachment: 201 Esplanade Plans (1488 : 201 Esplanade)

**Rocks of Petra****Management of Awning**

May 6, 2016

The awning on the rear elevation is electronically retractable. If fully extended it would cross the property line. Rocks of Petra will manage the awning to ensure it does not go over the property line. There is enough shade provided by the awning without extending the awning beyond Rock of Petra property.

  
5/6/16.







201 Esplanade

Attachment: 201 Esplanade Plans (1488 : 201 Esplanade)



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: JUNE 2, 2016  
 SUBJECT: **1890 Wharf Road #16-043 APN: 035-031-35**

Variance request and Major Revocable Encroachment Permit to extend an existing non-conforming roof overhang two feet further into the Wharf Road public right-of-way area and a Fence Permit height exception to allow for a six foot tall fence in the public right-of-way, located in the AR/R-1 (Automatic Review / Single-Family Residential) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: James P. DeMangos

Representative: James P. DeMangos, filed: 3/17/16

### **APPLICANT PROPOSAL**

The applicant has submitted an application to extend the front roof overhang an additional two feet at 1890 Wharf Road. The home's existing overhang extends 18 inches over the front of the building and is non-conforming because it encroaches approximately 12 inches over the front property line into the Wharf Road public right-of-way. The applicant is requesting to extend the roof an additional two feet further into the right-of-way increasing the non-conformity of the structure. The roof extension requires a variance and a major revocable encroachment permit. In addition, the applicant is requesting a fence height exception to build a six foot tall fence along the front property line which is generally limited to a maximum of 42 inches. The fence also requires a major revocable encroachment permit. The variance, major revocable encroachment permit, and fence height exception all require approval by the Planning Commission.

### **BACKGROUND**

The above matter was reviewed by the Architectural and Site Review committee on April 13<sup>th</sup>, 2016. The following direction was provided to the applicant:

- City Public Works representative, Danielle Uharriet, stated that Public Works is not concerned with the design. She informed the applicant to print the Public Works Standards Detail Storm Water Best Management Practices (STRM-BMP) on the construction plans and that all construction must follow the STRM-BMP rules.
- City Building Official, Brian Van Son, explained that the roof extension might need to be fire-rated, but overall did not have any concerns with the proposal.
- City Architect Representative, Frank Phanton, supported both the roof overhang and fence height exception requests due to similar design of adjacent properties.

- City Landscape Architect Representative, Craig Walsh, was not present.
- City Planner, Ryan Safty, explained that a survey of the property will be required prior to scheduling for Planning Commission review.

Following the Architectural and Site Review meeting, the applicant submitted a survey of the existing home and property lines, and updated the site plan to reflect the survey.

### **ZONING SUMMARY**

The following table outlines the zoning code requirements for development in the R-1(Single Family Residential) Zoning District relative to the application.

#### **R-1 (Single Family Residential) Zoning District**

<b>Development Standards</b>		
<b>Building Height</b>	<b>R-1 Regulation</b>	<b>Proposed</b>
	25 ft	9 ft – 4 in
<b>Floor Area Ratio (FAR)</b>		
<b>Lot Size</b>		7,061 sq ft
<b>Maximum Floor Area Ratio</b>		48%
<b>TOTAL FAR</b>		No Change
<b>Yards (setbacks are measured from the edge of the public right-of-way)</b>		
	<b>R-1 Regulation</b>	<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story wall</b>	15 ft	6 in. – no change proposed Non-conforming
<b>Front Yard 1<sup>st</sup> Story roof</b>	11 ft	Extends 12 in. over property line, into right-of-way Non-conforming
<b>Front Yard Garage</b>	20 ft	6 in. – no change proposed Non-conforming
<b>Side Yard 1<sup>st</sup> Story</b>	10% of site width (40 ft) = 4 ft	4 ft – 6 in (north) 3 ft -6 in(south) – Non-conforming
<b>Rear Yard 1<sup>st</sup> Story</b>	20% of site depth (100ft) = 20 ft + 35 ft Soquel Creek setback	Approximately 60 ft No change proposed
<b>Encroachments (list all)</b>	1) Roof Overhang in front	<u>Variance Requested</u> – extend non-conforming roof overhang an additional 2 ft, beyond the front property line, to match the neighboring property
	2) Existing Non-conforming setbacks	Front yard is 4 ft and south-side yard is 3 ft -6 in (No changes proposed)
<b>Fence Height</b>	Front yard fences Max Height = 3.5 ft	Exception request for 4 ft fence + 2 ft lattice on top (6 ft total)
<b>Parking</b>		
<b>No square footage change, thus parking is not affected.</b>		No change

<b>Underground Utilities: required with 25% increase in area</b>	n/a
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### **DISCUSSION**

The property at 1890 Wharf is located along the east side of Wharf Road, just north of the Wharf Road and Grace Street intersection. The existing home is single-story with vertical siding and a flat roof. The existing home does not meet front yard and side yard setback requirements. The home only contains a six inch setback at the closest point from the front property line, when 15 feet are required for R-1 zoned properties. Additionally, the structure is located three feet six inches from the south-side property line and four feet are required.

#### **AR (Automatic Review) Overlay Zoning**

In addition to being zoned R-1 (Single-Family Residential), the property is also located in the AR (Automatic Review) overlay district. The purpose for AR zoning within the coastal zone is as follows: "The AR district is an overlay district wherein the uses and intensities shall be consistent with the underlying basic zoning district, except that due to constraints, additional conservation is needed to fulfill the goals of the local coastal program land use plan" (§17.54.020-B). Regulations have been incorporated into the Soquel Creek section (17.95.030) of the Environmentally Sensitive Habitat chapter of the Municipal Code to ensure protection of the habitat. The application is subject to the following requirements for properties in the Soquel Creek riparian corridor:

A. Development in areas adjacent to the Soquel Creek riparian corridor shall be sited and designed to prevent impacts which would significantly degrade the area.

Staff Analysis: The roof and fence height addition are located on the front of the property and will not have any impact on the Soquel Creek riparian corridor.

B. A minimum thirty-five foot setback from the outer edge of riparian vegetation shall be required for all new development. On the heavily developed east side of the lagoon and creek (from Stockton Avenue to Center Street) the setback requirement shall be measured from the bank of Soquel Creek.

Staff Analysis: The fence and roof extension are located along the front property line. No work is proposed within the required thirty-five foot setback.

C. The applicant shall be required to retain a qualified professional to determine the location of the outer edge of riparian vegetation on the site and to evaluate the potential impact of development on riparian vegetation and report to the city his or her findings before final action on the application is made. Mitigation measures, as contained in the evaluation, shall be made conditions of approval when needed to minimize impacts.

Staff Analysis: Staff waived the requirement of hiring a qualified profession due to location of proposed modifications along the front property line which does not support any riparian vegetation.

D. Removal of native riparian trees within the Soquel Creek riparian corridor shall be prohibited unless it is determined by the Community Development Director that such removal is in the public interest by reason of good forestry practice; disease of the tree; or safety considerations.

Staff Analysis: No removal of vegetation is proposed.

E. Snags, or standing dead trees have high value as nesting sites and shall not be removed unless in imminent danger of falling. Removal shall be consistent with all

applicable provisions of the Capitola tree cutting ordinance. Any such tree removal shall require replacement with a healthy young tree of an appropriate native riparian species.  
Staff Analysis: No removal of vegetation is proposed.

F. Coastal development permit applications within or adjacent to the Soquel Creek riparian corridor shall contain a landscaping plan which sets forth the location and extent of any proposed modification to existing vegetation and the locations, kinds, and extent of new landscaping. The emphasis of such plans shall be on the maintenance and enhancement of native riparian species and the removal of existing invasive species. New invasive plant or tree species shall not be permitted.  
Staff Analysis: No removal of vegetation is proposed.

G. Conformance to the Capitola erosion control ordinance (Chapter 15.28) shall be required. A drainage plan shall be provided for all projects adjacent to or in the riparian corridor. Grading shall be minimized within the riparian setback area. Grading shall not be permitted to damage the roots of riparian trees. Grading shall only take place during the dry season. (Ord. 677 § 7(D), 1989; Ord. 634 § 1, 1987)  
Staff Analysis: Not applicable. No grading is proposed.

### Variance

The applicant is requesting a variance to allow for the roof overhang to further encroach into the Wharf Road public right-of-way area. Pursuant to §17.66.090, the Planning Commission may grant a variance permit when it finds:

1. There are special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.

There are several special circumstances applicable to the property at 1890 Wharf Road. The property fronts a busy street. The subject property (as with neighboring properties) slopes significantly down towards Soquel Creek, making it difficult to build along the rear of the property. Additionally, development on the property is subject to Chapter 17.95 Environmentally Sensitive Habitats that increases the rear yard setbacks to 35 feet from the edge of the riparian vegetation. Due to this, the east side of Wharf Road is developed with single-family homes with little to no setback from the Wharf Road public right-of-way area.

Staff conducted a survey on the east-side properties from 1816 to 1920 Wharf Road which are under identical zoning. 1930 Wharf Road was not included because it is a non-conforming multi-family use, and properties south of 1816 Wharf Road were excluded due to the sidewalk ending and the properties having different development patterns.

The neighborhood survey showed that many of the adjacent properties similarly benefit from reduced front yard setback and have higher fences than the allowed 42 inch front yard fence. There are 11 other properties on the east side of Wharf Road that are zoned R-1 and contain a public sidewalk. Of the 11 properties, only one appeared to meet the required 15 foot front yard setback off of Wharf Road. Additionally, the two properties directly south (1880 and 1890 Wharf Road) are built within one to two feet of the sidewalk, and have roof overhangs that encroach up

to or over the sidewalk. The applicant would like to build his roof overhang to match that of his neighbor's.

A survey of the subject property shows that the front wall at 1890 Wharf Road is located as little as six inches from the front property line. As with neighboring properties, the subject property contains anywhere between two and six feet of unused public right-of-way area between the front property line and the adjacent sidewalk.

#### Exception to Fence Height

The subject property contains an existing 4 foot 9 inch picket fence that is built past the front property line within the public right-of-way along the edge of the public sidewalk. The applicant is requesting to remove the fence and build a new four foot solid redwood fence with a two foot open lattice above for added privacy and security being that the home fronts along a busy street. As a part of staff's neighborhood survey, fence height and location were also reviewed. Of the 11 other properties in the neighborhood, six benefit from having a similar fence height and location as what is proposed, three properties do not have sufficient room to install a fence, one property does not have a front fence, and one property built a conforming 42 inch front yard fence.

Due to the existing built condition of the neighborhood, the unique circumstance of the Soquel Creek riparian corridor's setbacks, and Wharf Road being a major thoroughfare, staff believes findings can be made to support the variance for the roof overhang and the fence height exception.

#### Revocable Encroachment Permit

Chapter 12.56 of the Capitola Municipal code outlines the regulations for privately installed improvements on public property or easements. The code defines a *private improvements area* as "that portion of any public street right-of-way in the city which is neither street system area nor shoulder parking area".

Pursuant to §12.56.060, the City may issue an encroachment permit to allow improvements to be installed and maintained by abutting private property owners, within the private improvements area. Minor permits may be issued by the Public Works Director for mailboxes, fences not in excess of three and one-half feet in height, walkways, driveways, and landscaping that comply with specific standards. Major Permits, for improvements beyond those listed under the discretion of the Public Works Director, require approval by the Planning Commission. The roof overhang extension and new six foot fence requires a major revocable encroachment permit. The Public Works Director indicated that an encroachment permit would be acceptable to staff.

The Planning Commission must evaluate the following considerations when deciding whether or not to issue a major permit. Staff analysis of the current application follows each review criteria.

1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening;  
Staff analysis: Within the revocable/hold harmless agreement, the owner must agree that the removal of the structure, when so ordered by the city, shall be at the permittee's expense and not the expense of the city. (Condition #3)
2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;



Staff Analysis: The new fence and roof overhang extension will be in conformity to the scale and design of the adjacent properties along the east side of Wharf Road.

3. Preservation of views;  
Staff analysis: Views are not impacted by the new fence or the roof overhang.
4. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property. If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved. The Planning Commission may, by providing reasonable notice to neighboring property owners, develop standards or criteria applicable to the entire block within which the property is located.  
Staff analysis: Per the neighborhood survey, the surrounding properties contain the same privileges included in this proposal. The proposal does not create a detriment to the community that exceeds the benefit to the property owner.

### **CEQA REVIEW**

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the existing structure. The proposal results in zero square feet of addition area. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends that the Planning Commission **approve** application #16-043 based on the following Conditions and Findings for Approval.

### **CONDITIONS**

1. The project approval consists of a two foot extension to an existing roof overhang and a new six foot high front yard fence (top two feet are lattice material) to be located within or above the public right-of-way at Wharf Road. A Major Revocable Encroachment Permit, Variance Permit, and Fence Height Exception have been approved within this application. The proposed project is approved by the Planning Commission on June 2<sup>nd</sup>, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
3. Within the revocable/hold harmless agreement, the owner must agree that the removal of the structure, when so ordered by the city, shall be at the permittee's expense and not the expense of the city.
4. There shall be no additional permanent structures located within the right of way without the issuance of a major permit by the Planning Commission.
5. Prior to June 16, 2016, the applicant shall complete all submittal requirements to finalize the major revocable encroachment permit with the Public Works Department. The revocable

encroachment permit shall be recorded within 90 days of the Planning Commission approval.

6. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Community Development Director. All construction and site improvements shall be completed according to the approved plans
7. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Community Development Director approval.
8. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.  
§9.12.010B
9. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
10. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
11. In any case where the conditions to the granting of a permit have not been or 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 therefor, the planning commission may revoke the permit.
12. Prior to issuance of revocable encroachment permit and building permit, all Planning fees associated with permit #16-043 shall be paid in full.
13. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

## **FINDINGS**

**A. The application, subject to the conditions imposed, secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Department Staff and the Planning Commission have reviewed the project. A major revocable encroachment permit, variance permit, and fence height exception for the roof overhang and new fence will carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

**B. The application will maintain the character and integrity of the neighborhood.**

Community Development Staff and the Architectural and Site Review Committee have all reviewed the project. The project will maintain the character and integrity of the neighborhood. The proposed fence and roof extension to the single-family residence compliments the existing residences within the neighborhood.

**C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301(e) of the CEQA Guidelines exempts minor modifications to existing structures. No adverse environmental impacts were discovered during review of the proposed project.

**D. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**

The strict application of the code deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. There are numerous non-conforming structures within the east side of Wharf Road that extend in the required front yard setbacks and contain fences higher than the 42 inch maximum.

**E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**

The existing development pattern of the block includes many existing non-conforming buildings that do not comply with front yard setbacks and fence height and location requirements. Grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

## **COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 1890 Wharf Road. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

- The proposed project is located along Wharf Road. 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.

**(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;**

- The proposed project is located on private property on Wharf Road. 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 residential lot.

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

- The project is located on a steep sloping lot.

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

- The project does not impact recreational needs of the public.

**d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;**

**e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;**

**f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.**

**(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**

- No legal documents to ensure public access rights are required for the proposed project

**(D) (6) Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home on a residential lot of record.

**SEC. 30223**

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

- The project involves a single family home on a residential lot of record.

**c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.**

- The project involves a single family home on a residential lot of record.

**(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**

- The project involves modification to an existing single family home. The project

complies with applicable standards and requirements for provision for pedestrian access, alternate means of transportation and/or traffic improvements. Parking requirements were not required to be met due to the minor modification and being that the project does not add heated square footage.

***(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 is requesting a variance from the front yard setback standards and fence height limitations of the Municipal Code, but meets the other requirements of the code. The city's architectural and site review committee reviewed the project and support the minor modifications to the existing residence.

***(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 minor modification to a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the soquel creek water district.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is not located in 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 prepared by qualified professionals for this project may be required. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

**(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;**

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

**(D) (20) Project complies with shoreline structure policies;**

- The proposed project complies with shoreline structure policies.

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

- This use is a principally permitted use consistent with the Single Family zoning district.

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

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures, except for the variance request to the roof overhang and the fence height exception request.

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

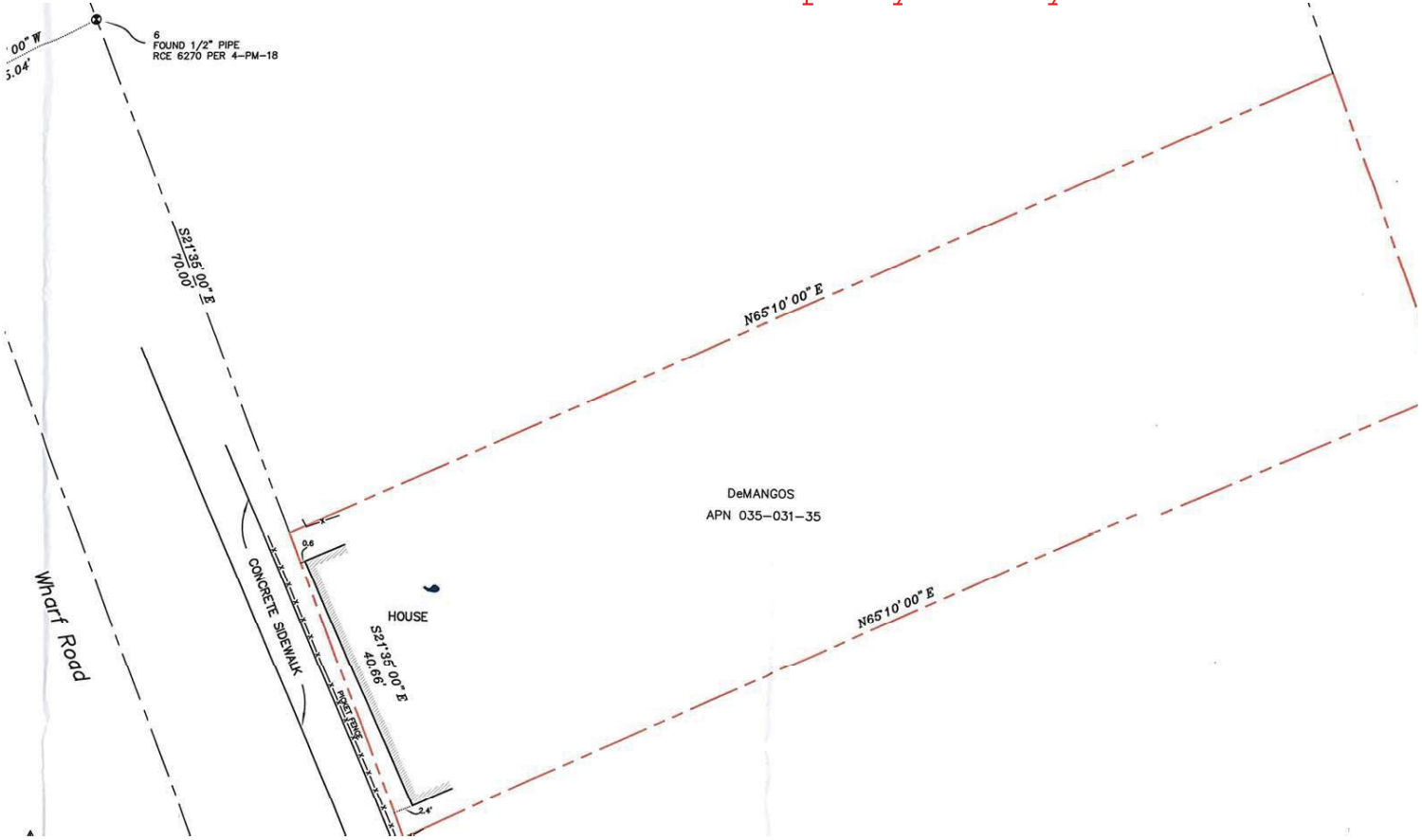
- The project site is not located within the area of the Capitola parking permit program.

**ATTACHMENTS:**

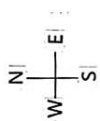
1. 1890 Wharf Road Project Plans

Prepared By: Ryan Safty  
Assistant Planner

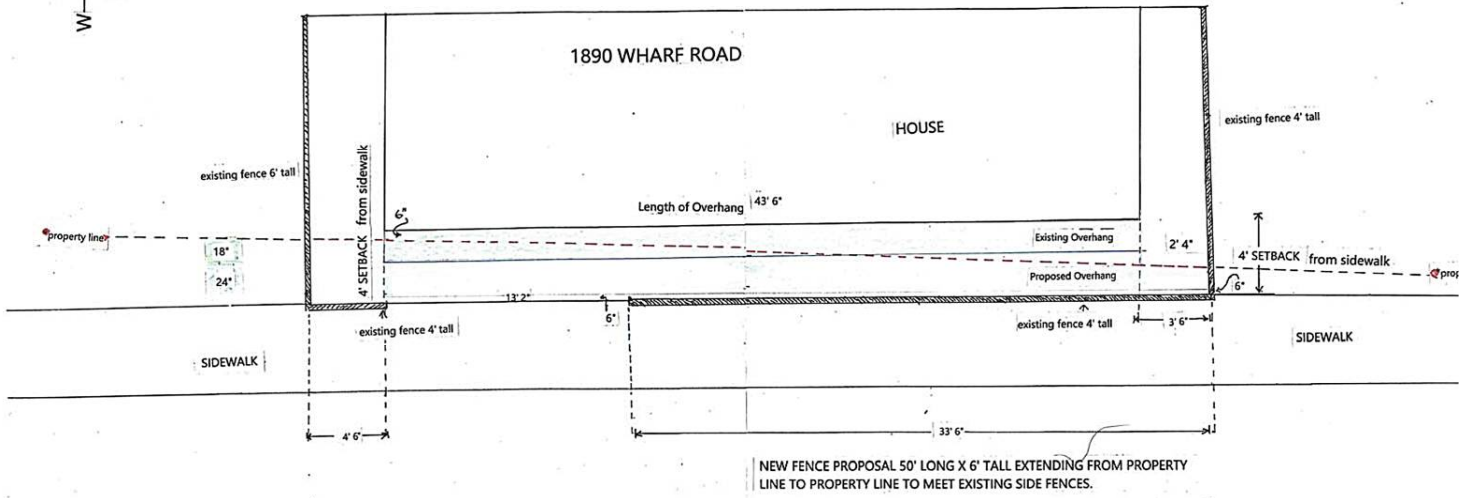
# 1890 Wharf Road - Property Survey



Attachment: 1890 Wharf Road Project Plans (1489 : 1890 Wharf Road)



SCALE: 1/4" = 1'  
SET PLANS DRAWN BY PROPERTY OWNER  
JAMES P. DE MANGOS 04 07 16 (619) 717-1817



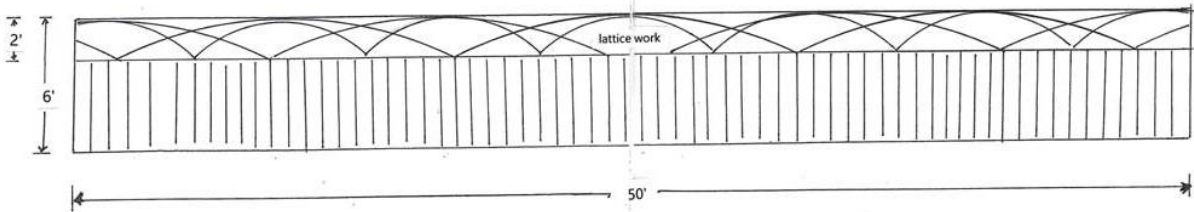
Attachment: 1890 Wharf Road Project Plans (1489 : 1890 Wharf Road)





### FENCE PROPOSAL FOR 1890 WHARF ROAD

PREPARED BY HOMEOWNER JAMES P. DE MANGOS 03 16 16



Scale: 1/4" = 1'

RECEIVED  
 MAR 17 2016  
 CITY OF CARIBOLA



Fence 50 feet long spanning the entire front of property, constructed of smooth finish redwood without stain or paint. Upper 2 feet section intricate lattice work, the lower section 1 inch by 10 inch overlapping boards 4 feet tall. Single entrance gate will be concealed in overall design.

