



A G E N D A

Meeting of the Scotts Valley City Council

Date: July 1, 2015

Time: 6:00 p.m.

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5602	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted 6-26-15 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org .
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Elected Officials Dene Bustichi, Mayor Donna Lind, Vice Mayor Stephany E. Aguilar, Council Member Randy Johnson, Council Member Jim Reed, Council Member	City Staff Members Steve Ando, City Manager Kirsten Powell, City Attorney Corrie Kates, Community Dev Dir/Deputy City Mgr Scott Hamby, Public Works Director John Weiss, Chief of Police Tracy Ferrara, City Clerk
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Notice regarding City Council Meetings:

The City Council meets regularly on the 1st and 3rd Wednesday of each month at 6:00 pm in the City Hall Council Chambers located at 1 Civic Center Drive, Scotts Valley, CA 95066.

Agenda and Agenda Packet Materials:

The City Council agenda and the complete agenda packet are available for review by 5:00 pm the Friday before the Wednesday meeting on the Internet at the City's website: www.scottsvalley.org and in the lobby of City Hall at 1 Civic Center Drive, Scotts Valley, CA. Pursuant to Government Code §54957.5, materials related to an agenda item, submitted after distribution of the agenda packet, are available for public inspection in the lobby of City Hall during normal business hours, Monday-Friday, 8am-12 pm and 1-5 pm. In accordance with AB 1344, such documents will be posted on the City's website at www.scottsvalley.org.

Televised Meetings:

City Council meetings are cablecast "Live" on Community Television of Santa Cruz County on Comcast Channel 25.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

SPECIAL SET MATTER: Introduction of new employee, Troy Adams, Wastewater Division Manager

COMMITTEE REPORTS

(Council members are appointed to committees which are either City committees or committees dealing with other jurisdictions. This portion of the agenda allows the committee member to present oral or written reports to the Council regarding their committee assignments. It also allows the Council to make comments and give the committee member direction, as required.)

Interjurisdictional Committees:

✓	Criminal Justice Council	(Lind/Johnson)
✓	Transportation Commission	(Johnson/Lind)
✓	Metro Transit District Board	(Bustichi)
✓	County Integrated Waste Mgmt Local Task Force	(Lind/Hamby)
✓	City/School District Joint Committee	(Reed/Johnson)
✓	AMBAG	(Aguilar/Lind)
✓	LAFCO	(Lind)
✓	City Selection Committee	(Mayor)
✓	League of California Cities Delegate Program	(Aguilar)
✓	Hazardous Materials Advisory Commission	(Ron Whittle)
✓	Cultural Council	(Lind)
✓	Seniors Advisory Council	(Lind)
✓	Santa Margarita Ground Water Basin Advisory Committee	(Lind /Aguilar)
✓	Library Financing Authority/Joint Powers Boards	(Reed/Johnson)

Standing Local Committees:

✓	Traffic Safety Committee	(Lind/Aguilar)
✓	Economic Development	(Johnson/Bustichi)
✓	Affordable Housing	(Aguilar/Bustichi)
✓	Water Subcommittee	(Bustichi/Lind)
✓	Budget Subcommittee	(Mayor/Vice Mayor)
✓	Sign Subcommittee	(Aguilar/Lind)
✓	Green Building Permit Process Subcommittee	(Lind/Reed)
✓	ADA Accessibility Subcommittee	(Aguilar)

Project Specific Committees:

✓	Skypark Subcommittee	(Johnson/Bustichi)
✓	Gateway South Commercial	(Reed/Johnson)
✓	Library Construction Subcommittee	(Bustichi/Reed)
✓	Glenwood Trails Subcommittee	(Aguilar/Reed)

CITY MANAGER REPORT

PUBLIC COMMENT TIME

(This is the opportunity for individuals to make and/or submit written or oral comments to the Council on any items within the purview of the Council, which are **NOT** part of the Agenda. No action on the item may be taken, but the Council may request the matter be placed on a future agenda.)

ALTERATIONS TO CONSENT AGENDA

(Council can remove or add items to the Consent Agenda.)

CONSENT AGENDA

(The Consent Agenda is comprised of items which appear to be non-controversial. Persons wishing to speak on any item may do so by raising their hand to be recognized by the Mayor.)

- A. Approve City Council meeting minutes of 6-17-15
- B. Approve Agreement for Professional Services between the City of Scotts Valley and Mesi-Ti-Miller Engineering, Inc. for the design of the Storm Damage Repair of Pedestrian Path on Granite Creek Road and authorize City Manager to execute the agreement

ALTERATIONS TO REGULAR AGENDA

(Council can remove or add items to the Regular Agenda.)

REGULAR AGENDA

(Persons wishing to speak on any item may do so by raising their hand to be recognized by the Mayor.)

1. Future Council agenda items
(This portion of the Regular Agenda allows the Council to determine items to be placed on a future agenda and to choose a date, if so desired.)

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

2. Consider first reading and introduction of a Zoning Ordinance Amendment regarding outdoor storage, File No. AZO15-001 (Planning/Fodge)
 - Open public hearing
 - Close public hearing
 - First reading and introduction of Ordinance No. 16.133.3
3. Consider first reading and introduction of three Zoning Ordinance Amendments regarding density bonus, reasonable accommodation, emergency shelters and transitional and supportive housing, File Nos. AZO15-002, AZO15-003, AZO15-004 (Planning/Fodge)
 - Open public hearing
 - Close public hearing
 - First reading and introduction of Ordinance No. 16.136
 - First reading and introduction of Ordinance No. 16.137
 - First reading and introduction of Ordinance No. 16.138
4. Skypark Open Space Maintenance Assessment District No. 1: Resolution No. 1555-SP-027; Annual Engineer's Report Skypark (PublicWorks/Hamby)
 - Open public hearing
 - Close public hearing
 - Approve Resolution No. 1555-SP-027
5. Pinewood Estates Landscape Maintenance Assessment District: Resolution No. 1213.29; Annual Engineer's Report Pinewood (PublicWorks/Hamby)
 - Open public hearing
 - Close public hearing
 - Approve Resolution No. 1213.29

CLOSED SESSION

SUBJECT: Conference with labor negotiator re employee negotiations with SEIU, Mid Management Group, Management Group, Scotts Valley Police Bargaining Unit, Scotts Valley Police Supervisors Association
Legal Authority: Govt Code section 54957.6
Name of Case: N/A
Staff Present: City Manager, City Attorney, Community Development Director/Deputy City Manager, Police Chief

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

ADJOURNMENT

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a City Council meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the City Clerk's office at (831) 440-5602 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk's Office. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

PROCEDURAL INFORMATION FOR THE PUBLIC

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN APPROVAL OF A RESOLUTION:

1. Move the Resolution number for approval.
2. Second the motion.
3. Vote by body, a roll call vote is not required.

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN INTRODUCTION/ADOPTION OF AN ORDINANCE:

1. Move the Ordinance number for introduction (or adoption).
2. Move the Ordinance be introduced by title only and waive the reading of the text.
3. Read the Ordinance title.
4. Second the motion.
5. Vote by body, a roll call vote is not required.

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN PUBLIC COMMENT/PUBLIC HEARINGS:

Unless otherwise determined by the presiding officer of the meeting:

1. Three minutes allowed per individual to speak.
2. Five minutes allowed per individual representing a group of three or more.



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MINUTES

CONSENT AGENDA ITEM A

DATE: 7-1-2015

Meeting of the Scotts Valley City Council

Date: June 17, 2015

POSTING:

The agenda was posted on 6-12-15
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

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
Mayor for the Day Zoe VanDerWald

City Manager Ando
City Attorney Powell
Comm Dev Dir/Deputy City Mgr Kates
Public Wks Director Hamby
Police Chief Weiss
City Clerk Ferrara

COMMITTEE REPORTS

CM Aguilar reported that AMBAG met and received a presentation on GIS information that is available to all cities for strategic planning and general plan updates. This information is free and available to all cities in Santa Cruz County.

Mayor Bustichi reported that the Santa Cruz Metropolitan Transit District (SCMTD) Board held a special closed session meeting today regarding labor negotiations. He reported that the Board will have another closed session meeting on June 26 and should be able to report out on that closed session after that meeting. He also reported that an electric bus was brought to Santa Cruz for a few days, and the electric bus was used on a variety of routes, including Highway 17. He stated that the SCMTD has approximately 29 diesel buses that need to be replaced, and he would like to see that fleet replaced with electric buses, as the current compressed natural gas buses that the SCMTD has on line often have problems with overheating engine blocks.

CITY MANAGER REPORT

- CDD Kates introduced new employee Jermel Laurie, the City's Building Inspector.
- Lennar will start grading for their project this Monday. Lennar representatives will be meeting with City, Fire, and Water staff at the location this Friday to review the project before it gets started.
- Parks & Recreation Commission met with Lennar's architect on June 4 regarding the park at their new project. Park amenities the Commission decided on include: Gazebo, BBQ w/picnic areas, half basketball court, walking path, 2-5 & 5-12 play structures with poured in place surfacing, and turf area watered with recycled water.

- Last Friday two representatives from the Regional Water Quality Control Board spent the day conducting an audit on the City's Stormwater Permit. The audit reviewed Post Construction Requirements with regard to industrial & commercial businesses, developments & single family homes. The morning was spent going over paperwork and the afternoon consisted of visits to businesses and development sites. At the end of the day the City received high marks for our attention to detail in maintaining and navigating our Stormwater Permit, and we passed with flying colors.
- Members of the Scotts Valley Police Department ran in the Special Olympics Torch Run today in support of Special Olympics which will be held at UC Davis on June 26 to 28. Today's leg of the run started in Watsonville and came down Mt. Hermon Road to Scotts Valley Drive and then up Glenwood Drive to the City limits. The Torch Run is a fund raiser and also raises awareness for Special Olympics.
- "Go Skateboarding Day" is this Sunday, June 21, from 10 am to noon at the Scotts Valley Skate Park. This is a family fun event to educate park users about Skate Park etiquette. Kristin Ard worked with Roland Blanton, owner of Minimal Skateboards, to establish park etiquette that is useful to the skating community. Our main goal is to make sure skateboards, scooters, and roller blades/skates ALL know how to use the park by being respectful of each other. There will be music, free raffle and lots of boarding in the park. Roland makes his own skateboards and will be raffling one off along with lots of raffle prizes donated by NHS, a skateboard store, for the event.

PUBLIC COMMENT

VM Lind announced that the 2015 Senior Farmers Market vouchers are ready for distribution. 831-688-0400 for further information.

Rachel Worrall, SV resident, spoke regarding the FAA flight pattern change and expressed concerns about its negative impacts due to noise and disruption at her home.

ALTERATIONS TO CONSENT AGENDA

Mayor Bustichi requested that Item F be moved to the regular agenda for discussion.
CM Aguilar requested that Item H be moved to the regular agenda for discussion.

M/S: Aguilar/Lind

To approve the Consent Agenda as amended moving consent agenda items F and H to the regular agenda for discussion.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

Consent Agenda:

- Approve City Council meeting minutes of 6-3-15
- Approve check register – 6-5-15, 6-1-15
- Approve designation of Council Member Stephany Aguilar as the voting delegate for the League of California Cities Annual Conference on October 2, 2015 in San Jose
- Approve Resolution No. 1139.19 adopting the City of Scotts Valley Investment Policy

- E. Approve Resolution No. 1007.28 making certain findings and determinations in compliance with Section XIII B of the California Constitution (Gann Initiative) and setting the appropriations limit of \$168,801,146 for fiscal year 2015/2016
- G. Approve trustee agreements for various bond issues:
 - (1) Agreements of Resignation, Appointment and Acceptance – 1997-1 COP
 - (2) Agreements of Resignation, Appointment and Acceptance – 2003 COP
 - (3) Agreements of Resignation, Appointment and Acceptance – 2011 CFD 97-1

ALTERATIONS TO REGULAR AGENDA

M/S: Reed/Lind

To approve the Regular Agenda as amended moving consent agenda items F and H to the regular agenda for discussion.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

REGULAR AGENDA

F. 2015 / 2016 Budget Adoption:

- (1) **Approve Resolution No. 630.35 approving the budget for the City of Scotts Valley for fiscal year 2015/2016 and making appropriations for the amounts budgeted**
- (2) **Approve Resolution No. 1501.22 approving the continued collection of the Utility Users' Tax for the budget fiscal year 2015/2016**

CM Ando responded to questions from the Council regarding the budget.

Scott Mitchell, Scotts Valley POA President and negotiations Chair, recommended that the City Council adopt an interim budget tonight instead of a final budget as bargaining unit negotiations have not completed at this point in time.

CM Aguilar asked if the City Council would be able to make budget amendments after the preliminary budget is approved.

CM Ando responded that the City Council could make budget amendments after the approval of the preliminary budget if needed.

M/S: Aguilar/Lind

To approve Resolution No. 630.35 approving the budget for the City of Scotts Valley for fiscal year 2015/2016 and making appropriations for the amounts budgeted.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

M/S: Aguilar/Lind

To approve Resolution No. 1501.22 approving the continued collection of the Utility Users' Tax for the budget fiscal year 2015/2016.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

- H. **Approve agreement for professional services between the City of Scotts Valley and Kimley-Horn and Associates, Inc. to prepare an Environmental Impact Report (EIR) and provide entitlement support services for a proposed 64-lot residential subdivision, the Aviza Residential Project, located at 440 Kings Village Road, APN's 022-221-01, -02, -03, -04, and -05**

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

CM Aguilar recommended that surrounding parcels, including analyzing the open space, be included in the scope of work for the EIR in order to understand the impacts to the area, not just the specific housing site.

Mayor Bustichi questioned what the impacts would be of including the surrounding parcels, including some that are in the County of Santa Cruz.

CDD Kates stated that he would talk with the consultant to see if it would change their fee, however, the areas that are outside project boundary are not being modified so they would be identified and possibly just mentioned in the EIR. He stated that since those areas are not really part of the project itself for construction and are not necessary, there should be little impact to the current budget to process the EIR. He stated that the consultant would analyze these parcels from the aspect of what they are currently, but there is no project being proposed to change those areas from how they are currently used, so it should not be an issue. He stated that in any case, the County of Santa Cruz will receive a copy of the notice of preparation and the EIR for comment, because this site shares a property line with County.

M/S: Aguilar/Lind

To approve agreement for professional services between the City of Scotts Valley and Kimley-Horn and Associates, Inc. to prepare an Environmental Impact Report (EIR) and provide entitlement support services for a proposed 64-lot residential subdivision, the Aviza Residential Project, located at 440 Kings Village Road, APN's 022-221-01, -02, -03, -04, and -05, as amended to include the surrounding parcels, including the open space, in the scope of work for the EIR in order to understand the impacts to the area, not just the specific housing site.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

1. **Human Care Alliance presentations/Outside agency funding requests**

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

Lisa Berkowitz, Meals on Wheels Program Director, representing the Human Care Alliance (HCA), provided an overview and background of the Human Care Alliance and the programs provided by the HCA and stated that they would be giving a presentation on HCA 2.0.

Karen Delaney, Executive Director of the Volunteer Center and current President of the Human Care Alliance, presented a policy paper on Economic and Social Justice for Santa Cruz County.

Steve Mendes, Cabrillo College Stroke and Disability Center, presented a policy paper on Health Equity for All People in Santa Cruz County.

Dr. Cynthia FitzGerald, Director of the Cabrillo College Stroke and Disability Center, presented a policy paper on Strong and Safe Neighborhoods throughout Santa Cruz County.

The following HCA agency representatives spoke regarding their specific agencies:

Dave Bianchi, Family Services Agency Executive Director
Laura Segura, Monarch Services Executive Director
Jessica Montero, Dientes Community Dental Care
Sherree Storm, Dientes Community Dental Care Development Director
Cathy Hsu, Second Harvest Food Bank Director of Institutional Giving
Karen Delaney, Volunteer Center Executive Director
Gary Edwards, Advocacy, Inc. Executive Director (Ombudsman/Patient's Rights)
Brenda Moss, Senior Network Services Executive Director
Clay Kempf, Seniors Council Executive Director
Lisa Berkowitz, Meals on Wheels Program Director

M/S: Aguilar/Johnson

To approve a 1% COLA (\$500) for the 2015/16 Human Care Alliance organizations.

Motion Failed 2/3 (AYES: Aguilar, Johnson; NOES: Bustichi, Lind, Reed)

Sally Green, Development & Communications Director for the Arts Council of Santa Cruz County, spoke about the importance of arts and their positive impact on society and the economy, gave an overview of the services provided and supported by the Arts Council of Santa Cruz County, and thanked the Council for their support over the years.

2. Skypark Open Space Maintenance Assessment District No. 1: Resolution No. 1555-SP-027; Annual Engineer's Report Skypark

CM Reed stated that he lives within this assessment district and recused himself from consideration of this item.

PWD Hamby presented the written staff report and responded to questions from Council. PWD Hamby stated that this public meeting is being held to accept public testimony and that Council will consider approval of Resolution No. 1555-SP-27 at the public hearing set for July 1, 2015.

3. Pinewood Estates Landscape Maintenance Assessment District: Resolution No. 1213.29; Annual Engineer's Report Pinewood

PWD Hamby presented the written staff report and responded to questions from Council. PWD Hamby stated that this public meeting is being held to accept public testimony and that Council will consider approval of Resolution No. 1213.29 at the public hearing set for July 1, 2015.

4. **Update on the Library Joint Powers Agreement and Library Financing Authority Agreement**

CM Ando presented the written staff report and responded to questions from Council. He stated that this item is for information purposes only and that agreements will come to the Council at a later date for approval.

5. **Future Council agenda items**

None.

The City Council adjourned their regular meeting at 8:28 p.m. to a special meeting.

The City Council reconvened to their regular meeting at 8:29 p.m.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 8:30 p.m. to discuss the following items:

1. Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with their labor negotiator re employee negotiations with SEIU, Mid Management Group, Management Group, Scotts Valley Police Bargaining Unit, Scotts Valley Police Supervisors Association.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 9:00 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Bustichi announced that there was nothing to report.

ADJOURNMENT The meeting adjourned at 9:01 p.m.

Approved: _____
Dene Bustichi, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

MINUTES

Special Meeting of the Scotts Valley City Council

Date: June 17, 2015

POSTING:

The agenda was posted on 6-16-15
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 8:28 p.m.

ROLL CALL

Present:

Dene Bustichi, Mayor
Donna Lind, Vice Mayor
Stephany E. Aguilar, City Council Member
Randy Johnson, City Council Member
Jim Reed, City Council Member
Steve Ando, City Manager
Corrie Kates, Comm Dev Dir/Deputy City Manager
Kirsten Powell, City Attorney
Tracy A. Ferrara, City Clerk

CONSENT AGENDA

- A. Approve request for non-collection of fees for The Garden Faire to be held at Skypark Park on June 20, 2015

M/S: Aguilar/Reed

To approve the request for non-collection of fees for The Garden Faire to be held at Skypark Park on June 20, 2015.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

ADJOURNMENT The meeting adjourned at 8:29 p.m.

Approved: _____

Dene Bustichi, Mayor

Attest: _____

Tracy A. Ferrara, City Clerk

CITY OF SCOTTS VALLEY
INTEROFFICE MEMORANDUM

DATE: July 1, 2015
TO: Honorable Mayor and City Council
FROM: Scott Hamby, Public Works Director
SUBJECT: Storm Damage Repair of Pedestrian Path on Granite Creek Road Agreement for Professional Services

SUMMARY OF ISSUE

Dating back to 2011, storm damage has resulted in the failure of approximately 100 feet of retaining wall supporting the sidewalk along the westbound lane of Granite Creek Road near the Highway 17 interchange. The attached Agreement for Professional Services with Mesiti-Miller Engineering, Inc. is for the design of a replacement retaining wall system, chain link fence and asphalt sidewalk.

