

MINUTES

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

Date: July 19, 2006

POSTING:

The agenda was posted on 7/14/06
at City Hall by the City Clerk.

CALL TO ORDER 6:02 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

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

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

COMMITTEE REPORTS CM Marigonda reported that the Joint City/School Subcommittee met and talked about school participation in the 4th of July parade, Redevelopment Agency pass-through payments made by the County of Santa Cruz, and the possibility of working with the School District on potential locations for a new middle school.

VM Bustichi reported that the Santa Cruz Metropolitan Transit District met and that they have settled with one of the labor groups. He reported that they also discussed increasing the rates for advertising on buses, which is still a very reasonable price and a great program.

CM Barrett reported that the Traffic Safety Advisory Committee met and discussed the following issues: no right turn on red on Scotts Valley Drive at Bean Creek Road during the school year, timing of lights on Scotts Valley Drive, and speeding on Scotts Valley Drive.

Mayor Aguilar reported that she attended a League of California Cities Leadership Institute where they discussed the communications bill that is before the Legislature, and Bond issues 1A, 1B, 1C, and 1D regarding transportation, housing, infrastructure, and levies. She encouraged everyone to research and look into these bills as they are very critical.

PUBLIC COMMENT No one came forward.

**ALTERATIONS TO
CONSENT AGENDA**

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

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 7/5/06
- B. Approve check register – 6/30/06 and 7/14/06
- C. Approve Resolution No. 1596.29 authorizing the levy of the annual special tax roll for Scotts Valley Drive for Community Facilities District 97-1 for the fiscal year 2006/2007
- D. Approve human care funding for 2006-07 in the amount of \$43,467

**ALTERATIONS TO
REGULAR AGENDA**

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

REGULAR AGENDA

1. **Consider approval of relocation agreements between Amerigas Propane, L.P. and Suburban Propane, L.P. and the Scotts Valley Redevelopment Agency**

CM Comstock presented the written staff report and responded to questions from Council.

CM Johnson, Skypark Subcommittee, stated that this is a very important step toward the town center, and that he feels this is best for the City at-large. He thanked everyone concerned for their involvement and cooperation.

VM Bustichi agreed with CM Johnson's comments and reviewed the process that the City and developer went through to get to this point. He stated that this agreement is simply a step on the road toward the EIR process.

Jack Ritchey, Attorney for Amerigas Propane, stated that the propane companies have been looking for an alternate facility for 15 to 20 years. He stated that they have been there since the 1950's, and in 1995 the facility was upgraded to a state of the art facility. He stated the Amerigas and Suburban provide a service that is essential to the community. He thanked the city and developer, and stated that he feels this represents a very good compromise for everyone. He stated that this will be a state of the art facility with all of the safety features that are available, and that he was available to answer any questions that may arise tonight.

CM Barrett questioned the total cost of relocation and asked if there was a cap.

CA Powell stated that there is not a final number due to the unknown costs of bringing utilities, i.e. water, electricity, and septic to the site.

CM Comstock responded that there is not cap, however, staff feels that the estimates provided in Exhibit B from the propane companies are pretty adequate.

VM Bustichi questioned if there was a mechanism for revisiting the relocation costs should they increase drastically, or if there are any costs that arise that are unforeseen at this time.

CA Powell responded that we can always negotiate with the developer through the developer agreement, or whatever form that takes, for the developer to pay for some additional costs. She stated that since the propane companies are not making the choice to move, the propane companies want to be sure that any costs associated with the move are covered by someone other than themselves.

David Hunter, 784 Lockhart Gulch Road (25 year resident), does not live in the City limits, but considers himself a member of the Scotts Valley community. He stated that he is not opposed to the town center, but he honestly believes this is a very poor site. He stated that he is concerned about access, safety, and traffic.

CM Marigonda stated that he supports the agreement because the movement of the propane tanks is necessary to make the town center a viable project. He stated that he feels the promises made during the Measure C campaign are important, and this is a step in the right direction on the way to making the town center happen.

Mayor Aguilar stated that Amerigas and Suburban being willing to relocate is a very positive step forward, which we have not had in the last ten years. She stated that she does not agree with the proposed location on Lockhart Gulch Road, and for this reason she is abstaining from this vote, although she truly believes the EIR will address the many critical issues related to this particular relocation. She thanked the subcommittee and propane companies for their hard work and stated that she is very grateful that things are moving forward.

CM Johnson recommended that the Mayor not abstain based on all the facts, on what is appropriate, and what is in the best interests of the City.

