



MINUTES

Meeting of the
Scotts Valley City Council
Date: December 7, 2022
Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 and Zoom Video Conference	The agenda was posted at City Hall, the SV Public Works Building, the SV Senior Center and on the Internet at www.scottsvalley.org

CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:06 PM.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT: Donna Lind, Mayor Jack Dilles, Council Member Randy Johnson, Council Member Derek Timm, Council Member	CITY STAFF MEMBERS PRESENT: Mali LaGoe, City Manager Kirsten Powell, City Attorney Taylor Bateman, Community Development Director Chris Lamm, Public Works Director/City Engineer
ELECTED OFFICIALS ABSENT: Jim Reed, Vice Mayor	Cathie Simonovich, City Clerk Lauren Lambert, Deputy City Clerk

COMMITTEE REPORTS

CM Dilles attended the Affordable Housing Subcommittee meeting along with CM Timm. The focus of the meeting was the Oak Creek Park project which will be discussed later in the agenda.

CM Dilles attended a meeting of the Integrated Waste Management Local Taskforce, and they discussed issues surrounding implementing organics recycling countywide.

CM Dilles attended a webinar which was presented by the State Legislative Analyst's office where they made some predictions about where the economy and the state budget are heading.

Date: December 7, 2022

CM Dilles had a conversation about public banks with a retired banker. The County has put out Requests for Proposals for determining the viability of public banks.

CM Timm, as mentioned by CM Dilles, attended the Affordable Housing Subcommittee.

CM Timm, along with CM Johnson, attended a Town Center Subcommittee meeting where they focused on the timeline for the project.

CM Timm thanked the City Staff for putting together the Diversity, Equity and Inclusion (DEI) training. The training was very valuable, and the Council Members appreciated the opportunity to participate in the training.

CM Johnson attended a meeting of the Regional Transportation Commission (RTC). They discussed the two phases of the EIR study which will analyze costs and projections of the potential rail system. CM Johnson voted against the EIR study; however it did pass.

CM Johnson attended the Town Center Subcommittee meeting and emphasized that the plan is moving forward.

Mayor Lind thanked the Exchange Club, the Police Department and the City Staff for supporting the annual tree lighting event, *Light up the Night*. This was a successful event, and the proceeds will go to Valley Churches United.

Mayor Lind, along with CM Timm, attended the ribbon cutting ceremony for Dientes in Santa Cruz.

CITY MANAGER REPORT

Historical Society: City Manager LaGoe thanked the Historical Society for the holiday lunch event for City Staff on December 6th. Staff enjoyed the food, the tours of the Scott House, seeing the artifacts, and visiting with the Historical Society members.

FlashVote: This is the City's survey tool, and a new survey regarding the City's recreation program was recently sent out. Please sign up for FlashVote by going to the City's Facebook page. Once signed up, residents will be able to provide valuable feedback on a wide variety of topics of interest pertaining to Scotts Valley.

City Staffing: The City recently hired an analyst in the Public Works Department and a new Maintenance Supervisor will also be starting soon. The second round of interviews were completed for the position of Recreation Coordinator.

Community Garden: The Recreation Department has been revamping the Community Garden.

Date: December 7, 2022

Engineering: The demolition of the Public Works building will happen in the next couple of weeks. A lot of work has been completed in preparation for this to happen. Additionally, the street stripping project is in process.

Public Outreach Videos: The City will be utilizing a free service provide by CGI, to create educational videos about Scotts Valley. This will be useful for both the City and local businesses.

Technology Improvements: The new phone system implementation is complete. This was a huge project several years in the making, and it greatly improves service to our customers. Related to this, the City invested in an online training program called Knowledge Wave.

Maintenance Crews: City Manager LaGoe thanked the Maintenance crews who have been out in the stormy weather making sure that the storm drains and the roads are clear.

PUBLIC COMMENT TIME

A video was shown to honor Vice Mayor Reed for his many years of service to Scotts Valley City Council.

ALTERATIONS TO CONSENT AGENDA

CM Johnson requested that Consent Agenda Item F and Consent Agenda Item G be moved to the regular agenda. The items were moved to the Regular Agenda as Item 1A and Item 1B, respectively.