The City had received a grant of \$85,200 from the US Department of Transportation to do this work; however, due to federal grant requirements it is more economical, for a project of this size, for the City to proceed without the grant. Grant conditions would drive up the cost of design and construction to a point where it makes more sense for the City to proceed without federal financial assistance.

Estimated project costs:	Design	\$19,500
	Construction	<u>\$67,000</u>
	Total	\$86,500

FISCAL IMPACT

\$19,500 for design services will be paid from Gas Tax, Fund 3. Construction costs will also be paid from Gas Tax Funds.

STAFF RECOMMENDATION

Authorize City Manager to execute the attached agreement with Mesiti-Miller Engineering, Inc. for the design of the Storm Damage Repair of Pedestrian Path on Granite Creek Road.

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PROJECT LOCATION



ENGINEER: Joel Ricca
DRAWN BY: KIMARIE JONES
DATE: June 18, 2015

GRANITE CREEK SIDEWALK REPAIR PROJECT LOCATION MAP

CITY of SCOTT'S VALLEY
ONE CIVIC CENTER DRIVE • SCOTT'S VALLEY, CA 95066
ENGINEERING / PUBLIC WORKS
831.435.3854 FAX 831.435.5748

FIGURE
002¹

CITY OF SCOTTS VALLEY AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement for Professional Services ("Agreement") is made and entered into as of **July 1, 2015**, by and between the City of Scotts Valley, a municipal corporation, hereinafter referred to as "CITY", and **Mesiti-Miller Engineering, Inc.** hereinafter referred to as "CONSULTANT".

RECITALS

- A. CITY desires to retain Consultant for certain professional services as set forth in this Agreement.
- B. CONSULTANT is specially trained, experienced and competent to perform the special services which will be required by this Agreement.
- C. CONSULTANT possesses the skill, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

NOW, THEREFORE, in consideration of the recitals and the mutual promises contained herein, CITY and CONSULTANT agree as follows:

AGREEMENT

- 1. **Employment of CONSULTANT:** CITY agrees to, and hereby does, retain and employ CONSULTANT to perform the professional services as outlined in the Scope of Work attached hereto and incorporated herein as Exhibit "A". CONSULTANT'S work product shall be performed pursuant to generally accepted standards of practice in effect at the time of performance.
- 2. **Responsible Personnel:** CITY has relied upon the professional training and ability of CONSULTANT to perform the services hereunder as a material inducement to enter into this Agreement. Primary personnel responsible for the completion of the work described in this Agreement shall be **Rodney Cahill, P.E., LEED AP, Principal, whose address is 224 Walnut Street, Suite B, Santa Cruz, CA 95060; telephone: (831) 426-3186; Email: rodney@m-me.com.**
- 3. **Scope of Work:** CONSULTANT shall perform the services as specified in Exhibit A in a professional manner.
- 4. **Time of Performance:** The services of CONSULTANT are to commence upon execution of this Agreement and shall continue until all authorized work is approved by the CITY. All such work shall be completed as soon as possible. Time is of the essence in the performance of this Agreement. No waiver by either party hereto of the nonperformance or any breach of any term, provision, or condition of this Agreement, or any default hereunder shall be considered to be or operate as a waiver of any subsequent nonperformance, breach or default.

5. **Compensation:** CONSULTANT shall accept compensation for services performed as set forth in Section 3 in an amount not to exceed **\$19,950**. Such compensation shall be paid upon the completion of the services set forth in Section 3.

Payments to CONSULTANT shall be made upon invoices submitted by CONSULTANT to CITY for review and approval. Invoices will be paid by CITY within a reasonable time after said approved invoices are received.

6. **Indemnity:** CONSULTANT shall hold harmless, indemnify and defend CITY, its elective and appointive boards, commissions, officers, agents, servants, volunteers, and employees from and against any and all claims, costs, damages, liability, losses, or suits (including court costs and attorney fees) for personal injury (including death), property damage and any other damages of any sort whatsoever, arising out of, or alleged to have arisen out of, the willful or negligent acts, errors, or omissions of CONSULTANT or CONSULTANT'S contractors, subcontractors, agents, or employees in the performance of this Agreement. This indemnity shall not apply to a) claims brought by CONSULTANT for default of this Agreement, or (b) claims brought by CITY or any third party where the underlying injury or damage is finally determined by a court of competent jurisdiction to arise solely from the negligent or willful misconduct of CITY.

CITY shall hold harmless and indemnify CONSULTANT from any damage which may be caused to the CITY's computer network system.

7. **Termination:** This Agreement may be terminated by the CITY immediately for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, CONSULTANT shall be entitled to compensation for services performed up to the effective date of termination.

CONSULTANT shall accept, for itself, as full payment for services rendered and all work to be done and performed hereunder and in complete satisfaction of all claims against CITY by reason of voluntary abandonment or suspension of work or termination of the Agreement, the sum determined on an hourly basis in accordance with the provisions of this Agreement, or any modification or amendment thereto, plus all direct expenses incurred, including those expenses incurred which are directly attributable to the incomplete portion of the work which could not be canceled.

In the event of termination, CONSULTANT shall deliver as a condition to the payment of the compensation provided for above, or otherwise make available to CITY, all research data, reports, estimates, summaries, and other such information and materials as may have been accumulated by CONSULTANT in performing this Agreement, whether completed or in process in accordance with Section 8 of this Agreement.

8. **Documents:** Notes, studies, charts, computations, electronic files, and other data and information obtained by CONSULTANT for this project shall, upon receipt of payment for services rendered, be made available to CITY by CONSULTANT at CITY'S request and shall become the property of CITY. In the event CITY alters the document, CITY agrees CONSULTANT shall have no responsibility whatsoever for any claim arising out of, or alleged to have arisen out of, use of the altered document,

All plans, studies, documents, charts, computations, and electronic files prepared by and for CONSULTANT, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the CITY upon payment to CONSULTANT for such work, and the CITY shall have the sole right to use such materials in its discretion without further compensation to CONSULTANT or to any other party. CONSULTANT shall, at CONSULTANT'S expense, provide such reports, plans, studies, documents and other writings to CITY upon written request.

9. **Independent Contractor:** CONTRACTOR is an independent contractor retained by CITY to perform the work described herein. ALL personnel employed by CONSULTANT are not and shall not be deemed to be employees of CITY. CONSULTANT shall obtain no rights to retirement benefits or other benefits which accrue to CITY'S employees, and CONSULTANT hereby expressly waives any claim it may have to such rights. CONSULTANT shall comply with all state and federal laws pertaining to employment and compensation of its employees and its agents, including the provision of Workers' Compensation.

10. **Licenses:** CONSULTANT represents and warrants to CITY that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of CONSULTANT to practice its profession. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of CONSULTANT to practice its profession. Consultant shall maintain a City of Scotts Valley business license.

11. **Assignment:** The parties recognize that a substantial inducement to CITY for entering into this Agreement is the professional reputation, experience and competence of CONSULTANT. Assignments of any or all rights, duties or obligations of the CONSULTANT under this Agreement will be permitted only with the express consent of the CITY. CONSULTANT shall not subcontract any portion of the work to be performed under this Agreement without the written authorization of the CITY. If the CITY consents to such subcontract, CONSULTANT shall be fully responsible to CITY for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between CITY and subcontractor nor shall it create any obligation on the part of the CITY to pay or to see to the payment of any monies due to any such contractor other than as otherwise required by law.

12. **Binding on Successors:** This Agreement is binding on the heirs, successors and assigns of the parties hereto.

13. **Amendment:** This Agreement may be amended, modified or changed by the parties, provided that said Agreement, modification or change is in writing and approved by the authorized representative of the parties.

14. **Applicable Law and Attorney's Fees:** This Agreement shall be construed and enforced in accordance with the laws of the State of California, and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Santa Cruz. Should any legal action be brought by a party for breach of this Agreement or to enforce any provision of the Agreement, the prevailing party of such action shall be entitled to recover its reasonable litigation expenses, including attorney fees.

15. **Entire Agreement:** This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements or understandings, whether oral or written, between or among the parties relating to the subject matter of this Agreement which are not fully expressed herein. The drafting and negotiation of this Agreement have been participated in by each of the parties and/or their counsel, and for all purposes this Agreement shall be deemed to have been drafted jointly by all parties.

16. **Waiver:** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this agreement.

17. **Severability:** If any term or portion of this Agreement shall be held by a court of competent jurisdiction to be invalid, illegal, or otherwise unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.

WITNESS WHEREOF this Agreement is executed by CITY and by CONSULTANT on this **1st day of July, 2015**, at Scotts Valley, California.

CONSULTANT:

CITY OF SCOTTS VALLEY:

Rodney Cahill, P.E., LEED AP, Principle
Mesiti-Miller Engineering Inc.

Stephen H. Ando, City Manager

APPROVED AS TO FORM:

ATTEST:

Kirsten M. Powell, City Attorney

Tracy Ferrara, City Clerk

Exhibit A

Description and Scope of Work

Storm Damage Repair Pedestrian Path on Granite Creek Road

Description

Storm damage has resulted in the failure of approximately 100 feet of wood retaining wall supporting the sidewalk along the westbound lane of Granite Creek Road near the Highway 17 interchange. We have reviewed the project as described in the Request for Proposals (RFP) dated June 4, 2014 and met with City staff on the site to explore the existing conditions. The existing wood retaining wall appears to have deteriorated and has been damaged by erosion of the supporting slope at the bottom of the wall allowing loss of backfill and rotation of the soldier piers. As a result of the wall failure, the adjacent sidewalk has lost support and portions have subsided / failed.

Based on discussions with City staff, the project will be a replacement-in-kind with a similar treated wood retaining wall system, chain link fence and asphalt sidewalk. The goal of the repair is to stabilize the soil supporting the sidewalk and restore the sidewalk. Accordingly, we will not expand the project area into the roadway prism, adjacent drainage, or subsurface culvert below. This project will not require utility relocation, hydraulic studies, or any stream work.

The preliminary construction cost estimate presented in the RFP put the project cost at approximately \$67,000 excluding engineering and management costs.

Because this project will be subject to review and approval by CalTrans, our scope of work will necessarily include geotechnical investigation, drilling, soil laboratory analysis, topographic surveying, design layout, calculations, detailing, cost estimating, preparation of technical specifications (special provisions) and interaction with CalTrans staff during the preparation of a response to their plan check comments.

Scope of Work

Phase One – Project Initiation and Investigation

1. Meeting - Attend an initial site meeting with City staff to gather general information about the project site and the anticipated repair type, desired schedule and budget.
2. Site Visit – Coordinate site visits with Butano Geotechnical Engineering (BGE) and Ifland Survey (IS) to discuss opportunities, constraints and limits of work enabling us to develop a project scope, fee and schedule.
3. Geotechnical Investigation - We will sub-contract Butano Geotechnical Engineering (BGE) to conduct field exploration, laboratory testing, and analysis and prepare a Geotechnical Investigation Report in accordance with the attached Proposal for Geotechnical Investigation.
4. Topographic Surveying & Mapping - We will sub-contract Ifland Survey (IS) to prepare the topographic survey in accordance with the attached Proposal for Surveying and Mapping Services. The optional right-of-way survey task will not be provided in an effort to reduce cost. Caltrans may require this task at a later date.
5. Provide the administrative support necessary for us to perform these services

Exhibit A

Description and Scope of Work

Storm Damage Repair Pedestrian Path on Granite Creek Road

Phase Two – 50% Schematic Design

1. Attend a meeting, participate in telecons and otherwise liaise with City staff and members of the design team as required to accomplish the tasks identified during this phase.
2. Prepare and deliver PDF copies of the Plans, Specifications and Estimate (PS&E) illustrating the selected design solution.
 - a) Plans. 50% plans will be produced in AutoCAD. All drawing sheets shall be 24"x36". This submittal will include:
 - 1) Site Layout Plan – illustrating and locating major elements of the design
 - 2) Retaining Wall Typical Cross Section
 - 3) Topographic Map – Existing features
 - b) Specifications. 50% technical specifications will consist of a table of contents for Section 10 of the Project Special Provisions
 - c) Engineers Estimate. We will prepare and deliver an opinion of probable construction cost for the pay items indicated in Section 10-2 of the Project Special Provisions.
3. Provide the administrative support necessary for us to perform these services.

Phase Three – 100% Construction Documents

1. Review City comments on the 50% PS&E in an effort to identify and resolve design conflicts.
2. Attend a meeting, participate in telecons and otherwise liaise with City staff and members of the design team as required to accomplish the tasks identified during this phase.
3. Prepare and deliver final structural engineering calculations. Three copies of the engineering calculations will be delivered in paper copy and will be wet-signed, dated and stamped by a Registered California Engineer.
4. Prepare and deliver final PS&E illustrating the selected design solution.
 - a) Plans. We will deliver PDF and three paper copies of 100% drawings, wet-signed, dated and stamped by a Registered California Engineer. This submittal will include:
 - 1) Title Sheet - abbreviations, general notes, vicinity map and approval block
 - 2) Site Layout Plan – illustrating and locating major elements and features of the design; limits of work; control line, and station and offset table
 - 3) Retaining Wall Profile, Typical Cross Section and Key Details
 - 4) Erosion Control Plan - Erosion control fabric without irrigation or planting
 - 5) Standard Details - Caltrans Standard Plans and Details
 - 6) Topographic Map – Existing features and right-of-way

Exhibit A

Description and Scope of Work

Storm Damage Repair Pedestrian Path on Granite Creek Road

- b) Specifications. 100% technical specifications will consist of Section 10 of the Project Special Provisions and Pay Items as included in Section 10-2. One copy of the specifications will be delivered in paper copy and will be wet-signed, dated and stamped by a Registered California Engineer.
 - c) Engineers Estimate. We will finalize and deliver an opinion of probable construction cost for the pay items indicated in Section 10-2 of the Project Special Provisions.
- 5. Prepare and deliver a response to plan check comments received from CalTrans encroachment permit review of the final PS&E.
 - 6. Provide the administrative support necessary for us to perform these services.

Additional Work

Additional work services are those items which arise as a result of unforeseen circumstances during the design or construction phase of the project and/or those items which are not specifically mentioned under the scope of proposed design phase services outlined above. All additional work services will be billed on a time and expense basis in accordance with our then-prevailing Standard Billing Rates with your authorization.

City Work Items

- 1. Permitting – Studies, permit applications, and coordination of same, if required.
- 2. Right of Way/Easement Acquisitions - Right of Way survey, property and easement acquisition, if required.
- 3. Bidding - Front-end special provisions including Sections 1-9 and 11-14, bid advertisement and contractor selection.
- 4. Construction Administration - Submittal review, observations, inspections, change order review and construction administration.



Schedule of Standard Billing Rates

Effective April 8, 2015

Office Personnel

Engineer I	\$ 95 / hour
Engineer II	110 / hour
Engineer III (<i>licensed P.E.</i>)	130 / hour
Engineer IV (<i>licensed P.E.</i>)	150 / hour
Principal Engineer	170 / hour
Expert Witness Services (deposition, court appearance and preparation therefor)	300 / hour
Administrative Assistant	70 / hour
CAD Technician I	76 / hour
CAD Technician II	90 / hour
Field Technician I	80 / hour
Field Technician II	100 / hour

Reimbursable Expenses:

Consultants	Direct Billing x 1.10
Outside Services	Direct Cost x 1.15
Document reproduction, photography, phone toll charges, delivery charges, equipment rental, and other direct project expenses	
In-House Services	
Photocopies	\$ 0.10 sheet
CD-R's / DVD-R's	3.00 each
Plotting -check plots on bond	10.00 sheet
-final plots on mylar	30.00 sheet
Travel	
Automobile mileage	\$ 0.60 mile
Airfare, Car Rental, etc.	Direct Cost x 1.15
Per Diem Allowance (varies by location)	\$150/day

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City of Scotts Valley INTEROFFICE MEMORANDUM

DATE: July 1, 2015

TO: Honorable Mayor and City Council

FROM: Michelle Fodge, Senior Planner

SUBJECT: A PUBLIC HEARING TO CONSIDER ADOPTION OF A ZONING ORDINANCE AMENDMENT TO REGULATE OUTDOOR STORAGE USES (FILE NO. AZO15-001)

SUMMARY OF ISSUE

On May 6, 2015, after evaluating whether outdoor storage uses are suitable and compatible for economic development on the City's commercial corridors and reviewing policy options, the City Council directed staff to prepare an ordinance to:

- Allow outdoor storage in the Light-Industrial (I-L) zone subject to use permit approval and new design standards to adequately screen the outdoor storage;
- Prohibit outdoor storage next to housing in the I-L zone;
- Prohibit outdoor storage in the Service-Commercial (C-S) zone;
- Prohibit outdoor storage on Mt. Hermon Road & Scotts Valley Dr. no matter the zone;
- Allow permitted outdoor storage uses to remain until their use permits expire;
- Phase-out unpermitted outdoor storage uses to vacate by July 1, 2016;
- Provide a definition of outdoor storage; and,
- Provide design standards to screen outdoor storage uses in the I-L zone.

Staff has prepared Ordinance No. 16-133.3 which addresses the Council's direction. Changes to the City's Zoning Ordinance require Planning Commission review and recommendation to the City Council for final action.

On June 11, 2015, the Planning Commission held a public hearing, considered the proposed ordinance, and heard public testimony from four business owners, which was mostly in favor of allowing outdoor storage on a case-by-case basis in the C-S zone. The Planning Commission deliberated both sides of the issue and recommended approval to the City Council, with a recommendation to keep businesses like Scotts Valley Feed and outdoor garden stores in the C-S and to not force (legal nonconforming) businesses out of town.

For a detailed background on the temporary moratorium adopted in February 2014, and issues discussed, see the attached Planning Commission Meeting Minutes and Staff Report, and Ordinance Number 16-133.3.

DISCUSSION

1. **Proposed Development Standards:** Some outdoor storage yards that are visible above a fence line or from public streets have become unattractive and detract from the appearance of new development on the commercial corridors.

The proposed standards in the attached Table 3 are a combination of what the City used to require for outdoor storage in the 1980s and what the Cities of Los Gatos and Watsonville and Santa Cruz County currently require.

2. **Unpermitted Outdoor Storage Uses and Activities:** Initial research has revealed that there are illegal outdoor storage uses which have not had use permit review by the Planning Commission to determine if they are consistent with the subject zone and compatible with adjacent uses.

The proposed ordinance requires unpermitted uses to vacate where they are located by July 1, 2016. If the ordinance is approved, then staff will prepare a process to inform property owners of the new regulations and requirement to vacate.

PUBLIC NOTICE AND COMMENT

1. **Public Hearing Notices:** On May 22, 2015, public hearing notices were posted at City Hall, the public library, and the Senior Center, and the Santa Cruz County Clerk of Board, in accordance with the City's Municipal Code and State law. A public notice was also published in the Pressbanner newspaper. To date, two people asked general questions at the public counter and staff replied.
2. **Written Correspondence Received:** To date, staff has received five (5) written comments mostly encouraging the City to not change the C-S zone and to allow outdoor storage uses on a case-by-case basis (*see Received Written Comments attached*). If any additional written comments are received, staff will provide the Council and public a copy at the City Council public hearing on July 1, 2015.

