

**City of Scotts Valley
PLANNING COMMISSION
MEETING MINUTES**

MEETING DATE/TIME: Thursday, May 14, 2009 at 6:00 p.m.

DATE APPEAL PERIOD ENDS: Thursday, May 28, 2009 at 5:00 p.m.

LOCATION:
City Hall
One Civic Center Drive, Scotts Valley

POSTING: The agenda for
this meeting was posted at City
Hall on 5/5/09 by Planning staff.

CALL TO ORDER: Chair Muth called the meeting to order at 6:02 p.m.

ROLL CALL Present: Commissioners Muth, Heald, Bassett, Bowen and
Patterson.

Staff: ICDD Westman, SP Bateman, SP Fodge,
AS Schwartz.

ORAL COMMUNICATIONS: ICDD Westman noted that Item 3 on the Agenda is a
Public Hearing item. Also, a new State law, effective August 2008, automatically
extends all approved tentative maps for one additional year.

ALTERATIONS TO CONSENT AGENDA: None.
(Commission may remove or add items on the Consent Agenda)

CONSENT AGENDA:

- 1) Planning Commission Minutes: April 23, 2009, Regular Meeting.
- 2) A Resolution of the Planning Commission recommending that the City
Council deny General Plan Amendment (GPA03-001), Zone Change (ZC03-
001), Planned Development Zoning and Permit (PD03-001), Land Division
(LD03-001) and Design Review (DR09-003) to create six lots and build six
detached town home style single family dwellings and related property
improvements on a vacant parcel on Scotts Valley Drive / APN 022-861-21.

Discussion: None.

***M/S Bowen/Patterson
To approve the Consent Agenda as presented.
4/0 Carried (Heald abstain)***

ALTERATIONS TO PUBLIC HEARING, REGULAR, OR DISCUSSION AGENDA: None.
(Commission may remove, add, or re-arrange items on the Public Hearing or Regular agenda)

REGULAR AGENDA ITEMS: None.

PUBLIC HEARING AGENDA ITEMS:

3) **2923 Granite Creek Road/ APN: 024-231-03**

Applicant: David Hodges

MLD06-003

Consideration of Planning Commission recommendation to the City Council of a proposed three lot subdivision of a 3.6 acre parcel.

City of Scotts Valley, Planning Department

Staff Planner: SP Taylor Bateman, (831) 440-5633

SP Bateman gave the project presentation.

He mentioned two corrections to the staff report regarding traffic and drainage:

1. The report states that vehicles traveling southbound on Granite Creek Road cannot make a left turn directly into the access right-of-way for the subject site. This is incorrect, in that vehicles traveling southbound *are* able to make a legal left turn and directly access the subject site, and do not need to use Lauren Circle for access.
2. On page three it states that the drainage dispersal system will be on Lot C, when in fact it will be located on Lot B, the middle one.

Chair Muth opened the public hearing at 6:16 p.m.

Applicant David Hodges: Multiple meetings were held with staff on site. All recommendations have been incorporated into the project. He believes that the project can now move forward.

Derek Timm, head of the Granite Creek Estates (GCE) homeowners association: Feels that his concerns regarding traffic have been adequately addressed by the Public Works Department. Traffic through the GCE neighborhood probably doesn't affect the proposed project. Drainage issues have been adequately addressed. Staff has been very helpful and receptive.

Terry Rein: He is the neighbor at the bottom of the hill. Drainage and runoff from the subject property above is a major concern. He requests zero tolerance for increased runoff. Traffic safety is an issue and a concern. Additional traffic burden would not be welcome, due to there being no sidewalks in the neighborhood.

Chair Muth said that she believes the project will not increase pre-development runoff levels. SP Bateman confirmed that this is correct, and mitigation measures

incorporated into this project include a detention system.

David Klim: He is a neighbor of the project site. He has concerns regarding drainage and runoff from the property, and also the proposed roadway. A discussion followed regarding roadway permit conditions, improvements, and a future road maintenance agreement. SP Bateman noted that proposed Condition 7 states that a road maintenance agreement is required prior to final map approval.

