

# MINUTES

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

**Date: December 15, 2010**

**POSTING:**

The agenda was posted on 12-10-10  
at City Hall, the SV Senior Center, and  
the SV Library, by the City Clerk.

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**CALL TO ORDER**                      6:00 p.m.

**PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE**

**ROLL CALL**

Present:

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

City Manager Ando  
City Attorney Powell  
Public Wks Director Anderson  
Police Chief Weiss  
Interim Community Dev Dir Westman  
Senior Planner Fodge  
City Clerk Ferrara

**COMMITTEE REPORTS**

CM Johnson reported that the Santa Cruz County Regional Transportation Commission (SCCRTC) met and discussed the Highway 1 auxiliary lane proposed from Morrissey Boulevard to Soquel Avenue. He reported that funds of 18 to 20 million dollars are available to widen this portion of Highway 1, however, the project is being contested by a small group. He reported that arguments have been submitted to the court, and a response will not be available until March or April 2011.

CM Aguilar reported that the League of California Cities distributed a bulletin regarding gas tax funds that announces that the State believes it was miscalculated, and the next payment for transportation funding may be reduced.

VM Lind reported that the Seniors Council met last week and the focus was the continued loss of funding for a variety of senior programs and services.

Mayor Bustichi reported that the Santa Cruz Metropolitan Transit District is meeting this Friday to discuss the expenditure of \$500,000 of State funding, coming from the SCCRTC for capital improvements, and they will be using those funds for new bus stops throughout the County.

**PUBLIC COMMENT**                      No one came forward.

## **ALTERATIONS TO CONSENT AGENDA**

*M/S: Aguilar/Reed*

*To approve the Consent Agenda.*

*Carried 5/0*

### **Consent Agenda:**

- A. Approve check register – 12-3-10
- B. Accept the Redevelopment Agency annual report for the fiscal year ended June 30, 2010
- C. Approve second reading and adoption of Ordinance No. 102.11 amending Title 15 of the Scotts Valley Municipal Code and adopting the California Code of Regulations Title 24 Building Standards Codes subject to the specified deletions, amendments, exceptions, and additions
- D. Approve second reading and adoption of Ordinance No. 142.6 approving and adopting amendment No. 3 to the Redevelopment Plan for the Scotts Valley Redevelopment Project: (1) Eliminating the time limit for establishing loans, advances or indebtedness to carry out the redevelopment plan; and, (2) Extending, the time limit on the effectiveness of the Redevelopment Plan and the time limit on the repayment of indebtedness and receipt of tax increment funds
- E. Approve Resolution No. 1198.59 increasing fines for parking due to surcharge increase by State of California
- F. Approve denial of claim submitted by Laura Walther, Esq. on behalf of Samantha Davis in the amount of \$25,000

## **ALTERATIONS TO REGULAR AGENDA**

*M/S: Aguilar/Reed*

*To approve the Regular Agenda.*

*Carried 5/0*

### **REGULAR AGENDA**

1. **Consideration of Resolution No. 1596.34 authorizing the issuance of not to exceed \$5,300,000 principal amount of 2010 Special Tax Refunding bonds of said City, providing the terms and conditions for the issuance of said refunding bonds and approving certain documents and taking certain other actions in connection therewith regarding Community Facilities District No. 97-1, 2010 Special Tax Refunding bonds**

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

Dawson Ayres, Park Manager at Spring Lakes Park, spoke in favor of this resolution.

**M/S: Aguilar/Lind**

**To approve Resolution No. 1596.34 authorizing the issuance of not to exceed \$5,300,000 principal amount of 2010 special tax refunding bonds of said City, providing the terms and conditions for the issuance of said refunding bonds and approving certain documents and taking certain other actions in connection therewith, Community Facilities District No. 97-1, 2010 Special Tax Refunding Bonds.**

**Carried 5/0**

**2. Discussion: Medical Marijuana Dispensaries**

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

Scott Gates, spoke in favor of the City Council adopting an ordinance to allow medical marijuana dispensaries in Scotts Valley.

Chris Coulter, spoke in favor of the City Council adopting an ordinance to allow medical marijuana dispensaries in Scotts Valley.

Alicia Boyd, Boulder Creek resident, spoke in favor of the City Council adopting an ordinance to allow medical marijuana dispensaries in Scotts Valley.

Dr. Richard Webb, Scotts Valley resident and Professor at San Jose State University, spoke in favor of the City Council adopting an ordinance to allow medical marijuana dispensaries in Scotts Valley.