Attachment: 1890 Wharf Road Project Plans (1489 : 1890 Wharf Road)



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: JUNE 2, 2016  
 SUBJECT: **231 Esplanade #15-198 APN: 035-211-01**

Design Permit and Conditional Use Permit for the installation of a new Verizon wireless antenna and ancillary equipment on the roof of 231 Esplanade, a mixed-use building in the CV (Central Village) Zoning District.

This project is located in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Steve Yates

Representative: Jay Gruendle, filed 12/16/15

### **APPLICANT PROPOSAL**

The applicant is proposing to construct a new cylindrical antenna facility on the roof of the existing mixed-use building at 231 Esplanade. The antenna structure is proposed to be screened and would extend two and a half feet above the existing roofline. The antenna would be visible from the beach, Esplanade, and Stockton Ave and does not meet location standards established by the Zoning Ordinance.

### **BACKGROUND**

On March 19<sup>th</sup>, 2015, the applicant submitted for a preliminary review of a new small-cell wireless facility to be located on the existing "Margaritaville" mixed-use building at 231 Esplanade. Staff responded on March 30<sup>th</sup>, 2015, explaining to the applicant that additional submittals were required per Municipal Code chapter 17.98.

The City received an application submittal on December 16<sup>th</sup>, 2015. Staff responded with an Incomplete Letter on December 31, 2015, stating that plan revisions, additional information, and a deposit to cover the cost of a review by a third-party telecommunications expert are required. Upon receipt of deposit, the City contracted Telecom Law Firm (Telecom) to conduct the review of Verizon's proposal.

Telecom reviewed Verizon's application and identified discrepancies within the plans, as well as missing information in significant gap in coverage report. Staff sent a second incomplete letter on February 17, 2016. On May 16<sup>th</sup>, 2016 the applicant submitted the remaining required information. On May 18, 2016, Telecom Law Firm finished their review of the proposed wireless facility.

The application was reviewed by the Architectural and Site Review Committee on May 25, 2016. The only direction provided during the meeting was from the Building Official, who

explained that engineering will be required at time of building permit submittal to ensure that the roof of the building at 231 Esplanade can handle the added load of the new antenna facility. The applicant previously submitted a report from a professional engineer verifying that the existing roof can handle the proposed antenna structure and ancillary equipment (Attachment 1).

### **ANALYSIS**

A wireless facility that is not co-locating, is located within the restricted 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, transient rental use, 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 231 Esplanade is located approximately 200 feet from the beach due south, zoned Public Facility – Parks/Open Space. The antenna is proposed within the restricted Transient Rental Use overlay zone and approximately 470 feet from single-family residences on Prospect Ave due west. Additionally, the Municipal Code requires that “wireless communication facilities shall be absolutely prohibited in areas that lie within one thousand feet of the coastline” (§17.98.080). The proposed site is located 500 feet from the coastline, and thus does not comply with setback restrictions.

The new small-cell wireless facility is proposed within the Capitola Village, in the CV (Central Village) zoning district. The adjacent uses consist of primarily commercial retail, restaurants, residential, public facilities, and office space. The proposed antenna is relatively small and screened with a faux roof vent. The antenna would be visible from both the Esplanade and Stockton Ave.

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.

### **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 the proposal will affect said coverage gap, and analyzed whether the proposed design and location would incorporate the "least intrusive means". (Attachment 3).

### **Significant Gap Analysis**

Verizon submitted existing and proposed cell coverage maps of Capitola and surrounding area to illustrate that a gap exists in the current cell coverage. Verizon also included a capacity demand graph to illustrate that the average demand is approaching capacity limits (Attachment 1). According to Telecom, the information provided in Verizon's report is proprietary and cannot be validated without full access to Verizon's capacity data. Telecom requested additional information about actual service levels, call failure rates, as well as a "drive test" to empirically measure the current Verizon service.

Telecom reviewed the additional information and "drive test" submitted by Verizon. Telecom stated that although Verizon provides relatively good coverage throughout the Central Village, Verizon intends to use this new site to solve a technical problem related to hand-offs between cells. Telecom feels that this hand-off issue, when applied to relevant factors, likely rises to a significant gap because it affects many users in a commercial area with high-volume roads. Telecom concluded that "Verizon very likely demonstrated that a significant gap exists because empirical information shows that the gap area impacts many potential users in a relatively dense commercial area with highly traveled roadways and seasonal events that bring even more potentially impacted users into the 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: alternative antenna and equipment designs, co-location or less sensitive site locations, among others, and that the proposal is the "least intrusive means" to filling the service gap.

### **Design Review**

The applicant is proposing to construct and operate a new wireless site on the rooftop of 231 Esplanade. The proposal consists of one cantenna structure, which includes an RF-transparent radome with multi-band antennas and a global positioning system (GPS) antenna. The cantenna will be enclosed in a faux-pipe vent with a curved hood in order to match the existing equipment roof-top equipment. The faux-pipe vent will be visible from adjacent properties. It will extend two feet and eight inches above the existing roof line. The top height of the proposed cantenna would be 27 feet, 6 inches from the finished grade. The existing height of the building parapet is 24 feet, 10 inches. The Central Village zoning district restricts building height at 27 feet, however Municipal Code section 17.81.070 allows the antenna to exceed the Central Village height limit. (Attachment 2)

In addition to the cantenna structure, Verizon is proposing ancillary equipment on the roof top. Verizon's proposal includes one small cell radio cabinet attached to the existing parapet. The radio cabinet will be located 27 inches above the existing parapet wall, but will not be visible from adjacent roadways due to the height of the building and location of the cabinet and parapet wall setback to the middle of the roof. Verizon proposes to install six new remote radio units adjacent to the radio cabinet. The remote radio units will not be visible to the public. Additionally, Verizon is proposing a backup generator socket on the northern exterior wall along the Esplanade at ground level. The socket is small and will not be visually intrusive.

Telecom concluded that Verizon's proposed design generally conforms to the City's design standards. The Telecom report found "the cantenna concealment mimics other pipe vents on the rooftop, and although it would be significantly higher than the other pipe vents with a different hood, Verizon would likely need to move the cantenna closer to the parapet wall, if required, to lower the overall antenna height. Although the radio cabinet will protrude above the parapet wall, it appears sufficiently set back from the roofline to be imperceptible from ground level."

#### Site Location

Per Verizon's submittal information and reports, there is a lack of cell coverage within the Central Village and surrounding neighborhoods. A "drive test" conducted by Verizon during weekday evening commutes showed that service levels along Capitola Avenue, Stockton Avenue, Esplanade, Cliff Drive, and the southern section of Monterey Avenue are currently very weak. The "drive test" also showed that the download throughput is extremely slow throughout the entire Village and surrounding residential neighborhoods. Per Verizon's existing cell coverage maps, the existing coverage is considered "bad indoors and outdoors" in the area between Stockton Avenue, Capitola Avenue, and the coast, as well as along Cliff Drive. Verizon claims that the new, small-cell city at 231 Esplanade will increase the cell coverage from "bad indoors and outdoors" to "good coverage indoors and outdoors" throughout the Central Village.

Verizon focused the search on two potential locations for the new site: 231 Esplanade and 215 Esplanade. The applicant is proposing the site along Esplanade in order to remain as close to the users as possible, thus creating best possible coverage and capacity for residents and visitors of the Capitola Village. Verizon reached out to both 215 and 231 Esplanade. Both property owners were willing to lease roof space, but the existing roof at 215 Esplanade is difficult to access and is not large enough to contain all required facilities.

Telecom concluded that "no potentially less-discouraged location appears to exist because the search area is so geographically small that no location within it appears to meet the 500-foot residential or 3,000-foot coastline setbacks. The entire search area is bounded by residential districts on three sides and coastline to south, and is less than 1,000 feet wide north-to-south and east-to-west." Therefore, there are no "less sensitive" site locations within Verizon's search area.

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. Staff agrees with the determination that due to the limited area of the central village zoning district, there are no less sensitive site locations.

#### 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 application #15-198 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 mixed-use commercial and residential building at 231 Esplanade. The small-cell wireless antenna will be screened with a faux vent that extends 2 feet 8 inches above the existing roofline. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 2<sup>nd</sup>, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The small-cell wireless antenna shall be screened at all times. Any modifications to the screening in the future require review and approval by the Planning Commission.
3. All Planning fees associated with permit #15-198 shall be paid in full.
4. 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 231 Esplanade. 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.
5. The applicant must maintain a bond or other form of security to the City's satisfaction throughout the life of the project. The bond must be approved by the Community Development Director and be signed by both parties prior to building permit issuance.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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 (#15-198) shall be provided by the succeeding carrier to the community development department within thirty days of transfer of interest of the facility.
16. 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.
17. 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.

18. 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 mixed-use building at 231 Esplanade. The existing building is located in an area with coastal access, but 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 Esplanade, adjacent to the beach. The proposed wireless facility will not affect the public beach or shoreline.

***(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 it is located in an area with history of heavy public use.

**(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;**

- The proposed project is located on private property on Esplanade. 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 rooftop and 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 the Central Village, adjacent to the coast and Soquel Creek Riparian Corridor. The proposal consists of a minor structural addition to an existing roof top. The use will not be limited to seasons or hours. The project is required to comply with FCC regulations related to environmental and public health and safety.

**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 mixed-use 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 mixed-use 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 mixed-use 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 mixed-use building. The proposal does not affect parking, 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 complies with the design guidelines and standards established by the Municipal Code.

**(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;**

- The project will not negatively impact public landmarks and/or public views. The project will not block public views to and along Capitola's shoreline, however it will be slightly visible to the public.

**(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 habitats 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. An exception was made to the location standards due to the “significant gap” and “least intrusive means” findings.

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

- The project does not conform in that 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. Project Plans and Information
2. Site Planning and Zoning Summary
3. Telecom Review
4. Public Comment

Prepared By: Ryan Safty  
Assistant Planner



# DOWNTOWN CAPITOLA SC1

231 ESPLANADE  
CAPITOLA, CA 95010  
SANTA CRUZ COUNTY  
PSL# 284763



Verizon Wireless  
231 Esplanade, Suite 9  
Capitola, CA 95010

Client:



Project Architect:



Site Agent:

100% Zoning Drawings

Defining Phase:

Downtown Capitola  
SC1  
231 Esplanade  
Capitola, CA 95010  
PSL# 284763

Site Name:

Professional Seal:

Rev.	Date	Description
01	11/13/14	Zoning/Spec 10%
02	01/05/15	Zoning/Spec 100%
03	01/05/15	

Project File:

Date: 01/04/16 Job No:

Scale: AS SHOWN CAD File:

Designed By: JG Checked: RJ

TITLE SHEET

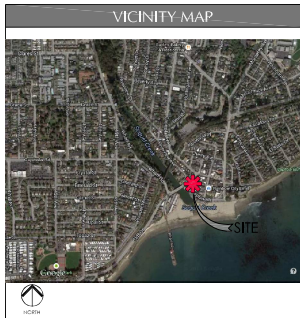
Sheet Title:

# T.1

Sheet No.:

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SITE INFORMATION	
PSL#:	284763
OWNER:	LA SERRA PROPERTIES, LLC 315 CAMPOLANO, CAPITOLA, CA 95010 CONTACT: STEVE WATTS
APPLICANT:	VERIZON WIRELESS 2785 MITCHELL DRIVE, SUITE 9 SANTA CRUZ, CALIFORNIA 95060
AGENT:	ON AIR LLC 465 FIRST ST. WEST SUITE 101 SOMERS, CA 95064
APN:	035-211-01
APN ADDRESS:	231 ESPLANADE CAPITOLA, CA 95010
LATITUDE:	36°36'20.98"
LONGITUDE:	121°52'09.18"
GROUND LEVEL:	161.4MSL
ZONING:	CENTRAL VILLAGE (CV)
ZONING JURISDICTION:	CITY OF CAPITOLA



PROJECT TEAM	
<b>AGENT</b>	ON AIR LLC 465 FIRST ST. WEST SUITE 101 SOMERS, CALIFORNIA
<b>SITE ACQUISITION MGR:</b>	JAY GIBBOLDIE cell: 702.472.2716 cell: 832.251.9163 email: jgibboldie@onairllc.com
<b>ARCHITECT/ENGINEER</b>	MM Management LLC 2015 BRIDGE STREET, SUITE 101 SANTA CRUZ, CALIFORNIA 95060 www.mm-management.com
<b>PROJECT MANAGER:</b>	RODNEY BARNES cell: 702.472.2716 cell: 832.251.9163 email: rbarnes@onairllc.com
<b>CLIENT</b>	Verizon Wireless 2785 MITCHELL DRIVE, SUITE 9 SANTA CRUZ, CALIFORNIA 95060 PROJECT MANAGER: WADE WILSON cell: 402.279.6256 email: waconer@verizonwireless.com

PROJECT DESCRIPTION	
THE PLAN CHANGES THE EXISTING ZONING FROM CV-1 TO CV-1.5. THE PLAN CHANGES THE EXISTING ZONING FROM CV-1 TO CV-1.5. THE PLAN CHANGES THE EXISTING ZONING FROM CV-1 TO CV-1.5.	
SCOPE OF WORK:	
1. INITIAL NEW VERIZON WIRELESS 5G/4G LTE CELL SITE ON THE ROOF OF THE EXISTING BLDG.	
2. INITIAL NEW VERIZON CELL SITE AND 40' ROUND RISE FACE OF EXISTING WALL.	
3. INITIAL NEW VERIZON CELL SITE.	
4. INITIAL NEW VERIZON CELL SITE AND 40' ROUND RISE FACE OF EXISTING WALL TO BE REMOVED.	
5. INITIAL NEW VERIZON CELL SITE AND 40' ROUND RISE FACE OF EXISTING WALL TO BE REMOVED.	
6. INITIAL NEW VERIZON CELL SITE AND 40' ROUND RISE FACE OF EXISTING WALL TO BE REMOVED.	

DRAWING INDEX	
SHEET NO.	SHEET TITLE
T.1	TITLE SHEET
C.1	SITE SURVEY
A.1	OVERALL SITE PLAN
A.2	ENLARGED EQUIPMENT PLAN- ANTENNA CONFIGURATION
A.3	NORTH ELEVATION
A.4	WEST ELEVATION
A.5	EQUIPMENT SPECIFICATIONS

APPROVALS	
CONSTRUCTION WORKS AND MATERIALS MUST COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY LOCAL JURISDICTION, INCLUDING BUT NOT LIMITED TO:	
<ul style="list-style-type: none"> <li>2013 CALIFORNIA BUILDING CODE, TITLE 24 PART 2</li> <li>2013 CALIFORNIA ADMINISTRATIVE CODE, TITLE 24 PART 1</li> <li>2013 CALIFORNIA ELECTRICAL CODE, TITLE 24 PART 3</li> <li>2013 CALIFORNIA MECHANICAL CODE, TITLE 24 PART 4</li> <li>2013 CALIFORNIA PLUMBING CODE, TITLE 24 PART 7</li> <li>2013 CALIFORNIA FIRE CODE, TITLE 24 PART 6</li> <li>2013 CALIFORNIA FIRE CODE, TITLE 24 PART 7</li> <li>ASBESTOS, 22CC</li> <li>2015 NFPA 704 LIVESAFETY CODE</li> <li>2013 NFPA 72, NATIONAL FIRE ALARMS CODE</li> <li>2015 NFPA 78, SPARKARREST CODE</li> <li>CITY COUNTY ORDINANCES</li> </ul>	
<b>ACCESSIBILITY REQUIREMENTS</b>	
FACILITY IS UNIMPAVED AND NOT FOR PUBLIC USE. HANDICAPPED ACCESS NOT REQUIRED IN ACCORDANCE WITH THE 2007 CALIFORNIA BUILDING CODE (PART 2, TITLE 24, PART 2, VOLUME 1, CHAPTER 11B, SECTION 11202.2, EXCEPTION 1)	

DRIVING DIRECTIONS	
<b>DIRECTIONS FROM VERIZON WIRELESS RF MARKET OFFICE:</b>	
1. HEAD NORTHEAST ON MITCHELL DR TOWARD OAK GROVE RD	
2. TURN RIGHT ONTO OAK GROVE RD	
3. TAKE THE 2ND RIGHT ONTO YONAGI VALLEY RD	
4. YONAGI VALLEY RD TURNS SLIGHTLY RIGHT AND BECOMES HILLSIDE AVE	
5. MERGE ONTO 1-680 S	
6. I-680 S TURNS INTO I-280 N	
7. TAKE THE CA-17 S EXIT	
8. CONTINUE ONTO CA-17 S	
9. TAKE THE CALIFORNIA 1 S EXIT TOWARD WATSONVILLE/MONTEREY	
10. MERGE ONTO CA-1 S	
11. TAKE THE BAY AVE EXIT TOWARD PORTER ST	
12. TURN RIGHT ONTO BAY AVE (SIGNS FOR CAPITOLA/CAMP CAPITOLA)	
13. TURN RIGHT ONTO CAPITOLA AVE	
14. TAKE THE 3RD RIGHT ONTO STOKTON AVE	
15. TAKE THE 1ST LEFT ONTO ESPLANADE	

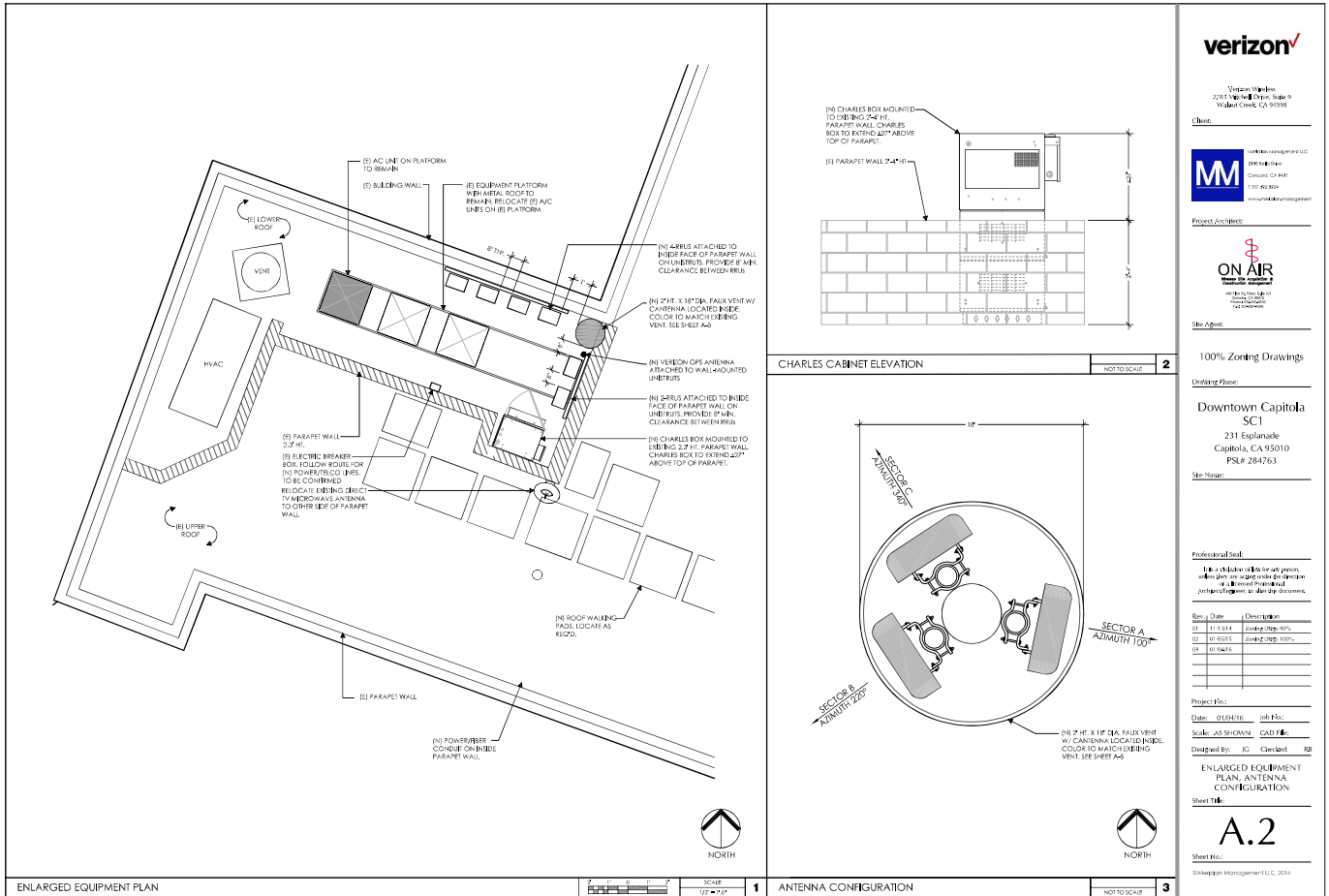
HANDICAP REQUIREMENTS	
FACILITY IS UNIMPAVED AND NOT FOR PUBLIC USE. HANDICAPPED ACCESS NOT REQUIRED IN ACCORDANCE WITH THE 2007 CALIFORNIA BUILDING CODE (PART 2, TITLE 24, CHAPTER 11B, SECTION 11202.2, EXCEPTION 1)	
<b>UNDERGROUND SERVICE ALERT</b> <b>CALL TOLL FREE 1-800-327-2600</b> <small>3 FEET WORKING CLEARANCE REQUIRED</small>	

ADMINISTRATIVE REQUIREMENTS	
CONTRACTOR SHALL VERIFY ALL PLANS & (B) DIMENSIONS & 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 IF USING 11X17" PLOT DRAWINGS. WILL BE HALF SCALE	

Attachment: Project Plans and Information (1487 : 231 Esplanade)







**verizon**  
 Verizon Wireless  
 2285 North De Anza Blvd., Suite 9  
 Walnut Creek, CA 94598

Client: \_\_\_\_\_

**MM** M&M Management LLC  
 20544 De Anza  
 Concord, CA 94518  
 707.928.8888  
 www.mandmmanagement.com

Project Architect: \_\_\_\_\_

**ON AIR**  
 CONSULTING ARCHITECTS  
 2250 North De Anza Blvd., Suite 100  
 Walnut Creek, CA 94598  
 707.928.8888  
 www.onairarchitects.com

Site Agent: \_\_\_\_\_

100% Zoning Drawings

Defining Phase:

**Downtown Capitola**  
 SCL  
 231 Esplanade  
 Capitola, CA 95010  
 PSL# 284763

Site Name: \_\_\_\_\_

Professional Seal: \_\_\_\_\_

I, the undersigned, being a duly qualified and licensed professional engineer in the State of California, do hereby certify that I am the author of the foregoing drawings and that I am a duly licensed professional engineer in the State of California.