Vice Chair Heald asked about possible abuse of the road from construction equipment, and if there are specific proposed permit conditions that address this. ICDD Westman replied that, prior to recording the final map, these issues will be worked out in the maintenance agreement among the affected private property owners.

Kevin McDonald: He is also a neighbor to the project site. He receives a tremendous amount of runoff from the subject site. He asked if easements are required for sewage from the proposed project through the GCE parcels. SP Bateman responded that it depends on the final design. The developer would need to work out final details with all affected property owners. Mr. McDonald spoke about trees on the subject property, and in particular preservation of the oak grove on Parcel C. SP Bateman replied that those specific trees will be preserved.

Michael Rein: He is also a neighbor. He has concerns about cars coming down Granite Creek Road from Highway 17 and entering the GCE neighborhood. He feels that cars should not be encouraged to turn left and drive through GCE. SP Bateman noted that no traffic improvements are proposed at this time. Although Public Works staff feel that existing traffic controls are adequate at this time, they can be further reviewed prior to the City Council meeting. Vice Chair Heald suggested that staff may want to go back and review the original minutes for the GCE development, with regards to discussion and decisions regarding traffic at the intersection.

Chair Muth closed the Public Hearing at 6:40 p.m.

Discussion:

Commissioner Patterson stated that traffic is strictly an enforcement issue. There was further discussion regarding left turns from Granite Creek Road into the subject property. Commissioner Bowen asked about automobile access into neighboring properties. He asked Mr Rein about traffic coming through GCE to access new lots. Mr. Rein replied that he doesn't want any changes to the existing traffic controls. Vice Chair Heald noted that the three proposed parcels will probably not result in a huge amount of additional traffic.

M/S Vice Chair Heald/Bassett

To approve Resolution #1588 and proposed Conditions of Approval.

4/1 motion passed (Commissioner Bowen opposed).

- 4) **5007-5015 Scotts Valley Drive/ APN: 022-451-04, -10**
Applicant: Mandarino Family Trust and Wayne/Peggy Merritt Trust
LD06-003.1, DR06-016.1

Consideration of Planning Commission recommendation of approval to the City Council to extend the approved land division and design review for the Quarry Site Mixed Use Project of 31,500 square feet of commercial condos and 94 residential condos for one additional year.

City of Scotts Valley, Planning Department

Staff Planner: SP Michelle Fodge, (831) 440-5632

This item was withdrawn by the applicant prior to the public hearing. Therefore, the item was not heard. No action was taken.

- 5) **4803 Scotts Valley Drive / APN: 022-082-58**
Applicant: Owen Lawlor
MND09-002, PD08-001, GPA08-001, DR08-011, ZC08-001, LD08-001

Consideration of Planning Commission recommendation to the City Council to rezone a commercial lot to high-density residential and create an 8-lot subdivision and build eight (8) single-family detached houses and related property improvements.

City of Scotts Valley, Planning Department

Staff Planner: SP Michelle Fodge, (831) 440-5632

SP Fodge gave the project presentation. She also discussed the correspondence from the applicant that was received shortly before the meeting today.

Vice Chair Heald asked if the proposed map will remain as-is, or changed to indicate a separate parcel for the roadway and any other common areas. SP Fodge replied that the map will be changed, to be consistent with other recently approved similar projects and to meet the Water District requirements for residential subdivisions to use recycled water for front yard landscaping.

Vice Chair Heald noted the proposed reduction in garage sizes, and the issue of potential storage problems. SP Fodge noted that one of the two house plans includes extra area for storage in the garage.

Chair Muth touched on the proposed guest parking spots, and how residents would back out of adjacent driveways.

Commissioner Bassett stated that he has parking issues to discuss.

Commissioner Patterson asked about the lower lot (Parcel A), along Scotts Valley Drive, and the need for retaining walls due to the slope. SP Fodge replied that she does not believe any walls will be required for this project, given the existing grade elevations.

Chair Muth asked about building height requirements. SP Fodge responded that all of the proposed structures meet the Municipal Code requirements. The 3-story house plan is 35 feet in height (maximum allowed).