Dr. Mindy Golden, Professor at San Francisco State University, spoke in favor of the City Council adopting an ordinance to allow medical marijuana dispensaries in Scotts Valley.

CM Reed asked if Chief Weiss could provide a perspective on this subject.

Chief Weiss stated that he does not support approving the zoning for medical marijuana dispensaries in Scotts Valley due to concerns about safety and the potential related criminal element. He stated that qualified patients in Scotts Valley can grow medical marijuana at home or have it delivered to their homes, in addition, it is available in the County of Santa Cruz.

**M/S: Reed/Lind**

**To direct staff to prepare an ordinance which prohibits medical marijuana dispensaries in any zoning district in Scotts Valley.**

**Carried 5/0**

**3. Consideration of City Parks mowing bid award and vacancy in Public Works Maintenance Division**

PWD Anderson presented the written staff report and responded to questions from Council.

Frank Alvarez, Scotts Valley Maintenance Supervisor, spoke in favor of the Council approving option 1.

Gary Clems, SEIU Local 521 representative, spoke in favor of the Council approving option number 1.

***M/S: Johnson/Aguilar***

***To approve option 1 and bring back a contract for mowing services for City Council approval.***

***Carried 5/0***

## **PUBLIC HEARINGS**

4. **Consider approval of the “Woodside” project, a Mitigated Negative Declaration, and planning permits to remediate part of the former quarry floor, rezone the sites, and create 86 parcels to build 18,000 square feet of commercial space and 51 single-family residences and related property improvements at 5007-5015 Scotts Valley Drive // APN’s: 022-451-04 & -10**

SP Fodge presented the written staff report and responded to questions from Council. She stated that an updated MMRP (Mitigation Monitoring and Reporting Plan), which is Exhibit A to Resolution No. 1859, and additional written correspondence received after the distribution of the agenda, had been distributed to the Council.

CM Reed read a public statement regarding calls and threats he had received regarding this project.

Jim Sullivan, applicant for the project and President of Sullivan Land Development, reviewed his proposed development and responded to questions from Council.

CM Reed expressed concerns about the large number of easements throughout the project and the potential problems that may arise because of the easements. He also expressed concerns about the large number of exemptions that are being requested by the developer for the project.

CM Johnson expressed concerns regarding the location of parking for the residential units, because there is no parking at or near the residential units other than in the garage.

## **PUBLIC HEARING OPENED - 8:34 PM**

Paul Broughton, owner of 5100 Scotts Valley Drive and two other properties on Scotts Valley Drive, spoke in support of this development.

Corky Roberson, owner of property on Scotts Valley Drive, spoke in support of this development.

Howard Norton, spoke in support of this development.

Mark Barber, representing the Mandarino family (property owners to the north of the project site), spoke in support of this development.

Joe Miller, expressed concerns regarding the maintenance of the underground catchment basin.

Cliff Barrett, spoke in opposition to the development based on its high density.

#### **PUBLIC HEARING CLOSED - 8:44 PM**

Mr. Sullivan responded to Mr. Miller's question regarding the maintenance of the catchment basin. He stated that it is a low cost system, and the costs would be spread between the homeowners (80%) and the commercial owners (20%). He stated that he had his consultants available for questions from the Council: Ross Doyle and George Durand, Ruggeri Jensen Civil Engineers; Julia Moriarity, NCEO Inc., the geotechnical firm; and Mr. Pang, from Pang Engineers for traffic.

CM Reed questioned the stabilization of the hillside and why Mr. Sullivan did not have any plans to stabilize the hillside. CM Reed stated that he believes it is a requirement of the City's General Plan that this slope be stabilized.

Julia Moriarity, NCEO Inc., stated that NCEO had determined that preservation by avoidance was the best way to deal with the hillside, so they are pulling the development back from the toe of the hill and creating a buffer.

George Durand, Ruggeri Jensen Civil Engineers, and author of the stormwater management plan and the drainage plan, spoke regarding the catchment basin. He stated that because of the design, they are expecting very little maintenance or debris problems in the catchment basins. He stated that there are redundancies in the system, and that maintenance costs are unknown; however, the 10' foot diameter of the pipe allows for easier inspection and maintenance.