Rev.	Date	Description
01	11.13.14	zoning 100%
02	01.05.15	zoning 100%
03	10.06.15	

Project File: \_\_\_\_\_

Date: 01/04/16 Job No: \_\_\_\_\_

Scale: AS SHOWN CAD FILE: \_\_\_\_\_

Drawn by: JG Checked: RJ

**ENLARGED EQUIPMENT PLAN, ANTENNA CONFIGURATION**

Sheet No.: **A.2**

© M&M Management LLC, 2014

Attachment: Project Plans and Information (1487 : 231 Esplanade)



**NORTH ELEVATION - EXISTING**

**NORTH ELEVATION - PROPOSED**

Annotations for Proposed Elevation:

- (N) 2" H. X 1/8" DIA. FAULT VENT W/ ANTENNA LOCATED INSIDE. COLOR TO MATCH EXISTING VENT. SEE SHEET A-5
- (N) GPS ANTENNA MOUNTED TO UNIFRUS ON INSIDE FACE OF SUBPANEL WALL
- (N) UNIFRUS ATTACHED TO INSIDE FACE OF PARAPET WALL ON UNIFRUS IF PROVIDED MIN. CLEARANCE BETWEEN UNIFRUS
- (N) CHARLES BOX MOUNTED TO SUBPANEL OF THE PARAPET WALL. CHARLES BOX TO EXTEND 25" ABOVE TOP OF PARAPET.
- (N) ANTENNA PLUG ON EXTERIOR WALL

Scale: 1/8" = 1'-0"



Verizon Wireless  
 2255 North First Street, Suite 9  
 Walnut Creek, CA 94598  
 Client:



Project Architect:



Site Agent:

100% Zoning Drawings

Defining Phase:

Downtown Capitola  
 SC1  
 231 Esplanade  
 Capitola, CA 95010  
 PSL# 284763

Site Name:

Professional Seal

Box #	Date	Description
01	11.13.14	Zoning/Spec 10%
02	01.05.15	Zoning/Spec 100%
03	01.06.15	

Project File:  
 Date: 01/04/16  
 Scale: AS SHOWN  
 Drawn By: JG  
 Checked: RJ

NORTH ELEVATION

Sheet Title:  
**A.3**

Sheet No.:  
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Attachment: Project Plans and Information (1487 : 231 Esplanade)

WEST ELEVATION - EXISTING

Verizon Wireless  
2785 Wilshire Blvd, Suite 9  
Walden, CA 94593

Client:

MM Management LLC  
205 Hill Drive  
Concord, CA 94511  
707.306.8888  
www.mmmanagement.com

Project Architect:

ON AIR  
Architectural  
2250 Sycamore Ave  
Folsom, CA 95630  
916.451.1100

Site Agent:

100% Zoning Drawings

Defining Phase:

Downtown Capitola  
SC1  
231 Esplanade  
Capitola, CA 95010  
PSLR 284763

Site Name:

Professional Seal:

1. A violation of this code for any person who does not comply with the applicable provisions of the code and who is not a duly licensed and registered professional engineer or architect.

Rev.	Date	Description
01	01.04.16	Zoning Step 10%
02	01.05.17	Zoning Step 100%
03	01.06.17	

Project File:

Date: 01.04.16    Job No:

Scale: AS SHOWN    CAD File:

Designed By: JG    Checked: RJ

WEST ELEVATION

Sheet Title:

# A.4

Sheet No.:

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WEST ELEVATION-PROPOSED

Scale: 1/8" = 1'-0"

Scale: 1/8" = 1'-0"

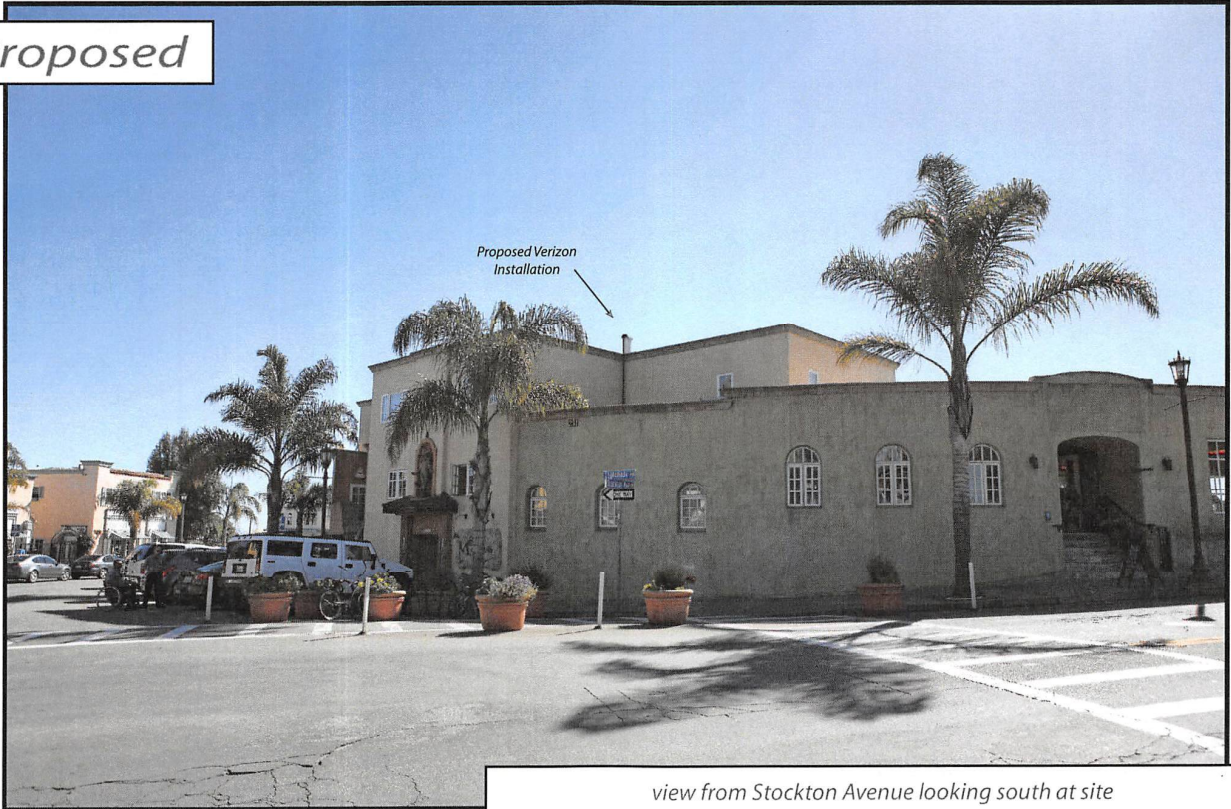
Attachment: Project Plans and Information (1487 : 231 Esplanade)



Existing



Proposed



Proposed Verizon Installation

view from Stockton Avenue looking south at site



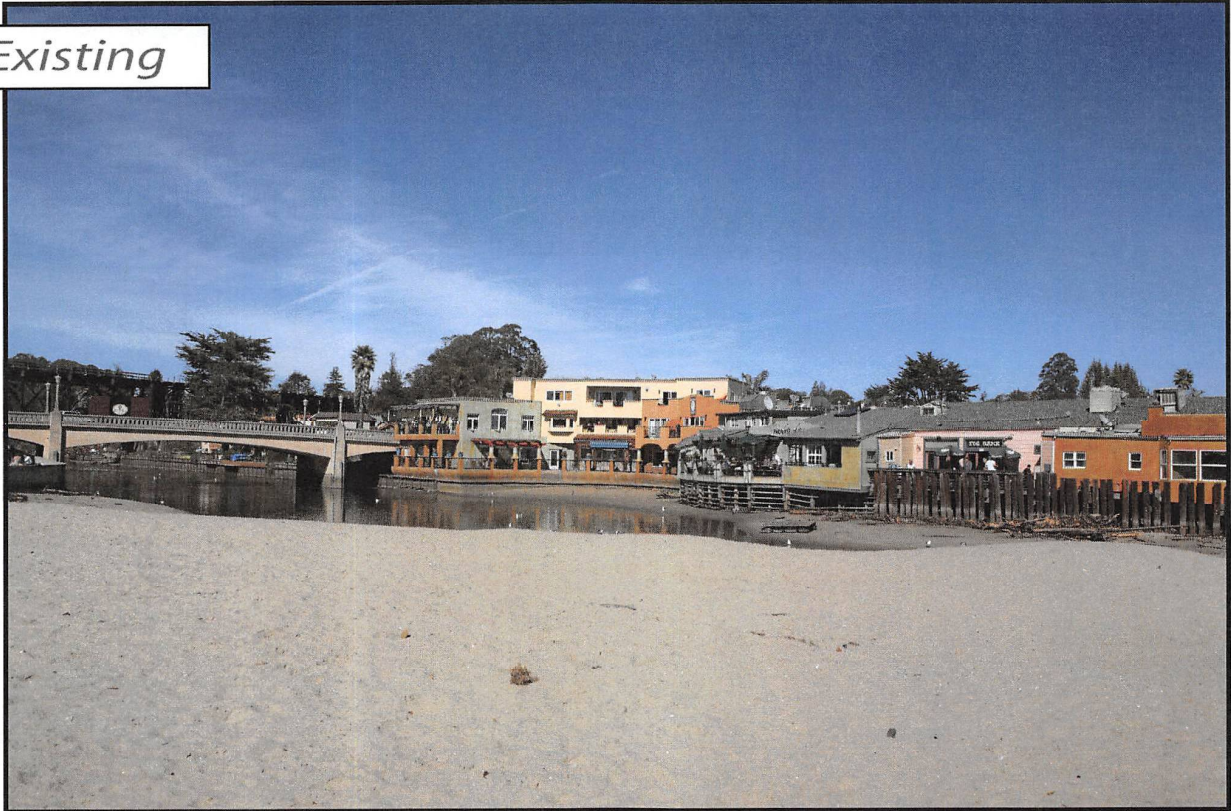
284763 Downtown Capitola SC1  
231 Esplanade, Capitola, CA  
Photosims Produced on 2-18-2015

AdvanceSim  
Photo Simulation Solutions  
Contact (925) 202-8507

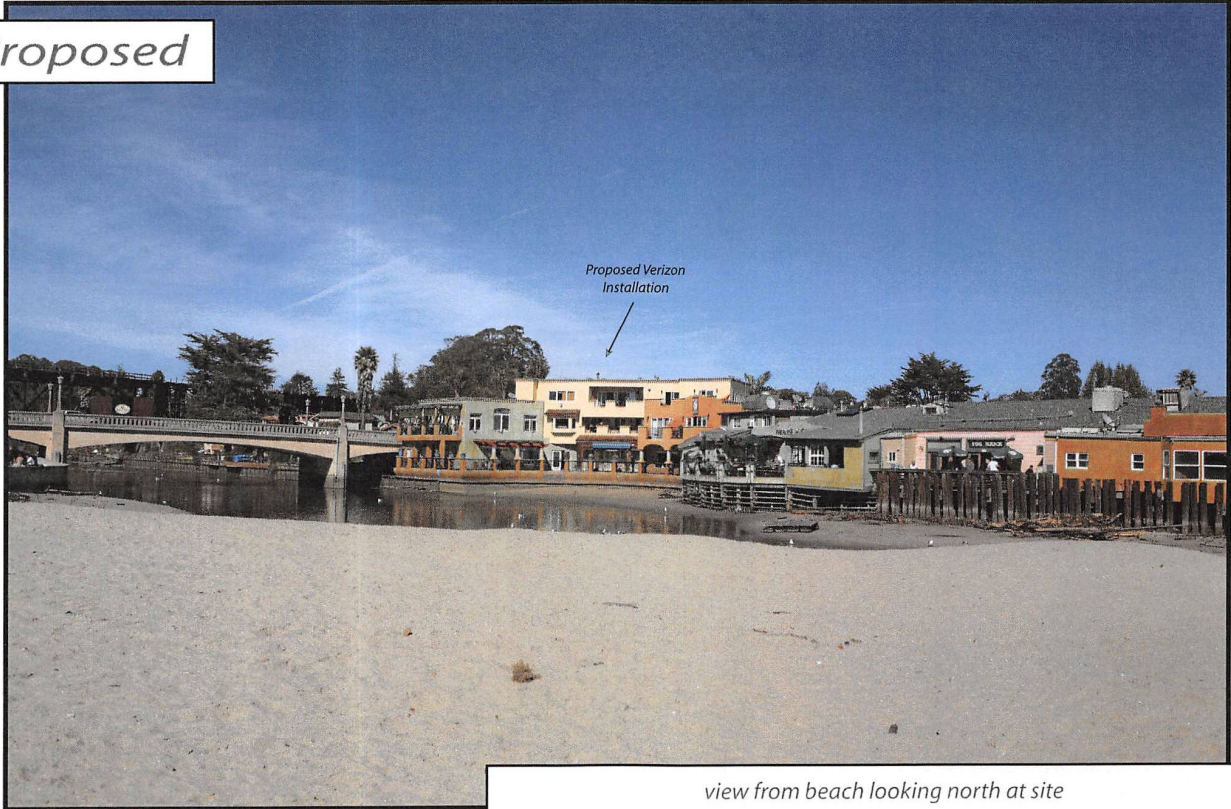
Attachment: Project Plans and Information (1487 : 231 Esplanade)



Existing



Proposed



Proposed Verizon Installation

view from beach looking north at site

AdvanceSim   
 Photo Simulation Solutions  
 Contact (925) 202-8507

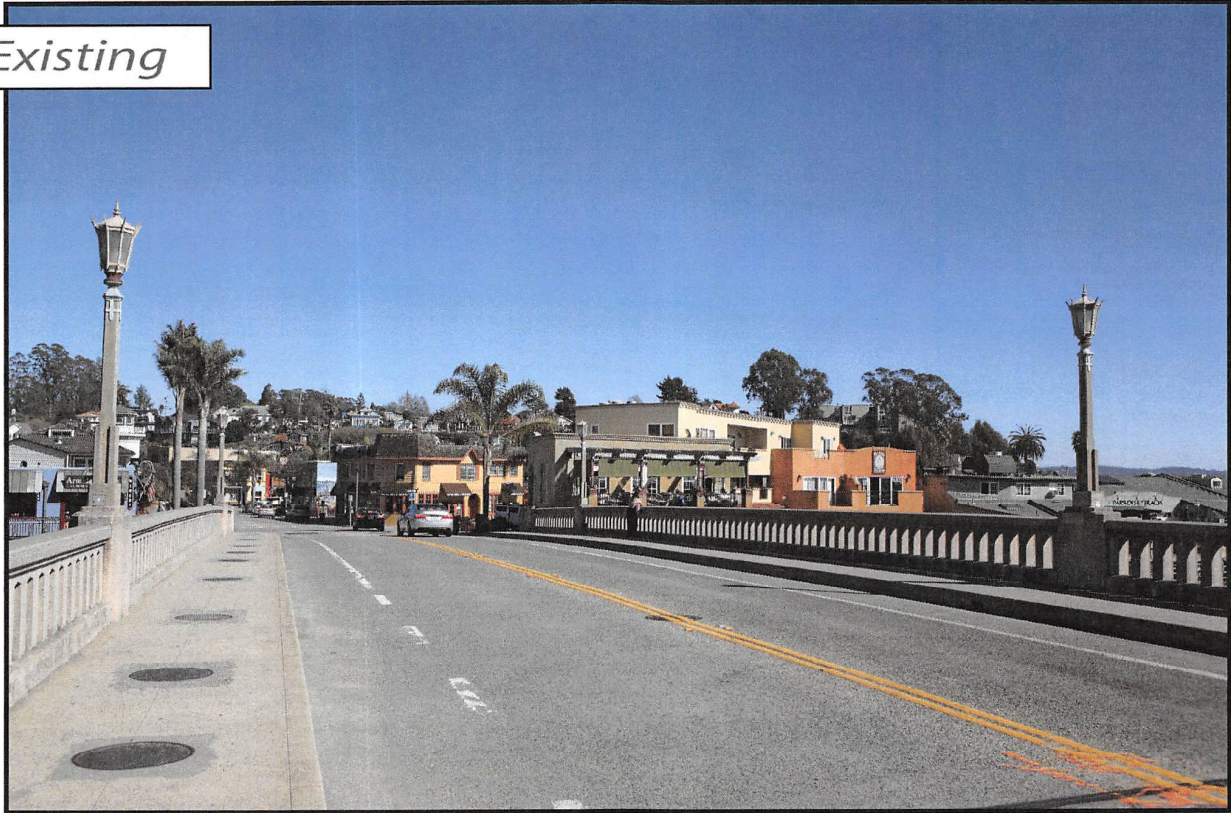


284763 Downtown Capitola SC1  
 231 Esplanade, Capitola, CA  
 Photosims Produced on 2-18-2015

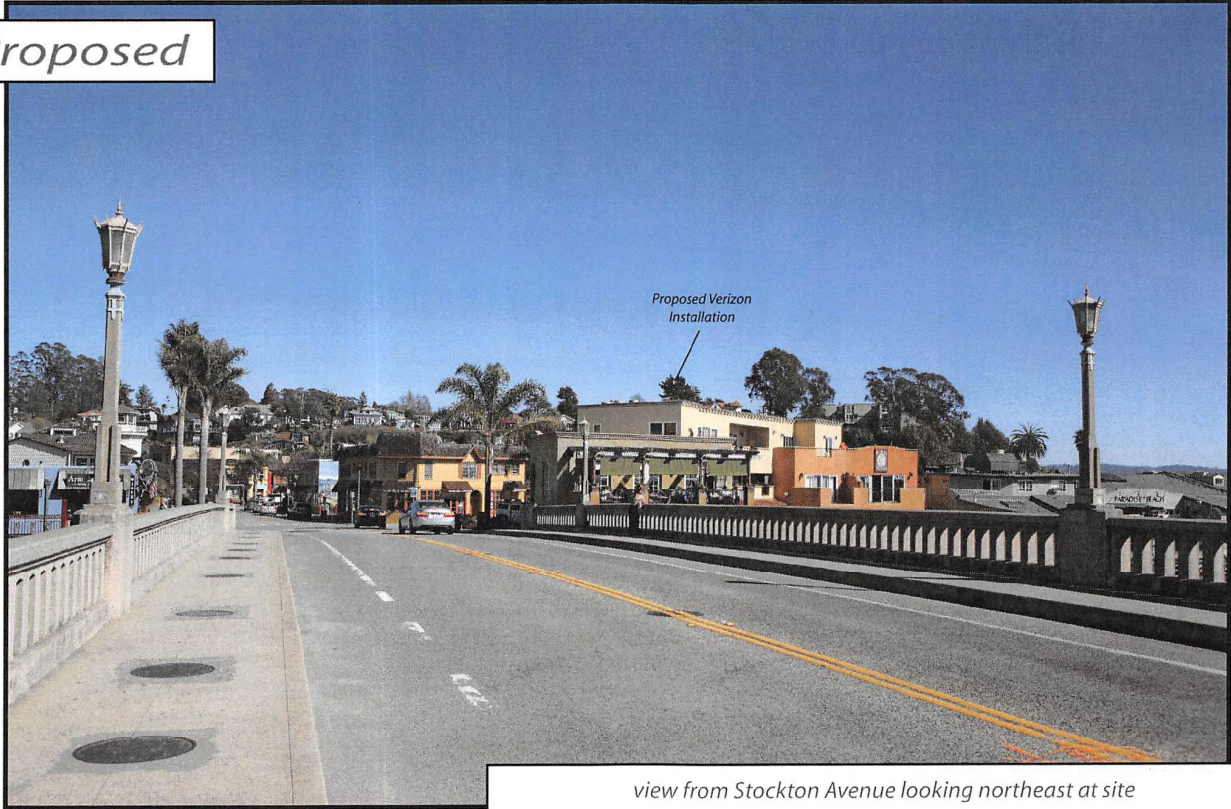
Attachment: Project Plans and Information (1487 : 231 Esplanade)



Existing



Proposed



view from Stockton Avenue looking northeast at site

AdvanceSim   
 Photo Simulation Solutions  
 Contact ( 925 ) 202-8507



284763 Downtown Capitola SC1  
 231 Esplanade, Capitola, CA  
 Photosims Produced on 2-18-2015

Attachment: Project Plans and Information (1487 : 231 Esplanade)





## PROJECT DESCRIPTION AND SUMMARY

Verizon Wireless Site “Downtown Capitola SC1”

231 Esplanade, Capitola, CA 95010

Verizon Wireless is seeking approval to install a new small cell wireless telecommunications facility on the rooftop of an existing building located at 231 Esplanade. Approval of this application will allow Verizon to improve their network’s coverage and capacity in this very busy and densely populated area of Capitola.

### LOCATION

This facility will be located on the rooftop at 231 Esplanade (near Stockton Avenue). This 2-story mixed-use building includes a restaurant, a small cafe and apartments. The property is zoned “CV (Central Village)”.

### EQUIPMENT

All equipment will be placed on the rooftop, near the northwest corner of the building. A small equipment cabinet will be placed on the rooftop inside the mechanical “pit” which will prevent any visibility of the cabinet from ground level. Six (6) remote radio units will be mounted to the inside face of the parapet wall and will not be visible at ground level. A 2-foot Cantenna will be mounted to the parapet wall. The Cantenna will be screened inside a faux roof vent. The top of the Cantenna will be approximately 27’-6” above ground level (the highest point of the building now is 24’-10”). Power and telco will be delivered through the building from the downstairs mechanical room. No conduits or cabling will be visible. An Appleton plug will be installed at ground level near the main

entrance to allow for the deployment of a temporary emergency back-up generator.