CONSENT AGENDA

- A. Approve City Council minutes of 11-16-2022 and 11-18-2022
- B. Approve check registers dated 11-17-2022, 11-21-2022, and 12-01-2022
- C. Approve City Council meeting schedule for 2023
- D. Second reading and approval of Ordinance 157.2 amending Municipal Code Chapter 2.70 – Purchasing
- E. Adopt Resolution No. 1991.2 accepting the Fiscal Year 2021-2022 AB 1600 Development Impact Fee Report
- F. ~~Award Parks Master Plan and Recreation Strategic Plan~~ - moved to Regular Agenda Item 1.A

Date: December 7, 2022

~~G. Approve Skypark play structure purchase and installation – moved to Regular Agenda Item 1.B~~

M/S: Dilles/Timm

To approve the amended Consent Agenda, with Item F and Item G moved to the Regular Agenda as Item 1A and Item 1B, respectively.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

ALTERATIONS TO REGULAR AGENDA

M/S: Dilles/Timm

To approve the Regular Agenda as amended to include Item 1A and Item 1B moved from the Consent Agenda.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

REGULAR AGENDA

1A. Award Parks Master Plan and Recreation Strategic Plan

1B. Approve Skypark play structure purchase and installation

CM Johnson had questions about the process for the Parks Master Plan and Recreation Strategic Plan and the fiscal aspects of both Item 1A and Item 1B . City Manager LaGoe and Public Works Director Lamm responded to the questions.

M/S: Johnson/Dilles

To approve Regular Agenda Item 1A and Item 1B.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

1. CalPERS Pension Funding Policy approval and Section 115 Trust next steps

City Manager LaGoe introduced this item and turned it over to Mike Myers and Matt DeFilippis from NHA Advisors. Mr. Myers and Mr. DeFilippis presented a PowerPoint presentation and responded to questions from Council

M/S: Timm/Johnson

To approve the Pension Funding Policy, adopt Resolution No. 2017.1 extending the Temporary Project Specific CalPERS Pension Cost Management Committee through June 30, 2023, and to authorize the City Manager and the Committee to evaluate and select a provider responsible for setting up the Section 115 Trust.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

Date: December 7, 2022

PUBLIC HEARING(S) (To be heard after 6:30 p.m.)

1. Public Hearing: Consideration of the Planning Commission's recommendation of approval for Environmental Review, a General Plan Amendment, Zone Change, Planned Development Zoning, Minor Land Division and Planned Development Permit/Design Review application to allow for the construction of a mixed use commercial and residential development on a 3.56-acre site at the intersection of Glen Canyon and Mt. Hermon Road (APN: 022-162-76). Project land uses include 24,973 square feet of commercial, eight townhomes, and 44 apartments.

Community Development Director Bateman introduced Susie Pineda, Contract Planner; and Bill Wiseman from Kimley Horn, California Environmental Quality Act (CEQA) Consultant. Both Ms. Pineda and Mr. Wiseman gave PowerPoint presentations. Written public comments received prior to the publishing of the agenda were included in the agenda packet. Written public comments that were received after the publishing of the agenda will be included as part of the official minutes. Also speaking were Charlie Eadie, Applicant; Greg Eggers, Property Owner; Todd Creamer, Project Engineer; and Matthew Thompson, Architect.

- The public hearing was opened at 7:52 PM

Public comments were received from the applicant Charlie Eadie, Tim Willoughby from Affordable Housing Now; and Scotts Valley residents Walt Heil, Bill Jaeger, Bennett Williamson, Bill Holl, Patrick Shay, Linda Kerner, and Carolyn DeLucia.

- The public hearing was closed at 8:39 PM

Adopt Resolution No. 2020 Certifying the Environmental Impact Report

M/S: Dilles/Johnson

To adopt Resolution No. 2020 certifying a final Environmental Impact Report (EIR 19-004) for the Oak Creek Park project consisting of a mixed use commercial and residential development which includes 24,973 square feet of commercial, eight townhomes, and 44 apartments on a 3.56 acre parcel.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

- Adopt Resolution No. 2020.1 Approving the General Plan Amendment

M/S: Johnson/Dilles

To adopt Resolution No. 2020.1 approving a General Plan Amendment (GPA 18-001) to change the existing general plan land use designation on Lot 1 from service commercial to medium high density residential.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

Date: December 7, 2022

- Introduce and approve first reading of Ordinance No. 16-ZC-232 Approving the Zone Change

M/S: Johnson/Dilles

To introduce Ordinance No. 16-ZC-232 to approve the Zone Change No. ZC18-001 to change the zoning on Lot 1 from service commercial (C-S) to medium high residential (R-M-6) and waive the reading thereof.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

- Introduce and approve first reading of Ordinance No. 16-ZC-233 Approving the Planned Development Zoning

M/S: Johnson/Dilles

To introduce Ordinance No. 16-ZC-233 to approve a Planned Development District Overlay (PD18-002) for the development of a mixed-use commercial and residential development which includes 24,973 square feet of commercial and 44 apartments, on a 3.56 acre parcel and waive the reading thereof.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