ENVIRONMENTAL REVIEW

The ordinance is subject to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, which requires environmental documentation. Staff completed an Initial Study (environmental checklist) for the ordinance, which revealed that the ordinance will not have a significant adverse impact on the environment. Staff prepared Negative Declaration (*see attached*), which was distributed and made available for a 20-day public review and comment period from May 22, 2015, through June 10, 2015.

FISCAL IMPACT

Fiscal impacts are unknown. Informing unpermitted uses of the requirement to leave by July 1, 2016, and tracking compliance will require staff time. Unpermitted uses in the C-S zone may not find a location in the I-L zone.

RECOMMENDATION

The Planning Commission recommends that the City Council conduct a public hearing, hear public input, and approve Zoning Ordinance Amendment AZO15-001, by introducing a first reading of Ordinance Number 16-133.3 and waiving a second reading thereof.

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* Please note that the Negative Declaration is only provided in the City Council packets. However, a copy and the project file are available for public review in the Planning Dept. at City Hall Monday-Thursday 8:00AM-12:00PM, or by appointment by calling (831) 440-5630.

ORDINANCE NO. 16-133.3

AN ORDINANCE OF THE CITY OF SCOTTS VALLEY AMENDING SECTION 17.04.180 (DEFINITIONS OF “O” TERMS), SECTION 17.04.220 (DEFINITIONS OF “S” TERMS), 17.20.030 (CONDITIONAL USES IN THE C-S ZONE), 17.26.030 (CONDITIONAL USES IN THE I-L ZONE), 17.20.040 (DEVELOPMENT STANDARDS IN THE C-S ZONE), 17.26.040 (DEVELOPMENT STANDARDS IN THE I-L ZONE), AND ADDING SECTION 17.20.035 (PROHIBITED USES IN THE C-S ZONE) OF TITLE 17, ZONING, OF THE SCOTTS VALLEY MUNICIPAL CODE, TO PROHIBIT NEW OUTDOOR STORAGE USES IN THE C-S ZONE AND ON PARCELS ON MT. HERMON ROAD AND SCOTTS VALLEY DRIVE NO MATTER THE ZONE AND TO ESTABLISH DEVELOPMENT STANDARDS FOR SCREENING OUTDOOR STORAGE IN THE I-L ZONE; ZONING ORDINANCE AMENDMENT AZO15-001

BE IT ORDAINED by the City Council of the City of Scotts Valley as follows:

Title 17 of the Scotts Valley Municipal Code is hereby amended to add the following Sections:

Section 1. Section 17.04.180, Definition of “O” terms, is hereby amended by adding the following definition:

“17.04.180 Definition of “O” terms.

Outdoor storage uses are prohibited in the C-S zone and on all properties located on Mt. Hermon Road and Scotts Valley Drive, no matter the zone.

Outdoor Storage shall mean a space or place for storing items in the open air, not inside a completely enclosed building for a continuous period longer than twenty-four hours. A completely enclosed building is four or more walls with a roof but not a carport or porch. Items considered as outdoor storage shall include any of the following items, but not limited to, as determined by the community development director:

- 1. Appliances and furniture which are clearly not intended for outdoor use on the property;***
- 2. Building materials that are not part of a current project under construction;***
- 3. Commercial vehicles;***
- 4. Contractor’s storage yard;***
- 5. Inoperable vehicles;***
- 6. Junkyards, see existing definition in this Title;***
- 7. Machinery and equipment;***
- 8. Portable outdoor storage containers, roll-off bins, shipping cargo containers;***
- 9. Recreational vehicles;***

10. Trailers;
11. Watercraft; and,
12. Other similar items as determined by the community development director to be inconsistent with the purpose and objectives of the applicable zoning district.

Permitted outdoor storage uses may remain in place until their individual use permits expire, or in accordance with Chapter 17.48, Nonconforming Uses and Structures, of this Title. Unpermitted outdoor storage uses shall vacate the subject properties by July 1, 2016.

This definition shall not apply to:

1. Auto rental businesses;
2. Auto repair shops;
3. Christmas tree sales;
4. Construction sites with an active building permit for new development which involve storing construction materials that are intended to be used within 60 days on the subject property;
5. Garden shops;
6. Gasoline service stations;
7. Merchandise associated with a retail or other permitted use which is displayed outdoors during the day and brought indoors at the end of the business day unless otherwise approved for merchandise to remain outdoors;
8. Occasional sidewalk sales;
9. Off-street parking and loading areas;
10. Open-air markets;
11. Outdoor garden shops;
12. Outdoor theatrical activities;
13. Sale of nursery products; and,
14. Vehicle sales, in accordance with this Title."

Section 2. Section 17.04.220, Definition of "S" terms, is hereby amended by adding the following definition:

"17.04.220 Definition of "S" terms.

Screening shall mean a visual buffer consisting of wood, masonry, dense evergreen hedge, or other plant material, or a combination of these elements, or other material approved by the community development director, to reduce visual unsightliness of uses and/or items stored on the subject property."

Section 3. Chapter 17.20 is hereby amended by deleting Section 17.20.030, Conditional uses. "J. Outdoor storage;"

"17.20.030 - Conditional uses.

The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Animal hospitals;
- B. Automobile sales, including sale of used cars in conjunction with the sale of new cars;
- C. Automotive repair and related services (such as auto supply and detail shops) in an enclosed building. This conditional use category excludes auto body repair and auto painting as well as any other use that is incompatible with surrounding uses or that may be detrimental to the health, safety and welfare of the surrounding neighbors;
- D. Automotive service stations;
- E. Carwash;
- F. Coin-operated laundries;
- G. Commercial recreation;
- H. Equipment rental yards;
- I. Hotels and motels;
- ~~I.~~ **J** Multiple-family dwellings located either above the ground-level commercial use or at ground level at the rear of a commercial space;
- ~~J. Outdoor storage;~~
- K. Public utility service yards;
- L. Recreational vehicle sales, including boat sales;
- M. Restaurants and bars;
- N. Wholesale establishments;
- O. Service shops, including printing, photographic, cabinet repair, electrical repair, heating and ventilating shops, and catering services;
- P. Social halls, lodges, fraternal organizations and clubs;
- Q. Churches, synagogues and other places of worship;
- R. Other uses the planning commission finds to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title;
- S. Transitional housing: No person shall operate a transitional housing facility without obtaining a conditional use permit in compliance with Section 17.50.020. In addition the applicant will supply the following information.
 - a. A letter or certification of final approval from the state or county licensing authority,
 - b. A site plan of the property showing parking, outdoor exercise area, and fencing.
 - c. A letter from the fire department approving the safety of the structure for the use,
 - d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and
 - e. Landscaping and other information as required by the community development director.
 - f. One parking space for each single resident and/or one space for each family unit living in the facility.

Section 4. Chapter 17.20 is hereby amended by adding Section 17.20.035, Prohibited uses.,

“Section 17.20.035 Prohibited uses.

Outdoor storage uses are prohibited in the C-S zone and on all properties located on Mt. Hermon Road and Scotts Valley Drive, no matter the zone.

Permitted outdoor storage uses may remain in place until their individual use permits expire, or in accordance with Chapter 17.48, Nonconforming Uses and

Structures, of this Title. Unpermitted outdoor storage uses shall vacate the properties by July 1, 2016. Every person violating any provision of this section shall be guilty of a misdemeanor and subject to Title 4 of the Municipal Code."

Section 5. Chapter 17.20 is hereby amended by deleting and adding text in Section 17.20.040, Development standards.;

Section 17.20.040. Development standards., shall be amended as follows:

~~"I. Outdoor storage areas for materials and equipment shall be surrounded and screened by appropriate materials subject to the approval of the design review board. The public works department shall review the plans for adequacy of access;~~

~~J.I.~~ Not less than ten percent of the total site area shall be landscaped and permanently maintained;

~~K.J.~~ Not less than ten feet of a required yard adjoining a street shall be landscaped and permanently maintained;

~~L.K.~~ Trash disposal: Each parcel shall provide adequate and accessible trash disposal areas. Such disposal areas shall be screened from public view by masonry or solid wood fencing of at least six feet in height;

~~M.L.~~ All business, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, garden shops, Christmas tree sales, open-air markets, outdoor theatrical activities and the sale of nursery products;

~~N.~~ All sorted heavy equipment shall be parked and/or stored on the rear half of the project site and visually screened by screening materials approved by the design review board;

~~O.M.~~ Hours of Operation. All commercial activity located on the same site as multiple-family dwellings shall be limited to the hours of operation between seven a.m. and nine p.m., Monday through Friday, and between nine a.m. and six p.m. on Saturdays and Sundays;

~~P.N.~~ Outdoor seating at restaurants will be allowed by permit issued by the planning department under the following conditions:

1. A site plan shall be submitted to the planning department for review and approval;

2. The plan shall be reviewed and approved by the building department, fire district and police department to insure compliance with federal, state and local laws;

3. All seating shall be confined to a specific area; and

4. Failure to maintain the seating within the identified area or interference with the free flow of pedestrians shall be sufficient grounds for revocation of the outdoor seating permit."

Section 6. Chapter 17.26 is hereby amended by adding text in Section 17.20.030, Conditional uses.

Section 17.26.030. Conditional uses., shall be amended as follows:

J. Automobile body shop.;

M. Outdoor storage, in accordance with this title."

Section 7. Chapter 17.26 is hereby amended by deleting and adding text to Section 17.26.040., Development standards.;

Section 17.26.040. Development standards., shall be amended as follows:

~~“J. Outside storage areas for materials and equipment shall be surrounded and screened by appropriate materials subject to the approval of the design review process;~~

~~K.~~**J.** Not less than ten feet of a required yard adjoining a street shall be landscaped and permanently maintained;

~~L.~~**K.** A minimum of ten percent of the total site area shall be landscaped and permanently maintained;

~~M. All stored heavy equipment shall be parked and/or stored on the rear half of the project site and visually screened by fencing material approved by the design review process;~~

~~N.~~**L.** Off-street parking and loading facilities shall be provided as prescribed in Section 17.44.030 of this title. A maximum of two loading spaces shall be permitted on the street side of any building within sixty-five feet of the street right-of-way. There are no restrictions on the number of loading spaces located more than sixty-five feet from the street right-of-way. Loading areas shall be designed so as not to interfere with required parking, access and circulation;

~~O.~~**M.** Trash disposal: Each parcel shall provide adequate and accessible trash disposal areas in compliance with Section 17.44.020

N. Outdoor Storage:

1. Location. Outdoor storage uses are prohibited next to housing;

2. Development standards. To ensure adequate screening of new outdoor storage uses, design review approval by the planning commission shall be required and processed with the required use permit application. Screening of outdoor storage shall meet the following standards:

a. Permanent screening from any adjacent public and private right-of-ways and/or adjacent property;

b. Solid or semi-solid fence of brick, stone, tile, masonry units, or wood at least eight (8) feet tall. Chain-link fence may not be acceptable;

c. Stored materials not to project above the wall or fence, unless approved;

d. Public works department review for adequacy of access;

e. Gates securely locked when not in use; and,

f. Any other requirements deemed appropriate by the community development director.

3. Maintenance: All required screening shall be regularly well-maintained in a good and upright condition and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair. Screening shall remain in place for as long as the use is allowed on the property.”

Section 8. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after the date of its adoption. Prior to the expiration of fifteen days from the date of adoption, this Ordinance shall be published in three public places within the City.

Section 9. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

Section 10. CEQA COMPLIANCE. Negative Declaration ND15-001 was prepared and distributed for a 20-day public review and comment period from May 22, 2015, through June 10, 2015. The Negative Declaration concluded that the outdoor storage ordinance will not have a significant negative impact on the environment. The City Council finds that the enactment of this Ordinance has complied with the California Environmental Quality Act ("CEQA;" Cal. Pub. Resources Code §§ 21000 et seq.) under the State CEQA Guidelines, and that the project will not have a significant negative impact on the environment.

This Ordinance was introduced on the 1st day of July, 2015, and passed and adopted on the 15th day of July, 2015, at a duly held meeting of the City Council of the City of Scotts Valley by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____

Dene Bustichi, Mayor

ATTEST:

Tracy Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

PUBLIC HEARING AGENDA:

2. **Project Address:** 103 Whispering Pines Drive / APN 022-021-33
Planning Permit Application: Use Permit U15-004
Applicant: Patty Clark
Property Owner: Iuliano LLC # 1
Project Description: Consideration of a Use Permit for the operation of a live auction company in a 4,000 square foot tenant suite in The Pines Commercial Center.
Staff Planner: Taylor Bateman, Principal Planner, (831) 440-5630 or tbateman@scottsvally.org

Action: Planning Commission approved Use Permit U15-004, subject to Conditions, via Resolution # 1689 with a 3/0/2 vote.

3. **Project Address:** 230-D Mt. Hermon Road / APN 022-601-18
Planning Permit Applications: U15-005 and DR15-003
Applicant: Valley Vineyard Church (Pastor Robert Obert)
Property Owner: Ow Family Trust
Project Description: Consideration of a Use Permit application to relocate the "Valley Vineyard Church" in the Kings Village Shopping Center to the former library space in the same center in the Shopping-Center Commercial (C-SC) zone.
Staff Planner: Michelle Fodge, Senior Planner, (831) 440-5632 or mfodge@scottsvally.org

Action: Planning Commission approved Use Permit U15-002 and Design Review DR15-003, subject to Conditions plus new Condition #9a (Hours of Operation) and amended Condition #10 (ADA Requirements), via Resolution # 1688 with a 3/0/2 vote.

- 4. **Project Title:** Outdoor Storage Ordinance
Planning Permit Applications: ND15-001, AZO15-001
Project Addresses: City-wide in Commercial-Service and Light-Industrial Zoning Districts, plus parcels located on Mt. Hermon Road and Scotts Valley Drive no matter the zone.
Applicant: City of Scotts Valley
Property Owners: Various; City-wide parcels
Project Description: Consideration of a recommendation of approval to the City Council of a Negative Declaration and Zoning Ordinance Amendment to:
- Allow outdoor storage uses in the Light-Industrial (I-L) zone subject to use permit approval and new design standards to screen the outdoor storage;
 - Prohibit outdoor storage uses on Mt. Hermon Road & Scotts Valley Drive no matter the zone;
 - Prohibit outdoor storage uses in the Service-Commercial (C-S) zone;

- Prohibit outdoor storage next to housing in the I-L zone;
- Allow permitted outdoor storage uses to remain until their use permits expire;
- Phase-out unpermitted outdoor storage uses to vacate properties by July 2016;

Staff Planner: Michelle Fodge, Senior Planner, (831) 440-5632 or mfodge@scottsvalley.org

Action: Planning Commission recommended approval of the ordinance to the City Council, and expressed an interest to keep businesses like Scotts Valley Feed and outdoor garden stores and to not force (legal nonconforming) businesses out of town, via Resolution # 1686, with a 3/0/2 vote.

5. **Project Title:** Density Bonus, Reasonable Accommodation, and Emergency Shelters and Transitional and Supportive Housing Ordinances

Planning Permit Applications: AZO15-002, AZO15-003, and AZO15-004

Project Addresses: City-wide in the following zones: Commercial-Service, Commercial-Shopping Center, Light-Industrial, Open Space, Public/ Quasi-Public, and all Residential

Applicant: City of Scotts Valley

Property Owners: Various; City-wide parcels

Project Description: Consideration of a recommendation of approval to the City Council of a Zoning Ordinance Amendments to:

- Meet requirements of state Density Bonus Law to give developers the opportunity to receive a density bonus above what zoning allows in exchange for providing affordable units;
- Establish formal reasonable accommodation procedures that give flexibility with zoning regulations to individuals with disabilities; and,
- Adopt regulatory provisions for emergency shelters and transitional and supportive housing per Senate Bill 2.

Staff Planner: Michelle Fodge, Senior Planner, (831) 440-5632 or mfodge@scottsvalley.org

Action: Planning Commission recommended approval to the City Council, via Resolution # 1687, with a 3/0/2 vote.

DISCUSSION ITEMS: None.

FUTURE AGENDA ITEMS: None.

WRITTEN COMMUNICATIONS - FOR INFORMATION ONLY: None.

ADJOURNMENT: 7:45PM.

City of Scotts Valley
PLANNING COMMISSION
STAFF REPORT

Date: June 11, 2015

Applicant: City of Scotts Valley

Applications: Negative Declaration ND15-001
Zoning Ordinance Amendment AZO15-001

Location: City-wide in commercial and light-industrial zones, plus parcels located on Mount Hermon Road and Scotts Valley Drive no matter the zone.

**General Plan/
Zoning:** Varies; mostly in Service-Commercial (C-S) and Light-Industrial (I-L) zones.

Environmental Status: A Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and Guidelines and was distributed for a public review and comment period from May 22, 2015, through June 10, 2015.

Request: Consideration of Planning Commission review and recommendation of approval to the City Council of a Negative Declaration, and Zoning Ordinance Amendment to Title 17, Zoning, of the City's Municipal Code to regulate outdoor storage uses.

Staff Planner: Michelle Fodge, AICP, Senior Planner at (831) 440-5632 or mfodge@scottsvalley.org

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Conduct a public hearing to receive input on the proposed Zoning Ordinance Amendment (ordinance) via Ordinance No. 16-133.3 (*see Exhibit A attached*).

The ordinance proposes to amend the following Sections of the City's Zoning Ordinance:

- 17.04.180, Definition of "O" terms (add "outdoor storage" definition);
 - 17.04.220, Definition of "S" terms (add "screening" definition);
 - 17.20.030, Conditional uses in the C-S zone (delete and add text);
 - 17.20.035, Prohibited uses in the C-S zone (add new section);
 - 17.20.040, Development standards in the C-S zone (delete and add text);
 - 17.26.030, Conditional uses in the I-L zone (add text); and,
 - 17.26.040, Development standards in the I-L zone (delete and add text).
2. Provide any comments/recommendations for City Council's consideration; and,
 3. Adopt the attached resolution recommending approval of Negative Declaration ND15-001 and Zoning Ordinance Amendment AZO15-001, via Ordinance No. 133.3 (*see Exhibit A attached*).

SUMMARY OF ISSUE

In the past couple of years, residential development and exterior commercial remodels have been built on Mount Hermon Road, while new commercial retail/office buildings, residential subdivisions, and a multi-story hotel have been built or are under construction on Scotts Valley Drive.

Also during this time, the City has received multiple applications for outdoor storage on these roads. Concerns were raised how outdoor storage may affect economic development, how its visual unsightliness is screened from street views, and whether it is suitable and compatible for the City's commercial corridors.

In February 2014, to address the concerns, the City Council adopted an urgency ordinance that established a temporary moratorium on new outdoor storage uses on these two roads. The moratorium was extended so the City could study the appropriateness of such uses, collect regulations of jurisdictions in Santa Cruz County, and prepare policy options for Council consideration.

In May 2015, the City Council reviewed four policy options and directed staff to prepare an ordinance that prohibits outdoor storage in the C-S zone on Mount Hermon Road and Scotts Valley Drive no matter the zone (*see City Council Staff Report and Meeting Minutes attached*). The Council direction also requires unpermitted outdoor storage uses to vacate the properties where they are located by July 1, 2016.

Staff has prepared the ordinance, which requires Planning Commission review and recommendation to the City Council. Therefore, staff requests the Commission's review and comments on the proposed ordinance.

BACKGROUND

In 2000, the City invested substantial monies into beautification of Scotts Valley Drive. The City has installed landscape medians and decorative lighting, and new signage is being installed to promote economic development.

In Spring of 2003, the Planning Commission and City Council discussed issues and concerns with outdoor storage yards. No conclusions or recommendations were developed.