### SITE JUSTIFICATION

There are two main drivers that prompt the creation of a new wireless communication facility – coverage and capacity. Most sites provide a mixture of both but increasingly some sites are purely meant to provide capacity to the network.

**Coverage.** Coverage is the need for expanded service often requested by wireless subscribers or emergency service personnel. Up until recently, this meant providing coverage inside of vehicles but with the proliferation of smartphones and data consumption this now means coverage inside buildings.

Coverage is usually shown using color maps. Radio frequency engineers use tools that take into account terrain, vegetation, nearby building types and other cell site specifics to show predictions of the existing coverage and what to expect when a new site is put into service. The predictive models make some assumptions such as proposed antenna heights necessary to clear the existing ground clutter (building and vegetation).

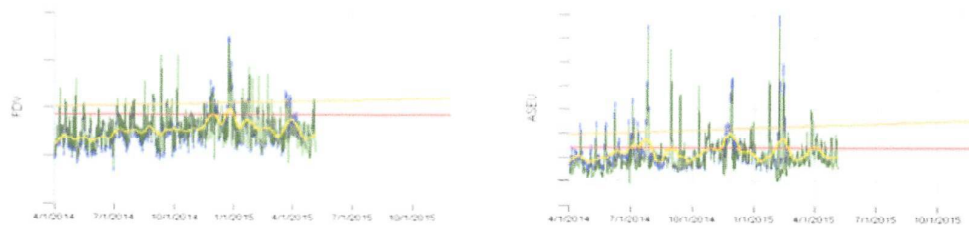
**Capacity.** Capacity is the need for bandwidth of service. In the simplest form this means a cell site can handle a limited number of voice calls, data megabits or total number of active users. When any one of these limits is met, the user experience within that coverage area will quickly degrade during peak hours of usage.

Capacity is best shown in graphs of usage growth and projected network “exhaustion”. Radio frequency engineers utilize sophisticated programs to model future usage growth to determine when additional capacity will be required. Since it can sometimes take 18-24 months to bring a new wireless facility into service, we have to be looking about three years into the future to determine and meet future customer demand.

While capacity may not seem urgent at this very moment, it is something that Verizon must consider now as voice traffic has begun to migrate from the older 3G technologies to the newer 4G LTE. This migration will add increased load to the 4G network. Since voice is delay sensitive, exhaustion of the data network could cause degradation of voice calls including emergency 911.

A good “capacity” site will be closer to the user population and will help evenly distribute the data traffic from the nearby sites. When we can’t find a location that is both close to the user and central to the usage, we end up needing to build multiple facilities to meet the demands of service. Capacity sites are generally lower in height than coverage sites. Coverage sites are generally designed to be above the ground clutter and capacity sites are typically at or below ground clutter.

Wireless device usage has evolved over the years, with more and more people using their cell phone as their primary telephone (no more landline). In the past, highways and business districts were the primary coverage objectives for wireless carriers. But now, more and more people rely on their cell phones when at work, at home and on the road.

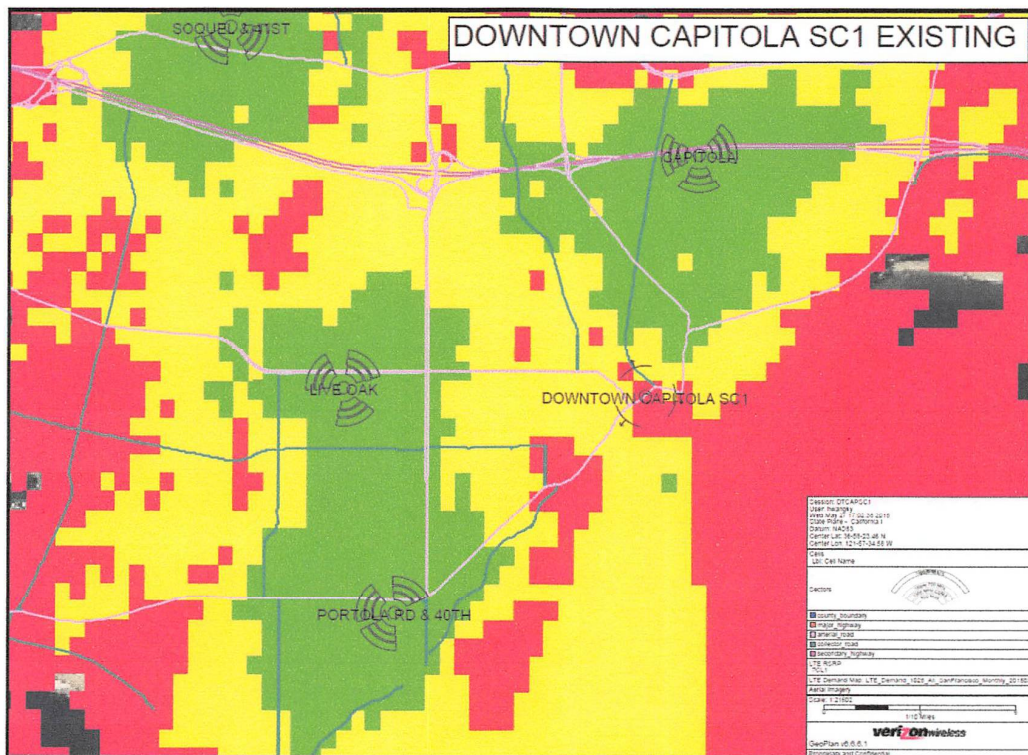


**Summary:** The graph above indicates that existing CAPITOLA site Sector 2 has already reached its capacity limit in mid 2013 and the site is not able to carry the data traffic that exists in the area it serves.

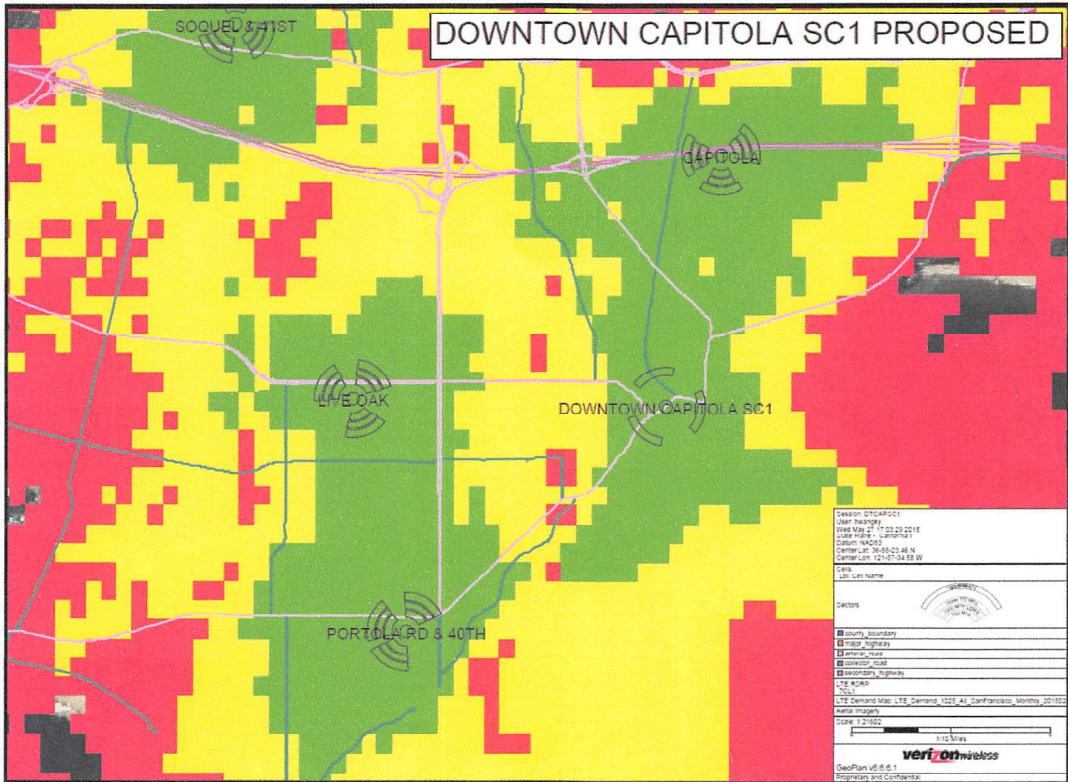
The graphs above show FDV (Forward Data Volume) and ASEU (Average Schedule Eligible Usage). In the simplest of terms, FDV is the total



volume of data the cell is carrying. ASEU is a measure of the resource manager in the cell site and shows its ability to schedule the data packets over the radio channel. At closer distances to the cell, higher efficiency modulation schemes can be utilized. Closer traffic means fewer error correction techniques are used and fewer retransmissions of data. When the cell is serving users at a great distance they require more resources to carry far less data than a closer user would use. This causes the cell to exhaust well before the other limiting factors of the cell are reached. When sites reach their capacity limits, customers experience dropped calls, extremely slow connectivity, and loss of Internet connections especially during peak usage times. To resolve this we have to get the distant traffic onto a cell that is closer in distance to the users. This is why we are trying to offload the residential and commercial usage from Downtown Capitola area where a lot of users create data traffic.



Attachment: Project Plans and Information (1487 : 231 Esplanade)



SITE SELECTION PROCESS

When trying to identify sites to meet capacity needs (as opposed to coverage needs), it is very important to remain as close to the “users” as possible. Therefore, the search area remains relatively small. One of the main objectives for this site was to improve capacity along Esplanade, especially between Stockton Avenue and San Jose Avenue. With many restaurants and retail shops in this area, the Verizon engineers view this as a “high traffic” area for users on the network.

One other building on Esplanade was identified as a potential candidate – the Paradise Beach Grille at 215 Esplanade. We discussed our project with the property owner and they expressed some interest in moving forward. However, two factors eliminated this building as a viable option. First, access to the roof was through an office window. There was no other way to access the roof other than an extension ladder from the ground. Second, after further inspection of

Attachment: Project Plans and Information (1487 : 231 Esplanade)



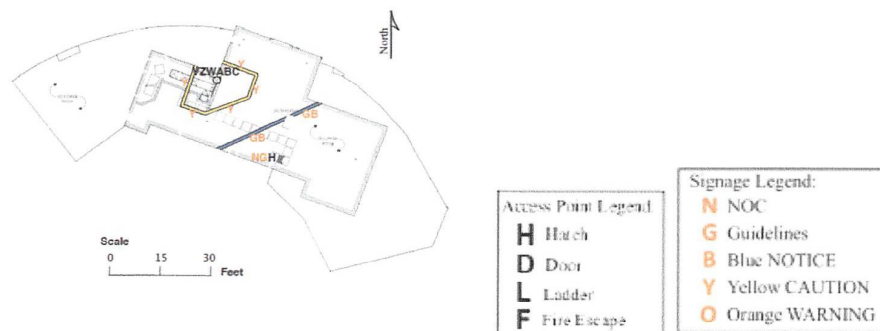
the roof, it would have been extremely difficult to place all of the necessary small cell equipment on the roof and there was no space for any equipment on the ground. Basically, we had a willing landlord but no place to put anything.

CO-LOCATION

There are no existing wireless facilities within the intended coverage area that would allow for co-location. With respect to other carriers co-locating at this location, there is certainly nothing that would prohibit that from happening. Any future carrier would need to obtain separate lease space from the property owner. Furthermore, our current design includes 3 panel antennas (inside the Antenna) installed within a faux roof vent. There will be no room to install additional antennas inside this enclosure. However, a future carrier would be able to install their own similar enclosure for their antennas.

SAFETY / SECURITY PLAN

With respect to the measures to ensure that the public would be kept at a safe distance from any NIER transmission source, the roof access hatch or the door leading to the hatch will be locked to preclude public access to areas calculated to exceed the FCC public limit. Boundary markings will be identified on the roof at the approximate locations shown in the diagram below; indicated signs will be applied at the boundaries and at the roof access hatch, as shown in the diagram. Access to any area within the boundary markings and/or close approach to the antennas themselves will be limited to personnel who have been adequately trained in RF Safety and Awareness, including OSHA lockout/tag-out procedures to be followed whenever an antenna is shut down to allow for close access.





### MAINTENANCE PROGRAM

Following construction of the facility, a Verizon technician will typically visit the site once per month to perform routine maintenance. This maintenance generally includes a physical site inspection and various “checks” to the radio equipment and antennas. Verizon technicians can also monitor the facility remotely and will be able to respond to any emergency maintenance that is required. Verizon technicians are equipped with regular size trucks that can be parked in public spaces, so there will be no parking issues or street blockage during maintenance visits.

### THIRD-PARTY TECHNICAL REVIEW

The applicant and Verizon Wireless agree to pay the reasonable actual costs and a reasonable administrative fee for the city to hire an independent qualified radio frequency or electrical engineers to evaluate any technical aspect of the proposed telecommunication facility including, but not limited to, compliance with applicable federal emission standards, feasibility of collocation, need for proposed location and suitability of alternative sites.



# Verizon Wireless Statement for the City of Capitola

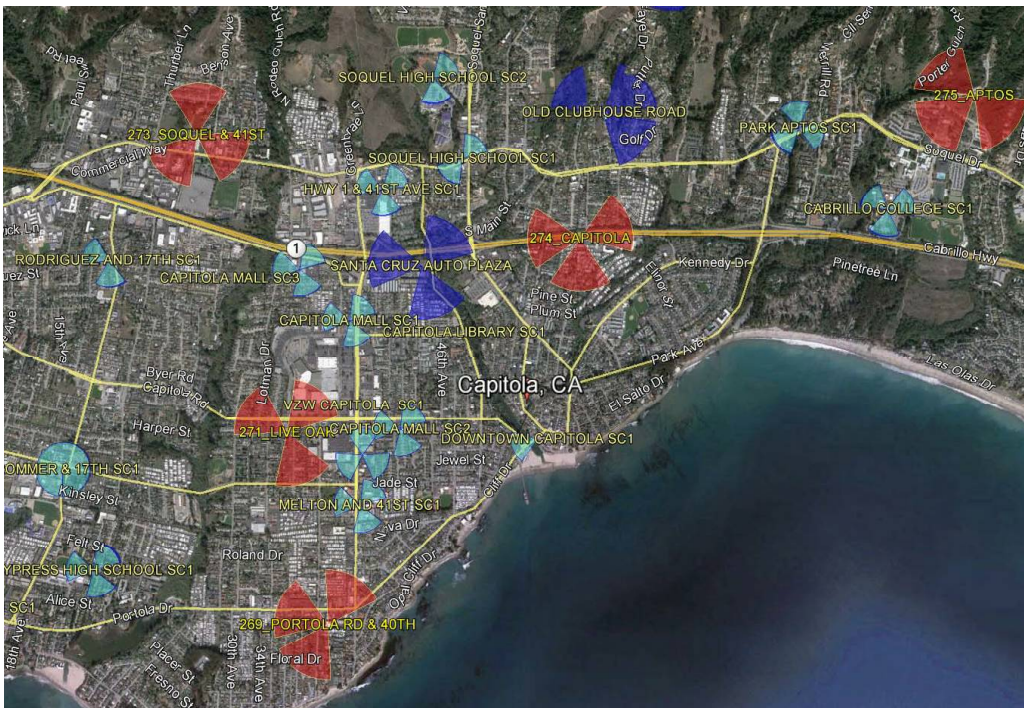
Prepared by Verizon Wireless  
RF Engineering

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Attachment: Project Plans and Information (1487 : 231 Esplanade)



# DOWNTOWN CAPITOLA SC1



**Existing facilities:**

CAPITOLA, LIVE OAK,  
PORTOLA RD & 40<sup>TH</sup>  
SOQUEL & 41<sup>ST</sup>, APTOS

**Planned facilities:**

CAPITOLA MALL SC1  
CAPITOLA MALL SC2  
CAPITOLA MALL SC3  
CAPITOLA LIBRARY  
SANTA CRUZ AUTO PLAZA  
PARK APTOS SC1  
CABRILLO COLLEGE SC1  
OLD CLUBHOUSE ROAD  
HWY 1 & 41<sup>ST</sup> AVE SC1  
MELTON AND 41<sup>ST</sup> SC1  
SOQUEL HIGH SCHOOL SC1  
SOQUEL HIGH SCHOOL SC2  
DOWNTOWN CAPITOLA SC1

Attachment: Project Plans and Information (1487 : 231 Esplanade)



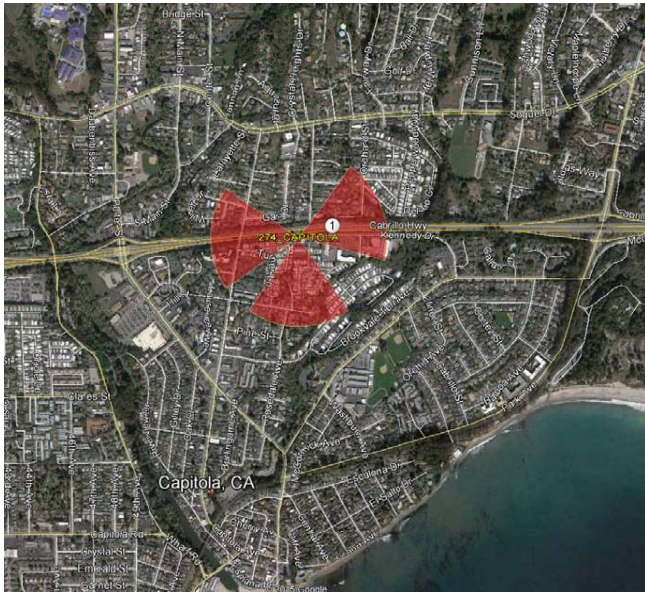
# CAPITOLA

Information on existing facilities within a mile:

## CAPITOLA

Location – 36-59-01.02 N, 121-56-58.65 W

Macro cell site on a 72' tall Monopole collocating with NEXTEL, SPRINT, CELL ONE.



CAPITOLA is a major site serving residential and commercial traffic in the eastern portion of the city from Perry Park all the way to Aptos, including malls on Bay Ave, HWY 1, Downtown Capitola, and Soquel High School. This is a heavily exhausted site with too many connected users and very low data speed due to the small number of cell sites in the area.

Attachment: Project Plans and Information (1487 : 231 Esplanade)





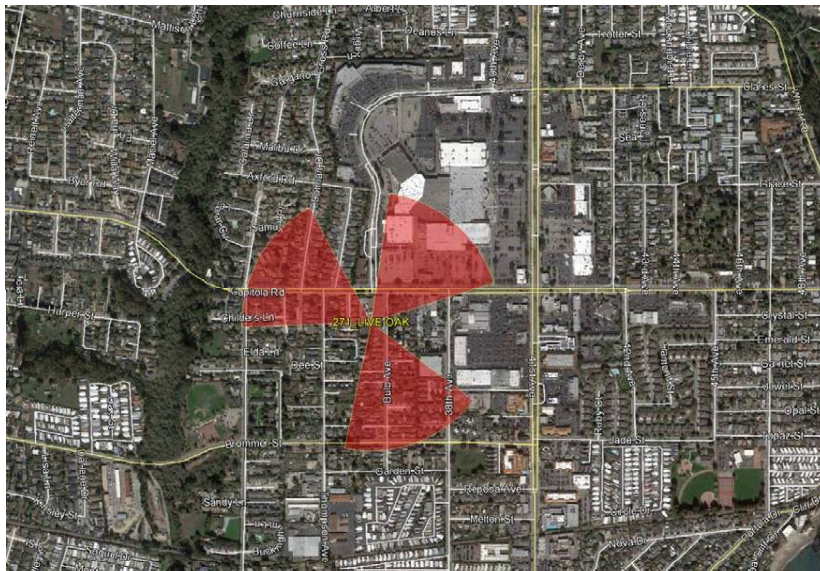
# LIVE OAK

Information on existing facilities within a mile:

## LIVE OAK

Location – 36-58-22.80 N, 121-58-10.50 W

Macro cell site on a 108.5' tall Monopole collocating with three other carriers. Verizon antennas are at 60'.



LIVE OAK serves the entire Capitol mall area as well as highly dense population area with a lot of data traffic. Due to the number of users and the amount of data services requested by users, Live Oak is exhausted and is performing poorly. Immediate capacity offload by adding more sites is recommended for better user experience and seamless E911 service.

Attachment: Project Plans and Information (1487 : 231 Esplanade)

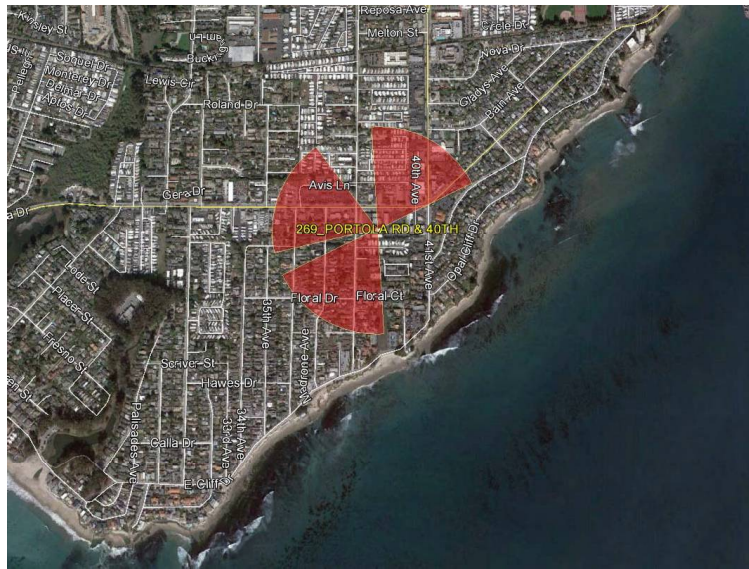


# PORTOLA RD & 40<sup>TH</sup>

Information on existing facilities within a mile:

## PORTOLA RD & 40TH

Location – 36-57-45.90 N, 121-58-00.00 W  
Macro cell site on a 35' tall building roof.



PORTOLA RD & 40<sup>TH</sup> site serves the lower portion of Capitola along the beach, and residential houses in the area. This site is also heavily overloaded and exhausted with a too many connections and too many data usage.

