

MINUTES

Joint Meeting of the Scotts Valley City Council and Redevelopment Agency Board of Directors

Date: December 19, 2007

POSTING:

The agenda was posted on 12-14-07
at City Hall, the SV Library, and the
SV Senior Center by the City Clerk.

CALL TO ORDER 6:02 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Mayor Johnson
Vice Mayor Barrett
Council Member Aguilar
Council Member Bustichi
Council Member Reed

City Manager Comstock
City Attorney Powell
Deputy City Mgr/Admin Svs Dir Ando
Police Chief Weiss
Public Wks Director Anderson
Interim Community Development Dir Westman
Associate Planner Bateman
City Clerk Ferrara

COMMITTEE REPORTS CM Bustichi reported that the SCMTD met to discuss a fueling station that will be coming on line soon to allow them to fuel with liquid natural gas much quicker than is being done now. This will allow more buses to be placed online that run on liquid natural gas as opposed to diesel. He stated that with the State budget deficit and the possible suspension of Proposition 42 monies, transportation funding throughout the State is at risk.

CM Aguilar provided an update on Proposition 42 from the League of California Cities. She stated that transportation funding may be suspended because the Governor may declare a state of emergency in January because of the budget deficit. She stated that the bonds for Proposition 1B were sold; however, they will not alleviate the problems related to transportation funding.

Mayor Johnson reported that the Skypark Subcommittee met with the potential developer and things are moving forward on all fronts: Commitments from retailers, hiring the right people (land use consultant and lawyer), and making contact with property owners in Skypark. He stated that this really shows the potential developer's commitment and the subcommittee is very pleased with the progress since Stanbery came on board.

PUBLIC COMMENT None.

**ALTERATIONS TO
CONSENT AGENDA**

M/S: Barrett/Aguilar
To approve the Consent Agenda.
Carried 5/0

Consent Agenda:

- A. Approve check register – 12-3-07
- B. Approve Resolution No. 1087.66 creating a no parking on Carbonero Way
- C. Authorize the Mayor to send a letter to our State and Federal representatives, as well as the California Library Association indicating the City's support of the 2008 Library Legislative Program

**ALTERATIONS TO
REGULAR AGENDA**

M/S: Barrett/Bustichi
To approve the Regular Agenda.
Carried 5/0

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 6:08 p.m. to discuss the following items:

1. Pursuant to Government Code Section 54956.9, the City Council met in closed session to confer with he legal counsel regarding existing litigation. Name of case: City of Scotts Valley vs. County of Santa Cruz, Santa Cruz County Superior Court, Case No. CV 157460.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 7:01 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Johnson announced that there was nothing to report.

PUBLIC HEARINGS

1. ***Continue to 1/16/08: Scotts Valley LLC Minor Land Division, 364 Collado Drive, Scotts Valley, CA 95066 // APN 021-131-13***

Interim CDD Westman stated that due to continuance at the Planning Commission, this item should be continued to the next regular City Council meeting on 1/16/08.

PUBLIC HEARING OPENED - 7:02 PM

Continued to the next regular City Council meeting on 1/16/08.

2. Consideration of Pinnacle View Planned Development for 12 single family dwellings and 8 townhomes located on four vacant parcels totaling two acres at the end of Lundy Lane // 11, 13,15, 17 Lundy Lane (behind Pinnacle Pass) // APN's 21-281-01, 02, 05, 06 // GPA05-004/ZC05-003/PD05-003/LD05-004/DR05-028

AP Bateman presented the written staff report and responded to questions from Council.

CM Aguilar questioned if the rear yards with drainage have restrictions on them so that they cannot be changed and diminish the correct drainage. AP Bateman responded that most of the areas are very steep and have very limited use; however, there is a condition that the rear yards be left in a natural state and not developed with structures. CM Aguilar requested that constraints be added to restrict homeowners from coming in to request an amendment to the specific plan related to the drainage areas. CA Powell stated that there is not a specific plan for this project. She stated that the City Council can impose a condition; however, homeowners would still have the ability to request an amendment to that condition. CA Powell stated that the only other option would be a deed restriction.

CM Bustichi questioned the existing right-of-way that goes through the corporation yard and how much space is being used for the road. AP Bateman responded they are only using the pre-existing right of way.

VM Barrett questioned if the lot coverage was over 50%. AP Bateman stated that the individual lots are over 50%, however, the development as a whole is at 55% coverage.