In the past couple of years, the recent increases in requests for outdoor storage include contractor's storage yards, outdoor business activities, equipment and storage-related uses, and vehicle storage. These are conditional uses in the C-S and I-L zones which require a use permit, and usually design review, approval by the Planning Commission at a public hearing. The use permit process makes sure that the uses are located properly regarding the zoning objectives and analyzed for their effects on surrounding properties.

However, the City's zoning provisions do not adequately address the regulation or location of outdoor storage uses (*see regulations attached*). Although the City has approved temporary outdoor storage yards on a case-by-case basis with conditional use permits, concerns have been raised that such uses are not suitable on the commercial corridors.

Additionally, staff tracking property owner compliance with required use permit conditions, ensuring maintenance of approved outdoor storage yards, and conducting code enforcement on illegal outdoor storage yards require much time.

Starting in February 2014, the chronology below summarizes key events with the temporary moratorium. Staff reports and meeting minutes are attached.

- | | |
|----------------|---|
| Feb. 4, 2014 | City Council adopted Urgency Ordinance No. 16-133 to set a temporary 45-day moratorium on new outdoor storage uses on Mount Hermon Road and Scotts Valley Drive. |
| March 19, 2014 | City Council extended the temporary moratorium for 10 months and 15 days via Ordinance No. 16-133.1 to give staff time to research issues and return with policy options, in accordance with State law. |
| Dec. 17, 2014 | Staff's request for more time to prepare policy options for City Council review was rescheduled to January 21, 2015. |
| Jan. 21, 2015 | City Council extended the temporary moratorium for 180 days via Ordinance No. 16-133.2 (<i>attached</i>). |
| April 1, 2015 | City Council reviewed four policy options, heard and read public testimony in favor of and against outdoor storage, and continued the item to consider the consequences of possibly changing the City's Zoning Ordinance. |

- | | |
|---------------|---|
| May 6, 2015 | City Council directed staff to prepare an outdoor storage ordinance. |
| May 22, 2015 | Staff prepared the required environmental review for the proposed Zoning Ordinance Amendment (ordinance), which was published and distributed for public review, in accordance with CEQA (see <i>Negative Declaration attached</i>). |
| June 11, 2015 | Planning Commission will review the proposed ordinance. |
| July 1, 2015 | City Council will review the Planning Commission's recommendation. |
| July 20, 2015 | The temporary moratorium will expire. |

SITE DESCRIPTION

The proposed ordinance will apply to C-S and I-L properties City-wide, plus all properties located on Mount Hermon Road and Scotts Valley drive, no matter the zone. Therefore, site descriptions of these urban parcels vary.

PROJECT DESCRIPTION

On May 6, 2015, to encourage commercial growth, the City Council directed staff to prepare an ordinance to:

- Allow outdoor storage in the I-L zone subject to use permit approval and new design standards to adequately screen the outdoor storage;
- Prohibit outdoor storage next to housing in the I-L zone;
- Prohibit outdoor storage in the C-S zone;
- Prohibit outdoor storage on Mt. Hermon Road & Scotts Valley Dr. no matter the zone;
- Allow permitted outdoor storage uses to remain until their use permits expire;
- Phase-out unpermitted outdoor storage uses to vacate by July 1, 2016;
- Provide a definition of outdoor storage; and,
- Provide design standards to screen outdoor storage uses in the I-L zone.

DISCUSSION

County-wide, outdoor storage is typically seen in industrial zones (see *Table 1 attached*). Given the City's significant improvements to Scotts Valley Drive in 2000 and the recent commercial and residential construction, the appropriateness of outdoor storage with the City's vision for its commercial corridors is a concern. Staff has prepared the following discussion for Planning Commission consideration:

1. **Consistency with the City's General Plan:** The ordinance was analyzed for consistency with the City's General Plan. The broad Land Use Element Objectives LO-37 and LO-57 require compatibility between commercial and industrial development and surrounding land uses. The ordinance is consistent with the General Plan in that the proposed amendments will preserve the City's

commercial corridors for higher uses and will promote visual compatibility in the I-L zone. The proposed development standards will protect the health, safety and welfare of the general public.

2. **Consistency with the Zoning Ordinance:** Some of the outdoor storage yards that are visible above a fence line and/or from public rights-of-way have become unattractive to the extent that they detract from the high quality of appearance of existing and new commercial and residential development near/on Mount Hermon Road and Scotts Valley Drive.

To address the Council direction to prepare new standards to screen new outdoor storage uses, the proposed standards are a combination of what the Cities of Los Gatos and Watsonville and Santa Cruz County require (*see Tables 2 and 3 attached*).

The ordinance will be consistent with the purposes of the I-L zone in that outdoor storage will continue to be a conditional use in the I-L zone. The standards are also consistent with Section 17.26.010 of the City's Zoning Ordinance, which calls for the construction and preservation of an attractive industrial zone.

3. **Unpermitted Outdoor Storage Uses and Activities:** Initial research has revealed that there are illegal outdoor storage uses in the City. These uses have not had benefit of the required review by the Planning Commission at a public hearing to determine if they are consistent with the intended purpose of the subject zone and with compatible with adjacent uses.

The proposed ordinance requires unpermitted uses to vacate where they are located by July 1, 2016. If the ordinance is approved, then a process to inform property owners of the new regulations and requirement to vacate will be prepared.

ENVIRONMENTAL REVIEW

The ordinance is subject to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, which requires environmental documentation. Staff completed an Initial Study (environmental checklist) for the ordinance, which revealed that the ordinance will not have a significant adverse impact on the environment. Staff prepared Negative Declaration (*see attached*), which was distributed and made available for a 20-day public review and comment period from May 22, 2015, through June 10, 2015.

PUBLIC NOTICE AND COMMENT

1. **Public Hearing Notices:** On May 22, 2015, public hearing notices were posted at City Hall, the public library, and the Senior Center, and the Santa Cruz County Clerk of Board. A public notice was also published in the Pressbanner newspaper. All noticing was done in accordance with the City's Municipal Code and State law. At the time of completing this staff report, two people asked general questions at the public counter and staff answered the questions.

2. **Received Written Comments:** To date, staff has received five (5) written comments mostly encouraging the City to not change the C-S zone and to allow outdoor storage uses on a case-by-case basis (*see Received Written Comments attached*). Since the public notices were published and posted on May 22, 2015, staff has not received any correspondence. If any other written comments are received, staff will provide the Planning Commission and public a copy at the Planning Commission public hearing on June 11, 2015.

REQUIRED FINDINGS

Based on staff's analysis, staff believes that the required findings can be made in the attached Resolution No. 1686.

CONCLUSION

The City has invested substantial monies into beautification of Scotts Valley Drive by installing landscape medians, decorative lighting, and signage to promote economic development. The City has also executed an agreement with a developer to develop the Town Center on Mount Hermon Road.

Given the improvements and new construction on these commercial corridors, a case can be made that outdoor storage conflicts with the City's commercial goals on Mount Hermon Road and commercial and residential goals on Scotts Valley Drive.

With this in mind, the City Council has directed staff to prepare an ordinance per specifics given on May 6, 2015. Staff believes that the proposed ordinance achieves the Council's direction and requests that the Planning Commission review the ordinance, hear public input, make any appropriate changes, and recommend approval Ordinance No. 16-133.3 (*see Exhibit A attached*) to the City Council.

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* *Please note that the Negative Declaration is only provided in the Planning Commission packets. However, a copy and the project file are available for public review in the Planning Department at City Hall Monday-Thursday 8:00AM-12:00PM, or by appointment by calling (831) 440-5630*

Anatol Shliapnikoff, developer of the hotel project at 5030 Scotts Valley Drive, spoke to the Council regarding his loans and financial investment for this project and responded to questions from Council.

M/S: Johnson/Reed

To authorize the City Manager to enter into a loan agreement with the developer of the approved hotel located at 5030 Scotts Valley Drive, APN 022-091-61, subject to the terms outlined in the staff report and addressed by the City Council above.

Carried 3/1/1 (AYES: Johnson, Lind, Reed; NOES: Aguilar; ABSENT: Bustichi)

5. Discussion and consideration of policy options for outdoor storage uses in the City of Scotts Valley

Mayor Bustichi recused himself due to a potential financial conflict of interest.

SP Fodge presented the written staff report and responded to questions from Council.

M/S: Johnson/Reed

To approve the following policy options for outdoor storage uses in the City of Scotts Valley:

- 1. Allow outdoor storage in Light-Industrial I-L zone subject to use permit approval;**
- 2. Do not allow on Mt. Hermon Road and Scotts Valley Drive no matter the zone;**
- 3. Do not allow in the Service-Commercial C-S zone;**
- 4. Do not allow next to housing;**
- 5. Permitted outdoor storage uses may remain until their use permits expire;**
- 6. Phase-out unpermitted outdoor storage uses to vacate properties by July 1, 2016;**
- 7. Use the draft definition of outdoor storage in the May 6, 2015 City Council staff report; and**
- 8. Staff to prepare design standards to screen outdoor storage uses for City Council review.**

Carried 4/0/1 (AYES: Aguilar, Johnson, Lind, Reed; ABSENT: Bustichi)

2. Consider approval of non-collection of Community Center rental fees for the Scotts Valley Sports Complex (SVSC) Fundraiser Events

CM Ando presented the written staff report and responded to questions from Council. He stated that Brian Davis, representing SVSC, was available for questions.

Brian Davis, SVSC representative, spoke regarding this request and responded to questions from Council.

CM Aguilar expressed concerns in regards to waiving the entire fee, however, she stated would be willing to waive the fee for the first event and recommended getting sponsors for the second and third events.

Robyn McKeen, Community Organizer for United Way of Santa Cruz County, stated that the County of Santa Cruz, City of Santa Cruz, City of Capitola, and City of Watsonville had all approved this plan. She gave a PowerPoint presentation regarding "All In", and Ken Cole, Executive Director of the Santa Cruz County Housing Authority, continued the PowerPoint presentation, and responded to questions from Council.

M/S: Aguilar/Bustichi

To approve the County-wide Homeless Strategic Plan entitled "ALL IN - Toward a Home for Every County Resident; the Santa Cruz County Community Strategic Plan to Prevent, Reduce and Eventually End Homelessness".

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

>>>>2. Discussion and consideration of policy options for outdoor storage uses in the City of Scotts Valley

Mayor Bustichi recused himself due to a potential conflict of interest.

SP Fodge presented the written staff report and responded to questions from Council. She stated that the following options were being provided to Council for consideration:

Option #	Description	Permit Process	Required Next Step before the Moratorium Expires on July 20, 2015
1	No change	Future use permit applications in the C-S & I-L zones will continue to be processed on a case-by-case basis	None; the moratorium could be reduced in duration or lifted
2	Allow in C-S <u>and</u> create specific design standards for screening	Same as above, <u>and</u> new design standards will apply	Staff will prepare a zoning text amendment for Planning Commission and City Council review
3	Prohibit on Mt. Hermon Road and Scotts Valley Drive no matter the zone	Not applicable because the use is not allowed	Same as above
4	Allow only in the I-L (but not on SVD or MHR) <u>and</u> create specific design standards for screening	Future use permit applications will only be processed in the I-L zone on a case-by-case basis, <u>and</u> new design standards will apply	Same as above

SP Fodge stated that options 2, 3, and 4 would require Planning Commission review and recommendation, and would come back to the City Council for action and final approval.

Jeannine Lee McCombs and Jason McCombs, SV residents and owners of outdoor storage yards in Scotts Valley, spoke in support of allowing outdoor storage in Scotts Valley on a case by case basis.

Regan Barry, SV resident, spoke in opposition to outdoor storage in any area that abuts a residential neighborhood.

CM Aguilar recommended Option #2 with an addition that it not be allowed next to housing.

CM Reed stated that he is against Option #2 as he does not feel this is an appropriate use along Mt. Hermon Road or Scotts Valley Drive and recommended Option #3 or #4, with design standards for both options as discussed in Option #2.

VM Lind recommended Option #3 or #4 with design standards for both options as discussed in Option #2. She expressed concerns for property owners impacted by the economy.

CM Reed, CM Aguilar, and VM Lind felt that Option #4 might work, but they would like to see C-S included, as long as it is not next to housing.

CM Johnson stated that he needs additional time to explore and research this issue before making a recommendation. He expressed concerns about the potential unintended consequences of restricting locations.

SP Fodge recommended that staff bring this item back in May with revised options and in order to allow time for Council to evaluate this issue further.

3. Future Council agenda items

CM Aguilar recommended a future agenda item regarding tobacco licensing.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 7:44 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with their labor negotiation regarding employee negotiations with SEIU, Mid Management Group, Management Group, Scotts Valley Police Bargaining Unit, Scotts Valley Police Supervisors Association.
- (2) Pursuant to Government Code Section 54959.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations, APN 022-481-19.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 8:10 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

16

M/S: Johnson/Reed

To approve the Reimbursement Agreement for Building Inspection, Plan Check, Civil Engineering, and Other Services between the City of Scotts Valley and 1440 DEVCO, LLC and authorize the City Manager to execute the agreement.

Carried 4/0/1 (AYES: Bustichi, Johnson, Lind, Reed; ABSENT: Aguilar)

2. **Consider approval of Resolution No. 1898 preventing U-turns for northbound traffic on Scotts Valley Drive at Oak Creek Boulevard**

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

M/S: Lind/Johnson

To approve Resolution No. 1898 preventing U-turns for northbound traffic on Scotts Valley Drive at Oak Creek Boulevard and direct staff to install appropriate signage.

Carried 4/0/1 (AYES: Bustichi, Johnson, Lind, Reed; ABSENT: Aguilar)

PUBLIC HEARINGS

- >>>> 3. **Consideration of Urgency Ordinance No. 16.133.2 extending the adopted Urgency Ordinance establishing a temporary moratorium on outdoor storage uses located on Mt. Hermon Road and Scotts Valley Drive, for a one year period, to allow more time to research issues and return to the City Council with recommendations**

SP Fodge presented the written staff report and responded to questions from Council.

Mayor Bustichi stated that in previous meetings regarding this subject he had recused himself from voting on this item because he had a potential financial interest; however, he no longer has that interest, so he will be voting on this item.

Mayor Bustichi and CM Reed expressed concerns about the time that has passed to date with no action on this item, and they do not feel comfortable extending this for a year.

CM Johnson recommended a six-month extension.

PUBLIC HEARING OPENED - 6:45 PM

No one came forward.

PUBLIC HEARING CLOSED - 6:45 PM

M/S: Johnson/Lind

To approve Urgency Ordinance No. 16.133.2 extending the adopted Urgency Ordinance establishing a temporary moratorium on outdoor storage uses located on Mt. Hermon Road and Scotts Valley Drive, for a six month period, to allow more time to research issues and return to the City Council with recommendations, and waive the reading thereof.

Carried 4/0/1 (AYES: Bustichi, Johnson, Lind, Reed; ABSENT: Aguilar)

17

Lee Besse, representing the Scotts Valley Community Theater Guild (SVCTG), gave a PowerPoint presentation and update on the SVCTG's progress to date and responded to questions from Council.

The City Council directed City staff to obtain estimates in order to clean out the space and make it more accessible and marketable.

PUBLIC HEARINGS

- >>>> 3. **Consideration adoption of urgency Ordinance No. 16.133.1 extending a temporary moratorium on outdoor storage uses located on Mt. Hermon Road and Scotts Valley Drive for 10 months and 15 days to allow staff more time to research issues and return to the City Council with an update**

VM Bustichi recused himself due to a conflict of interest.

SP Fodge presented the written staff and responded to questions from Council.

PUBLIC HEARING OPENED - 7:52 PM

No one came forward.

PUBLIC HEARING CLOSED - 7:52 PM

M/S: Johnson/Lind

To approve urgency Ordinance No. 16.133.1 extending a temporary moratorium on outdoor storage uses located on Mt. Hermon Road and Scotts Valley Drive for 10 months and 15 days to allow staff more time to research issues and return to the City Council with an update, and waive the reading thereof.

Carried 4/0/1 (AYES: Aguilar, Johnson, Lind, Reed / ABSENT: Bustichi)

REGULAR AGENDA

(Resumed)

4. Future Council agenda items

CM Johnson requested that the plastic bag ban be moved to April 16 as he will not be able to attend the April 2 meeting.

VM Bustichi requested a future agenda item to obtain and review a list of surplus items in the vacant portion of the library building on Kings Village Road.

The City Council recessed at 8:00 pm in order for the Successor Agency Board of Directors to meet.

The City Council reconvened at 8:10 pm and convened to closed session.

CONVENE TO CLOSED SESSION

18

To approve the request for deferral of building permit/plan check fees for up to one year for the Boys and Girls Club of the Valleys.

Carried 4/0/1 (AYES: Aguilar, Johnson, Lind, Reed / ABSENT: Bustichi)

>>>>3. Consideration of Urgency Ordinance No. 16.133 establishing a temporary moratorium on outdoor storage uses on Scotts Valley Drive and Mount Hermon Road

VM Bustichi recused himself from this item due to a potential conflict of interest.

CDD Kates presented the written staff report and responded to questions from Council. He stated that approval would require a four-fifths vote, and with VM Bustichi recusing himself, it would require a unanimous vote of the Council.

Terry Rein, Attorney for Carol Carava property owner for outdoor storage use permit at 5300 Scotts Valley Drive, spoke in opposition to a moratorium on outdoor storage and requested that outdoor storage uses be considered on a case by case basis.

Jon Lee, outdoor storage applicant at 5300 Scotts Valley Drive, spoke in opposition to a moratorium on outdoor storage.

Bill Chapman, Bill Chapman Automotive, expressed concerns regarding this issue.

Josh Simpson, SV resident and owner of 5040 Scotts Valley Drive, spoke in opposition to a moratorium on outdoor storage.

Mike Tunink, Attorney representing Scotts Valley Boat and Storage, questioned if the Aviza property was subject to this moratorium.

CDD Kates responded to Mr. Tunink stating that the Aviza property is not part of this moratorium.

M/S: Johnson/Aguilar

To approve Urgency Ordinance No. 16.133 adopting a moratorium of outdoor storage uses located on Mt. Hermon Road and Scotts Valley Drive, and waive the reading thereof.

Carried 4/0/1 (AYES: Aguilar, Johnson, Lind, Reed / ABSENT: Bustichi)

2. Consideration of Community Garden to be located between the Scotts Valley Senior Center and the Scotts Valley Community Center

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

Jay Mosley, SV Host Lions Club, spoke in favor of a community garden in Scotts Valley and stated that the Lions Club is willing to work on building this project.

Steve Dodds, Kiwanis, spoke in favor of a community garden in Scotts Valley and stated that Kiwanis is willing to work on building this project.

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**City of Scotts Valley
City Council
INTEROFFICE MEMORANDUM**

DATE: May 6, 2015

TO: Honorable Mayor and City Council

FROM: Corrie D. Kates, Community Development Director/Dep. City Mgr.
Michelle Fodge, AICP, Senior Planner

SUBJECT: CONTINUATION OF DISCUSSION ON POLICY OPTIONS FOR
OUTDOOR STORAGE USES IN THE CITY

SUMMARY OF ISSUE

On April 1, 2015, the City Council reviewed four policy options for the temporary moratorium (Ordinance No. 16-133.2), which prohibits new outdoor storage uses on Mt. Hermon Road and Scotts Valley Drive and expires on July 20, 2015.

The City Council heard public testimony supporting and opposing outdoor storage on these two commercial corridors. Council Members Aguilar, Lind, and Reed discussed a possible hybrid option which included the following ideas:

- Allow outdoor storage as a conditional use in the C-S and I-L zones but not on Scotts Valley Drive and Mt. Hermon Road;
- Create specific design standards for screening; and
- Prohibit outdoor storage next to housing.