Attachment: Project Plans and Information (1487 : 231 Esplanade)





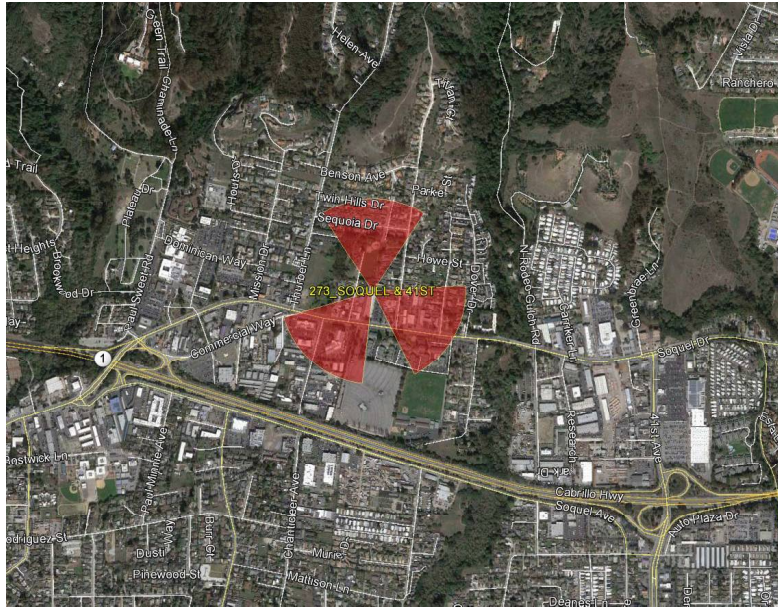
# SOQUEL & 41ST

Information on existing facilities within a mile:

## SOQUEL & 41ST

Location – 36-59-21.69 N, 121-58-33.60 W

Macro cell site with antennas mounted in a Chimney on a roof of a 35' building.



SOQUEL & 41<sup>ST</sup> serves the western portion of Soquel and HWY 1. There are some commercial zones and residential areas that have data traffic that is not exhausting overwhelming the macro, but is increasing in a fast pace. We anticipate that this site will reach its maximum capacity at the end of 2015.

Attachment: Project Plans and Information (1487 : 231 Esplanade)

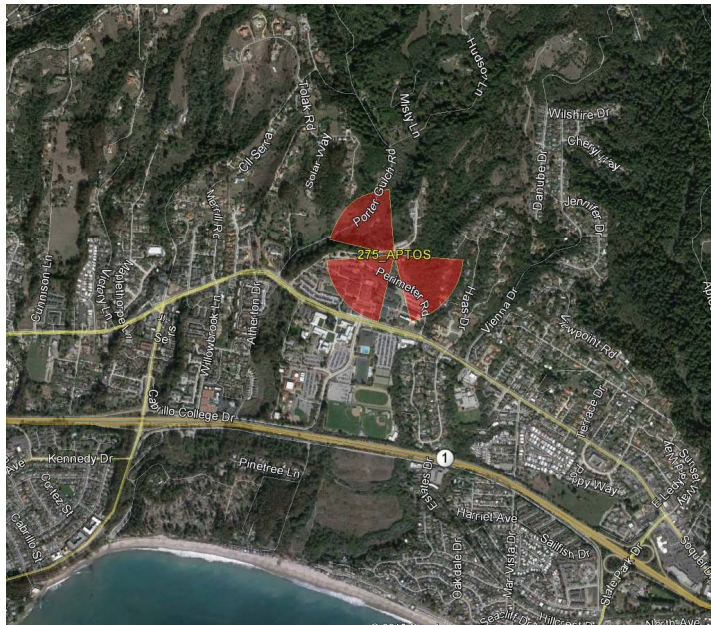


# APTOS

Information on existing facilities within a mile:

## APTOS

Location – 36-59-28.06 N, 121-55-23.39 W  
Macro cell site on a 51' tall antenna tower.



APTOS is another major site in the area that serves the entire city of Aptos including high traffic areas like Cabrillo College and surrounding residential areas. This site is also heavily exhausted and more cell sites must be added to provide good service in this area.

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## DOWNTOWN CAPITOLA SC1

### Information on planned facilities within a mile:

(Please note that all information regarding “planned” facilities is subject to change.)

**CAPITOLA MALL SC1** – 36-58-44.75 N, 121-57-55.40 W

**CAPITOLA MALL SC2** – 36-58-24.32 N, 121-57-39.19 W

**CAPITOLA MALL SC3** – 36-58-54.79 N, 121-58-07.78 W

Small Cell sites with a minimal design of a single 2’ canister antenna on JPA poles to offload traffic from LIVE OAK macro cell site that is currently serving the entire Capitola Mall.

**SANTA CRUZ AUTO PLAZA** – 36-58-55.48 N, 121-57-37.81 W

Planned macro in the area. Location is not settled.

**CAPITOLA LIBRARY** – 36-58-46.59 N, 121-57-29.23 W

Small Cell site with a minimal design of a single 2’ canister antenna on a JPA pole to offload traffic from CAPITOLA and LIVE OAK site that are currently serving the area.

**PARK APTOS SC1** – 36-59-22.86 N, 121-56-04.59 W

Small Cell site with a minimal design of a single 2’ canister antenna on a JPA pole to offload traffic from CAPITOLA and APTOS macro sites that are currently serving the area.

**CABRILLO COLLEGE SC1** – 36-59-09.05 N, 121-55-32.24 W

Small Cell site with a minimal design of 2’ antennas on a light pole to offload traffic from CABRILLO COLLEGE.

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## DOWNTOWN CAPITOLA SC1

### Information on planned facilities within a mile:

(Please note that all information regarding “planned” facilities is subject to change.)

#### **OLD CLUBHOUSE ROAD** – 36-59-25.57 N, 121-56-52.35 W

Macro cell site to offload traffic from CAPITOLA and provide better coverage and capacity to the city of Soquel.

#### **HWY 1 & 41<sup>ST</sup> AVE SC1** – 36-59-10.74 N, 121-57-47.59 W

Small Cell site with a minimal design on a rooftop to offload traffic from SOQUEL & 41<sup>ST</sup> and CAPITOLA macro.

#### **MELTON AND 41<sup>ST</sup> SC1** – 36-58-08.67 N, 121-57-52.54 W

Small Cell site with a minimal design of 2’ canister antennas on a rooftop to offload traffic from LIVE OAK and Capitola mall.

#### **SOQUEL HIGH SCHOOL SC1** – 36-59-17.36 N, 121-57-27.65 W

#### **SOQUEL HIGH SCHOOL SC2** – 36-59-33.63 N, 121-57-35.16 W

Small Cell sites with minimal design of a 2’ canister antenna on a rooftop to provide coverage and capacity to Soquel High School.

#### **DOWNTOWN CAPITOLA SC1** – 36-58-21.54 N, 121-57-09.30 W

Small Cell site with a minimal design of a 2’ canister antenna on a rooftop to provide coverage and capacity to the area and offload existing CAPITOLA site.

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# Verizon Wireless Cell Site Necessity Case

Prepared by Verizon Wireless  
RF Engineering

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**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.

**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.

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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 will begin to migrate from the older 3G voice technology to 4G VoLTE (Voice over IP). This will add additional load to the 4G 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???”

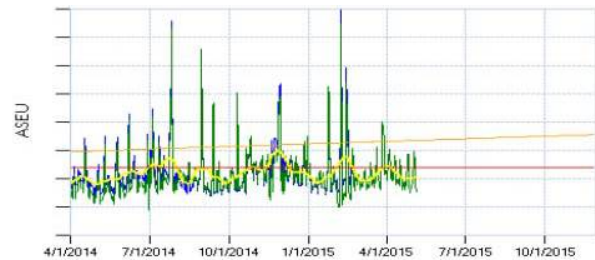
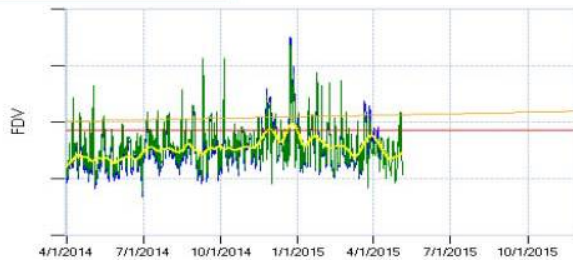
A good capacity cell will be close to the user population and have the traffic evenly spread around the site. When we cannot get a location that accomplishes being close to the customers and central to the usage, we end up having to build additional cells to meet the demands for service. Capacity sites are generally lower in height than a coverage site with a full cell needing to be above the ground clutter 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: DOWNTOWN CAPITOLA SC1



**Summary:** The graph indicates that existing CAPITOLA site Sector 2 has already reached its capacity limit in mid 2013 and the site is not be able to carry the data traffic that exists in the area it serves.

**Detail below.**

The graphs above show FDV (Forward Data Volume) and ASEU (Average Schedule Eligible Usage). While these measures are deeply technical I will try to explain them in simple terms. FDV is the total volume of data the cell is carrying. ASEU is a measure of the resource manager in the cell site and shows its ability to schedule the data packets over the radio channel. At closer distances to the cell, higher efficiency modulation schemes can be utilized. Closer traffic means fewer error correction techniques are used and fewer retransmissions of data. When the cell is serving users at a great distance they require more resources to carry far less data than a closer user would use. This causes the cell to exhaust well before the other limiting factors of the cell are reached. When sites reach their capacity limits, customers experience dropped calls, extremely slow connectivity, and loss of internet connections especially during peak usage times.

To resolve this we have to get the distant traffic onto a cell that is closer in distance to the users. This is why we are trying to offload the residential and commercial usage from Downtown Capitola area where a lot of users create data traffic.

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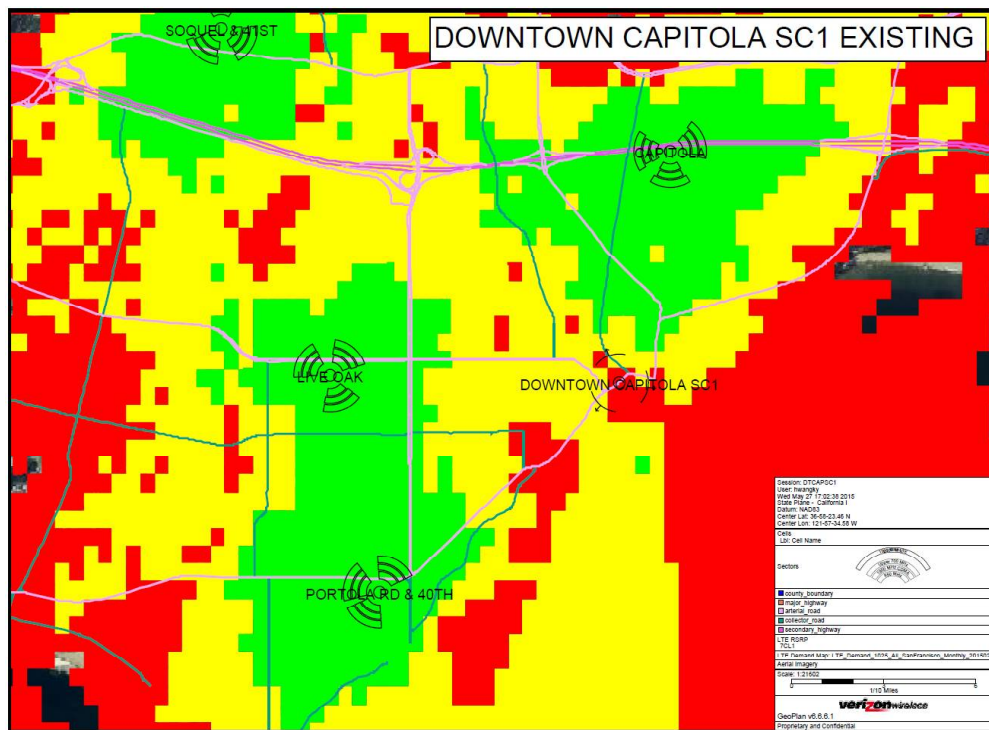


### Need Case for: DOWNTOWN CAPITOLA SC1

GREEN: Good Coverage indoors and outdoors.

YELLOW: Bad Coverage indoors and Good Coverage outdoors

RED: Bad Coverage indoors and outdoors



Shown above is the coverage map for sites near DOWNTOWN CAPITOLA. The area with restaurants and the pier has a bad coverage. Bad coverage leads to dropped calls and slow data speeds.

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Attachment: Project Plans and Information (1487 : 231 Esplanade)

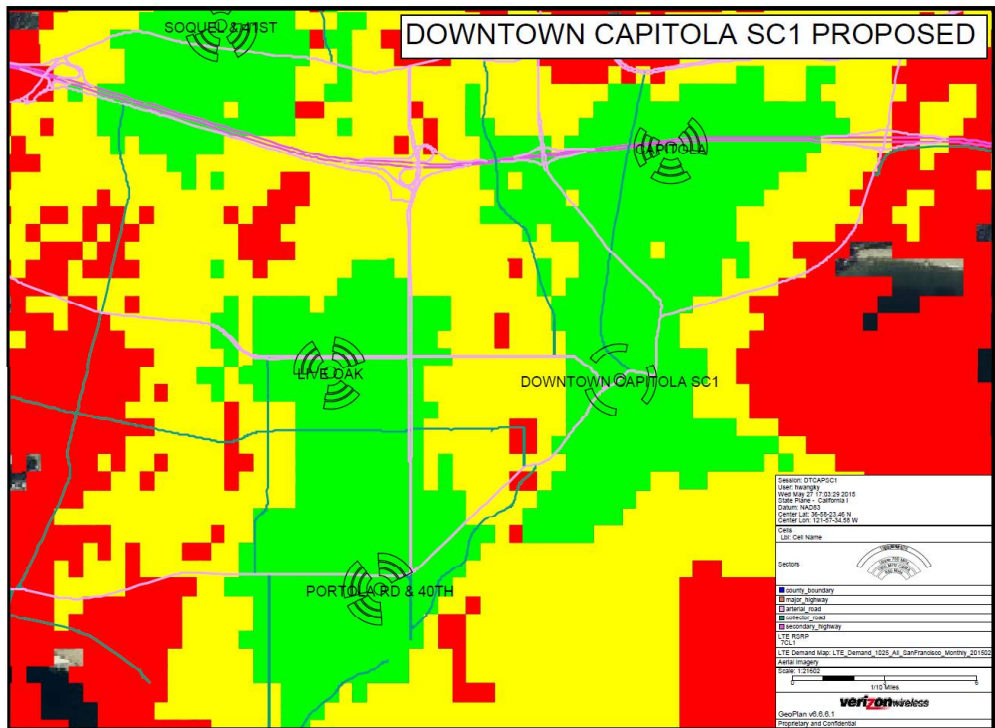


### Need Case for: DOWNTOWN CAPITOLA SC1

GREEN: Good Coverage indoors and outdoors.

YELLOW: Bad Coverage indoors and Good Coverage outdoors

RED: Bad Coverage indoors and outdoors



This is the coverage of the area with DOWNTOWN CAPITOLA SC1 added. Users in Downtown Capitola will experience better voice quality and data speed.

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Attachment: Project Plans and Information (1487 : 231 Esplanade)



2785 Mitchell Drive  
Walnut Creek, CA 94598

May 9, 2016

**To: Capitola Planning Department**

**From: Stefano Iachella, Radio Frequency Design Engineer,  
Verizon Wireless Network Engineering Department**

**Subject: Supplemental Statement Regarding Proposed Wireless Facility  
231 Esplanade**

This statement provides an update on Verizon Wireless's service gap in Capitola and addresses comments received from Telecom Law Firm, consultant to the City of Capitola, regarding Verizon Wireless's proposed small cell facility at 231 Esplanade (the "Proposed Facility").

In the *Verizon Wireless Cell Site Necessity Case* previously provided to the City, Verizon Wireless described a significant gap in service in the Capitola Village commercial area. There is poor coverage in the village area and surrounding neighborhoods which lack in-building service. Verizon Wireless continues to experience severe service degradation resulting from increasing demands on the existing Capitola facility antenna sector serving the area which is overloaded (the "Significant Gap"). The Proposed Facility will be placed such that it will provide new in-building coverage to the gap area and relieve the exhausted antenna sector of the existing Capitola facility.

### **Coverage Gap**

The broad area of the Significant Gap lacking in-building coverage includes the Capitola Village commercial area around the Esplanade as well as surrounding residential neighborhoods. The commercial area experiences a significant number of seasonal visitors who depend on reliable Verizon Wireless service to navigate and connect with local businesses, including at least eight restaurants and three hotels. Several annual events attract a substantial number of visitors, including the Capitola Art & Wine Festival in September, sponsored by the Capitola Soquel Chamber of Commerce, with an attendance of approximately 45,000.

The Significant Gap also includes Capitola Beach, where reliable Verizon Wireless service is important for visitors and for communications with public safety and emergency services personnel. Certain stretches of roadways within the Significant Gap that experience heavy seasonal vehicle traffic lack reliable in-vehicle service, including a portion of Stockton Avenue and the Esplanade.

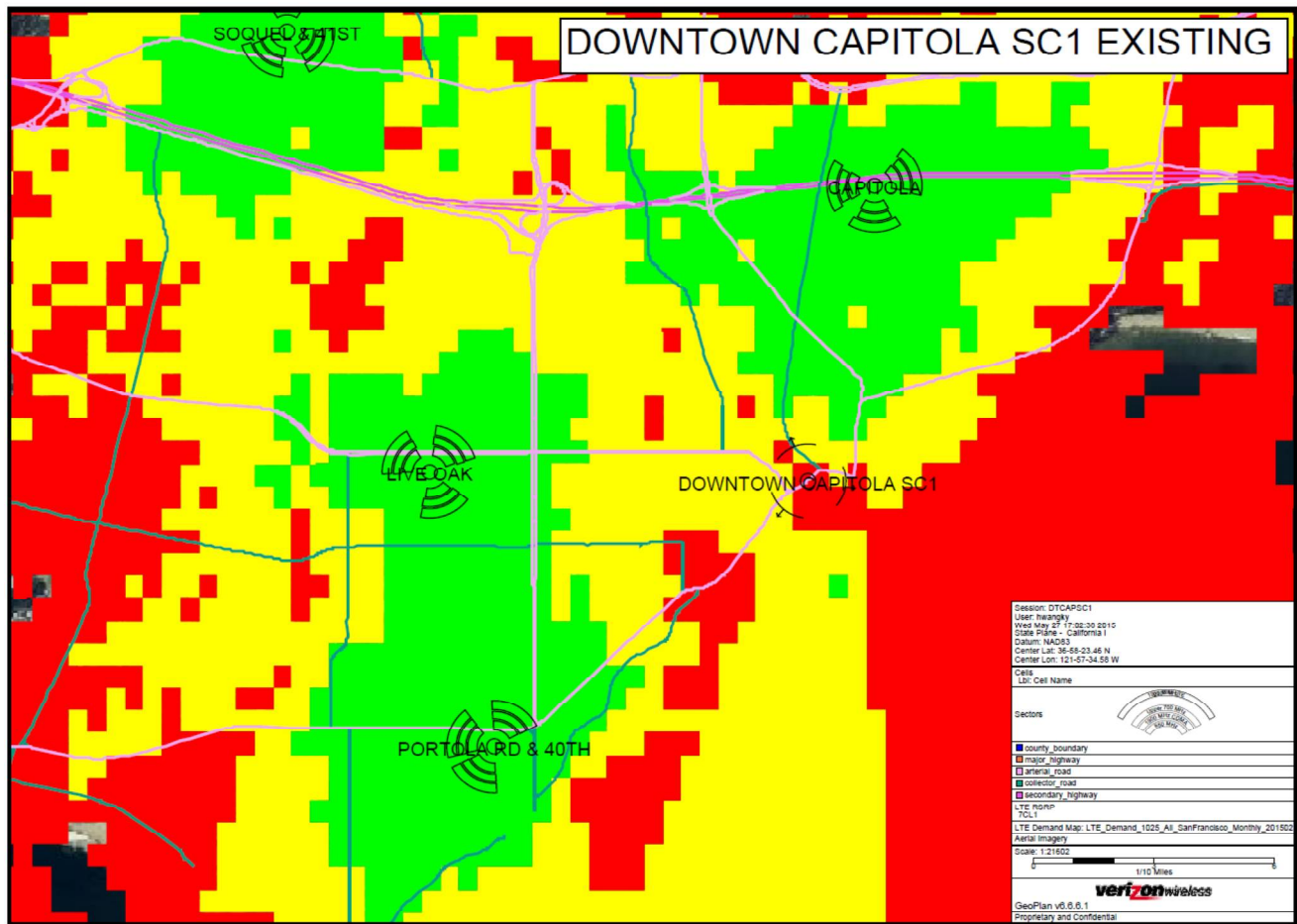
Attachment: Project Plans and Information (1487 : 231 Esplanade)

### Service Levels

Telecom Law Firm has requested that Verizon Wireless provide additional explanation of the service levels provided on coverage maps submitted to the City. Coverage maps like that below provide important information regarding the anticipated level of LTE signal measured in terms of reference signal received power (RSRP), and therefore the projected coverage provided by a site at a given location.

- **Green** indicates RSRP above -75 dBm, reflecting good coverage that meets or exceed thresholds to provide consistent and reliable network service inside buildings.
- **Yellow** indicates RSRP between -75 and -85 dBm, generally representing reliable service in vehicles, but not in buildings.
- **Red** indicates RSRP between -85 and -95 dBm, indicating poor service areas with marginal coverage unsuitable for in-vehicle use.