- Adopt Resolution No. 2020.2 Approving the Land Division

M/S: Dilles/Johnson

To adopt Resolution No. 2020.2 approving the minor land division (MLD 18-003) of the Oak Creek Park development to subdivide the existing 155,350 square foot parcel into two lots to allow a mixed use commercial and residential development which includes 24,973 square feet of commercial, eight townhomes, and 44 apartments located at the intersection of Mt. Hermon Road and Glen Canyon Road with conditions of approval as amended by City Council direction this evening.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

- Adopt Resolution No. 2020.3 Approving the Planned Development Permit and Design Review

M/S: Johnson/Dilles

To adopt Resolution No. 2020.3 approving the Planned Development Permit (PD 18-002) and Design Review Permit (DR 18-007) for the Oak Creek Park project, a mixed use residential and commercial project which includes 24,973 square feet of commercial, eight townhomes, and 44 apartments located at the intersection of Mt. Hermon Road and Glen Canyon Road with conditions of approval as amended by City Council direction this evening.

Carried 4/0/1 (AYES: Dilles, Johnson, Lind, Timm; NOES: None; ABSENT: Reed)

City Council Meeting Minutes

Page 7

Date: December 7, 2022

REGULAR AGENDA (resumed)

2. Future Council agenda items
None

ADJOURNMENT

The meeting adjourned at 10:19 PM.

DocuSigned by:
Jack Dilles
D5514C37479F46E...
Approved: _____
Jack Dilles Mayor

DocuSigned by:
Cathie Simonovich
00BDB2B26C07422...
Attest: _____
Cathie Simonovich, City Clerk

December 4, 2022

Scotts Valley City Council, via email

RE: Public Comment - Residential Concerns

Oak Creek Park Develop Plan, APN: 022-162-76, corner of Glen Canyon and Mt. Hermon Road

Dear distinguished members of the Scotts Valley City Council:

My wife Tiffany and I have lived in Scotts Valley for over two decades. We have had the pleasure of getting to know some of you through sports and working together to improve our schools.

We reside at [REDACTED], Scotts Valley, CA 95066 [REDACTED]. Our home is directly behind the northeast corner of the Proposed Mixed Use Building A on Lot 2 of the Oak Creek Park construction project.

I find it interesting that the meeting minutes provided by the Scotts Valley Planning Commission for both the June 9th and September 8th meetings contain attachments that promote the Development but exclude my comment letters provided to the Planning Commission in advance of each of those respective meetings. I have attached copies of my correspondences to this letter.

Tiffany expressed our concerns at the Scotts Valley Planning Commission meeting on June 9, 2022, and I reiterated them again at the September 8, 2022 meeting. Unfortunately, we feel that most of the concerns we raised were summarily dismissed by the Project Applicant as well as a vocal member of the Scotts Valley Planning Commission who expressly indicated all concerns raised by neighboring parties had been properly addressed.

Please note that we are not trying to stand in the way of the overall Oak Creek Park development plan. We are merely asking for your due consideration of the concerns I outline below before proceeding with your vote on the Oak Creek Park development plan.

Issue 1: Six Coastal Redwoods:

One of our major concerns is associated with the health of the six Coastal Redwoods lining the back of my property and the northeast side of the Building A proposed development and any personal or property liability we may have should these trees die as a result of this development. These are the Protected Trees 3A, 4A, 5A, 6A, 7A and 8A in the Tree Assessment Chart - Appendix A on page 17 and the Tree Protection Plan on page 21 of the certified Arborist Report issued on November 10, 2022.

We consistently represented in both Planning Commission meetings that the root systems of a Coastal Redwood may run several feet deep and up to one hundred feet outward from the trunk. We have also noted that these Redwoods likely rely on underground springs running along the properties down the Mount Herman side of the Lucia Lane properties adjacent to this proposed development.

The Building A development plans in Diagram A2.0 appear to show a four-story complex on Lot 2 with the northeast corner of Building A just twenty feet from my adjacent property line. Assuming I have properly interpreted the architectural plan Diagram A6.1, the bottom two stories (underground parking / commercial space, see Page 237 of the City Council agenda documents) will be below grade just twenty feet from my property line and less than 25 feet from my protected Coastal Redwoods.