The discussion was continued to allow more time to review the options and consider the consequences.

For background and details, please see the attached staff reports and meeting minutes.

FISCAL IMPACT

Depending on the option pursued, fiscal impact may vary.

CONCLUSION

Staff requests direction on which policy option to pursue, and feedback on the draft definition of outdoor storage in the attached staff report dated April 1, 2015.

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**City of Scotts Valley
City Council
INTEROFFICE MEMORANDUM**

DATE: April 1, 2015

TO: Honorable Mayor and City Council

FROM: Corrie D. Kates, Community Development Director/Dep. City Mgr.
Michelle Fodge, Senior Planner

SUBJECT: **DISCUSSION ON POLICY OPTIONS FOR OUTDOOR STORAGE
USES IN THE CITY**

SUMMARY OF ISSUE:

In February and March 2014, the City Council adopted Ordinance Nos. 16-133 and 16-133.1, an urgency ordinance establishing a temporary moratorium on outdoor storage uses on Mt. Hermon Road and Scotts Valley Drive and a time extension in response to requests for outdoor storage (*see meeting minutes attached*).

Given the increase in new development in the City, there were concerns how outdoor storage may affect economic development, how its visual unsightliness is screened from street views, and whether outdoor storage is suitable and compatible for the City's commercial corridors.

County-wide, outdoor storage is typically seen in industrial zones (*see table attached*). Given the City's improvements to Scotts Valley Drive in 2000 and the commercial and residential construction underway, it is prudent to review the appropriateness of outdoor storage uses with the City's vision for its commercial corridors.

In January 2015, the City Council extended Ordinance No. 16-133.2 for 180 days, in accordance with Government Code Section 65858 (*see meeting minutes attached*). The moratorium will expire July 20, 2015. The extension gave staff additional time to prepare policy options for City Council consideration (*see four options on pages 3-4*).

Staff requests that the City Council give:

1. Direction on which policy option to pursue, and;
2. Feedback on a draft definition of outdoor storage.

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BACKGROUND:

Outdoor storage is listed as a conditional use in the City's Service-Commercial (C-S) and Light-Industrial (I-L) zones, which requires use permit approval by the Planning Commission at a public hearing. The use permit process evaluates if the proposed use is consistent with the purpose of the zoning district and how any potential negative impacts to surrounding businesses may be avoided or reduced.

In 2000, to encourage commercial growth, the City invested \$10 million to improve Scotts Valley Drive by widening the road and installing curbs, gutters, sidewalks, light poles, and landscape medians.

In 2003, the Planning Commission and City Council discussed issues and concerns with outdoor storage yards. No conclusions or recommendations were developed to date on this matter. Historically, the City has reviewed applications for outdoor storage on a case-by-case basis. After the economic downturn in 2007, the City approved some use permits for outdoor storage to help property owners make some use of underused or undeveloped parcels and allow these uses during a tough economy.

In the past two years, significant new development has occurred. In the Town Center Specific Plan area, 46 townhouses were completed, the movie theater had a major remodel and upgrade, and the creation of a town center has moved forward. On Scotts Valley Drive, three commercial buildings and 49 residences were built and a new hotel project has started grading. These two commercial corridors are developing as hoped, and other new development applications will be submitted soon. A case can be made that the commercial corridors have outgrown allowing outdoor storage.

Currently on Mount Hermon Road, there is 1 unpermitted outdoor storage use. On Scotts Valley Drive, there are 3 permitted outdoor storage uses and approximately 4 grandfathered uses and 8 unpermitted uses. For the permitted outdoor storage uses, staff hours spent tracking property owner compliance with required conditions and ensuring maintenance of outdoor storage has increased.

DISCUSSION:

- A. **DEFINITIONS:** The City's Municipal Code has a definition for junkyard but not for outdoor storage or contractor storage yard. Staff researched County-wide jurisdictions for outdoor storage definitions; none were found. Therefore, staff looked at definitions outside the County and prepared the draft definition below.

"Outdoor Storage shall the storing of items in the open air, not inside a completely enclosed building for a continuous period longer than twenty-four hours. Completely enclosed building is four or more walls with a roof. Items considered as outdoor storage shall include any of the following items, but not limited to:

1. appliances and furniture that is clearly not intended for outdoor use on the premises;

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2. building materials (not part of a project under construction), debris, junk, refuse, trash, or salvage;
3. commercial vehicles (towed or driven);
4. contractor's storage yard;
5. junkyards, see existing definition;
6. machinery, equipment;
7. portable outdoor storage container (POD), roll-off bins, shipping cargo containers;
8. recreational vehicles;
9. trailers;
10. watercraft; and,
11. and other similar items as determined by the Community Development Director that are inconsistent with the purpose and objectives of the applicable zoning district.

This definition shall not apply to auto rental businesses, auto repair, or car sales with an approved and valid use permit, occasional side walk sales, merchandise associated with a retail or other permitted use which is displayed outdoors during day and brought indoors at the end of the business day unless otherwise grandfathered or approved for merchandise to remain outdoors, operable and registered personal vehicles and construction sites with an active building permit for new development, which involve storing construction materials which are intended for use within 60 days on site."

- B. POLICY OPTIONS: Options 2, 3, and 4 require Planning Commission review and recommendation to the City Council for the Council's action. This review and process could be scheduled before the moratorium expires on July 20, 2015.

Option #	Description	Permit Process	Required Next Step before the Moratorium Expires on July 20, 2015
1	No change	Future use permit applications in the C-S & I-L zones will continue to be processed on a case-by-case basis	None; the moratorium could be reduced in duration or lifted
2	Allow in C-S and create specific design standards for screening	Same as above, <u>and</u> new design standards will apply	Staff will prepare a zoning text amendment for Planning Commission and City Council review
3	Prohibit on Mt. Hermon Road and Scotts Valley Drive no matter the zone	Not applicable because the use is not allowed	Same as above

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Option #	Description	Permit Process	Required Next Step before the Moratorium Expires on July 20, 2015
4	Allow only in the I-L (but not on SVD or MHR) <u>and</u> create specific design standards for screening	Future use permit applications will only be processed in the I-L zone on a case-by-case basis, <u>and</u> new design standards will apply	Same as above

In the I-L zone, building construction and supply facilities, such as Scarborough Lumber and Central Home Supply, are allowed by right.

C. SCREENING OF OUTDOOR STORAGE: In the C-S and I-L zones, the City's existing requirements to screen outdoor storage uses are listed below, which require review and approval by the City:

1. Outdoor storage areas for materials and equipment shall be surrounded and screened by appropriate materials; and,
2. All sorted heavy equipment shall be parked and/or stored on the rear half of the project site and visually screened by screening materials.

The benefit of these general standards is that they allow flexibility in screening. The disadvantage is that they are not specific enough regarding the type and extent of screening, such as fencing and/or landscaping. Staff's experience is that applicants want to provide the least amount of screening. Negotiating with applicants for reasonable screening from street views has been difficult. Therefore, a case can be made that establishing specific design standards will give clear direction to applicants on what screening is expected.

FISCAL IMPACT:

Depending on the option pursued, fiscal impact may vary.

CONCLUSION:

Staff has prepared four policy options for City Council consideration and requests direction on which policy option to pursue, and feedback on a draft definition of outdoor storage.

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**City of Scotts Valley
City Council
INTEROFFICE MEMORANDUM**

DATE: January 21, 2015

TO: Honorable Mayor and City Council

FROM: Corrie D. Kates, Community Development Director/Dep. City Mgr.
Michelle Fodge, Senior Planner

**SUBJECT: EXTEND THE URGENCY ORDINANCE FOR THE TEMPORARY
MORATORIUM ON OUTDOOR STORAGE USES LOCATED
ON MOUNT HERMON ROAD AND SCOTTS VALLEY DRIVE**

SUMMARY OF ISSUE:

On March 19, 2014, the City Council extended Ordinance No. 16-133.1, an urgency ordinance establishing a temporary (10 months and 15 days) moratorium on outdoor storage uses on Mount Hermon Road and Scotts Valley Drive, in accordance with Government Code Section 65858. The extended time period was needed for City staff to complete an adequate study of current land use regulations and these types of uses.

To date, staff has conducted site visits, talked with some operators, and updated inventory maps of existing outdoor storage uses. Given the amount of proposed applications for new development and approved development projects starting construction, more time is needed to meet with existing operators to understand their land use needs and to prepare recommendations for City Council review. Therefore, staff requests a 1-year extension of the moratorium via Ordinance 16-133.2. Approval of this extension requires a four-fifths (4/5) vote of the City Council. If the Ordinance is not extended, the temporary moratorium will expire on February 3, 2015.

CLARIFICATION:

In the recitals of Ordinance 16-133.1, outdoor storage uses "include contractor's storage yards, outdoor business activities, equipment and storage-related uses, and vehicle storage". As such, it could be interpreted to prevent new businesses that propose to sell or lease/rent vehicles during the moratorium. Because the intent of the moratorium is to evaluate the appropriateness of storage yards, staff recommends a clarification that outdoor storage does not include vehicles as part of a use permit for car dealerships, businesses only selling new and used cars, and car rental businesses.

WORKING REPORT:

Government Code Section 65858 also requires that 10 days prior to the expiration of the ordinance, the City Council shall issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance. The attached report summarizes the steps staff has made, and it was available at City Hall for public inspection.

FISCAL IMPACT:

Continuing the study of outdoor storage uses will require a significant commitment of staff time.

STAFF RECOMMENDATION:

The extension of this moratorium is necessary to protect the public health, safety and welfare while staff completes the study of this issue. This extension will give the City time to do that and develop an appropriate approach for the City of Scotts Valley.

Introduce and adopt Ordinance No. 16.133.2, an Urgency Ordinance of the City Council of the City of Scotts Valley Extending a Moratorium on Outdoor Storage Uses on Mount Hermon Road and Scotts Valley Drive for a 1-year period, in order to provide the City with more time to determine whether to adopt an ordinance prohibiting such uses on commercial corridors, restricting such uses to certain zones, or regulating the location or operation of such uses.

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ORDINANCE NO. 16.133.2

**AN URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SCOTTS VALLEY EXTENDING A
MORATORIUM ON OUTDOOR STORAGE USES LOCATED
ON MOUNT HERMON ROAD AND SCOTTS VALLEY DRIVE**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
SCOTTS VALLEY:**

WHEREAS, on February 5, 2014, the City Council of the City of Scotts Valley adopted Ordinance No. 16.133 as an urgency ordinance imposing a forty-five (45) day moratorium outdoor storage uses located on Mount Hermon Road and Scotts Valley Drive; and,

WHEREAS, on March 19, 2014, before Ordinance No. 16.133 expired by operation of Law on March 21, 2014, the City Council of the City of Scotts Valley adopted Ordinance No. 16.133.1 to extend the urgency ordinance imposing a moratorium on outdoor storage uses located on Mount Hermon Road and Scotts Valley Drive to extend the moratorium for 10 months and 15 days to allow more time to complete measures to prepare recommendations to the City Council; and,

WHEREAS, Government Code section 65858 authorizes an extension of an urgency ordinance, after a noticed public hearing, to protect the public health, safety and welfare through adoption of an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and,

WHEREAS, pursuant to Government Code section 65858(d), the City Council has accepted a report prepared by City staff describing the study and measures that have been taken to date to alleviate the condition which led to the adoption of the initial emergency ordinance; and,

WHEREAS, current City zoning provisions do not adequately address the regulation or location of outdoor storage uses; and, land use compatibility of outdoor storage uses with commercial and residential uses from an economic development and visual impact perspectives are concerns; and,

WHEREAS, in 2003, the Planning Commission and City Council discussed issues and concerns with outdoor storage yards; and,

WHEREAS, since 2003, the City has approved several new residential developments, commercial retail/office buildings and a multi-story hotel development along Scotts Valley Drive; and,

WHEREAS, the City has invested substantial monies into beautification of Scotts Valley Drive by installing landscape medians, decorative lighting, and signage to promote economic development; and,

WHEREAS, the City has executed an agreement with a developer to develop the Town Center on Mount Hermon Road; and,

WHEREAS, given the installed improvements and new construction, there appears to be a conflict between outdoor storage uses and the City's commercial and residential goals on Scotts Valley Drive and commercial goals on Mount Hermon Road; and,

WHEREAS, with this in mind, it is prudent to consider what is the City's vision for Mount Hermon Road and Scotts Valley Drive; and,

WHEREAS, City staff have seen an increase in requests for outdoor storage uses which include contractor's storage yards, outdoor business activities, equipment and storage-related uses, and vehicle storage. These are conditional uses which require a use permit and/or design review approval by the Planning Commission at a public hearing so that they may be located properly regarding the objectives of zoning and analyzed for their effects on surrounding properties; and,

WHEREAS, there are unpermitted outdoor storage uses and activities that have not had benefit of the required review by the Planning Commission at a public hearing to determine if they are consistent with the intended purpose of the subject zone and with compatible with adjacent uses; and,

WHEREAS, a case can be made that outdoor storage uses are unsuitable and incompatible for the commercial corridors of Mount Hermon Road and Scotts Valley Drive and require further study; and,

WHEREAS, City staff, as directed by the City Council, has commenced a study of the such uses in the City and more time is necessary to address the concerns regarding outdoor storage uses on the City's two primary commercial corridors, to further study the potential impacts such uses may have on the public health, safety and welfare, zoning applicable to such uses, and to determine if additional regulation of such uses is feasible or recommended; and,

WHEREAS, other California cities have established regulations limiting such uses; and,

WHEREAS, the City Council finds that it is necessary to study the possible adoption of amendments to the City's Planning and Zoning Code; and,

WHEREAS, the City Council finds that it would be detrimental to the public health, safety and welfare of the City to allow or approve any outdoor storage uses on Mount Hermon Road and Scotts Valley Drive until such time as the City has had an opportunity to conclude its study of the appropriateness of such uses on these two commercial

corridors within the City, including, but not limited to, possible zoning, and the extent of regulatory controls needed to preserve the health, safety and welfare of the community; and,

WHEREAS, the City Council has conducted a noticed public hearing pursuant to Government Code section 65090 and has complied with Government Code section 65858 which provide for the extension of an urgency measure of an interim ordinance to protect public health, safety and welfare, by a four-fifths (4/5) vote of the City Council. Adopting this extension to the interim ordinance as an urgency measure to prohibit the establishment or operation of outdoor storage uses on Mount Hermon Road and Scotts Valley Drive within the City is consistent with the stated requirements.

NOW THEREFORE, BASED UPON THE FOREGOING AND ALL EVIDENCE SUBMITTED TO IT, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AS FOLLOWS:

SECTION 1: PURPOSE AND FINDINGS.

Recent inquiries to the City about operating outdoor storage uses have increased. Initial staff research has revealed that there are illegal outdoor storage uses. The location and operation of new outdoor storage yards pose a current and immediate threat to public health, safety and welfare. The condition of some of the outdoor storage yards that are visible above a fence line and/or from public rights-of-way have become unattractive to the extent that they detract from the high quality of appearance of existing and new commercial and residential development on Mount Hermon Road and Scotts Valley Drive. Therefore, it is in the best interest for the health, safety and welfare of the City of Scotts Valley to adopt this urgency ordinance extending the moratorium to allow City staff more time to study the issues and as well as determine which zoning districts may be appropriate for such uses, and pursuant to what level of discretionary review.

SECTION 2: INTERIM SUSPENSION OF PERMITS, APPROVAL OR OTHER ENTITLEMENTS.

There shall be an interim moratorium on land use approvals and building permits in all zoning districts for outdoor storage uses located on Mount Hermon Road and Scotts Valley Drive, which include any site, facility, location, of such uses. Based on the findings set forth herein, no permits, licenses, zoning ordinance interpretation of amendment or other applicable entitlements for use, which has as its result the final approval or allowance of outdoor storage yards within the City of Scotts Valley, shall be granted or approved by any employee, department or commission of the City as defined above for a **6-month** ~~4-year~~ period immediately following the effective date of this ordinance, unless appealed or extended by a later enacted ordinance.

SECTION 3: IMMEDIATE THREAT TO HEALTH, SAFETY AND WELFARE.

Based on the findings set forth herein, this ordinance is adopted pursuant to California Government Code section 65858 and is required to address a current and immediate threat to public health, safety and welfare. The City Council has determined that granting land use approvals or building permits for outdoor storage yards would result in a threat to public health, safety and welfare.

SECTION 4: URGENCY PERIOD.

This ordinance is declared to be an urgency ordinance for preserving the public health, safety and welfare and to take effect and be enforced on and after February 3, 2015, the day that Ordinance No. 16.133.1 expires by Operation of Law. The City intends there to be no gap in the moratorium period so that the moratorium is in effect continuously through the end of the extension granted by this Ordinance.

SECTION 5: AMENDMENTS TO ORDINANCE.

The City Council by ordinance after notice of public hearing, by the affirmative vote of at least four-fifths (4/5) of the City Council Members, may modify, amend, delete or add to this ordinance upon a finding that such action will implement and enforce the goals, policies and purpose of this ordinance.

SECTION 6: SAVINGS CLAUSE.

The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance.

SECTION 7: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

SECTION 8: REPEALS CONFLICTING ORDINANCES.

All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9: COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT.

This ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately; it prevents changes in the environment pending the completion of the study. This urgency ordinance is categorically exempt from CEQA under Section 15308 of the State CEQA Guidelines because it is a regulatory action taken by the City, in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending completion of the study.

SECTION 10: EFFECTIVE DATE.

In accordance with California Government Code section 65858, this ordinance shall be in full force and effect for a **6-month** 4-year period from February 3, 2015. This period may be extended by the City Council in accordance with the provisions of California Government Code Section 65858. Passed for the purpose of adoption on this 21st day of January, 2015, by the following votes:

AYES: Bustichi, Johnson, Lind, and Reed

NOES:

ABSENT: Aguilar

ABSTAIN:

APPROVED: _____
Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

**City of Scotts Valley
City Council
INTEROFFICE MEMORANDUM**

DATE: January 21, 2015

TO: Honorable Mayor and City Council Members

FROM: Corrie D. Kates, Community Development Director/Dep. City Mgr.
Michelle Fodge, Senior Planner

SUBJECT: WRITTEN REPORT PURSUANT TO GOVERNMENT CODE SECTION 65858 REGARDING MEASURES TAKEN TO ALLEVIATE CONDITIONS RESULTING IN AN ADDITIONAL EXTENSION OF THE ADOPTED URGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON OUTDOOR STORAGE USES ON MOUNT HERMON ROAD AND SCOTTS VALLEY DRIVE

On February 5, 2014, the City Council adopted an urgency ordinance imposing a temporary moratorium on outdoor storage uses on Mount Hermon Road and Scotts Valley Drive (Ordinance No. 16-133) within the City of Scotts Valley. The ordinance was necessary to protect the public health, safety and welfare during the time that City staff analyzes and prepares a study on outdoor storage uses, including options and recommendations on whether or not to restrict such uses in certain areas and/or zones within the City limits.

On March 17, 2014, the City Council extended the temporary moratorium, via Ordinance No. 16-133.1, to allow more time to:

1. Meet with existing operators to understand their land use needs;
2. Collect and analyze data of existing uses and the demand for such uses;
3. Prepare recommendations and related ordinances, staff reports and other documentation, as necessary, for consideration by the City Council.

Since then, to alleviate the conditions that led to the adoption of the interim ordinance, City staff has begun to conduct field visits to inventory existing outdoor storage uses, research City records on existing and unpermitted storage uses, meet with some existing operators, and update inventory maps of such uses.