Mike Rockhold, MGI Architects, reviewed the proposed development and gave a PowerPoint presentation of the site and surrounding areas. He stated that the Planning Commission had concerns regarding garage size. He provided an update regarding the right-of-way issue and a hillside/drainage update. He stated that they can add a condition to the CC&R's as preventive measures for maintaining the hillside in its natural state, which would limit any type of development such as a building or pool. He stated that they are asking for reduced garage sizes and permission to work with staff on this issue; however, they are also planning to provide storage within the garages.

Gene Scothorn, Civil Consultants Group, reviewed the Planning Commission concerns regarding parking. He stated that the Planning Commission had asked for additional spaces at the center island and they had looked at a variety of designs. They were able to redesign the cul-de-sac to now have six spaces instead of four. They also made some changes between lots 18 and 19 to decrease the parking spaces from two to one, so they now have a net increase of one parking space from the plan approved by the Planning Commission. They believe they have worked diligently to provide enough parking. He reiterated that they will only be using the right-of-way at the corporation yard and they will not be encroaching on the corporation yard. He stated that beyond the cul-de-sac, the portion of the road will be vacated and maintained by the homeowners association not the City. They feel this will give a physical end to the street and a better turnaround area.

CM Bustichi questioned the permeable surfaces and water recharge areas. Mr. Scothorn responded that the site is non-permeable. He stated that the area from the interchange down to the site is filled with non-permeable materials and there has been a large amount of uncontrolled grading over the years. Mr. Scothorn stated that there is a spring on the eastern side of the property, which comes from the water runoff that runs along the non-permeable material. Mr. Scothorn stated that they will be moving 17 feet of improperly placed fill material; however, in his opinion the idea of this site being used for recharge is not practical because there is no place for the water to go. He also responded to CM Aguilar's concerns about not allowing any kind of construction above the retaining wall in the rear yards along lots 1 through 12. He stated that they have recommended a non-construction easement be recorded on the final map.

CM Aguilar stated that she could not approve this being a private road because the Police Department would not be able to cite people for illegal parking.

Mayor Johnson asked PWD Anderson if he had any discussions with the developer as it relates to the corporation yard. PWD Anderson responded that the developer is not encroaching on the corporation yard, so the only concerns were screening and landscaping. Mr. Scothorn stated that it was their intent to have a temporary construction easement that would allow them do the landscaping work along the perimeter of the corporation yard. He stated that it was his understanding the City would move their own materials from the right-of-way, and once the landscaping and irrigation is installed, the City would maintain the landscaping along the perimeter of the corporation yard. The landscaping along the opposite side of the right-of-way would be maintained by the Homeowner's Association.

CM Aguilar questioned if there was a walking path connection between the residential development and the Pinnacle Pass shopping center. She requested that a paved path with landscaping be constructed to the lot line so that there will eventually be a pathway to the shopping center. Mr. Scothorn responded that he felt this was doable.

CM Bustichi questioned whether Public Works staff had any concerns about having neighbors so close as it relates to noise. PWD Anderson stated that there are always concerns; however, there have been neighbors close by for several years, he understands the concerns, and they have made the necessary adjustments. CM Bustichi questioned the fence and trees that would be used as screening? Mr. Scothorn stated that there is a requirement for a solid fence that includes acoustic buffering.

CM Aguilar requested that the developer put a statement in the sales contract that noise begins at 7:00 am (or whatever appropriate time) so that buyers are aware of the noise concerns. Jerry Shanahan, project applicant, stated that this will be part of the disclosure in the sales deposit receipt.

Mayor Johnson questioned the amount of storage space in the garages and whether there would actually be built-in storage. Mr. Shanahan stated that there will be built-in storage in the garages, and stated they would like to work with planning staff on the storage issue.

Mayor Bustichi questioned some of the materials being used on the buildings and recommended that they use some other products that are greener. Mr. Shanahan stated that they will be using faux stone and cultured stone, not natural stone.

VM Barrett stated that he was concerned about storage and stated does not like the single car garages. He also stated that he agreed with the Planning Commission recommendations for larger garages. He stated that if they constructed one less home, they could increase the garage sizes and have a little bit of side yard. He stated that he was also concerned about the limited green building materials, the lack of water recharge area, the density, the zero setback for garages, and the lack of recreation on the site.

PUBLIC HEARING OPENED - 8:01 PM

No one came forward.

PUBLIC HEARING CLOSED - 8:02 PM

CM Bustichi stated that he shared VM Barrett's concerns about garage sizes and water recharge. He would like to see larger garages as recommended by the Planning Commission; however, if 22x22 can't be met, he can compromise if there is additional storage in the utility areas as proposed.

CM Aguilar reiterated her previous statements regarding sales disclosures for noise, a pathway to the Pinnacle Pass shopping center, the street being public, and a deed restriction for construction in the rear yards above the retaining walls. She also stated that she agreed with the Planning Commission's concerns regarding garage size.