Existing Coverage



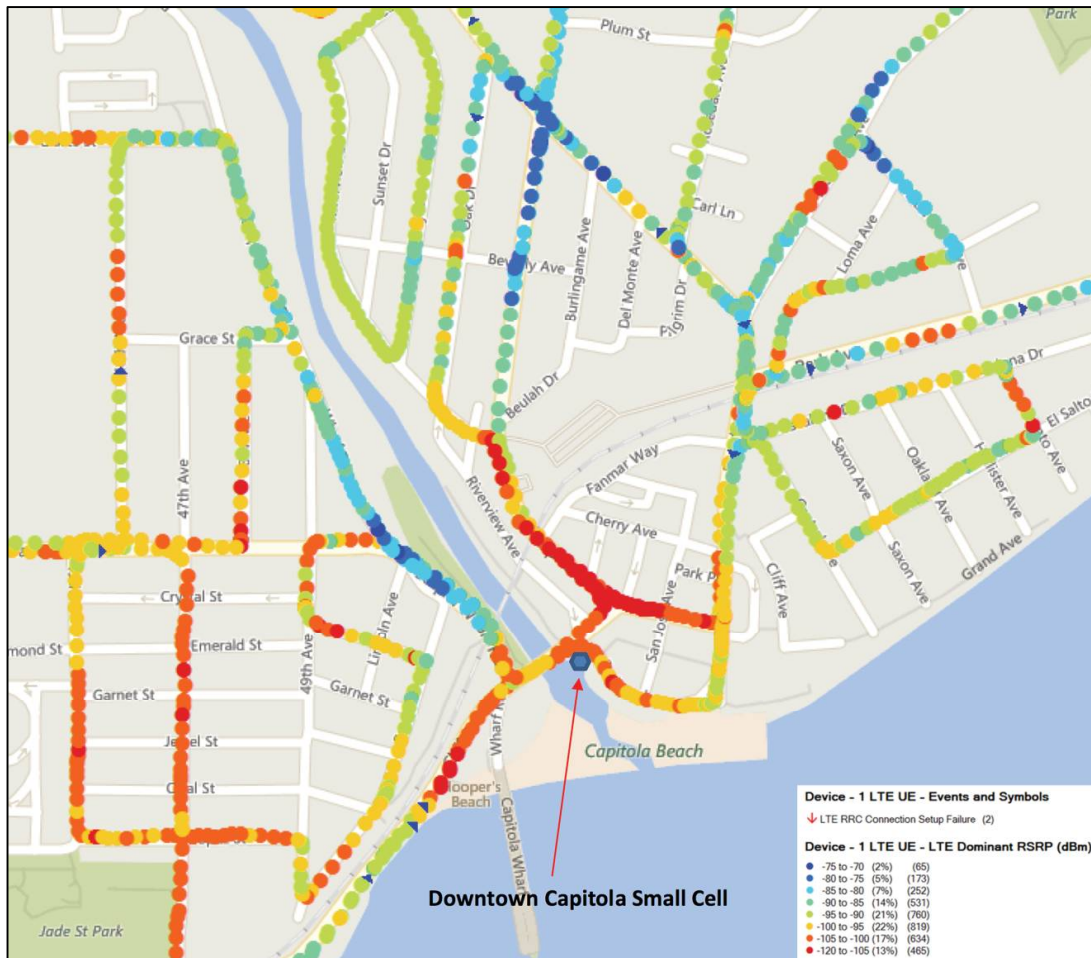
Attachment: Project Plans and Information (1487 : 231 Esplanade)

### Drive Test

Telecom Law Firm has advised the City to request that Verizon Wireless conduct a drive test to confirm the coverage gap. On March 29, 2016, during the evening commute between 5:00 p.m. and 6:00 p.m., a test truck was driven through select streets in Capitola to analyze Verizon Wireless service in the area.

The results of the Verizon Wireless drive test are depicted on the following plots. The first plot, *Drive Test Reference Signal Receive Power*, shows the average LTE signal power received from existing Verizon Wireless facilities serving the area as measured along the drive test route. Strong, usable LTE signal is available in areas with signal above -80 dBm, shown as dark blue shades in limited areas on the plot. These are generally the ranges where calls can be made in a building or vehicle or on the street. Weaker signal (less than -80 dBm) is shown in light blue, yellow, orange and red on the plot. These are areas where Verizon Wireless customers will experience poor service indoors. These areas lack a “dominant” LTE signal from a nearby facility, and as a result, are subject to signal interference and capacity exhaustion. Signal levels in this low range are typical of those found at the edge of coverage from a distant cell site and in areas served by an overloaded antenna sector. The drive test demonstrates that the Capitola Village and surrounding area is experiencing unacceptably weak LTE signal.

*Drive Test Reference Signal Receive Power*

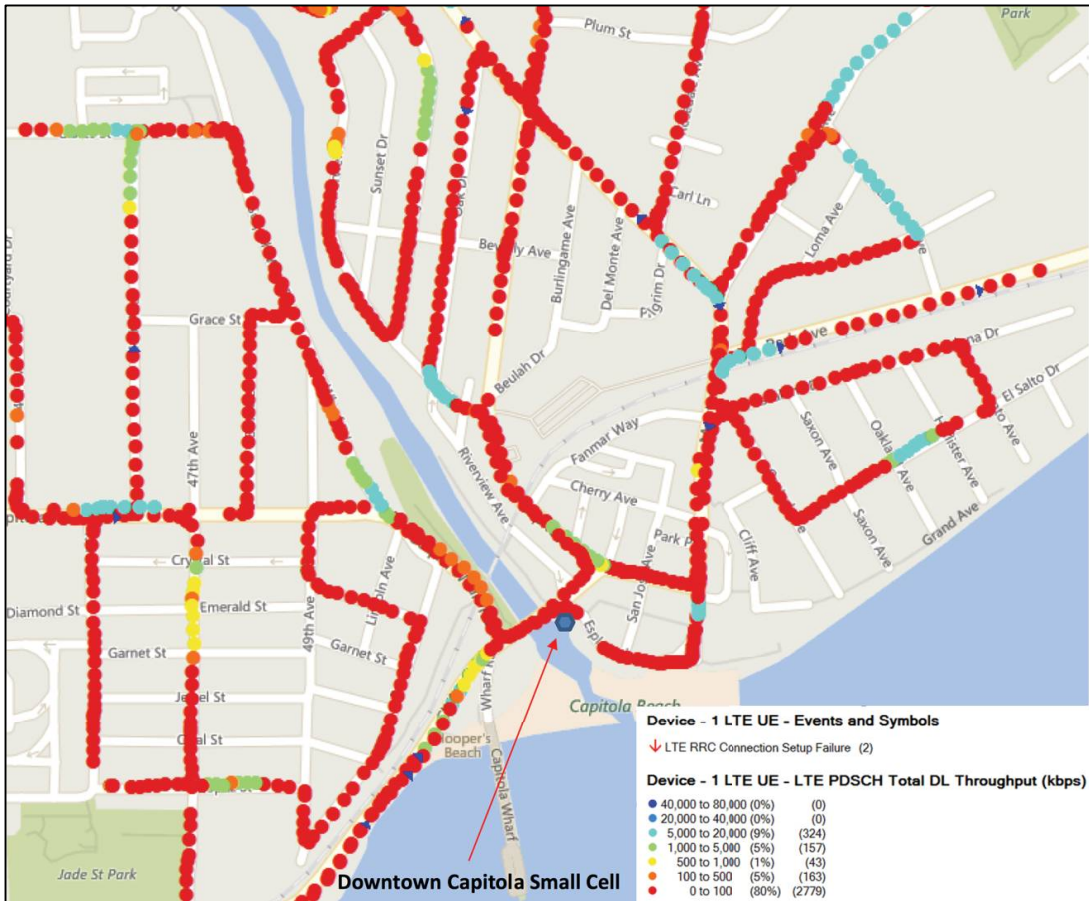


Attachment: Project Plans and Information (1487 : 231 Esplanade)



The second drive test plot, *Drive Test Total Download Throughput*, shows data packet download speeds for customer mobile phones and devices. Data packets include the digital information used for voice and all other applications of mobile devices. The slowest download speeds, less than 500 kilobytes per second, are shown as red and orange on the plot, and most of the gap area experiences such slow data speeds.

*Drive Test Total Download Throughput*

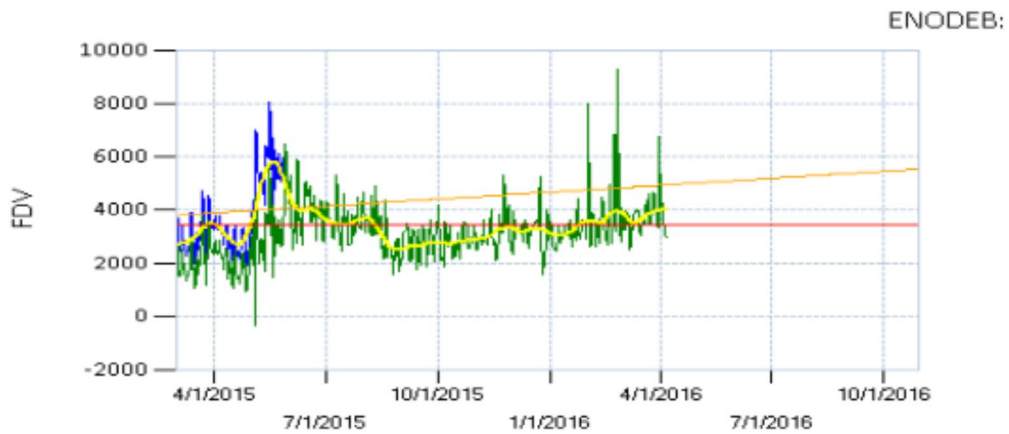


Attachment: Project Plans and Information (1487 : 231 Esplanade)

### Capacity Gap

The Verizon Wireless network in the vicinity of the Significant Gap continues to experience capacity exhaustion while demand is increasing. The south-facing antenna sector of the existing Capitola facility serving the gap area reached capacity exhaustion in mid-2013, and as shown in the following graphs depicting usage over the last year as well as projected usage, demand on the existing antenna sector has continued to increase. Capacity exhaustion has led to poor connectivity and loss of internet connections as well as extremely slow data speeds as indicated by the drive test download throughput measurements described above.

*Capacity Chart  
Capitola Facility South-Facing Antenna Sector*



### Conclusion

The Significant Gap continues to affect the Capitola Village commercial area and surrounding residential neighborhoods which lack in-building service, and increasing demands on the existing Verizon Wireless network have far outstripped the capacity of the antenna sector serving the area, resulting in very slow data speeds and poor connectivity. The Proposed Facility is essential to bring new reliable Verizon Wireless service to residents and large numbers of visitors to the area.

Please feel free to contact me with any questions or comments regarding Verizon Wireless's proposed facility.

Respectfully submitted,

Stefano Iachella  
RF Design Engineer  
Network Engineering Department  
Verizon Wireless

Attachment: Project Plans and Information (1487 : 231 Esplanade)

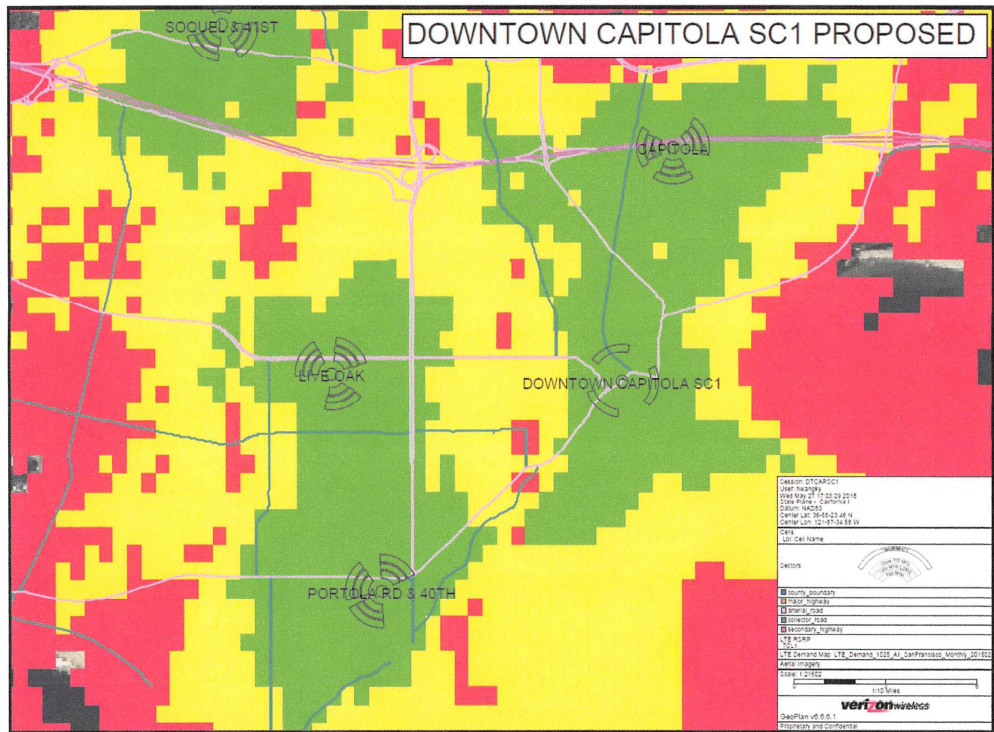


### DOWNTOWN CAPITOLA SC1

**GREEN:** Good Coverage indoors and outdoors.

**YELLOW:** Bad Coverage indoors and Good Coverage outdoors

**RED:** Bad Coverage indoors and outdoors



This is the coverage of the area with DOWNTOWN CAPITOLA SC1 added. Users in Downtown Capitola will experience better voice quality and data speed.

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Attachment: Project Plans and Information (1487 : 231 Esplanade)

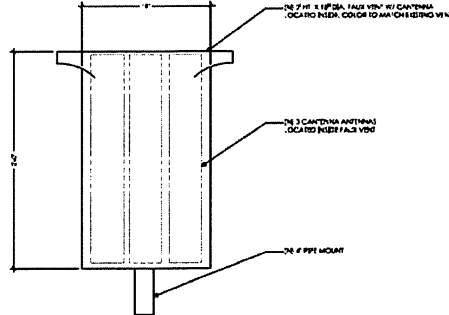




### VISUAL IMPACT ANALYSIS

**Item No. 3** - Submit a Visual Impact Analysis. This should include a description to why the current screening proposal is sufficient to minimize visibility, and why the proposed height and visibility could not be further reduced.

**Design Summary.** The antenna structure will be mounted to the inside of the parapet wall using a 4" pipe mount. The Cantenna itself measures 24" tall and 18" wide. The entire Cantenna will be housed within a faux roof vent enclosure made of RF-transparent material and will blend in seamlessly with other equipment on the roof. This screening element will be painted to match existing features of the building. No other rooftop equipment will be visible from any public viewpoint.



**Height Justification.** Cellular antennas require unrestricted “line of sight” to operate effectively. In order to maximize the efficiency of this capacity-driven small cell facility, this technology mandates that we place antennas in a manner that will not be shadowed by other fixtures on the building. The subject building’s rooftop measures 23’ – 6” above grade. The height of the parapet wall (and the tallest point of the building) is 24’ – 10”. After mounting the antenna structure to the inside of the parapet wall, the top of the antenna structure will measure 27’ – 6” above grade, which is a total of 4’ above the roof level. This height is necessary to allow for proper mounting to the parapet wall and for the antennas to project signal over the parapet wall without any shadowing.

**Screening Elements.** The proposed Cantenna includes three (3) 2’ panel antennas inside a cylindrical enclosure and alone this provides adequate screening. However, we are proposing additional screening that includes placing a faux roof vent over the Cantenna. This additional screening will render the antenna structure indistinguishable from other rooftop fixtures in the area.

Verizon Wireless: “Downtown Capitola SC1”

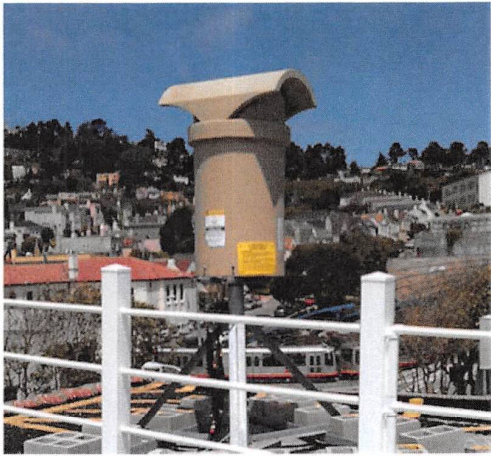
Attachment: Project Plans and Information (1487 : 231 Esplanade)





AdvanceSim  
Photo Simulation Solutions  
Contact: 925.726.8507

view from Stockton Avenue looking south at site  
 284763 Downtown Capitola SC1  
 231 Esplanade, Capitola, CA  
 Photosims Produced on 2-18-2015



This image is an actual site built by Verizon in San Francisco. This features a similar design that we are proposing for this site. The faux vent enclosure is approximately the same dimensions and the design itself is nearly identical. In this example, the antenna enclosure was mounted to a “tripod” and placed on the roof. Since building codes now require a positive connection to the rooftop, we are proposing to mount our antenna structure to the inside of the parapet wall.

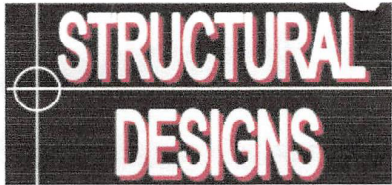
**Conclusion.** By only placing the antenna four feet above the roofline, and by including additional screening in the form of a faux roof vent, we believe our design mitigates any visual impacts created by the

Verizon Wireless: “Downtown Capitola SC1”

Attachment: Project Plans and Information (1487 : 231 Esplanade)

installation of this small cell facility. While moving the antenna closer to the center of the rooftop (away from the edge of the building) would certainly reduce its visibility, it would also negatively impact the propagation of the signal and therefore reduce the effectiveness of the site.

Verizon Wireless: "Downtown Capitola SC1"



*Striving to obtain the best possible solution through our  
proactive and customized approach for all of your structural  
engineering requirements ∞*

January 8, 2016

**Meridian Management**

Attn: Mr. Rodney Barnes

2958 Bella Drive

Concord, CA 94519

Subject: Downtown Capitola SC1  
231 Esplanade  
Capitola, CA 95010  
PSL# 284763

Mr. Barnes:

We have completed the structural assessment in accordance with the 2013 California Building Code. **Based on our assessment, the existing structure can safely support the below listed scope of work** as proposed by Verizon Wireless.

**Structural Scope of Work:**

- Install (1) Roof Mounted Small Cell Cabinet
- Install (6) Roof Mounted RRUs
- Install (1) Roof Mounted Antenna

**References:**

- 100% Zoning Drawings dated 1/5/2015 prepared by Meridian Management
- Original Tenant Improvement alteration drawings dated 8/19/2002 prepared by Matson Britton Architects

Please call if you have any questions.

Thank you,

Jim Burrows, P.E.  
Structural Designs

**Structural Designs**  
P.O. Box 279 Fairfield, CA 94533  
Tel 916.412.7896 • www.structuraldesigns.biz

Attachment: Project Plans and Information (1487 : 231 Esplanade)

**Verizon Wireless • Proposed Base Station (Site No. 284763 “Downtown Capitola SC1”)  
231 Esplanade • 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. 284763 “Downtown Capitola SC1”) proposed to be located at 231 Esplanade in Capitola, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

**Executive Summary**

Verizon proposes to install one antenna above the roof of the three-story building located at 231 Esplanade in Capitola. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

**Prevailing Exposure Standards**

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

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

**General Facility Requirements**

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



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

E7PD.2  
Page 1 of 4

Attachment: Project Plans and Information (1487 : 231 Esplanade)

**Verizon Wireless • Proposed Base Station (Site No. 284763 “Downtown Capitola SC1”)  
231 Esplanade • Capitola, California**

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 Meridian Management, LLC, dated January 5, 2015, it is proposed to install one JMA Model CYL-X7CAP-2 cylindrical antenna, configured to resemble vent pipe, to be placed above the upper roof of the three-story mixed-use building located at 231 Esplanade in Capitola. The antenna would employ no downtilt, would be mounted at an effective height of about 26½ feet above ground, 3 feet above the upper roof, and would have maximum power oriented toward 100°T, 220°T, and 340°T, to provide service in all directions. The maximum effective radiated power in those directions would be 1,480 watts, representing simultaneous operation at 1,010 watts for AWS and 470 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 0.064 mW/cm<sup>2</sup>, which is 8.7% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building\* is 9.1% 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 are calculated exceed the applicable public exposure limit on the roof of the subject building in front of the antenna, as shown in Figure 3.

\* Located at least 80 feet away, based on photographs from Google Maps.





**Verizon Wireless • Proposed Base Station (Site No. 284763 “Downtown Capitola SC1”)  
231 Esplanade • Capitola, California**

**Recommended Mitigation Measures**

It is recommended that the upper roof access hatch be kept locked,<sup>†</sup> so that the Verizon antenna is not accessible to unauthorized persons. 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 upper roof, including employees and contractors of Verizon and of the building owner. No access within 12 feet directly in front of the antenna itself, such as might occur during certain maintenance activities, 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 boundaries be marked on the roof with yellow and blue paint stripes to indicate areas in which exposure levels are calculated to exceed the FCC occupational and public limits, respectively, as shown in Figure 3. It is recommended that explanatory signs<sup>‡</sup> be posted at the roof access hatch, next to the boundary markings, 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 231 Esplanade in Capitola, California, can comply with the prevailing standards for limiting human exposure to radio frequency energy and, therefore, need 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. Locking the roof access hatch is recommended to establish compliance with public exposure limits; training authorized personnel, marking roof areas, and posting explanatory signs are recommended to establish compliance with occupational exposure limits.

<sup>†</sup> If the roof access hatch cannot be locked, it is recommended that secure barricades be installed instead of and at the same locations as the outermost demarcation boundaries shown in Figure 3.

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



**Verizon Wireless • Proposed Base Station (Site No. 284763 "Downtown Capitola SC1")  
231 Esplanade • 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, 2017. 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.

March 10, 2015



*William F. Hammett*  
\_\_\_\_\_  
William F. Hammett, P.E.

707/996-5200

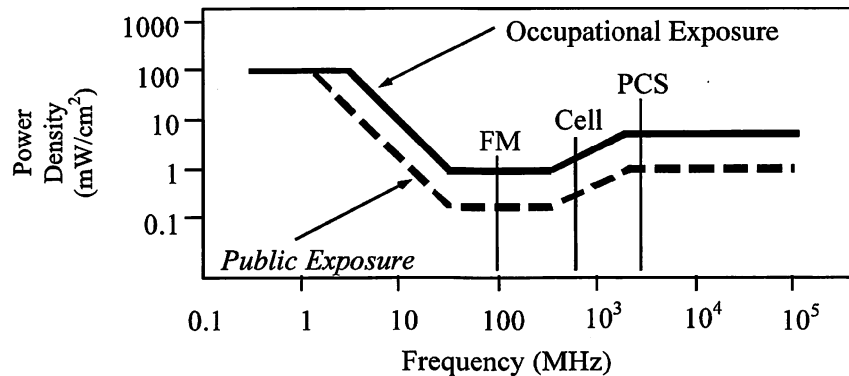
Attachment: Project Plans and Information (1487 : 231 Esplanade)

### FCC Radio Frequency Protection Guide

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

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

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



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



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

FCC Guidelines  
Figure 1

Attachment: Project Plans and Information (1487 : 231 Esplanade)

## RFR.CALC™ Calculation Methodology

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

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

#### Near Field.

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

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

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

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

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

#### Far Field.

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

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

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.