More time is needed to complete the above items #1 - #3. It is anticipated that the above measures may take the full amount of the additional extension of one (1) year.

**City of Scotts Valley
City Council
INTEROFFICE MEMORANDUM**

DATE: March 19, 2014

TO: Honorable Mayor and City Council

FROM: Corrie D. Kates, Community Development Director/Dep. City Mgr.
Michelle Fodge, Senior Planner

SUBJECT: **URGENCY ORDINANCE EXTENDING TEMPORARY
MORATORIUM ON OUTDOOR STORAGE USES LOCATED
ON MOUNT HERMON ROAD AND SCOTTS VALLEY DRIVE**

SUMMARY OF ISSUE:

On February 5, 2014, the City Council approved Ordinance No. 16-133, an urgency ordinance establishing a temporary (45 days) moratorium on outdoor storage uses on Mount Hermon Road and Scotts Valley Drive, in accordance with Government Code Section 65858, which will expire on March 21, 2014, if not extended.

If adopted, the attached Urgency Ordinance No. 16-133.1 will extend the moratorium for ten (10) months and fifteen (15) days from March 19, 2014. This extended time period is needed for City staff to complete an adequate study into current land use regulations and these types of uses. Approval of this extension requires a four-fifths (4/5) vote of the City Council.

Government Code Section 65858 also requires that 10 days prior to the expiration of the ordinance, the City Council shall issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance. The attached report describes the steps already undertaken by City staff and was available at City Hall for public inspection.

The extension of this moratorium is necessary to protect the public health, safety and welfare while staff completes its study of this issue. This extension will give the City time to complete its study of this issue and develop an appropriate approach for the City of Scotts Valley.

FISCAL IMPACT:

Instituting a study of outdoor storage uses will require a significant commitment of staff time.

STAFF RECOMMENDATION:

Introduce and adopt Ordinance No. 16.133.1, an Urgency Ordinance of the City Council of the City of Scotts Valley Extending a Moratorium on Outdoor Storage Uses on Mount Hermon Road and Scotts Valley Drive, in order to provide the City with more time to determine whether to adopt an ordinance prohibiting such uses on commercial corridors, restricting such uses to certain zones, or regulating the location or operation of such uses.

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**City of Scotts Valley
City Council
INTEROFFICE MEMORANDUM**

DATE: March 19, 2014

TO: Mayor Reed and City Council Members

FROM: Corrie D. Kates, Community Development Director/Dep. City Mgr.
Michelle Fodge, Senior Planner

**SUBJECT: WRITTEN REPORT PURSUANT TO GOVERNMENT CODE SECTION
65858 REGARDING MEASURES TAKEN TO ALLEVIATE CONDITIONS
RESULTING IN THE ADOPTION OF AN URGENCY ORDINANCE
IMPOSING A TEMPORARY MORATORIUM ON OUTDOOR STORAGE
USES ON MOUNT HERMON ROAD AND SCOTTS VALLEY DRIVE**

On February 5, 2014, the City Council adopted an urgency ordinance imposing a temporary moratorium on outdoor storage uses on Mount Hermon Road and Scotts Valley Drive (Ordinance No. 16-133) within the City of Scotts Valley. The ordinance was necessary to protect the public health, safety and welfare during the time that City staff analyzes and prepares a study on outdoor storage uses, including options and recommendations on whether or not to restrict such uses in certain areas and/or zones within the City limits.

Since then, City staff has begun the following measures to alleviate the conditions that led to the adoption of the interim ordinance, which are ongoing:

- Collect and review outdoor storage regulations of jurisdictions in Santa Cruz County; see Table 1 attached.
- Conduct field visits to inventory existing outdoor storage uses in the City; and,
- Research City records on existing and unpermitted storage uses.

City staff anticipates adding the following measures during the remaining period of the moratorium:

- Meet with existing operators to understand their land use needs;
- Collect and analyze data of existing uses and the demand for such uses;
- Prepare recommendations and related ordinances, staff reports and other documentation, as necessary, for consideration by the City Council.

It is anticipated that the above measures may take the full amount of the ten (10) months and fifteen (15) day ordinance extension, and possibly longer, depending, in part, on other project commitments.

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City of Scotts Valley INTEROFFICE MEMORANDUM

DATE: February 5, 2014

TO: Honorable Mayor and City Council

FROM: Corrie D. Kates, Community Development Director/Dep. City Mgr.
Michelle Fodge, Senior Planner

SUBJECT: **URGENCY ORDINANCE ESTABLISHING A TEMPORARY
MORATORIUM ON OUTDOOR STORAGE USES LOCATED ON
SCOTTS VALLEY DRIVE AND MOUNT HERMON ROAD**

SUMMARY OF ISSUE

Staff has seen an increase in requests for outdoor storage uses and has recently received two applications, one on Scotts Valley Drive and the other at the Aviza site. Outdoor storage yards include contractor's storage yards, outdoor business activities, equipment and storage-related uses, and vehicle storage. These are conditional uses which require a use permit and/or design review approval by the Planning Commission at a public hearing so that they may be located properly regarding the objectives of zoning and analyzed for their effects on surrounding properties.

In 2003, the Planning Commission and City Council discussed issues and concerns with outdoor storage yards. A copy of the previous meeting minutes and staff report which outlines the issues associated with outdoor storage is attached. No conclusions or recommendations were developed to date on this matter.

Since 2003, the City has approved several new residential developments, commercial retail/office buildings and a multi-story hotel development along Scotts Valley Drive. Additionally, the City has invested substantial monies into beautification of Scotts Valley Drive. The City has installed landscape medians, decorative lighting, and signage which is being installed along Scotts Valley Drive to promote economic development.

Given the installed improvements and new construction, there may be a conflict between outdoor storage uses and the City's commercial and residential goals on Scotts Valley Drive. With this in mind, it is prudent to consider what is the City's vision for Scotts Valley Drive. Outdoor storage is typically seen in industrial zones and not along commercial corridors. A case can be made that outdoor storage uses are unsuitable and incompatible for the commercial corridors of Mount Hermon Road and Scotts Valley Drive.

Although the City has approved temporary outdoor storage yards on a case-by-case basis with conditional use permits, land use compatibility of outdoor storage uses with commercial and residential uses from an economic development and visual impact perspectives are concerns. Additionally, tracking property owner compliance with the required conditions, ensuring maintenance of approved outdoor storage yards, and conducting code enforcement on illegal outdoor storage yards are increasing. Therefore, staff felt that it was time to bring the outdoor storage matter back for review.

BACKGROUND:

Government Code Section 65858 allows a jurisdiction to adopt a zoning ordinance that prohibits any uses that conflict with a contemplated zoning proposal that the City Council, Planning Commission or Planning Department is considering or studying or intends to study within a reasonable time to protect the public health, safety and welfare. The urgency ordinance requires a four-fifths (4/5) vote of the City Council for adoption and shall be effective for no more than 45 days. The City Council may extend the urgency ordinance for 10 months and 15 days after a noticed public hearing and may subsequently extend the urgency ordinance for one additional year. Ten days prior to the expiration of the ordinance, the City Council shall issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance.

CURRENT OUTDOOR STORAGE APPLICATIONS

Of the two applications submitted for outdoor storage, one is proposed in the industrial zone at Aviza, while the other is located on a split industrial/commercial lot on Scotts Valley Drive. If the City Council adopts a moratorium, the application for the Scotts Valley Drive site would be held in abeyance until the moratorium is lifted and or code modifications are developed that would allow such an application to proceed with the review process. As such, staff recommends that application fees for the Scotts Valley Drive site be refunded to the applicant.

FISCAL IMPACT

Researching the issues and preparing amendments to the City's Municipal Code will require a commitment of staff time.

STAFF RECOMMENDATION

Introduce and adopt Ordinance No. 16.133, an Urgency Ordinance of the City Council of the City of Scotts Valley Adopting a Moratorium on Outdoor Storage Uses Located on Mount Hermon Road and Scotts Valley Drive, in order to provide the City with time to determine whether to adopt an ordinance regulating the location or operation or prohibiting outdoor storage uses on these two commercial corridors.

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Chapter 17.20 - C-S SERVICE COMMERCIAL ZONING DISTRICT REGULATIONS

Sections:

17.20.010 - Description and purpose.

The C-S district is intended to apply to all lands designated in the General Plan as "service commercial." This district is designed to create and maintain areas accommodating city-wide and regional service that may be inappropriate in neighborhood or pedestrian-oriented shopping areas and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles.

The service commercial zone is intended to achieve the following purposes:

- A. To provide appropriately located areas for retail stores, offices, service establishments and businesses offering various ranges of commodities and services scaled to meet the needs of different geographical areas and various categories of patrons they serve;
- B. To provide opportunities for retail stores, offices, service establishments and businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
- [C. Reserved.]
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading facilities;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic and other objectionable influences incidental to industrial uses;
- G. To protect commercial properties from fire, explosion, noxious fumes and other hazards.

(Ord. 16.76 § 1(part), 1989)

17.20.020 - Permitted uses.

Permitted uses are as follows:

- A. Retail establishments;
- B. Banks;
- C. Business and personal service establishments;
- D. Emergency shelters;
- E. Medical, professional and general business offices;
- F. Radio and television broadcast studios (excluding transmission towers); and
- G. Accessory structures and uses located on the same site with a permitted use which are customarily incidental to the permitted use, including, but not limited to, incidental storage facilities and signs which pertain only to a permitted use on the premises and which are in accordance with the standards of Chapter 17.56 of this title;

- H. Multiple-family dwellings located either above the ground-level commercial use or at ground level at the rear of a commercial space on sites designated in the Housing Element;
- I. Day care centers.

(Ord. 16.76 § 1(part), 1989; Ord. 16.84 § 1, 1992; Ord. 16.87 § 3(part), 1993; Ord. 16.89 § 2, 1993; Ord. 16.123, §§ 40, 41, 9-5-2007)

17.20.030 - Conditional uses.

The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Animal hospitals;
- B. Automobile sales, including sale of used cars in conjunction with the sale of new cars;
- C. Automotive repair and related services (such as auto supply and detail shops) in an enclosed building. This conditional use category excludes auto body repair and auto painting as well as any other use that is incompatible with surrounding uses or that may be detrimental to the health, safety and welfare of the surrounding neighbors;
- D. Automotive service stations;
- E. Carwash;
- F. Coin-operated laundries;
- G. Commercial recreation;
- H. Equipment rental yards;
- I. Hotels and motels;
 - 1. Multiple-family dwellings located either above the ground-level commercial use or at ground level at the rear of a commercial space;
- J. Outdoor storage;
- K. Public utility service yards;
- L. Recreational vehicle sales, including boat sales;
- M. Restaurants and bars;
- N. Wholesale establishments;
- O. Service shops, including printing, photographic, cabinet repair, electrical repair, heating and ventilating shops, and catering services;
- P. Social halls, lodges, fraternal organizations and clubs;
- Q. Churches, synagogues and other places of worship;
- R. Other uses the planning commission finds to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title;
- S. Transitional housing: No person shall operate a transitional housing facility without obtaining a conditional use permit in compliance with Section 17.50.020. In addition the applicant will supply the following information.
 - a. A letter or certification of final approval from the state or county licensing authority,
 - b. A site plan of the property showing parking, outdoor exercise area, and fencing.
 - c. A letter from the fire department approving the safety of the structure for the use,
 - d.

C-S regs

A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and

- e. Landscaping and other information as required by the community development director.
- f. One parking space for each single resident and/or one space for each family unit living in the facility.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.84 § 2, 1992; Ord. 16.103 § 1, 1996; Ord. 16.123, § 42, 9-5-2007)

17.20.040 - Development standards.

The following development standards shall apply in the C-S zoning district:

- A. Minimum lot area: Ten thousand square feet;
- B. Minimum lot width: One hundred feet;
- C. Minimum lot depth: One hundred feet;
- D. Minimum lot frontage: One hundred feet;
- E. Maximum building coverage: Forty-five percent;
- F. Minimum setbacks:
 - 1. Front, twenty feet,
 - 2. Rear, zero feet,
 - 3. Side, zero feet,
 - 4. Interior lot: Where the lot is adjacent to any "R" district, the side yard shall be a minimum of ten feet in width,
 - 5. Corner lot: The exterior side yard of a corner lot shall be a minimum of fifteen feet,
 - 6. Rear yard: There are no rear yard requirements except if abutting an R district; then rear yard shall be a minimum of twenty feet;
- G. No structure shall exceed thirty-five feet in height in the C-S districts. However, if the first floor of the structure is used for parking and is at a natural grade, the thirty-five-foot height limit may be exceeded upon the granting of a use permit by the planning commission, subject to the provisions of Section 17.50.020 of this title. In addition to the findings required in Section 17.50.020, the planning commission also must be able to make the following findings:
 - 1. On a parcel which slopes down from an arterial or collector street, the garage is below the level of the adjacent street(s) or on parcels sloping up from a major street, the garage is below natural grade,
 - 2. The garage will be buffered from view by earthen mounds three feet in height and landscaping, including shrubs, will be installed. The landscaping plan has been prepared showing the buffer and landscaping;
- H. Where a site adjoins any residential zoning district, a solid wall or a fence, vine-covered fence or compact evergreen hedge six feet in height shall be located on the property line except in a required front yard and permanently maintained. In addition, a minimum of five feet adjoining the property line shall be landscaped with plant material and permanently maintained when such landscaping is necessary to insure privacy or to screen views, as determined by the design review board;

I.
C-S Regs

Outdoor storage areas for materials and equipment shall be surrounded and screened by appropriate materials subject to the approval of the design review board. The public works department shall review the plans for adequacy of access;

- J. Not less than ten percent of the total site area shall be landscaped and permanently maintained;
- K. Not less than ten feet of a required yard adjoining a street shall be landscaped and permanently maintained;
- L. Trash disposal: Each parcel shall provide adequate and accessible trash disposal areas. Such disposal areas shall be screened from public view by masonry or solid wood fencing of at least six feet in height;
- M. All business, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, garden shops, Christmas tree sales, open-air markets, outdoor theatrical activities and the sale of nursery products;
- N. All sorted heavy equipment shall be parked and/or stored on the rear half of the project site and visually screened by screening materials approved by the design review board;
- O. Hours of Operation. All commercial activity located on the same site as multiple-family dwellings shall be limited to the hours of operation between seven a.m. and nine p.m., Monday through Friday, and between nine a.m. and six p.m. on Saturdays and Sundays;
- P. Outdoor seating at restaurants will be allowed by permit issued by the planning department under the following conditions:
 - 1. A site plan shall be submitted to the planning department for review and approval;
 - 2. The plan shall be reviewed and approved by the building department, fire district and police department to insure compliance with federal, state and local laws;
 - 3. All seating shall be confined to a specific area; and
 - 4. Failure to maintain the seating within the identified area or interference with the free flow of pedestrians shall be sufficient grounds for revocation of the outdoor seating permit.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989; Ord. 16.82 § 9, 1991; Ord. 16.88 § 1, 1994)

17.20.045 - Development standards for mixed use projects.

- A. Density range is fifteen to twenty residential units per acre.
- B. Parking for both the non-residential and the residential units shall be as specified in the zoning ordinance. The planning commission may reduce parking standards in cases where shared parking is feasible and viable.
- C. Each dwelling shall have private, usable outdoor space, i.e. decks, balconies, yards or patios of one hundred square feet per residential unit. The planning commission may determine that the required private outdoor space is not appropriate in a particular building design and allow the required outdoor space to be common open space for all residential units.
- D. Truck docks shall not be located within fifty feet of any residential.
- E. Minimum setbacks for residential:
 - 1. Front from the street: Ten feet; and front from a garage: Twenty feet.
 - 2. Rear: Fifteen feet.
 - 3. Side: Ten feet.
 - 4. Corner from the street, ten feet and corner from a garage, twenty feet.

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(Ord. 16.123, § 43, 9-5-2007)

17.20.050 - Other required conditions.

- A. Architectural and site plan review by the design review board shall be required for all structures, alterations to structures and signage in the C-S zoning district.
- B. All uses shall be subject to the performance standards specified in the applicable provisions of Section 17.44.020 of this title.
- C. All roofs shall be architecturally designed to provide an appearance which is compatible with the exterior walls of the building. The design review board shall review and approve the roofscape.
- D. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.26 - I-L LIGHT INDUSTRIAL ZONING DISTRICT REGULATIONS

Sections:

17.26.010 - Description and purpose.

The I-L district is intended to apply to all lands designated in the General Plan as "light industrial." This land use classification is designed to accommodate industrial and industrially related land uses and provide a location for businesses that are inappropriate in commercial or residential zones because of their operations or sizes and because they may create noise, odor, dust or glare and create impacts to traffic, the aquifer or air quality. Uses in this classification shall not encroach upon the character of adjoining land uses and will not expose adjoining uses to hazardous conditions.

The light industrial district is intended to achieve the following purposes:

- A. To reserve appropriately located areas for industrial plants and related activities;
- B. To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;
- C. To protect residential and commercial properties and nuisance-free nonhazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare and other objectional influences such as fire, explosion, noxious fumes, radiation and other hazards incidental to certain industrial uses;
- D. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other;
- E. To provide sufficient open space to meet the needs of modern industrial building development, including off-street parking and truck loading areas and landscaping;
- F. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impacts of industrial plants on nearby residential districts;
- G. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- H. To regulate the number and concentration of industrial uses that use significant amounts of hazardous materials;
- I. To construct and preserve an attractive industrial zoning district with generous amounts of landscaping and careful consideration towards architecture and appearance from the freeway.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.98 § 2, 1996)

17.26.020 - Permitted uses.

The key element to permitted uses is that neither toxic materials are used in manufacturing a product, nor does any process involve a change of phase/state of any material in significant quantities (per Uniform Building Code Chapter 9). Permitted uses are as follows:

- A. Building construction and supply facilities;
- B.

Manufacturing, assembling, processing and packaging of components and finished materials where significant amounts of hazardous materials (defined in Chapter 13.12 of this code) are not being used;

- C. Printing, publishing and allied industrial uses, tool and die shops;
- D. Warehousing of nontoxic materials and distribution depot facilities;
- E. Machine shops when toxic cleaners are not used;
- F. Research, development and/or testing of mechanical, electrical and/or chemical equipment which do not involve the use or production of a hazardous material and when parking requirements of the zoning ordinance are met;
- G. Automobile repairs;
- H. Communication services, including radio broadcasting stations, television stations and telephone service companies;
- I. Accessory uses and structures located on the same site with a permitted use, including but not limited to incidental storage facilities, offices, gift shops, food service for employees and signs which pertain only to a permitted use on the premises and which are in accordance with the standards of Chapter 17.56 of this title;
- J. Any recreational vehicle use in existence in an I-L district on January 1, 1998, may remain as a permitted use in the I-L district until such use terminates, provided that the use shall be limited to the location where it existed on that date and that the use may not be expanded or enlarged, either as to land devoted to that use or exceed 110 spaces (the number of spaces available for that use in January 1998), and further provided, that the use operates in a manner consistent with any federal or state laws regulating permanent residential uses in travel trailers or recreational vehicles, and, further, that the park provide adequate emergency access, as approved by the city, to be installed and in place no later than October 15, 1999. Except as provided herein, no trailer use may exist in an I-L district.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.87 § 3 (part), 1993; Ord. 16.98 § 3, 1996; Ord. 16.110 § 1, 1999; Ord. 16.123, § 48, 9-5-2007)

17.26.030 - Conditional uses.