CM Reed stated that he agreed with CM Aguilar's recommendation regarding the deed restrictions and the Planning Commission's recommendations regarding larger garages.

Mayor Johnson stated that he likes the look of the project and he feels they listened to the original Council comments from a year ago. He reiterated the concerns made by Council this evening and stated he does not feel they are ready to approve the project at this time.

CDD Westman asked for minor clarification regarding garage size. She stated that the City's standard garage is 22x22 and asked if 20x22 or 20x20 garage sizes would be adequate depending on the individual units, or is the Council asking that they all be 22x22?

CM Aguilar stated that it was her understanding that the Planning Commission had recommended 22x20 and she felt this was reasonable; however, she is not willing to reduce the size to 20x20.

CDD Westman stated that the single car garages are recommended for the smaller units.

CM Bustichi stated that for the units with utility rooms/storage he is willing to be flexible on the garage size, and he can live with single car garages for the smaller units. He stated that if the actual dimensions are not exactly 20x22, but for example, if it is 20x19 with a six foot alcove to provide extra square footage for storage, he can live with the square footage.

Mr. Scothorn asked for clarification on whether square footage is an issue or width is the issue. CM Aguilar, CM Reed, and VM Barrett stated that width is more of an issue for them than specific square footage.

Mayor Johnson asked for clarification on the public street concerns from CM Aguilar. PC Weiss stated that a condition could be added, or an ordinance adopted, that would allow the Police Department to provide parking enforcement if this is a private street. PWD Anderson stated that as it relates to maintenance, it is better for the City if this is a private street. CM Aguilar stated that her concerns were specifically related to parking enforcement.

Mayor Johnson stated that he would like to see more creativity regarding permeable areas and recharge.

CM Aguilar recommended making one of the smaller units affordable and having the Redevelopment Agency contribute to make it a for sale affordable unit. CM Barrett agreed with this recommendation. She recommended that the Affordable Housing Subcommittee meet on this with the developer.

CM Bustichi asked if there was a way to approve this project tonight with conditions. CA Powell stated that most of the concerns could be addressed with added conditions; however, the garage issue would have to be evaluated further. Mayor Johnson stated that the recharge issue also needs to be addressed more fully.

3. Consideration of two year extension request for Design Review application DR03-008 and 13 lot land division LD03-003 // 1000 Bean Creek Road // APN 22-631-22

Interim CDD Westman presented the written staff report and responded to questions from Council.

CM Aguilar stated that this is the fourth time that this has been extended and asked at what point we might need a subsequent EIR on this site because of law changes. CA Powell responded that this is a subdivision that resulted from litigation between the property owner and the City, so the environmental review is about three years old, and there have been no significant changes during that time. She stated that the delay has been caused by the HCP they are required to obtain for the property, and the subsequent approvals from Fish & Wildlife.

PUBLIC HEARING OPENED - 8:25 PM

Brad Bowman, College Heights Development, stated that they have hired special counsel and are working diligently to get this through Fish & Wildlife. He stated that he was available for questions.

PUBLIC HEARING CLOSED - 8:26 PM

M/S: Barrett/Aguilar

To grant a two year extension for the Design Review application DR03-008 and a two year time extension for the 13 lot Land Division LD03-003 at 1000 Bean Creek Road. The two year time extension shall end on November 17, 2009.

Carried 5/0

4. Consideration of approval to establish a Community Facilities District No. 2007-1 for Bean Creek Estates

DCM/ASD Ando presented the written staff report and responded to questions from Council. *He stated that the developer is requesting a continuation of this item to January 16, 2008.*

PUBLIC HEARING OPENED - 8:27 PM

CM Aguilar questioned the management costs to maintain the open space area. She wants to know what the mechanism is to allow for the increase of monies should it be necessary for the management of the open space.

Bob Haight, Bond Counsel for the project, stated that they have asked for an amount that will manage this property in perpetuity. It will be a lump sum payment capitalized over a period of twenty years and they have agreed to manage the open space forever. CM Aguilar asked what the recourse is if there is not enough money to manage the property in the future. Mr. Haight stated that there is no means of increasing the amount without going to the property owners and the only other stop gap measure would be an annual fee on the homeowners.

CDD Westman stated that there is a condition on the project that the management of the open space would fall to the homeowners association if the management company runs out of money.

Council unanimously agreed to continue this open public hearing to the next regular City Council meeting on January 16, 2008.

REGULAR AGENDA

5. Future agenda items

None.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Approved:

Randy Johnson, Mayor / Chair

Attest:

Tracy A. Ferrara, City Clerk / Secretary