M/S: Barrett/Marigonda

To approve the agreement to provide relocation assistance between Amerigas Propane, LP, Suburban Propane, LP, and the Redevelopment Agency of the City of Scotts Valley.

Carried 4/0/1 (ABSTAIN: Aguilar)

2. Preliminary review of a proposed planned development consisting of six town homes located at 4303 Scotts Valley Drive

AP Bateman presented the written staff report and responded to questions from Council. He stated that, Stephen Graves, Environmental and Land Use Planner, and the property owners, were present at the meeting for questions. AP Bateman stated that since the printing of the staff report, an adjacent

property owner to the north, had reviewed the application and felt that the proposed buildings were too close to the shared property lines.

Steve Graves, Environmental and Land Use Planner representing the applicant, thanked the Council for this process that allows them to get input before going forward with expensive plans. He stated that this is a green building project and went over the proposed project amenities and goals. He stated that the oak trees on the property drove the design of the project. He stated that the look they were going for was a single family home feel with a courtyard area, instead of a row of townhouses. He also provided a summary of the green building elements that the property owner has committed to for the project. He stated that one of the units will be affordable (moderate income), even though it is not required.

CM Barrett recommended changing the 7 and 11 foot rear yard setbacks that are proposed to 15 feet.

CM Johnson stated that he feels this is a nice project that fits in well with the area. He recommended looking at the impact to neighbors regarding the setbacks.

VM Bustichi applauded Mr. Graves for the green building plan and stated that he would like to see the setbacks expanded. He also stated that regarding the 2,000 square foot unit, he would prefer to see a smaller unit and a garage, rather than the separate parking that is proposed.

Walter Brighton, adjacent property owner, stated that he is in favor of the project and that he would like to see increased setbacks and retaining walls for the sloped areas.

CM Marigonda agreed with VM Bustichi's comments regarding increased setbacks and the 2,000 square foot unit. He recommended a 1,750 square foot unit with a 250 square foot garage instead of a 2,000 square foot unit with separate parking.

Mayor Aguilar stated that she would like to see the setbacks appropriate to the current requirements, and staggering of any retaining walls. She also stated that she feels it would be beneficial when they do the recharge testing, for there to be a mechanism to provide for recharge in contrast to the release of water to the creek, since that is a prime location for percolation. She stated that the project is very attractive and agreed with previous comments regarding the 2,000 square foot unit having an attached garage. She recommended that the Affordable Housing Subcommittee discuss some cost sharing to make the affordable unit a low income unit instead of a moderate income unit.

PUBLIC HEARINGS

- 3. Consider approval of annual grantee performance report for the City's Community Development Block Grant Program income, and authorize submission of the grantee performance reports to the California Department of Housing and Community Development**

FD Ando presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED – 7:06 PM

No one came forward.

PUBLIC HEARING CLOSED – 7:06 PM

M/S: Marigonda/Barrett

To approve the annual grantee performance report for the City's Community Development Block Grant Program income, and authorize submission of the grantee performance reports to the California Department of Housing and Community Development.

Carried 5/0

4. **Consider appeal of a Planning Commission decision to approve a use permit for the operation of a large family day care home at 601 Coast Range Drive**

CDD Russell presented the written staff report and responded to questions from Council. He stated that based on an email received today, staff is recommending changing the word "students" to "children" in Item 6 of Exhibit A, Conditions of Approval.

CM Marigonda clarified with the CA Powell that this appeal is a *de novo* hearing, where all evidence can be introduced to the Council whether it was introduced to the Planning Commission or not.

CA Powell stated that this was true.

PUBLIC HEARING OPENED – 7:20 PM

Cheryl Romer (appellant), 613 Coast Range Drive, went over her concerns regarding their appeal and requested that the City Council deny the use permit allowing a large family home daycare at 601 Coast Range Drive due to limited parking, increased traffic on a narrow cul-de-sac, and increased noise levels. She requested that the Council consider the following recommendations should they decide to deny the appeal: (1) employees of the day care should park on Skypark Drive and walk in; (2) 15 minutes intervals between each customer drop off and pick up; (3) not more than seven children outside at one time, or half of the clientele; and (4) speed bumps be installed along this section of Coast Range Drive to ensure reduced and safe speeds.

Veronica Bright (applicant), 601 Coast Range Drive, day care provider, gave a history of her day care experience, and provided information on her education and certifications that qualify her to run her day care. She asked that the City Council issue the use permit and deny the appeal. She stated that she feels her use permit complies with all local ordinances regarding traffic, parking, and noise, and provided detailed reasons for each of these.

Rosalie Tapper, Navigator Drive, spoke in opposition to the use permit due to her concerns about the safety of the neighborhood children with increased traffic.