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

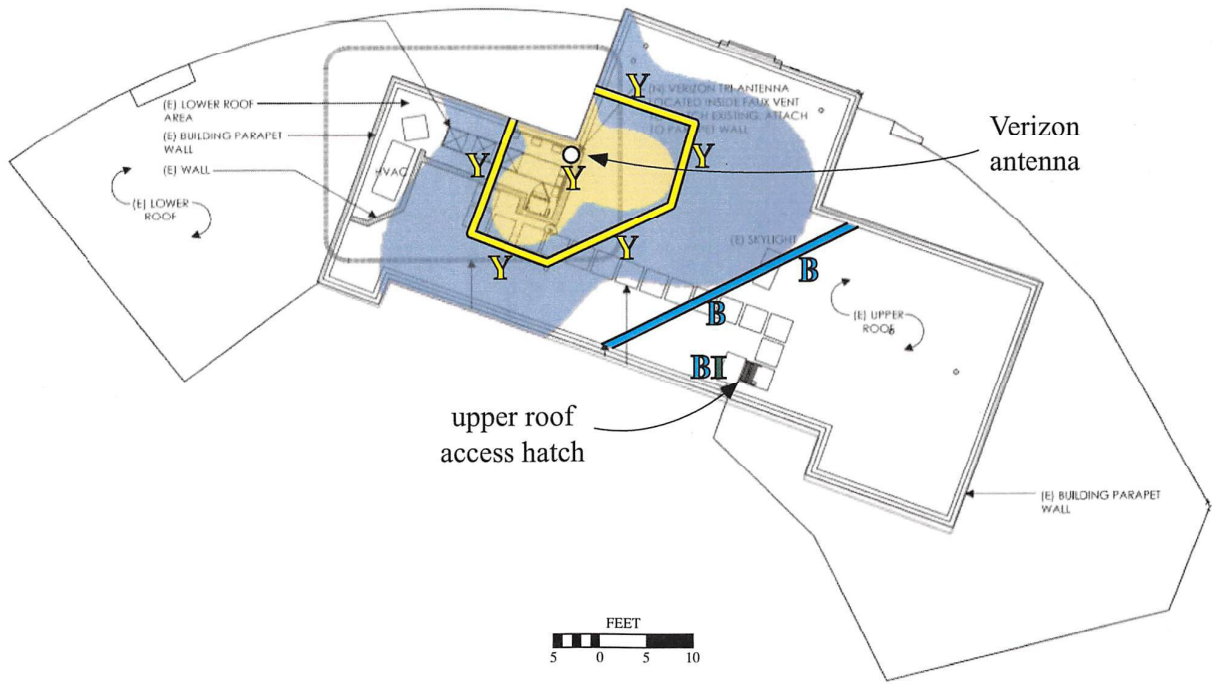
Methodology  
Figure 2

**Verizon Wireless • Proposed Base Station (Site No. 284763 “Downtown Capitola SC1”)  
231 Esplanade • Capitola, California**

**Calculated RF Exposure Levels on Roof**

**Recommended Mitigation Measures**

- Lock roof access hatch
- Mark boundaries as shown
- Post explanatory signs
- Provide training



Attachment: Project Plans and Information (1487 : 231 Esplanade)

Notes:  
Base drawing from Meridian Management, LLC, dated January 5, 2015.  
Calculations performed according to OET Bulletin 65, August 1997.

<b>Legend:</b>	Less Than Public	Exceeds Public	Exceeds Occupational	Exceeds 10x Occupational
Shaded color	blank			
Boundary marking	N/A			
Sign type	<b>I</b> - Green INFORMATION	<b>B</b> - Blue NOTICE	<b>Y</b> - Yellow CAUTION	<b>O</b> - Orange WARNING



## Site Planning and Zoning Summary

The following outlines the zoning code requirements for new wireless antenna development in the CV (Central Village) Zoning District relative to the application.

### General Requirements (17.98.080)

17.98.080 - B: Restricted Zoning Districts: prohibited within 500 feet (and also 300 feet) of the following districts:

- Single-Family Residential
- Multi-Family Residential
- Mobile Home
- Commercial residential
- Parks and open space
- Transient rental use overlay

**The proposal does not comply.** Verizon's proposal at 231 Esplanade is located approximately 200 feet from the beach due south, zoned "Public Facility – Parks, Open Space". The proposal would also be located within the restricted Transient Rental Use overlay zone and be roughly 470 feet from single-family residences on Prospect Ave due west. Additionally, the Municipal Code requires that "wireless communication facilities shall be absolutely prohibited in areas that lie within one thousand feet of the coastline." (§ 17.98.080) The proposed site would be located 500 feet from the coastline, and thus does not comply with setback restrictions.

17.98.080 – C: Restricted Coastal Areas – School Areas – Skilled Nursing Facility Areas: "absolutely prohibited in areas that lie within one thousand feet of the coastline [...] and five hundred feet of a school property or skilled nursing facility."

**The proposal does not comply.** The proposal is located approximately 200 feet from the beach due south, zoned "Public Facility – Parks, Open Space". The project does comply with the 500 foot setback to schools and nursing facilities.

17.98.080 – E: Compliance with FCC Regulations:

**The proposal complies.** The applicant submitted an engineering report verifying that they will comply with FCC regulations.

17.98.080 – F: Co-location: when feasible, co-location onto existing sites is required

**The proposal complies.** applicant submitted a statement to why co-location would not work with Verizon's proposal to close a coverage gap.

17.98.080 – G: Visual Effect: facilities located so as to minimized their visual impact as much as possible

**The proposal complies.** Staff feels that the proposed antenna facility is screened well and meshes well with the existing roof equipment on the roof of 231 Esplanade. The proposal will have only very minor visual impacts.

17.98.080 – H: Landscaping:

**Not required.** No landscaping proposed to be added or removed with the roof-top antenna.

### Location Standards (17.98.090)

17.98.090 – A: Location preferences:

1. Industrial or Commercial Sites
2. Attached to existing structures
3. Not highly visible from visually sensitive areas

**The proposal does not comply.** Although the proposed cell site complies with preferences 2 and 3, it does not comply with number 1. The site is proposed to be located in a mixed-use zone, consisting of residential, office, and commercial land uses.

17.98.090 – B: In no event may a wireless facility be located within three hundred feet of a restricted zoning district.

**The proposal does not comply.** The proposal is located within the restricted Transient Rental Overlay zone, and is located within 300 feet of the beach.

### **Preferred antenna siting and mounting techniques (17.98.100)**

Techniques are listed in order of preference:

1. Façade-mounted
2. Roof-mounted
3. Ground-mounted
4. Freestanding monopole

**The proposal does not comply.** The proposal is for a roof-mounted wireless antenna facility, making it less preferred than façade-mounted facilities.

### **Roof-mounted wireless telecommunication facilities (17.98.120)**

17.98.120 – A: Roof-mounted antennas are discouraged on residential buildings

**The proposal does not comply.** The application is proposing an antenna on a mixed-use commercial, residential, and office building.

17.98.120 – B: Shall not significantly affect scenic views

**The proposal complies.** The proposal does not significantly affect scenic views.

17.98.120 – C: Visual Analysis of height: views of facility must be screened from residences, sensitive land uses, schools, and major streets.

**The proposal does not comply.** The proposed faux vent will be visible from the beach, Esplanade, Stockton Avenue, as well as nearby residences.

17.98.120 – D: Location on roof: shall be located to minimize visual impacts and designed to blend with existing architecture.

**The proposal complies.** The design incorporates a faux roof vent to screen the antenna facility. The faux vent will blend with existing roof top equipment.

17.98.120 – E: Painted with non-reflective finish:

**This has been added as a condition of approval.**

17.98.120 – F: Rooftop equipment shall be setback so as not to be viewed from street.

**The proposal complies.** The appurtenant equipment will be setback on the roof so that it is not visible from standing on the road or public right-of-way.

17.98.120 – G: no roof-mounted structure shall exceed six feet in height above parapet of roof.

**The project complies.** The proposal is roughly two and a half feet above the roof line.

**Setbacks and projections into yards (17.98.120)**

17.98.150 – A: Wireless facilities shall comply with applicable setback regulations of the zoning district in which they are situated.

Proposal is in CV (Central Village) Zone

17.27.110 Yards (CV): setbacks: no yard requirements except that ten percent of the lot area shall be landscaped open area fronting the street

**The proposal complies.** There is no yard requirement; the proposal is setback from the edge of the existing roof line.

**Height Limitations (Central Village – 17.21.080)**

17.21.080 – Central Village Height regulations: 27 feet

17.81.070 – General Regulations – Height Exceptions: roof structures for elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building, chimneys, smokestacks, radio aerials, television antennas and utility structures and necessary mechanical appurtenances may be built to exceed the height limit established for the district.

**The proposal complies.** The project antenna is proposed to sit 2'-8" above the existing roof line, putting the height at 27'-6". The max building height in the CV is 27', however the height exception listed in 17.81.070 applies here.

**Projections into public rights-of-way (17.98.160)** – (only requirements related to roof-top installations are listed)

17.98.160 – B: Roof-mounted equipment: may not extend over a street.

**The proposal complies.** The proposal is located entirely upon an existing roof. It will not project into Esplanade or Stockton Avenue.

17.98.160 – C: Roof-mounted equipment: may extend over a sidewalk as long as there is a setback of two feet between the curb and any portion of the antenna or equipment.

**The proposal complies.** The proposal is located entirely upon an existing roof. It will not project into the Esplanade sidewalk.

In summary, the proposed wireless antenna at 231 Esplanade does not comply with the Municipal Code. Specifically, the site is located within the 500 foot setback to restricted zoning districts, and does not meet the code's location preferences. Additionally, staff reviewed the project for consistency with the General Plan and did not find any significant inconsistencies.



## WIRELESS PLANNING MEMORANDUM

**TO:** Ryan Safty  
**FROM:** Tripp May  
**REVIEWER:** Jonathan L. Kramer  
**DATE:** February 8, 2016

**RE: Case No. 15-198 (Verizon Wireless)**  
**Technical Review for Proposed New Wireless Site**

The City of City of Capitola (the “**City**”) requested a review of the Verizon Wireless (“**Verizon**”) proposal to construct and operate a new wireless site located at 231 Esplanade.

This memorandum reviews the application and related materials for technical and regulatory issues specific to wireless infrastructure. Although many technical issues implicate legal issues, the analysis and recommendations contained in this memorandum do not constitute legal advice.

### 1. Project Background and Description

Verizon proposes to construct and operate a new wireless site that generally involves one “antenna” concealed within a faux-pipe vent and associated equipment on the rooftop. This section briefly describes the proposed project as depicted in the project plans dated January 4, 2016, and submitted with the application.

The proposed antenna—an RF-transparent radome with integrated multi-band antennas and GPS—would be mounted near the HVAC equipment on the western roof deck with an overall height at approximately 27.5 feet above ground level (“**AGL**”). In this configuration, the antenna emissions center would be approximately 26.5 feet AGL with the lowest point on the lowest transmitter approximately 25.5 feet AGL. Verizon proposes to conceal the antenna with a shroud designed to mimic a vent pipe with a curved hood.

Adjacent to the proposed antenna, Verizon proposes to install one new small cell radio cabinet, six remote radio units (“**RRUs**”) and one GPS antenna. The proposed equipment would be mounted to the interior parapet wall, and the radio cabinet and GPS would protrude above the parapet. Lastly, Verizon proposes to place a backup generator socket on the northern exterior wall at ground level near Esplanade.

Attachment: Telecom Review (1487 : 231 Esplanade)

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## 2. Application Ambiguities and Internal Inconsistencies

The City should request clarification from Verizon as to which antenna model it proposes to install. The project plans indicate that Verizon intends to install a CSS Small Cell Antenna model no. CYL-X7CAP-2-T because the antenna configuration on sheet A.2 shows three sectors, which only that model provides. However, a report on planned compliance with the FCC's RF exposure guidelines dated April 3, 2015, by Hammett & Edison, Inc. (the "**H&E Report**") describes the antenna as "one Amphenol Model HTXCWW63111414F000 directional antenna."<sup>1</sup>

This difference between the proposed antennas affects the planned compliance analysis because the antenna depicted in the plans propagates signal in multiple directions whereas the antenna described in the H&E Report propagates in only one direction. Moreover, the date on the H&E Report suggests that Verizon may have altered its antenna plan without updating Hammett & Edison, Inc., which gives reason to believe that the H&E Report may no longer accurately represent the planned emissions, even though we assume that Hammett & Edison's analysis for the Amphenol antennas was performed correctly.<sup>2</sup>

Accordingly, the City should request that Verizon:

- clarify what antenna(s) it proposes to install with this project; and
- to the extent that the H&E Report evaluated a different deployment plan, provide an updated planned compliance evaluation based on the correct transmitters Verizon actually proposes to install.

## 3. Section 6409(a) Evaluation

As a threshold matter, the City should determine whether federal law mandates approval for this project based on its location and design. Section 6409(a) of the Middle Class Tax Reform and Job Creation Act of 2012 requires that State and local governments "may not deny, and shall approve" any "eligible facilities request" for a wireless site collocation or modification to an existing tower or base station so long as it does not substantially change its physical dimensions.<sup>3</sup>

<sup>1</sup> See Hammett & Edison, Inc., *Statement of Hammett & Edison, Inc., Consulting Engineers* at 2 (Apr. 3, 2015).

<sup>2</sup> To avoid any misunderstandings, we note that the analysis in the H&E Report appears facially valid based on the information Verizon provided to Hammett & Edison. However, the circumstances and proposed deployment appears to have changed since April 2015 when the H&E Report was generated.

<sup>3</sup> See Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156. (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)).





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FCC regulations interpret key terms in this statute and impose certain substantive and procedural limitations on local review.<sup>4</sup> Localities must review applications submitted for approval pursuant to Section 6409(a), but the applicant bears the burden to show it qualifies for mandatory approval.

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.

#### 4. Significant Gap and Least Intrusive Means Analysis

Under the federal Telecommunications Act of 1996 (the “**Telecom Act**”), State and local governments cannot prohibit or effectively prohibit personal wireless communication services.<sup>5</sup> The United States Court of Appeals for the Ninth Circuit holds that a single permit denial violates the Telecom Act when the applicant demonstrates that (1) a “significant gap” in its own service coverage exists and (2) its proposed site constitutes the “least intrusive means” to mitigate that significant gap.<sup>6</sup>

##### 4.1. Significant Gap

The Ninth Circuit does not precisely define what a “significant gap” in service coverage means because this “extremely fact-specific [question] def[ies] any bright-line legal rule.”<sup>7</sup> Although sometimes courts find that weak service coverage constitutes a significant gap, the Ninth Circuit also holds that “the [Telecommunications Act] does not guarantee wireless service providers coverage free of small ‘dead spots’ . . . .”<sup>8</sup> Accordingly, whether a gap rises to a legally significant gap depends on the contextual factors in each individual application.<sup>9</sup>

<sup>4</sup> See *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd. 12864 (Oct. 17, 2014) (codified as 47 C.F.R. §§ 1.40001, *et seq.*).

<sup>5</sup> See Section 704 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as 47 U.S.C. § 332(c)(7)(B)(i)(III)).

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

<sup>7</sup> See *id.*

<sup>8</sup> See *id.*

<sup>9</sup> See *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 727 (9th Cir. 2009) (citing *San Francisco*, 400 F.3d at 733).



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 applicant presented empirical or merely predictive evidence.<sup>10</sup> The Ninth Circuit identifies these factors as relevant but does not explicitly limit the analysis to these factors or consider any particular factor more important than the others.

#### 4.1.1. Alleged Service Coverage Gap

Verizon alleges that a significant gap in its service *coverage* exists within the approximately 0.02 square-mile area generally between Fanmar to the north, Esplanade to the south, Monterey Avenue to the east and Capitola Avenue to the west (the “**Search Area**”). Service coverage generally refers to whether sufficient RF signal levels exist to permit a user to connect with the network.

To illustrate its service coverage with and without the proposed site, Verizon submitted signal propagation maps. Propagation maps show predictions about current and future service coverage based on network data and assumptions about variables such as the site location, configuration in interactions with natural and manmade features in the area. Figure 1 contains the current service coverage prediction.

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<sup>10</sup> See *id.* (collecting cases that examine each enumerated factor).



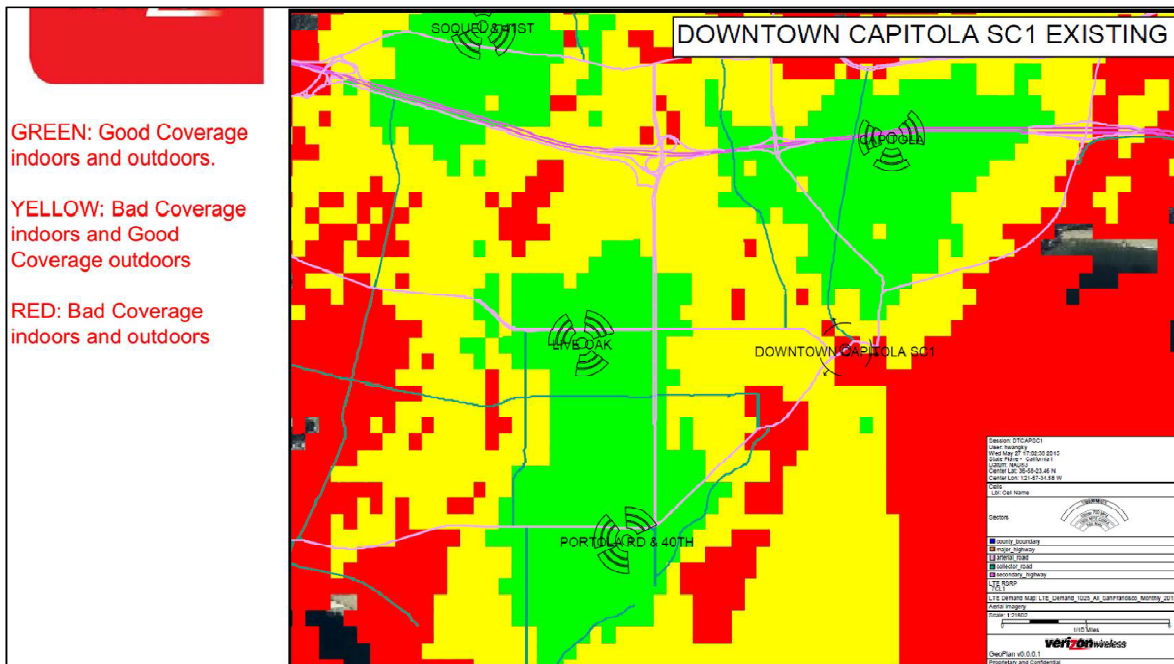


Figure 1

The propagation map shows that Verizon estimates that it currently provides “bad” coverage in the Search Area but does not objectively describe what it considers “bad” coverage in empirical terms. Verizon’s subjective or qualitative assessments about its own service coverage do not provide a cognizable basis for the City to conclude that a significant gap exists. In other words, the propagation maps show only that Verizon believes that its coverage does not meet its preferred levels, but does not disclose the coverage levels themselves or the thresholds at which Verizon believes its service goes from “bad” to “good” coverage.

Although certain factors tend to suggest that the Search Area might contain a gap, such as the commercial area, commuter thoroughfares and centralized location within the City, the maps provide incomplete information about the actual service levels. Given the relatively small Search Area, the City should require more detailed information about actual service levels, call failure rates and any other information Verizon believes will tend to show that the alleged gap amounts to more than a mere “dead spot.” The City may also wish to consider a “drive test” within the Search Area to empirically measure the current Verizon service.

#### 4.1.2. Alleged Service Capacity Gap

Verizon also alleges that a significant gap in its service *capacity* exists within the Search Area. Service capacity generally refers to the bandwidth available to serve user demands.

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The law does not clearly include or exclude service capacity within the significant gap analysis. However, recent trends in lower courts in California and elsewhere suggest that judges view the administrative record as a whole, including any information about service capacity.<sup>11</sup> Moreover, information about service capacity needs helps local jurisdictions better understand the applicant's technical objectives, which in turn helps both parties find reasonable solutions to siting controversies. For these reasons, the City should understand take into account any alleged service capacity gaps in the applicant's service.

Whether and to what extent a service capacity gap exists depends primarily on how much network traffic adjacent sites can handle relative to how much traffic users in the area generate. When demand outpaces capacity at existing sites, a new site creates a new network access point that "offloads" traffic from the existing sectors. Accordingly, a capacity-gap analysis should (1) identify the adjacent sites; (2) assess whether and to what degree the adjacent sites can handle the average user demands; and (3) evaluate whether the proposed site will alleviate any apparent inability to meet average user demands.

Here, Verizon states in its *Project Description and Summary for Verizon Wireless Site "Downtown Capitola SC1"* that it cannot meet capacity demands within the Search Area because the existing sites that serve this location are exhausted.<sup>12</sup> Verizon also provided Forward Data Volume ("FDV") and Average Scheduled Eligible User ("ASEU") graphs reproduced below as Figure 2.

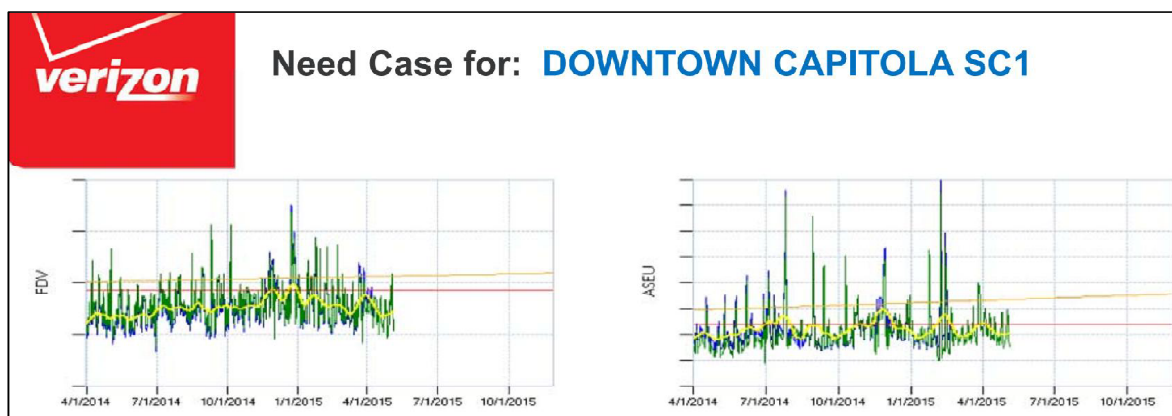


Figure 2: Capacity/demand graphs for sector 2 at Verizon's existing "CAPITOLA" site near Cabrillo Highway and Capitola Avenue.