Some industrial businesses use toxic materials and processes which involve a change of phase/state of materials used during processing. Any impact caused by a use requiring a conditional use permit may be examined as well as methods of handling hazardous materials and protection of the aquifer and air quality. The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. All uses in the C-S (service commercial) district;
- B. Public and quasi-public uses of an educational or recreational nature;
- C. Public utility buildings and service yards;
- D. Warehousing of toxic materials;
- E. Manufacturing, assembling, processing and packaging of components and finished materials where significant amounts of hazardous materials are used e.g., production of printed wiring boards, semi-conductor processes and wave or reflow soldering, not including such operations as saw and planing mills or any manufacturing uses involving primary production of wood, metal or chemical products from raw materials;
- F. Ministorage buildings;

- G. Offices in conjunction with a permitted or conditional use when parking requirements are not satisfied;
- H. Laboratories for research and testing of mechanical, electrical, electronic and/or chemical products which involve the use or production of a hazardous material (defined in Chapter 13.12 of the Scotts Valley Municipal Code);
- I. Manufacture of food products and pharmaceuticals that do not include production of fish or meat products, vinegar, chemicals or the rendering or refining of fats and oils;
- J. Propane storage facilities and related propane sales which are located to another site that meet the requirements of the Scotts Valley Fire District with a total maximum water storage capacity of seventy thousand gallons for all propane storage facilities in the city limits; provided, however, that only companies in existence and operating within the city limits of the City of Scotts Valley on January 1, 1999, may be located in the I-L district with a conditional use permit, it being the intent of this provision that no new propane storage company shall be allowed in the city limits, and if preexisting companies voluntarily leave, no new companies will be allowed to replace them;
- K. Other uses the planning commission finds to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title;
- L. Automobile body shop.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989; Ord. 16.98 § 4, 1996; Ord. 16.103 § 2, 1996; Amended during 6/97 supplement; Amended during 7/97 supplement; Ord. No. 16.111 § 1, 1999; Ord. 16.123, § 49, 9-5-2007)

17.26.035 - Transitional housing.

No person shall operate a transitional housing facility without obtaining a conditional use permit in accordance with Section 17.50.020. In addition the applicant will supply the following information:

- a. A letter or certification of final approval from the state or county licensing authority,
- b. A site plan of the property showing parking, outdoor exercise area, and fencing.
- c. A letter from the fire department approving the safety of the structure for the use,
- d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and
- e. Landscaping and other information as required by the community development director.
- f. Show that there is one parking space for each single resident and/or one space for each family unit living in the facility.

(Ord. 16.123, § 50, 9-5-2007)

17.26.040 - Development standards.

The following development standards shall apply in the I-L zoning district:

- A. Minimum lot area, forty thousand square feet;
- B. Minimum lot width, one hundred feet;
- C. Minimum lot depth, one hundred feet;
- D. Minimum lot frontage, one hundred feet;
- E. Maximum building coverage, fifty percent;
- F. Minimum setbacks:

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1. Front, fifteen feet,
 2. Rear, zero feet,
 3. Side, zero feet;
- G. Special yard requirements: Minimum setback for all yards abutting residential and open-space districts is fifty feet. One foot shall be added to each setback requirement for each three feet of building height above sixteen feet;
- H. Maximum height, thirty-five feet;
- I. Where a site adjoins any residential zoning district, a solid wall or fence, vine-covered fence or compact evergreen hedge six feet in height shall be located on the property line except in a required front yard and permanently maintained. In addition, a minimum of five feet adjoining the residential property line shall be landscaped with plant material and permanently maintained when such landscaping is necessary to insure privacy or to screen views, as determined by a landscape architect;
- J. Outside storage areas for materials and equipment shall be surrounded and screened by appropriate materials subject to the approval of the design review process;
- K. Not less than ten feet of a required yard adjoining a street shall be landscaped and permanently maintained;
- L. A minimum of ten percent of the total site area shall be landscaped and permanently maintained;
- M. All stored heavy equipment shall be parked and/or stored on the rear half of the project site and visually screened by fencing material approved by the design review process;
- N. Off-street parking and loading facilities shall be provided as prescribed in Section 17.44.030 of this title. A maximum of two loading spaces shall be permitted on the street side of any building within sixty-five feet of the street right-of-way. There are no restrictions on the number of loading spaces located more than sixty-five feet from the street right-of-way. Loading areas shall be designed so as not to interfere with required parking, access and circulation;
- O. Trash disposal: Each parcel shall provide adequate and accessible trash disposal areas in compliance with Section 17.44.020

(Ord. 16.98 § 5, 1996; Ord. 16.77 (part), 1989; Ord. 16.76 § 1 (part), 1989)

17.26.050 - Other required conditions.

- A. Architectural and site plan review by the design review board shall be required for all structures, alterations to structures and signage in the I-L zoning district.
- B. All uses shall be subject to the performance standards specified in the applicable provisions of Section 17.44.020 of this title.
- C. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.
- D. All roofs shall be architecturally designed to provide an appearance which is compatible with the exterior walls of the building. The design review board shall review and approve the roofscape.

(Ord. 16.76 § 1 (part), 1989)

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052

Tracy Ferrara

From: Donna Lind [dlindslind@earthlink.net]
Sent: Wednesday, February 05, 2014 12:51 PM
To: Corrie Kates; Tracy Ferrara
Subject: Fwd: Outdoor Storage Yard Policy

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: Outdoor Storage Yard Policy

From: churchscape@aol.com

To:

seajems@pacbell.net, dene@bustichi.com, rlj12@comcast.net, dlindslind@earthlink.net, dlindslind@gmail.com, jimreedSV@gmail.com

CC:

Dear Council Member,

I am writing about your consideration of new policy towards outdoor storage yards in Scott's Valley. I am currently renting space off of Scott's Valley Drive for vehicles and equipment for my business. This type of accommodation is essential for my business to operate.

Without this space, which is convenient and affordable, It would have been much harder for us to have the business growth that we have experienced over the past year.

We have gone from two employees to eight. Also to support the increased work my company has purchased two trucks, a trailer and a shipping container for storing tools and supplies.

Since our move to Scott's Valley a good portion of the money we spent in other parts of the county, has been spent in Scott's Valley. Specifically all of our fuel purchases, a majority of our landscape supplies, (Central Home Supply) and our lumber purchases (Scarbourough lumber). In addition I've noticed that

my employees have been spending money in the city as well(groceries, gas, K Mart, restaurants, etc.

I believe that not only are these storage facilities essential to the businesses located there, but the value to the city should be considered. Businesses like ours spend our money here, create jobs here, and supply locals with the products and services they need.

Please keep outdoor storage in Scott's Valley.

Thank You

Bob Churchill
Churchill Landscape
(831) 359-7766
Churchscape@aol.com

Corrie Kates

From: Donna Lind [dlindslind@gmail.com]
Sent: Tuesday, February 04, 2014 3:44 PM
To: Corrie Kates
Subject: Fwd: Urgency Ordinance Moratorium on Outdoor Storage on Scotts Valley Drive

----- Forwarded message -----

From: "J LEE" <seabright65@gmail.com>
Date: Feb 4, 2014 3:40 PM
Subject: Urgency Ordinance Moratorium on Outdoor Storage on Scotts Valley Drive
To: <dlindslind@gmail.com>
Cc:

Dear Council Member Lind,

It has come to my attention that this Wednesday February 5th, 2014 an Urgency Ordinance is up for consideration establishing a temporary moratorium on outdoor storage uses on Scotts Valley Drive and Mount Hermon Road.

This determination will affect my current use application at 5300 Scotts Valley Drive that is now held with Michelle Fodge at the Planning Department. I have been challenged to get clarity and timely answers since the summer of 2013 and now that I have submitted a use permit application early January 2014 I have now been challenged by this recent ordinance for consideration. This ordinance will also affect another property I have interest in at 4790 Scotts Valley Drive which currently has a temporary use permit.

This letter is in opposition of any proposed moratorium. Many of the parcels along Scotts Valley Drive are within the Service Commercial (C-S) and Industrial zoning district that allow for outdoor storage uses with a conditional use permit. Any proposed removal of this use renders the vacant lots useless unless the parcels are developed, which is a function of the market and a property owners desire to take on the risks associated with developing property. This would be an unfair burden and financial impact to the property owner or current leasee if the property could not be used in a manner that many of the similar zoned neighboring properties are allowed to operate. In addition, the properties I am referring too are behind buildings along the Scotts Valley Drive corridor and do not have any significant site impacts.

Though not obvious or glamorous, storage yards provide an economical service to the community and small business owners. Many interested tenants will use the yard to store business equipment and inventory for their operations. The option of commercial outdoor storage is few and far between in Santa Cruz County. Reasonable alternatives such as outdoor storage allow new smaller business owners to grow and expand their business without the upfront heavy costs of the typical brick and mortar business location. Eventually the gradual business growth requires the businesses to seek larger facilities and/or buildings as the businesses grow, add more employees, or need a professional office presence. In effect, this land use keeps the land active within current property inventory and contributes and aids growing businesses at a fair and reasonable cost. Otherwise, the lack of outdoor storage space might result in businesses storing their equipment/trailers/trucks on the street, in driveways, or using their home garages impacting parking in residential neighborhoods. As well, more expensive alternatives like an additional building would be costly and over burdensome for the type of storage that the business may actually need leaving them at disadvantage to their competition because they would need to pass this cost onto their customers. In addition, if these sites do not exist within the community it forces business out of the area to existing cities or countys' were these facilities exist and could impact and expand their carbon footprint due to increased road travel. In summary, temporary storage is a reasonable use for vacant land until market conditions dictate that the property can be developed.

Please vote "NO" for the proposed ordinance as it violates fundamental property rights and will deem property useless as vacant land. This ordinance is interpreted as a method of forcing the land owner to develop or sell their property when he/she may not be ready. Please feel free to call me to discuss anytime.

Sincerely,

Jon Lee

Seabright65@gmail.com

831-247-1788

AGENDA ADD ON
ITEM 3 3-19-14

ROBERT E. BOSSO
LLOYD R. WILLIAMS
PETER L. SANFORD *
JENNIFER J. GRAY
TERESA V. REIN
EMILY J. BUCHBINDER **

* Certified Specialist in Taxation Law
By the State Bar of California, Board of Legal Specialization
** LL.M. in Taxation

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WEBSITE:
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EMAIL:

Via E-mail

trein@bossowilliams.com

March 19, 2013

City of Scotts Valley
City Council
1 Civic Center Drive
Scotts Valley, CA 95066

Re: March 19, 2014 Agenda Regarding the Moratorium on Outdoor Storage Uses

Mayor Reed and Council Members Aguilar, Johnson and Lind,

This office represents Ms. Carol Carava, the owner of the vacant property located at 5300 Scotts Valley Drive. Carol has been a resident of Scotts Valley since 1969. Ms. Carava's property consists of two separate parcels which are highlighted on the attached APN map. APN 022-42-07 is the front parcel, which is the smaller parcel and is zoned Commercial Service (CS) ("the Front Parcel"). APN 022-42-06 is the back parcel, and is behind a building. It is 1.137 acres in size and is zoned Light Industrial (IL) ("the Back Parcel").

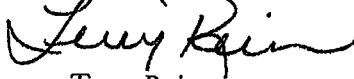
Last year, Ms. Carava leased the Property located at 5300 Scotts Valley Drive to Jon Lee. The term of the lease was for a period of ten years, and was conditioned upon obtaining necessary approvals from the City of Scotts Valley for outdoor storage. Unfortunately, due to the outdoor storage moratorium recently imposed by the City of Scotts Valley, Mr. Lee informed Ms. Carava that he will be terminating the lease.

I acknowledge that the City has imposed a 45 day moratorium to protect the visual appearance of Scotts Valley Drive. However, it is important to recognize that the Back Parcel cannot be seen from Scotts Valley Drive (because that parcel is behind a building which fronts Scotts Valley Drive). Thus, as to the Back Parcel, the City Council cannot, in good faith, make the finding that the moratorium is necessary to protect the public safety, health and welfare of the community, which is a requirement of Government Code section 65858. Moreover, the Back Parcel is zoned as light industrial, which is appropriate for open storage uses.

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On behalf of Ms. Carava, I am requesting that the City Council not approve the continuation of the moratorium, especially as to the Back Parcel. If the moratorium continues, Ms. Carava will have no rental income from the property and the property will remain in limbo, all of which results in a substantial infringement on her property rights. A continuation of the moratorium as to the Back Parcel would be devastating to her. When considering whether or not to extend moratorium, please be sensitive to the interests of property owners who will be adversely affected by your action.

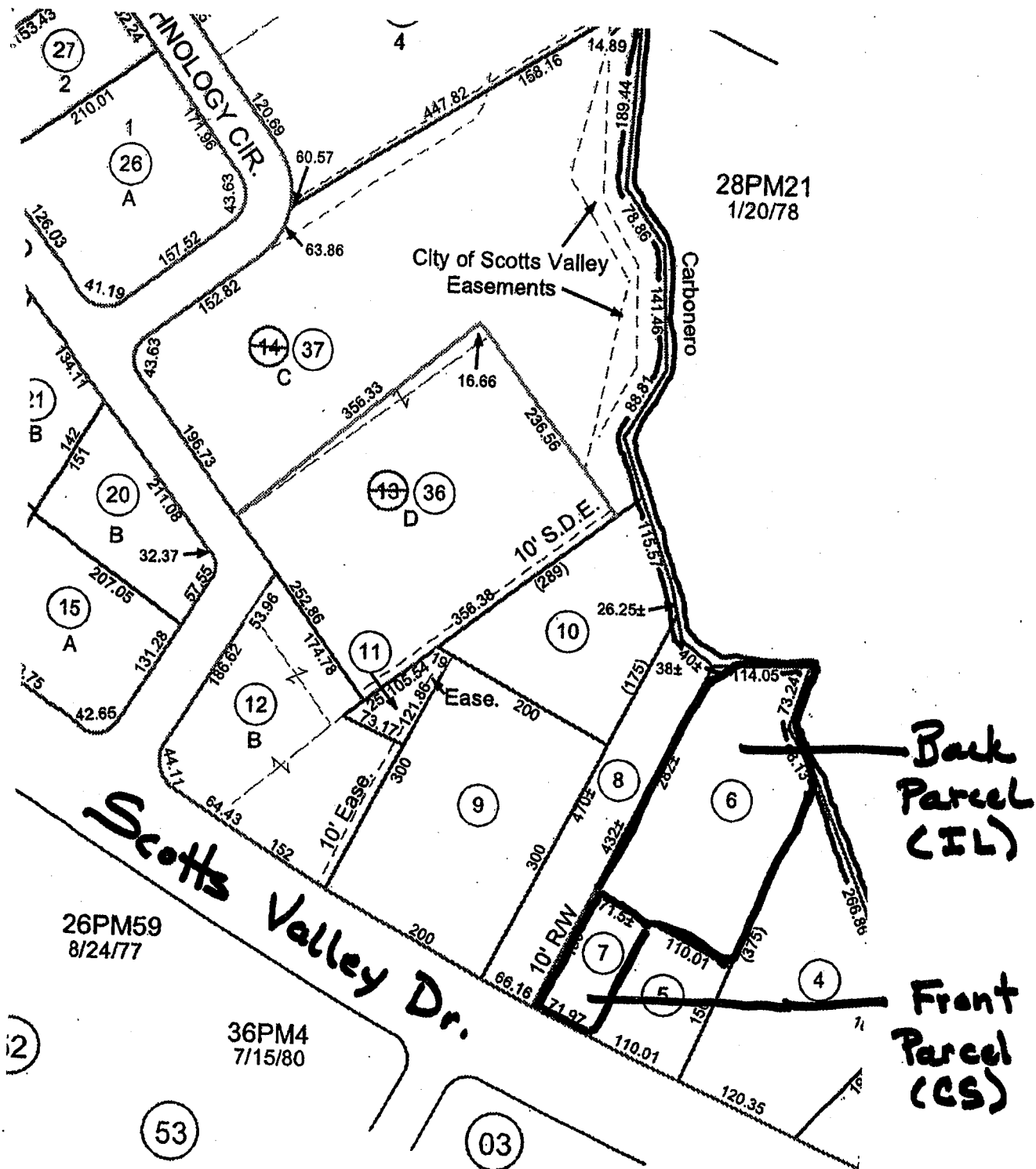
Yours truly,



Terry Rein

cc: City Attorney
City Planning
Carol Carava

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Tracy Ferrara

From: Donna Lind [dlindslind@gmail.com]
Sent: Wednesday, March 19, 2014 5:57 PM
To: Tracy Ferrara
Subject: Fwd: Moratorium on Outdoor Storage Uses

----- Forwarded message -----

From: "Lori Carava" <lcarava@yahoo.com>
Date: Mar 19, 2014 2:16 PM
Subject: Moratorium on Outdoor Storage Uses
To: "jimreedsv@gmail.com" <jimreedsv@gmail.com>, "seajems@pacbell.net" <seajems@pacbell.net>, "rlj12@comcast.net" <rlj12@comcast.net>, "dlindslind@gmail.com" <dlindslind@gmail.com>
Cc:

Dear Mayor Reed and Council Members Aguilar, Johnson and Lind,

I apologize for this last minute email regarding the council meeting this evening. Although there are many things I would like to say I will try to make my points succinct.

My name is Lori Carava Fass. I am the daughter of Carol Carava, the owner of 5300 Scotts Valley Drive. I wanted to express my concern with the matter of extending the moratorium on outdoor storage uses.

My father purchased our family home in Scotts Valley as well as the property on Scotts Valley Drive in the 1960's. He married my mother in 1969 and they raised my brother and I in Scotts Valley. My brother and I attended Vine Hill school and Scotts Valley Junior High School. Needless to say we have seen changes in the city, however it has maintained it's mountain feel. My father passed away in 1989. My mother still lives in the same home and wishes to stay there for the rest of her life.

I believe the 45 day moratorium was ample time to review this issue. In the meantime the tenant has terminated his lease and my mother will not be receiving much needed income. She will be turning seventy this year and this lease was assurance of retirement income. Now she needs to seek out a new tenant and I hope the next tenant will not have to go through the same frustration. My father bought this property as an investment for his family's future and I think he would be disappointed in the city he loved and supported for decades. I am concerned about the rights of property owners in Scotts Valley and what the future holds.

I believe outdoor storage is needed in our community. Residents of Scotts Valley love the outdoors. They have, campers, boats and trailers that need to be stored. There are also businesses such as landscapers who need a secure location to park their work truck and equipment.

Thank you for taking the time to read my letter and reviewing this issue. Email me if you have any questions.

Respectfully,

Lori Carava Fass

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Michelle Fodge

From: Josh Simpson [josh@surfnetusa.com]
Sent: Wednesday, April 01, 2015 4:20 PM
To: Michelle Fodge
Subject: Hi Michelle - Tonight's meeting on outdoor storage

Thanks for the call today giving me a head's up about your meeting tonight! As I indicated on the phone, I have a commitment in Half Moon Bay tonight, but I WOULD like to share my feelings about policy regarding outdoor storage uses:

Scotts Valley has an imbalance of CS zoning....by that I mean it has WAY more CS zoning than a City of comparable population really needs. That's why there have been so many un-developed and under-developed parcels along Scotts Valley Drive. Even the DEVELOPED parcels suffer from significant vacancy. My Quik Stop building, for example, currently suffers from 30%+ vacancy, and has for many years, despite the fact that I'm asking the SAME rent levels as I was FIFTEEN YEARS AGO and I have had it listed with reputable real estate firms for my entire 20 year ownership. Added to the surplus of CS zoned land and buildings in Scotts Valley, the City suffered the exodus of Borland, Seagate, and Aviva, and it has still not recovered. The former Borland campus literally sold for 10 cents on the dollar...this state-of-the-art, class "A" campus style office complex sold for 10% of its original construction cost. The simple fact is that there is a gross oversupply of office space in Scotts Valley right now. Otherwise the Borland campus would have sold for something closer to its \$250+/sf replacement cost. The campus was widely marketed for sale and had abundant exposure, so the sales price was not the result of poor marketing, but simply reflects the fact that Scotts Valley currently has way more office space than it has tenants.