Chair Muth inquired about the landscaping plans, and tree replacement requirements. SP Fodge noted that there is not enough land on the site for the typical two-to-one replacement practice. Chair Muth asked if the developer will pay into the tree replacement fund. Vice Chair Heald stated that she feels the City should maintain the practice of having the developer pay into the fund. Chair Muth asked about proposed tree removal on the lower lot (Parcel A).

SP Fodge replied that the project arborist has addressed tree removal on this lot, but that issue is not before the Commission at this time. Condition 11 addresses this issue. After discussion, there was a general agreement to modify the Condition to examine this issue at time of future development on the lower lot.

Chair Muth opened the Public Hearing at 7:17 p.m.

Applicant Owen Lawlor: He represents the owners and developers. He addressed the tree issue on the lower commercial lot (Parcel A). For cost-savings and construction efficiency, they may need to grade both lots at the time of residential development, and remove some trees on Parcel A. Some trenching and an easement will be required for sewer and drainage. Commissioner Bassett stated that he feels Parcel A should remain as independent as possible from the proposed project, and improvements on that lot should be reviewed by the Planning Commission separately from this project.

Commissioner Bassett asked how the proposed density figure was reached. Mr. Lawlor replied that they had examined development patterns around the subject site and on Civic Center Drive. They feel that detached homes are preferable to attached, and chose small size homes due to economic constraints.

A discussion followed regarding parking on the proposed street, and how it might affect Fire District equipment access. Mr. Lawlor stated that parking is proposed in driveways only, and the street is designated a "no parking" fire lane.

Commissioner Bassett inquired about the need for a homeowners association (HOA). Mr. Lawlor replied that the developers are not opposed to an HOA and a separate parcel for the road, and utilities.

SP Fodge said that City police would not usually enforce parking on a private road, unless the developer requests enforcement. ICDD Westman commented that red curbs for fire lanes can be enforced by the City Police Department. A Condition can be added to explicitly require curbs painted red for the fire lane.

Commissioner Bassett said that he had concerns with proposing high density housing, versus medium high density as currently exists around the subject parcel. SP Fodge noted that the Planning Commission makes the recommendation regarding the density of the project. Also, project CC&Rs can address street parking issues. Vice Chair Heald stated that the proposed density was probably derived in order to cover costs of development. Commissioner Bassett stated that he believes a lower density (six lots versus eight lots) is appropriate to be consistent with the R-M-6 zoning on the adjacent residential lots. He also recommends a condition to address fire access concerns. Mr. Lawlor replied that the site characteristics and proximity to public services supports the proposed density. A lower density would drive up the costs of each unit and would not significantly reduce impacts. He further discussed the issues presented in the correspondence that he submitted today.

Vice Chair Heald asked Mr. Lawlor if he knew the future sales price of the homes. Mr. Lawlor replied, "as much as possible". At present, they are figuring around \$500,000, based on recent comparisons nearby, in the Windward Place development.

Commissioner Patterson asked what the plan is for Parcel A while the residential development moves forward. Mr. Lawlor replied that the existing units can remain. Future utility and grading issues may affect them. Commissioner Patterson said that construction should be well-managed so the lot is decent looking, given it's location on Scotts Valley Drive.

Commissioner Bowen inquired if there will be significant tree disturbance on Parcel A, and if utilities work will disturb the existing residence. Mr. Lawlor replied that he was not sure.

Todd Creamer, project engineer: Utilities will go behind the existing home and not conflict with the structure, but trees may be in conflict.

Vice Chair Heald asked if any groundwater recharge is proposed on the lots? Mr. Creamer replied that there is not a lot of recharge potential, but the proposed project will do as much as possible and is very focused on the quality of the storm water runoff. SP Fodge noted that three low-impact development techniques will be used. Chair Muth said that she would like to address the proposed disconnected downspouts. She has a concern with water ponding around foundations. Mr. Creamer replied that that was a good point. There is currently a general change in philosophy regarding how to handle runoff. They just want to make sure that the downspouts are far enough away from foundations and that the ground is protected from erosion. He noted that the HOA covers front yards regarding recycled water use.