<sup>11</sup> See *T-Mobile West Corp. v. City of Huntington Beach*, No. CV 10-2835 CAS (Ex), 2012 WL 4867775, \*6 (C.D. Cal. Oct. 10, 2012); *T-Mobile West Corp. v. City of Agoura Hills*, No. CV 09-9077 DSF (PJWx), 2010 WL 5313398, \*8-\*9 (C.D. Cal. Dec. 20, 2010); see also *MetroPCS New York, LLC v. Village of East Hills*, 764 F. Supp. 2d 441, 454-55 (E.D.N.Y. 2011); *T-Mobile Northeast LLC v. City of Lowell*, No. 11-11551-NMG, 2012 U.S. Dist. LEXIS 180210, \*10 (D. Mass. Nov. 27 2012); *USCOC of New Hampshire RSA No. 2 v. Town of Dunbarton*, No. Civ.04-CV-304-JD, 2005 WL 906354, \*2 (D.N.H. Apr. 20, 2005).

<sup>12</sup> See Verizon Wireless, *Project Description and Summary for Verizon Wireless Site "Downtown Capitola SC1"* at 3-4.

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The FDV graph above show that demand is steadily increasing and the average is approaching (and in some events already exceeded) the capacity limits. Data demands are particularly high on holidays such as in the December and January months. The ASEU graph shows that the resource manager (*i.e.*, computer that schedules the data transfer over the network) is being asked to allocate more resources than it can afford. These are consistent with a cell site sector that is approaching exhaustion or is periodically exhausted during usually high demand times.

These graphs are also consistent with the claim that Verizon's technical need is within the Search Area because CAPITOLA sector 2 faces the Search Area and is relatively far away. Accordingly, the City should interpret these graphs as support for the proposition that Verizon's technical need would be served by a site south of the existing CAPITOLA site to offload traffic on its sector 2.

#### 4.2. Least Intrusive Means

Even when an applicant demonstrates a significant gap, the Telecom Act does not grant the applicant rights to build whatever site in whatever location it chooses. State and local jurisdictions may require wireless applicants to adopt the "least intrusive means" to achieve their technical objectives.<sup>13</sup> This balances the national interest in wireless services with the local interest in planned development.

In the Ninth Circuit, the least intrusive means refers to the technically feasible and potentially available alternative design and location that most closely conforms to the local values a permit denial would otherwise serve.<sup>14</sup> A "technically feasible and potentially available alternative" means that the applicant can reasonably (1) meet their demonstrated service needs and (2) obtain a lease or other legal right to construct the proposed site at the proposed location.<sup>15</sup>

The process to determine whether a proposal constitutes the least intrusive means involves "burden-shifting" framework. First, the applicant establishes a presumption that it proposes the least intrusive means when it submits an alternative sites analysis. Localities can rebut the presumption when it proposes other alternatives. Applicants may then rule-out proposed alternatives when it provides a "meaningful comparative analysis" for why such alternative is not technically feasible or potentially available.<sup>16</sup> This back-and-forth continues until either the jurisdiction fails to propose a technically feasible or potentially available alternative, or the applicant fails to rule-out a proposed alternative.<sup>17</sup>

<sup>13</sup> See, e.g., *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1056 (9th Cir. 2014).

<sup>14</sup> See *id.*; see also *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir. 2009).

<sup>15</sup> See *Anacortes*, 572 F.3d at 996–999.

<sup>16</sup> See *American Tower Corp.*, 763 F.3d at 1056.

<sup>17</sup> Compare *id.* (upholding a permit denial because the applicant failed to rule-out the technical feasibility or potential availability of proposed alternatives), with *Anacortes*, 572 F.3d at 999 (invalidating a permit denial because the city insisted on an unavailable location). These cases provide a guide for planners on how to evaluate alternative sites analyses. Planners should also note that a strong administrative record is essential to this analysis.





Applicants cannot rule-out potential alternatives on the ground that it believes its preferred site is subjectively “better” than the jurisdiction’s preferred alternative.<sup>18</sup> Only the local government can decide which among several feasible and available alternatives constitutes the best option. Similarly, an applicant cannot rule-out a proposed alternative based on a bare conclusion that it is not technically feasible or potentially available—it must provide a meaningful comparative analysis that allows the jurisdiction to reach its own conclusions.<sup>19</sup>

#### 4.3. Location

The Code encourages sites in commercial and industrial districts, but requires the applicant to obtain an exception for any location within 500 feet from a residential district or 3000 feet from a coastline.<sup>20</sup> The exception requires the applicant to show that (1) the proposed site “would eliminate or substantially reduce one or more significant gaps in the applicant carrier’s network” and (2) “no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives [exist] outside the restricted zoning districts or coastal areas.”<sup>21</sup>

Here, the proposed location requires an exception to the general restriction on sites within 500 feet from a residential district and also within 3000 feet from the coastline.<sup>22</sup> Although Verizon proposes to place the equipment within a commercial district, the site lies approximately 90 feet from the nearest residential district and approximately 594 feet from the nearest coastline.

Assuming that Verizon could demonstrate that a significant gaps exists, no potentially less-discouraged location appears to exist because the Search Area is so geographically small that no location within it appears to meet the 500-foot residential or 3000-foot coastline setbacks. The entire the Search Area is bounded by residential districts on three sides and coastline to south, and is less than 1000 feet wide north-to-south and east-to-west.

Accordingly, whether the proposed site constitutes the “least intrusive means” will depend on design rather than location because the Search Area apparently does not offer any less-discouraged location compliant with the residential and coastline setbacks.

<sup>18</sup> See *American Tower Corp.*, 763 F.3d at 1057 (finding that the applicant “did not adduce evidence allowing for a meaningful comparison of alternative designs or sites, and the [c]ity was not required to take [the applicant]’s word that these were the best options”).

<sup>19</sup> See *id.*

<sup>20</sup> See CAPITOLA, CAL., CODE § 17.98.080.

<sup>21</sup> See CAPITOLA, CAL., CODE § 17.98.080.D.

<sup>22</sup> See CAPITOLA, CAL., CODE § 17.98.080.



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#### 4.4. Design

Here, the proposed design generally conforms to the design standards in the Code applicable to rooftop sites. The antenna concealment mimics other pipe vents on the rooftop, and although it would be significantly higher than the other pipe vents with a different hood, Verizon would likely need to move the antenna closer to the parapet wall, if required, to lower the overall antenna height. Although the radio cabinet will protrude above the parapet wall, it appears sufficiently set back from the roofline to be imperceptible from ground level.

#### 5. Conclusion

The City should conclude that the application does not contain sufficient information to assess whether a significant gap in Verizon's service exists within the Search Area. Consistent with the recommendations in this memorandum, the City should send a written request to Verizon for more information on these issues.

RM/jlk

Attachment: Telecom Review (1487 : 231 Esplanade)





## WIRELESS PLANNING MEMORANDUM

**TO:** Ryan Safty  
**FROM:** Tripp May  
**REVIEWER:** Jonathan L. Kramer  
**DATE:** May 18, 2016

**RE: Case No. 15-198 (Verizon Wireless)**  
**Technical Review for Proposed New Wireless Site**

On February 8, 2016, this firm provided the City of Capitola (the “**City**”) a memorandum (the “**February Memorandum**”) that reviewed the Verizon Wireless (“**Verizon**”) proposal to construct and operate a new wireless site located at 231 Esplanade.<sup>1</sup> The February Memorandum concluded that the application did not contain sufficient information to determine whether a significant gap in Verizon’s service existed, and recommended that the City request additional information.

On May 9, 2016, Verizon submitted a *Supplemental Statement Regarding Proposed Wireless Facility 231 Esplanade* (the “**Supplemental Statement**”).<sup>2</sup> The City requested a second review on whether Verizon’s application demonstrates that a significant gap exists or not.

This memorandum reviews the application and related materials for technical and regulatory issues specific to wireless infrastructure. Although many technical issues implicate legal issues, the analysis and recommendations contained in this memorandum do not constitute legal advice.

### 1. Significant Gap Analysis

Under the federal Telecommunications Act of 1996 (the “**Telecom Act**”), State and local governments cannot prohibit or effectively prohibit personal wireless communication services.<sup>3</sup> The United States Court of Appeals for the Ninth Circuit holds that a single permit denial violates the Telecom Act when the applicant demonstrates that (1) a “significant gap” in its own service

<sup>1</sup> See Memorandum from Tripp May, Telecom Law Firm, to Ryan Safty, Capitola Planning Dep’t, (Feb. 8, 2016) [hereinafter *February Memorandum*].

<sup>2</sup> See Letter from Stefano Iachella, Radio Frequency Design Eng’r, Verizon Wireless, to Capitola Planning Dep’t, City of Capitola, Cal. (May 9, 2016) [hereinafter *Supplemental Statement*].

<sup>3</sup> See Section 704 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as 47 U.S.C. § 332(c)(7)(B)(i)(II)).

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coverage exists and (2) its proposed site constitutes the “least intrusive means” to mitigate that significant gap.<sup>4</sup>

The Ninth Circuit does not precisely define what a “significant gap” in service coverage means because this “extremely fact-specific [question] def[ies] any bright-line legal rule.”<sup>5</sup> Although sometimes courts find that weak service coverage constitutes a significant gap, the Ninth Circuit also holds that “the [Telecommunications Act] does not guarantee wireless service providers coverage free of small ‘dead spots’ . . . .”<sup>6</sup> Accordingly, whether a gap rises to a legally significant gap depends on the contextual factors in each individual application.<sup>7</sup>

To guide the analysis, the Ninth Circuit suggests that applicants and localities should focus on “context-specific factors” such as: (1) whether the gap affects a significant commuter thoroughfare; (2) how many users the alleged gap affects; (3) whether the proposed site will fill a complete void or merely improve weak signal; (4) whether the alleged gap affects a commercial area; (5) whether the alleged gap threatens public safety; and (6) whether the applicant presented empirical or merely predictive evidence.<sup>8</sup> The Ninth Circuit identifies these factors as relevant but does not explicitly limit the analysis to these factors or consider any particular factor more important than the others.

### 1.1. Verizon’s Propagation Maps and Drive Test Data

The February Memorandum recommended that the City should not consider the propagation maps submitted with the original application because those maps did not contain a legend explaining the objective signal measures that correspond to the colors. The *Supplemental Statement* clarifies that (1) green indicates reference signal received power (“RSRP”) greater than -75 dBm; (2) yellow indicates RSRP between less than -75 dBm and greater than -85 dBm; and (3) red indicates RSRP between less than -85 dBm and greater than -95 dBm (shown in Figure 1 below).

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<sup>4</sup> See *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 733 (9th Cir. 2005).

<sup>5</sup> See *id.*

<sup>6</sup> See *id.*

<sup>7</sup> See *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 727 (9th Cir. 2009) (citing *San Francisco*, 400 F.3d at 733).

<sup>8</sup> See *id.* (collecting cases that examine each enumerated factor).



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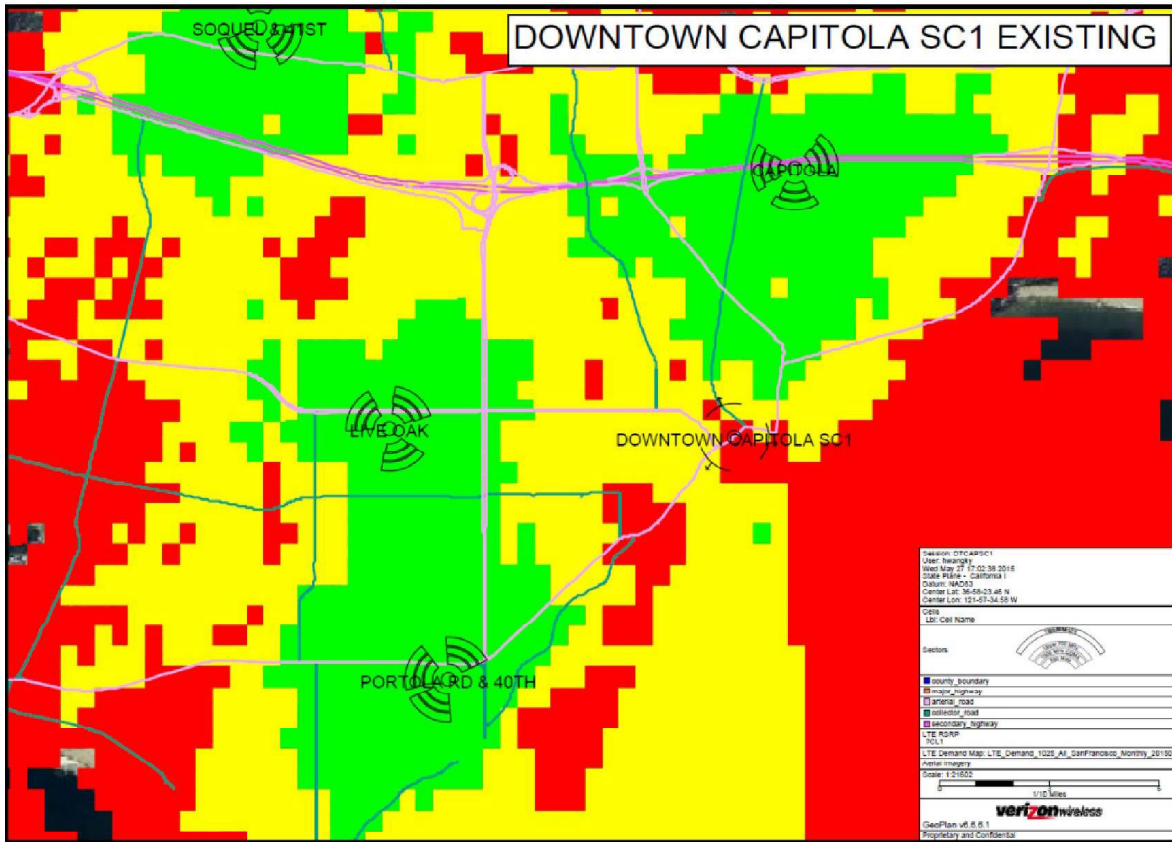


Figure 1: Verizon's Predicted Signal Level in RSRP (dBm) without the Proposed Site

In response to the recommendations in the February Memorandum, Verizon also performed a “drive test” to empirically measure its service levels and data throughput within its alleged significant gap. On March 29, 2016, Verizon drove through the affected area (shown below in Figure 2 and 3) and placed 3,701 calls during the weekday evening commute between 5:00 pm and 6:00 pm. Although Verizon did not explain how it calibrated the equipment or recorded its measurements, the data still shows a clear gap in LTE RSRP in the area.

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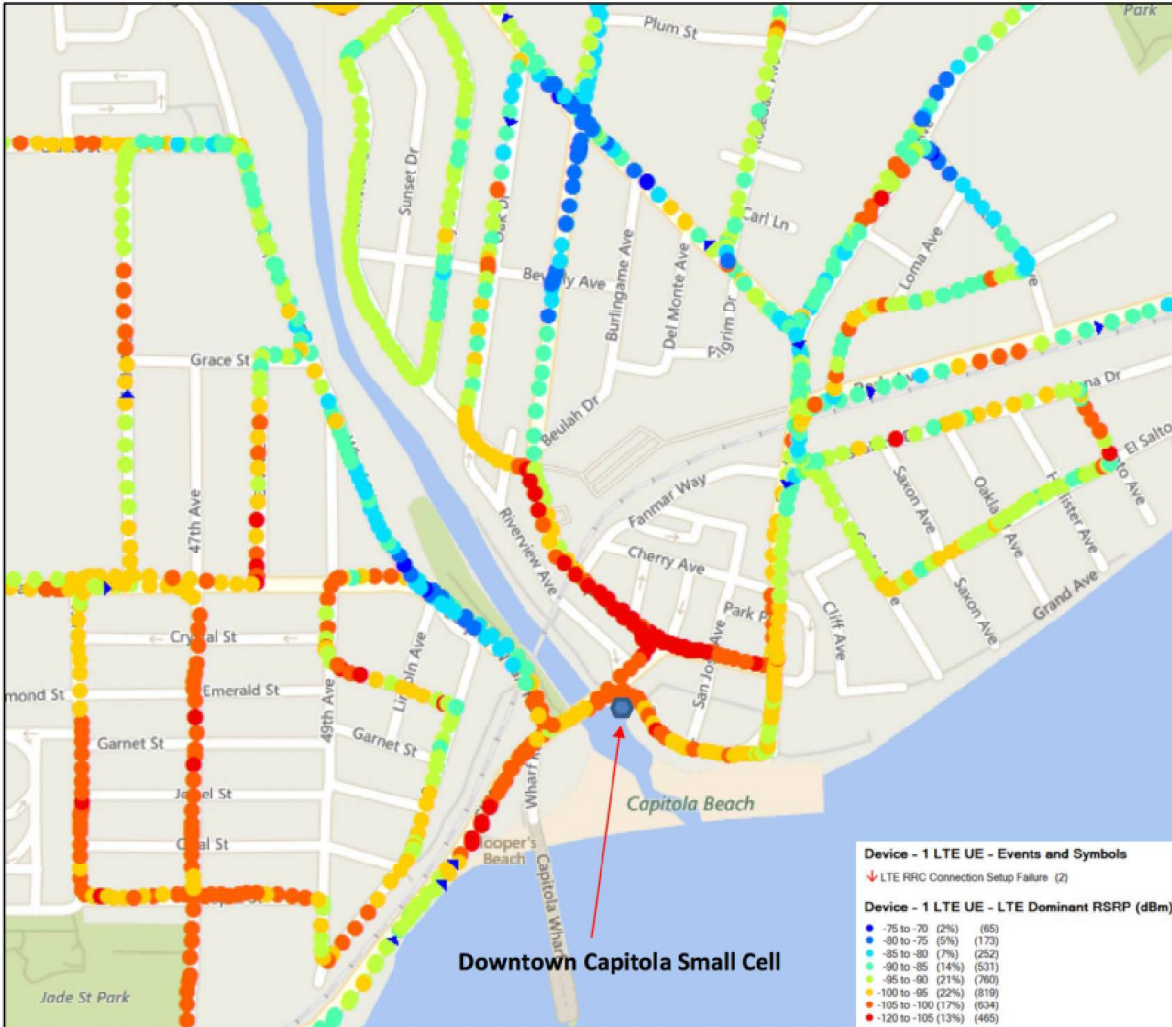


Figure 2: Verizon's Measured Signal Level in RSRP during Weekday Evening Commute

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Figure 3: Verizon's Measured Throughput during Weekday Evening Commute

According to the results, 30% of calls made recorded RSRP of -100 dBm or less, 43% of calls made recorded RSRP between -90 dBm and -100 dBm, 14% of calls made recorded RSRP between -80 dBm and -85 dBm, and nearly all the calls along Capitola Avenue (one of the City's central commercial thoroughfares) recorded RSRP less than -100 dBm. As a point of reference, Verizon describes -80 dBm or greater as "[s]trong, usable LTE signal."<sup>9</sup>

### 1.2. Analysis

As a threshold matter, the City should note that the propagation maps and drive test output depict Verizon's current service in RSRP. RSRP is a cell-specific and an LTE-specific signal-strength metric that averages all RF power received and typically determines when one cell "hands off" a call to the next cell.

<sup>9</sup> Supplemental Statement at 3.

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RSRP also artificially suppresses the total signal power because it averages the RF power from all reference signals received. In general, signal strength in RSRP measures approximately 20 dB lower than the same signals measured with the traditional received signal strength indicator (“RSSI”). When the *Supplemental Statement* shows signals between -85 dBm and -95 dBm in RSRP, signals from the same area would likely measure between -65 dBm and -75 dBm in RSSI. Accordingly, although the *Supplemental Statement* characterizes one technical problem as a “coverage gap,” the propagation maps and drive test data indicate that Verizon provides relatively good coverage throughout the Search Area.

However, the propagation maps and drive test data indicate that Verizon intends the proposed site to resolve a more nuanced technical problem related to hand-offs between cells in the Search Area. Based on the information in the *Supplemental Statement*, the Search Area appears to involve a high-traffic area at the edge between two cells (apparently the “PORTOLA RD & 40TH” and “CAPITOLA” sites), where the user equipment cannot determine with which cell it should connect. As a result, the user equipment may vacillate between the two cells in multiple handoffs, which may cause diminished service, lower data throughput levels or potentially even dropped calls.

The handoff problem can also be used to explain the seemingly random instances in the *Drive Test Total Download Throughput* when a call achieves relatively high throughput even though most other calls attempted at approximately the same time achieve low throughput. The most consistently low measurements occurred near the proposed site while measurements tended to improve as the user moved closer to either “PORTOLA RD & 40TH” or “CAPITOLA” sites. This suggests that the problem lies at the cell edge where RSRP is low, user equipment cannot determine which cell it should connect with and the cells expend more capacity resources to reach the distant users.

When applied to the relevant factors, the vacillation between cells in the Search Area very likely rises to a significant gap because it affects many potential users in a commercial area with high-volume roads, even if it appears to merely improve weak service in a geographically small area rather than fill a complete void in a large one. As mentioned in the February Memorandum, the Search Area involves a commercial area in a centralized location with heavily traveled roads.<sup>10</sup> The *Supplemental Statement* also mentions that seasonal tourism and annual events where approximately 45,000 people gather add to the potentially affected users. Although Verizon did not disclose historic dropped-call rates, at least two dropped calls apparently occurred on the drive test.<sup>11</sup> Based on the contextual factors, the City should find that Verizon very likely demonstrated that a significant gap exists.

<sup>10</sup> See February Memorandum at 5.

<sup>11</sup> Compare February Memorandum at 5 (recommending Verizon disclose dropped-call rates), with *Supplemental Statement* at 3 (showing two connection failures in the drive-test data).



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Lastly, the City should note the centrally important role that context plays in this analysis. All cellular networks have cell edges where handoff occurs. Indeed, basic geometry tells us that more users will reside near the cell edge than at its center because there is simply more area near the perimeter. Although a “gap” requires a technical problem to exist, some important contextual reason about the uses or users in the gap area is required to elevate it to a “significant” gap.

## 2. Conclusion

Verizon very likely demonstrated that a significant gap exists because empirical information shows that the gap area impacts many potential users in a relatively dense commercial area with highly traveled roadways and seasonal events that bring even more potentially impacted users into the area.

RM/jlk

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

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**From:** Ted Woods <ted@californiatransplants.com>  
**Sent:** Wednesday, May 25, 2016 9:37 AM  
**To:** PLANNING COMMISSION  
**Subject:** Antenna on Margaretville

Concerned about the proposed antenna on Margaretville, would like some drawings as to height and design. I would think without seeing this I would oppose anything on the roof of a downtown business which might impair the view from neighboring houses.

Ted Woods  
312 Cherry Ave  
Capitola

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RECEIVED

MAY 25 2016

CITY OF CAPITOLA

5/21/16

To Whom It MAY Concern:

TOM & NINA CARINE Vote  
NO on installation of a New  
 Verizon wireless Antenna  
 on roof of Margaritaville

Thank You, Tom & Nina Carine  
 1490 Prospect Ave  
 Capitola, CA. 95010

5/21/16

*Nina Carine*  
 Nina Carine

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