I specifically questioned during the September 8, 2022 meeting how the Applicant can indicate that only minimal grading not more than 12" (per page 9 of the September meeting notes) will occur near my property line when the Applicant will apparently need to dig over 20 feet down just 20 feet from our adjoining property lines (and less than 25 feet from my Redwoods) in order to build the two-story underground parking structure. See Site Diagram A6.1 for the pictorial view I am referring to. This major excavation within 25 feet of my mature Redwoods will highly likely impact 75% of my Redwoods' root systems in that area. I cannot see how this will not impact the long-term health of our Redwoods. I find the Applicant's not more than 12" grading representation to be intentionally misleading. It appears that the independent arborist has also relied upon this representation in drawing his conclusions per page 12 of his report that the construction will likely have a "low impact" on my Coastal Redwoods. I am also curious how the Arborist can be independent when hired and paid for by the Applicant.

I am asking the City Council to consider having the Applicant and Independent Arborist relook at these representations and findings.

A potential remedy would be for the Applicant to indemnify me against any personal or property damage claims should my Redwoods die and harm another within an agreed to period following the construction.

Issue 2: Trash Bin location

We have also highlighted that I am what is called a "sensitive receptor" as described in the Environmental Impact Report. I have noted that I am highly sensitive and subject to migraines due to various odors and allergens. I remain very concerned about the impact on my health and well-being in that the major trash receptacles (four industrial size trash bins) for the property will be situated approximately 25 feet from the back of my adjacent property line. I understand that my estimated 25 feet setback conflicts with the Applicant's 45 feet setback representation on page 9 of the September 8th Planning Commission meeting minutes. My estimate is based on the Site Diagram A2.0 which shows the northeast corner of Building A on Lot 2 will be right up to the 20-foot setback with the 10 by 30-foot trash bin enclosure located just south of that northeast corner of Building A. It sure does not appear to be 45 feet away from my property.

We ask the City Council to consider having the Applicant seriously consider whether there are any other locations on the 3.5-acre property that can house these trash receptacles in addition to confirming their assertions regarding the location of the bins. We unfortunately feel they have not yet attempted to actually address our concerns with this mass garbage bin location.

Issue 3: Parking Lot Ventilation

Considering the prevailing onshore winds, we have raised a similar concern about how the parking lot will vent fumes directly into our property. This will in turn impact my health and our enjoyment of our home. I asked whether there are any venting options to minimize this potential impact. The only response we obtained from the Applicant is that they will rely on natural venting that is in compliant with State building regulations.

We ask the City Council to consider whether there are any parking lot ventilation mitigations that can be further explored.

Issue 4: Building Height Exception

We ask the City Council to consider whether it is in Scotts Valley's best interests to allow an over 10 foot exception to our existing building height codes. This exception will likely lead to even further exceptions in the future.

Please contact me on my cell number noted below if you wish to discuss any of the above matters directly.

Thank you for your consideration of the concerns we have raised regarding the proposed Oak Creek Park development.

Sincerely,

Patrick Shay

[REDACTED]

Scotts Valley, CA 95066

[REDACTED]

Attachments:

Comment letter to City of Scotts Valley Planning Commission delivered via email dated June 9, 2022
Comment letter to City of Scotts Valley Planning Commission delivered via email dated September 6, 2022

CC: City of Scotts Valley Planning Commission, via email.

52-unit "Oak Creek Park" housing proposal

Steve [REDACTED]

Sun 12/4/2022 7:00 PM

To: SVCH-cityhall <cityhall@scottsvally.gov>

CyAs Tech

Warning: Sender syatson@gmail.com is not yet trusted by your organization.
Please be careful before replying or clicking on the URLs.

[Report This Email](#) [Mark Safe](#)

powered by Graphus®

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

I would like to comment on the Oak Creek Park housing proposal. I live at [REDACTED] and while I typically support growth, there are two significant issues with this proposal.

1. Water. Adding 52 Units will significantly increase usage. If there is no way to offset this, I would suggest reducing the number of units by eliminating a portion of the apartments.
2. Traffic. Currently Glen Canyon to Oak Creek to Quien Sabe to Scotts valley Drive is used as a cut through with a significant amount of traffic and speeding. It is already a safety issue for the residents here. Sans a guarantee of mitigation such as speed bumps on Oak Creek Blvd, I will vigorously oppose this.

Thank you, I can be reached at the number below if needed,

Steve

--

Steve Yatson

+1 831 295 0777
[REDACTED]

From: Carolyn DeLucia <[REDACTED]>
Sent: Wednesday, December 7, 2022 9:33 AM
To: SVCH-cityhall <cityhall@scottsvally.gov>
Subject: Oak Creek Park Proposal

CyAs Tech

Warning: Sender [REDACTED] is not yet trusted by your organization.
Please be careful before replying or clicking on the URLs.