Marilyn Johnson, a current resident on the subject lot Parcel B: She is concerned about having to move suddenly when development begins. Termites are currently a big concern. Runoff is a problem. Chair Muth said that she believes Ms. Johnson has tenant rights regarding notice to move out. SP Fodge commented on the required Notice of Proposed Development signage. Staff requested it erected on Civic Center Drive, because that is the main access point for future development. Staff assumed developer would notify current tenants, and requested the applicant to do so.

Chair Muth closed the public hearing at 7:55 p.m.

Discussion:

Chair Muth inquired into the current property Zoning. SP Fodge replied that it is C-S.

Commissioner Bassett asked where the surrounding medium high density properties are located. SP Fodge replied that they are adjacent to the subject site and showed the existing zoning on an overhead graphic.

Commissioner Bassett stated that he is concerned about changing a commercial parcel to residential, and the need to retain commercial space within the City. He would like to see density that is consistent with the surrounding medium high density properties. He recommends conditions that will allow City enforcement of fire protection on the proposed access road and require an HOA.

Chair Muth noted that the City would lose the affordable housing unit if they went to medium high density.

Commissioner Bowen stated that he feels duplex units would have more of an impact.

Commissioner Patterson stated that he feel the proposal will match the existing neighborhood density.

Vice Chair Heald commented that the City has a diversification of density, and she understands the need to build to meet current market demands. She said that the proposed density would fit market demands and she wants to see the affordable unit built. She also supports creation of a HOA.

A general discussion ensued concerning the parking/fire access/enforcement issue.

SP Fodge clarified that a reduction in density does not imply a duplex-versus-single family dwelling type of development, it just affects the total number of dwellings built.

Vice Chair Heald noted that the Fire and Police Departments have reviewed the project and approved it regarding public safety.

Chair Muth said that she appreciated Commissioner Bassett's close examination of the density issue. She supports getting the affordable unit with the project. She feels the density and size of the proposed units and parcels is in keeping with the characteristics of the neighborhood.

Motion: Commissioner Bassett: Project density for six units, authority for City Fire and Police to service the project site and a mandatory HOA.

SP Fodge clarified that the R-M-6 Zoning would result in a five lot project. The R-H/PD zoning would allow a density of six to eight lots.

Chair Muth called for a second on Commissioner Bassett's motion. Seeing none, the motion failed.

Motion: Vice Chair Heald: For approval of accepting the proposed application and Resolution #1589 with noted revisions to Conditions, plus appropriate striping consistent with the Uniform Fire Code, a Condition for police enforcement of parking, mandatory HOA, the new street on a separate parcel, payment into the tree replacement fund as required, and a Condition added that grading and utility plans on Parcel A shall be submitted and reviewed by the CDD prior to approval of improvement plans for Parcel B.

SP Fodge commented on minor changes to the conditions as follows:

- Page 19 - Mitigation Measure #9; replace “tree well planters” with “tree box filters”;
- Page 29 - Condition #62; delete it; it is a duplicate of Condition #60;
- Page 29 - Condition #63; cross-reference Mitigation Measure is #9 not #7, and delete reference to condition #16.
- Page 30 - Condition #74; cross-reference Mitigation Measure is #9 not #7;
- Page 31 - Condition #76; cross-reference Mitigation Measure is #9 not #7;
- Page 31 - Signature line: printed name of owner is Steve Ruel.

ICDD Westman added another edit that Condition #11 should read: ... shall be **evaluated** ...

SP Fodge commented on the applicant’s submitted letter; Condition #13 should remain to require a construction fencing staging plan for safety of tenants and pedestrians.

M/S Vice Chair Heald/ Commissioner Patterson

To approve Resolution #1589 with revisions to the conditions as recommended by staff.

4/1 Motion passed (Commissioner Bassett opposed).

A discussion ensued between the Commissioners and Planning staff regarding the uses of monies in the tree replacement fund.

ICDD Westman reminded the Commissioners that the next meeting on May 28, 2009, is cancelled.

Commissioner Patterson stated that he will be absent for the last meeting in June.

The hearing adjourned at 8:21 p.m.

Approved: _____

Deborah A. Muth, Planning Commission Chair

Attest: _____

Susan Westman, Interim Community Development Director