CM Aguilar recommended the following changes: (1) Condition No. 15e, she is concerned about light pollution and safety, and recommended removing the 12 foot lights in the commercial area and replacing them 4 foot light ballards; (2) Condition No. 16, she is concerned about redwood trees on frontage due to shallow roots; (3) Condition No. 7j, change wording from "10 feet or less" to "a minimum of 10 feet".

CM Johnson stated that he had concerns about parking in the commercial and residential areas.

Mr. Sullivan stated that he believes he is 12 spaces short at this time according to what the police department would like to see.

CM Johnson stated that he would like to see Mr. Sullivan meet the additional parking space requirements recommended by the police department.

CM Aguilar recommended reducing the three commercial buildings by 10 feet each to increase parking by six spaces.

Mr. Sullivan stated that he would agree to reduce each of the commercial buildings by 10' to increase parking by six spaces.

Mayor Bustichi stated that with the reduction in size of the commercial buildings by 10 feet each, he would gain six spaces and the requirement for parking would be reduced by approximately six spaces, so he would then meet the parking recommended by the police department.

CM Reed stated that he would like to see a row of houses taken out, which would allow for wider streets and on-street parking, a reduced amount of easements, and a better quality of life in this development.

CM Bustichi expressed concerns that previously approved projects had lower parking ratios. For example, Stonegate, approved a ratio of 2.34 parking spaces, the Bill Brooks project approved a ratio of 2.26, and Pinnacle View approved a ratio of 3.3, while the Woodside project is proposing a ratio of 3.57 parking spaces.

SP Fodge stated that the commercial component has 60 spaces, which is 12 spaces short of the requirement. She stated that they are offsetting that by sharing 13 spaces with the residential component. She stated that the residential component requires a two car garage and one additional uncovered space on each lot, per lot. She stated that planned developments provide a unique approach to parking, and in this case they are meeting the requirement for the two car garage, but not the additional uncovered space per lot (51 spaces), so they are providing those 51 spaces in other areas throughout the project, and an additional 25 spaces for guest parking. She stated that regarding guest parking, there is no specified number in the code, it is completely in the decision makers purview as to what is appropriate for this project.

CM Bustichi asked PC Weiss if he felt the proposed guest parking was appropriate, and if not, what would be appropriate.

PC Weiss responded that without a specific number requirement for guest parking he cannot be sure; however, based on past experience with other developments, his department feels that the parking is inadequate and that they will have issues there.

CM Lind stated that she liked the option to reduce the commercial buildings by 10 feet each to increase the parking.

CM Reed stated that he is concerned that we are allowing such a large residential development on what he believes is the last buildable commercial parcel on Scotts Valley Drive. He stated that Scotts Valley Drive is a viable commercial corridor and that the Stonegate project had 30,000 square feet of commercial, while this project has only 18,000 square feet, and some Council Members are discussing reducing that number.

Mayor Bustichi asked staff if this site was included in the housing element.

ICDD Westman responded that this site had been included in the housing element as a mixed use site with commercial in the front and 81 multi-family residential units to the rear.

Mayor Bustichi stated that there is currently approximately 1.3 million square feet of unoccupied commercial space in Scotts Valley.

**M/S: Aguilar/Lind**

**To approve Resolution No. 1859, amending it by reducing the number of commercial square footage from 18,000 square feet to 16,500 square feet.**

**Mayor Bustichi asked CM Aguilar if she would accept a friendly amendment to her motion to change the language to reduce the commercial square footage to the amount that allows the commercial portion to have the proper parking for commercial use only.**

**CM Aguilar and VM Lind agreed to the friendly amendment from Mayor Bustichi.**

CM Johnson stated that he had concerns about this project due to the large number and type of exemptions that are being requested by the developer for the project.

CA Powell announced that according to Chapter 2.24.010 of the Scotts Valley Municipal Code, "Regular meetings of the city council shall end not later than eleven p.m.; provided, that any such meeting may be extended beyond eleven p.m. upon a four-fifths vote of all members of the city council or a unanimous vote of the members present if less than all members are present." She stated that in order for the Council to continue discussing this item they would have to make a motion to extend the meeting past 11:00 p.m.

**M/S: Lind/Bustichi to extend the meeting past 11:00 pm.  
Failed 3/2 (NOES: Johnson/Reed)**

This item will be continued to the next regular City Council meeting of January 19, 2011.

**ADJOURNMENT**            The meeting adjourned at 11:00 p.m.

Approved: \_\_\_\_\_  
Dene Bustichi, Mayor / Chair

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk / Secretary