Shandra Handley, Attorney representing Veronica Bright, stated that Ms. Bright has met all the state and local requirements, and based on this the City Council is legally bound to issue the use permit.

Brian Costello, 617 Coast Range Drive, spoke in opposition to the use permit due to the substantial increase of traffic, which can potentially put his autistic child and the blind child of a neighbor in danger.

Jennifer Spence, Piper Cub Court, spoke in opposition to the use permit due to increased traffic, noise, and parking issues. She stated that she had signed a neighborhood petition opposing the day care that represented 106 out of 190 homes in Skypark.

Doug Morey, Coast Range Drive, stated that he was representing his family and several neighbors on vacation, and spoke in opposition to the use permit due to traffic, parking, noise, and safety issues.

Lannis Bright, spoke in favor of the use permit, and stated that she has attended all hearings to date and feels the Planning Commission did a complete and thorough review prior to their unanimous approval. She submitted a letter for the record detailing her comments (on file with the City Clerk).

Marie Shulin, Santa Cruz resident, stated that her daughter attends Ms. Bright's day care, and spoke in favor of the use permit. She stated that she was concerned about parking farther way to drop off her child in inclement weather, concerned about limiting outside play, and agreed with stop signs instead of speed bumps. She stated that she tries to be very cautious and considerate of residents when she drives through the neighborhood.

Beki Malone, 614 Coast Range Drive, spoke in opposition of the use permit due to traffic, safety, and parking. She stated that because of small backyards, the neighborhood children play in the cul de sac. She recommended reducing the speed from 25 mph to 15 mph, at least in that section of Coast Range Drive.

Ms. Romer, appellant, stated that the neighborhood is not against day care or children, they just don't feel it is an appropriate location for this business.

PUBLIC HEARING CLOSED – 8:14 PM

CM Johnson asked Ms. Bright how many people could be in the home at one time with the large family day care. Ms. Bright responded that she could have 14 children, as long as two are school aged children. CM Johnson asked how many adults would be in the home with 14 children. Ms. Bright responded that there would be two adults plus herself for a total of 17 people.

CM Marigonda stated that as a Council Member he has to sit as a disinterested and unbiased decision maker. He also stated that he feels the law is clear, and that the burden is on the applicant to establish to the satisfaction to the majority of the City Council that the application for a conditional use permit should be approved. He stated that the failure to meet even one of the criteria, parking, traffic, and/or noise, would result in not meeting the burden proof. He went over his views on whether the applicant had met the burden of proof regarding parking, traffic, and noise with the following results: Parking: Yes, she meet her burden of proof; Traffic: No, she did not meet her burden of proof; Noise: No, she did not meet her burden of proof.

VM Bustichi asked PWD Anderson if Skypark Drive and Coast Range Drive were designed to handle the 128 extra car trips per day that could potentially be generated if there are 14 children. PWD Anderson responded that the street could handle the capacity.

CM Johnson stated that he agrees that globally there is a need for childcare; however, he feels this is a neighborhood issue. He stated that he feels the traffic safety and noise issues are too much for this cul-de-sac with a large family day care.

CM Barrett stated that based on traffic and noise issues he feels the small day care is appropriate, but not a large family day care.

Mayor Aguilar stated that she believes the issue of parking has been addressed adequately and she does not see a problem with noise. She stated that regarding traffic, the road can handle the capacity and she feels that with staggered drop off and pick up times, and the installation of stop signs, the residents concerns and safety issues would be mitigated.

VM Bustichi stated that although he agrees this is not the ideal location for a large family day care, he feels the applicant has met the burden of proof regarding traffic, noise, and parking.

M/S: Johnson/Marigonda

To grant the appeal application in denying a large family dare care home at 601 Coast Range Drive and direct the City Attorney to return with a resolution denying the project.

Carried 3/2 (NOES: Aguilar, Bustichi)

CM Marigonda recommended bringing back code amendments to Scotts Valley Municipal Code, Title 10, regarding spacing and concentration.

REGULAR AGENDA
(Resumed)

5. Future Agenda Items

Mayor Aguilar requested an item on a future agenda regarding spacing and concentration issues related to day care facilities.

VM Bustichi requested a closed session item on the 8/2/06 Council meeting agenda regarding land acquisition at the Skypark Town Center.

Mayor Aguilar requested a future agenda item regarding the reinstatement of a frozen police officer position once tax increments come in.

ADJOURNMENT

The meeting adjourned at 9:05 p.m.

Approved:

Stephany E. Aguilar, Mayor / Chair

Attest:

Tracy A. Ferrara, City Clerk / Secretary