[Report This Email](#) [Mark Safe](#)

powered by Graphus®

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To the Scotts Valley City Council:

I'm writing to express my opposition to development of the Oak Creek Park development as proposed, including adaptation of zoning changes. I was not aware that the Planning Commission held public hearings about this, since I received no notification. The proposed development would directly affect me and my neighbors. My biggest concern is traffic through the residential streets of Quien Sabe/Oak Creek Blvd, and increased traffic on Mount Hermon Road that would further increase safety hazards.

Firstly, drivers on Scotts Valley Drive traveling from north Scotts Valley towards Glen Canyon frequently turn left up Quien Sabe, right onto Oak Creek and "cut over" to Glen Canyon in order to avoid waiting at two left turn signals: one to turn left on Mount Hermon Road and one to turn left on Glen Canyon. The City is aware of this, because there used to be a sign on Scotts Valley Drive before Quien Sabe that stated "No Left Turn" to prevent Oak Creek from being turned into a thoroughfare, but it was removed by a vote of the City Council. I attended the City Council meeting when it's removal was discussed and approved. Despite the City's knowledge of the potential impact to the Scotts Valley Heights neighborhood, and the development even being named Oak Creek, it does not seem the traffic impacts to the residential neighborhood were considered in the plan. This development will **greatly** increase the number of drivers "cutting through" a and create a safety hazard. There are no sidewalks on Oak Creek Blvd and minimal street lighting. Statistics show that pedestrians on streets without sidewalks are **200 percent** more likely to be involved in crashes than pedestrians on streets with sidewalks. (See <https://uli.org/wp-content/uploads/ULI-Documents/Building-Healthy-Corridors-ULI.pdf>).

In addition, Mt. Hermon Road is one of the busiest streets in Santa Cruz County, and it is unsafe. The lights are not synced, intersections are at times clogged and completely blocked, and red lights are ignored. I did not see that the applicant submitted an analysis by a traffic engineer demonstrating that Mt. Hermon Road can accommodate the increase in traffic and allow for bus access. The proposed development is close to the Middle School where traffic is at times severely congested, putting students in danger.

I am requesting that you vote against this project as is, and against rezoning to Medium High Residential, and I am also requesting that impacts to the surrounding residential neighborhood be addressed by a traffic engineer.

From: Alasdair Drysdale [REDACTED]
Sent: Tuesday, December 6, 2022 1:20 PM
To: Susie Pineda <spineda@m-group.us>
Subject: Re: Oak Creek Development

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you know the content is safe. Be aware that the sending address can be faked or manipulated.

Hi Susie,

In case I don't make it to the meeting tomorrow, I just wanted to reiterate some points that I don't think have been addressed. Sorry to sound like a broken record.

1. We still have not seen an artist's rendering of what the project would look like from Thomas Terrace, despite two requests. This suggests the developer doesn't care what his neighbors think. In the absence of being able to see this, it's impossible to support the development.
2. We are deeply concerned about how the closest townhouses can be built with the ground floor level with our property when there is such a steep slope and drop off at that corner (see photo). Something doesn't add up. Can the slope map be checked for accuracy? Can the city engineer take a look? As currently proposed the last townhouse would have to be substantially higher than Mt Hermon Rd.
3. We still have not heard whether that last block of townhouses can be built at a lower grade so that they do not impede our view so much. Incidentally this would also address concern #2.
4. We would like confirmation that the developer will build an attractive fence, provide screening vegetation, and seek approval from the Fire Dept of a wooden gate.

Best

Alasdair



December 6, 2022



Scotts Valley, CA 95066

RE: Oak Creek Park Development (APN: 022-162-76, corner of Glen Canyon and Mt. Herman)

Dear Mr. Shay,

Thank you for your inquiry regarding the proposed Oak Creek Park development and the anticipated impacts to your six coast redwood trees.

I have read your letter with the information you shared about the roots of your coast redwoods, and the possible impacts to them based on the proposed development. While it is true that some roots may extend for a great distance (equal to the height of the tree), this information does not change my findings and recommendation in my arborist report dated 11/10/2022.

Although there may be some root loss to your coast redwood trees, based on my experience and industry standards, the impacts to the trees will not be significant. The redwoods will tolerate any root loss that occurs, and the trees should thrive for the long term.

Best regards,

Kurt Fouts

Kurt Fouts ISA Certified Arborist WE0681A
ISA Tree Risk Assessment Qualification



826 Monterey Avenue
Capitola, CA 95010
831-359-3607
kurtfouts1@outlook.com