My feeling is that the City should get behind any land uses for which there is a demonstrable market need. And the fact is there is a demonstrable market need for storage space right now, because most other commercial uses simply go begging for tenants, stay empty, and fail to contribute to the economic vitality of the City. OCCUPIED SPACES, however, whether they are storage, or anything else for that matter, help sow the seeds for small businesses to take root and grow organically. Please don't misunderstand....there could very well come a time in the future when the existing building stock is 95% leased, and higher and better uses besides storage become not only desirable, but desperately needed. Unfortunately we are simply not there today. Legislative fiat is not needed to reign in land use in my opinion. The free market has ample ability to govern itself, and when the time comes that the City's building stock is enjoying healthy occupancy rates, land owners will see the opportunity for better returns on their investment by replacing storage uses with higher and better uses such as additional retail, office, and apartments. Again, however, we are just not there yet in this current market cycle.

It has been said that Scotts Valley Drive has always had a slightly odd assemblage of land uses over the years, even during better economic times in this particular City. While I agree that is true, I offer that this is so because the City of Scotts Valley, comprising only slightly over 12,000 simply has a half mile more of CS zoned land than it really needs. Just because the City was drawn up with a particular allocation of CS zoning does not make it needed or economically supportable. Please do not attempt to fix what is not broken by second guessing landowners simply trying their best to meet the very real needs of our local residents in ways that are economically supported. If it is felt that there is a problem with a particular type of land use, and for a land use as benign as storage I can only assume it is aesthetic, please simply require full screening or something of that sort so that the needs of our residents can continue to be met, but met in a way that is aesthetically pleasing.

Thanks for the opportunity to share my thoughts with you!

Regards,

Josh Simpson

40 Fred Court

Scotts Valley, CA 95066

831-334-3513

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Table 1
Where Outdoor Storage Uses are Allowed in Santa Cruz County

Jurisdiction	Zoning District Allowed	Planning Permits Required	Decision-making Body	Staff Notes
Capitola	None	n/a	n/a	Capitola Municipal Code prohibits unenclosed storage with exceptions. Existing industrial uses may store some equipment outdoors.
County	C-4 M-1 M-2	Commercial Dev. Permit + Design Review	Section Manager or Zoning Administrator or Planning Commission ¹	County is revising their commercial use chart; allowed uses may change.
Santa Cruz	CC CT IG	Admin & regular Use Permit, + sometimes Design Review	Zoning Administrator or Planning Commission	CC zone is similar to but more intensive than the City of Scotts Valley's C-S zone.
Scotts Valley	C-S I-L	Use Permit + sometimes Design Review	Planning Commission	<i>All other jurisdictional zones are more intensive than C-S zone.</i>
Watsonville	IG PF N	Use Permit	Zoning Administrator	Outdoor storage is not allowed in commercial zones.

Legend:

- C-4 Commercial Service: Nonretail in nature, such as building material suppliers, auto repair, freight terminals. Large sites usually needed for proximity to major streets to handle truck traffic or access to rail transportation.
- CC Community Commercial: Variety of commercial and service uses with limited industrial uses.
- C-S Commercial-Service: For retail, personal and business services, and general office.
- CT Thoroughfare Commercial: Retail and service that are dependent on thoroughfare travel.
- IG General Industrial: For industrial operations while protecting adjacent uses from impacts.
- I-L Light-Industrial: For industrial uses that are inappropriate in residential and commercial zones because of their potential operations, noise, odors, dust, glare, traffic impacts.
- M-1 Light Industrial: For light industrial facilities, assembly and manufacturing which have no potential for major pollution, adverse visual impacts, nuisance or hazard factors.
- M-2 Heavy Industrial: For heavy industrial facilities, major manufacturing/processing plants.
- N Institutional: For institutional facilities that provide uses which are available to the public but are either privately owned or operated by State and Federal agencies
- PF Public Facilities: Owned and operated by City or County Government agencies with uses that are available to the general public.
- 1 Size of related structures determines the level of permit and decision-making body.

Table 2
Screening Requirements for Outdoor Storage County-wide, plus Los Gatos

Jurisdiction	Solid Fence	Chain Link OK	Wall	Dense Hedge	Earth Berm	Combo of wall, fence, hedge, etc.	Min. Height	Comply with Water Quality Regs.	Permanently screened from any adjacent street, public way, or private property.	Storage must be below fence or wall	Summary from Zoning Ordinances
Capitola											Outdoor storage as a single use is not allowed. Screening is required to conceal accessory storage.
County	✓		✓	✓	✓	✓					Screening is required for storage areas visible from public streets and adjacent properties.
Santa Cruz									✓		Screening is required for all outdoor storage in all commercial and industrial zones, which are more intensive than City's C-S zone.
Scotts Valley											Screening by "appropriate materials" is required to surround outdoor storage. Heavy equipment must be parked/stored in rear half of property and "visually screened by screening materials".
Watsonville	✓		✓				5 - 8 feet		✓		Outdoor storage is not allowed in commercial zones.
Los Gatos	✓		✓	✓			6 feet	✓		✓	Dense hedge must be evergreen.

Table 3
Proposed Screening Requirements for Outdoor Storage in City of Scotts Valley

Jurisdiction	Solid Fence	Chain Link OK	Wall	Dense Hedge	Earth Berm	Combo of wall, fence, hedge, etc.	Min. Height	Comply with Water Quality Regs.	Permanently screened from any adjacent street, public way, or private property.	Storage must be below fence or wall	Summary from Zoning Ordinances
Capitola											Outdoor storage as a single use is not allowed. Screening is required to conceal accessory storage.
County	✓		✓	✓	✓	✓					Screening is required for storage areas visible from public streets and adjacent properties.
Santa Cruz									✓		Screening is required for all outdoor storage in all commercial and industrial zones, which are more intensive than City's C-S zone.
Scotts Valley	✓ New		✓ New	✓ New		✓ New	✓ New 8 feet		✓ New	✓ New	Outdoor storage would only be allowed in the I-L zone. See the proposed Ordinance No. 133.3.
Watsonville	✓		✓				✓ 5 - 8 feet		✓		Outdoor storage is not allowed in commercial zones.
Los Gatos	✓		✓	✓			✓ 6 feet	✓		✓	Dense hedge must be evergreen.

City of Scotts Valley INTEROFFICE MEMORANDUM

DATE: July 1, 2015

TO: Honorable Mayor and City Council

FROM: Michelle Fodge, Senior Planner

SUBJECT: A PUBLIC HEARING TO CONSIDER ADOPTION OF THREE ZONING ORDINANCE AMENDMENTS REGARDING DENSITY BONUS, REASONABLE ACCOMMODATION, EMERGENCY SHELTERS AND TRANSITIONAL AND SUPPORTIVE HOUSING (FILE NOS. AZO15-002, AZO15-003, AZO15-004)

SUMMARY OF ISSUE

The City is required to amend its Zoning Ordinance to address changes in state law and to implement programs committed in the City's previously certified Housing Element. The three ordinances are:

1. Density Bonus: A significant revision to the City's current zoning requirements to meet state law which gives developers a variety of ways to receive a density bonus above existing densities in exchange for providing affordable units;
2. Reasonable Accommodation: A new ordinance to establish formal procedures that give disabled people flexibility with zoning regulations;
3. Emergency Shelters and Transitional and Supportive Housing: An expansion of the City's existing zoning requirements to comply with Senate Bill 2, which was enacted in September 2014.

Changes to the City's Zoning Ordinance require Planning Commission review and recommendation to the City Council for final action. On June 11, 2015, the Planning Commission reviewed the three ordinances at a public hearing and recommended approval. For details, see the attached Planning Commission Meeting Minutes and Staff Report and Ordinances Numbers 16-136, 16-137, and 16-138, respectively.

DISCUSSION

Consistency with the City's General Plan with the Zoning Ordinance: The proposed ordinances were analyzed for consistency with the City's General Plan and Zoning Ordinance. The ordinances are consistent with General Plan Housing Element Policies 1.4 and 3.3, plus Programs 2 and 15, which call for incentives for affordable housing and

housing services for special needs groups, which include disabled persons and homeless people. The ordinances are consistent with the purposes and objectives of the applicable zoning chapters in that they do not change the base zoning of properties and do not propose or require any new development.

PUBLIC NOTICE AND COMMENT

1. **Public Hearing Notices:** On May 29, 2015, a public hearing notice was published in the PressBanner newspaper and was posted at City Hall, the public library, and the Senior Center, pursuant to State law and the City's Municipal Code. At the time of completing this staff report, one member of the public asked questions about water availability for anticipated future development. Staff explained that the proposed ordinances do not involve construction of a project. Staff has not received any public phone calls about the project.
2. **Written Correspondence Received:** To date, the City has not received any correspondence. If any comments are received, staff will provide the City Council and public a copy at the July 1st City Council public hearing.

ENVIRONMENTAL REVIEW

The proposed ordinances are categorically exempt from the California Environmental Quality Act (CEQA), per State CEQA Guidelines, Section 15305, Class 5, Minor Alterations to Land Use Limitations and do not trigger any of the exceptions to exemptions listed in CEQA Guidelines Section 15300.2. Section 15061(b)(3), general rule states that CEQA only applies to projects which have the potential to cause a significant effect on the environment. The ordinances do not propose construction of a project. Any future development will be required to comply with CEQA at that time.

FISCAL IMPACT

Adopting the ordinances will qualify the City for a streamlined review by the State, which will save time and monies.

STAFF RECOMMENDATION

The Planning Commission recommends that the City Council conduct a public hearing, hear public input, and approve Zoning Ordinance Amendments AZO15-002, AZO15-003, AZO15-004, by introducing a first reading of Ordinances Numbers 16-136, 16-137, and 16-138, respectively, and waiving a second reading thereof.

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ORDINANCE NO. 16-136

**AN ORDINANCE OF THE CITY OF SCOTTS VALLEY AMENDING TITLE 17,
ZONING, OF THE SCOTTS VALLEY MUNICIPAL CODE REGARDING
DENSITY BONUS**

WHEREAS, the City of Scotts Valley endures to find opportunities for housing for its residents; and

WHEREAS, the City of Scotts seeks to facilitate the development of affordable housing consistent with the goals, objectives and policies of the Scotts Valley General Plan; and

WHEREAS, State Density Bonus Law (Government Code Section 65915) was first adopted by the legislature in 1979, providing the opportunity for developers to receive a density bonus above what the zoning ordinance permits in exchange for the provision of affordable units.

WHEREAS, the State of California passed Senate Bill 1818, effective in January 2005, which significantly amended the provisions of Government Code Section 65915; and

WHEREAS, the State of California passed Assembly Bill 2222, effective September 2014 which made further amendments to Government Code Section 65915; and

WHEREAS, the City of Scotts Valley desires to comply with the provisions of Government Code Section 65915 and establish procedures for implementing those provisions; and

WHEREAS, the adoption of this Ordinance is exempt from California Environmental Quality Act (CEQA) review per State CEQA Guidelines Section 15305, Class 5, Minor Alterations to Land Use Limitations and do not trigger any exceptions to exemptions per Section 15300.2; and Section 15061(b)(3), general rule which states that CEQA only applies to projects which have potential to cause a significant effect on the environment; and, a Notice of Exemption shall be filed upon adoption of this Ordinance;

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed ordinance was held by the Planning Commission on June 11, 2015, where all interested persons might appear and be heard;

WHEREAS, the Planning Commission considered the ordinance changes on June 11, 2015, and recommended that the City Council adopt the proposed ordinance, via Resolution #1687;

WHEREAS, the City Council held a duly noticed and regularly and lawfully given public hearing on July 1, 2015, to consider the proposed ordinance and hear public input;

NOW, THEREFORE, the City of Scotts Valley City Council does hereby ordain as follows:

Title 17 of the Scotts Valley Municipal Code is hereby amended to add the following Chapter:

Chapter 17.62 Density Bonus

17.62.010 – Intent and Purpose

17.62.020 – Definitions

17.62.030 – Types of Bonuses and Incentives Allowed

17.62.040 – Density Bonus for Donations of Land

17.62.050 – Condominium Conversions

17.62.060 – Childcare Facilities

17.62.070 – General Provisions Governing Density Bonus Calculations

17.62.080 – Incentives and Concessions for Affordable Housing

17.62.090 – Waivers and Modifications of Development Standards

17.62.100 – Parking Incentives

17.62.110 – Standards for Density Bonus Housing Developments

17.62.120 – Application Requirements

17.62.130 – Application Review

17.62.140 – Developer Affordable Housing Agreement

17.62.010 – Intent and Purpose

This Density Bonus Ordinance is intended to provide incentives for the production of affordable housing, senior housing and the development of child care facilities. In offering these incentives, this Chapter is intended to implement the goals, objectives, and policies of the city's General Plan and to further implement and be subject to the requirements of state law (Government Code Sections 65302, 65913, and 65915-65918 et seq.). In the event that any provision in this chapter conflicts with state law, state law shall prevail.

17.62.020 – Definitions

The following terms used in the section shall be defined as follows:

“Affordable housing/affordable housing unit” means a housing unit which is available for sale to Moderate Income Households or for rent to Low and/or Very Low Income Households, as those terms are defined in this section.

“Affordable rent” means a monthly rent charged to Low and Very Low Income Households for housing units as calculated in accordance with Section 50053 of the Health and Safety Code.

“Child care facility” means a facility that provides non-medical care and supervision of minor children for periods of less than 24 hours and is licensed by the California State Department of Social Services, further subject to the definition in California Government Code Section 65915(h)(4).

“Condominium” means a form of housing tenure and other real property where a specified part of real estate, usually of an apartment house, is individually owned. Use of land access to common facilities in

the piece such hallways, heating system, elevators, and exterior areas are executed under legal rights associated with the individual ownership. These rights are controlled by the association of owners that jointly represent ownership of the whole piece.

“Density bonus” means a density increase for residential units over the otherwise allowed residential density under the applicable zoning and land use designation on the date an application is deemed complete.

“Density bonus housing agreement” means a legally binding agreement between a developer and the city to ensure that continued affordability of the Affordable Housing Units required by this chapter persists and the units are maintained in accordance with this chapter.

“Density bonus units” means those additional residential units granted pursuant to the provisions of this chapter.

“Housing authority” means an appointed body of the city of Scotts Valley authorized to engage in or assist in the development or operation of affordable housing.

“Housing development” means a development project for five or more residential units. Within this Chapter, it shall also include a subdivision or common interest development, a project which rehabilitates and converts a commercial building to a residential use and a condominium conversion of an existing multi-family building.

“Incentives or concessions” means regulatory concessions which include, but are not limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost reductions that are offered in addition to a Density Bonus.

“Initial subsidy” means the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (e.g., X (fair market value of the home to be purchased) - Y (the price the moderate income family paid for the home) + Z (amount of any down payment assistance) = Initial Subsidy).

“Low income household” means a household whose income does not exceed 80 percent of the area median income for Santa Cruz County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

“Moderate income household” means a household whose gross income does not exceed 120 percent of the area median income for Santa Cruz County as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.

“Proportionate share of appreciation” means the ratio of the local government's Initial Subsidy as defined above to the fair market value of the home at the time of initial sale. (e.g. $X \text{ (initial subsidy)} / Y \text{ (fair market value)} = \text{Proportionate Share of Appreciation}$).

“Senior citizen housing development” means a residential development developed, substantially rehabilitated or renovated, and having at least 35 dwelling units for senior citizens in compliance with the requirements of Section 51.3 and 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

“Very Low Income Household” means a household whose income does not exceed 50 percent of the area median income for Santa Cruz County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

17.62.030 – Types of Bonuses and Incentives Allowed

- A. **Very Low- and Low-Income Housing and Senior Citizen Housing.** Upon written request to the city, an applicant for a housing development is eligible for one (1) density bonus of at least twenty percent (20%), but no more than thirty-five percent (35%) over the maximum residential density (except in the case of senior citizen housing, as provided below), provided that the applicant agrees to construct the housing development in accordance with one of the following criteria:
1. **Very Low-Income Households:** Five percent (5%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to very low-income households; or
 2. **Low-Income Households:** Ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to low-income households; or
 3. **Senior Citizen Housing Development:** For senior citizen housing developments, the density bonus shall be twenty percent (20%) of the number of senior housing units provided. For “congregate senior housing facilities” (as defined in Section 17.44.100.B. of the Scotts Valley Municipal Code), refer to Section 17.44.100.C for specific density bonus provisions.
- B. **Moderate-Income Housing.** Upon written request to the city, an applicant for a housing development is eligible for one (1) density bonus of five percent (5%) over the maximum residential density if the applicant agrees to construct the housing development in accordance with all of the following criteria:
1. At least ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable ownership costs to moderate-income households; and

2. The housing development is common interest project as defined by Section 1351 of the California Civil Code; and
 3. All of the dwelling units in the housing development are offered for sale to the public.
- C. **Higher Density Bonus for Greater Contribution of Affordable Units.** Upon written request to the city, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low-, low-, and moderate-income housing units exceeds the base percentage established in Subsection A or B of this Section, as follows:
1. **Very Low-Income Units.** For each one percent (1%) increase above five percent (5%) in affordable units for very low-income households, the density bonus shall be increased by two and one-half percent (2.5%) up to a maximum of thirty-five percent (35%), as specified in Table 17.62.030.C.1, below

Table 17.62.030.C.1 Percent of Density Bonus For Greater Contribution of Very Low-Income Units	
Percentage of Very Low-Income Units	Percentage of Density Bonus
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%

2. **Low-Income Units.** For each one percent (1%) increase above ten percent (10%) in the affordable units for low-income households, the density bonus shall be increased by one and one-half percent (1.5%) up to a maximum of thirty-five percent (35%), as specified in Table 17.62.030.C.2, below:

Table 17.62.030.C.2 Percent of Density Bonus For Greater Contribution of Low-Income Units	
Percentage of Low-Income Units	Percentage of Density Bonus
10%	20%
11%	21.5%
12%	23%
13%	24.5%
14%	26%
15%	27.5%
16%	29%
17%	30.5%
18%	32%
19%	33.5%
20%	35%

3. **Moderate-Income Units.** For each one percent (1%) increase above ten percent (10%) in affordable units offered for sale to moderate-income households, the density bonus shall be increased by one percent (1%) up to maximum thirty-five percent (35%), as specified in Table 17.62.030.C.3, below:

Table 17.62.030.C.3 Percent of Density Bonus For Greater Contribution of Moderate-Income Units	
Percentage of Moderate-Income Units	Percentage of Density Bonus
10%	5%
11%	6%
12%	7%
13%	8%
14%	9%
15%	10%
16%	11%
17%	12%
18%	13%
19%	14%
20%	15%
21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%
35%	30%
36%	31%
37%	32%
38%	33%
39%	34%
40%	35%

D. **Continued Affordability.** Affordable units qualifying a housing development for a density bonus shall remain affordable as follows:

1. Very low-income and low-income household units shall remain affordable to the designated income group for a minimum of fifty-five (55) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.

2. Moderate-income household units shall remain affordable for a minimum of fifty-five (55) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.
- E. **Specification of Basis for Density Bonus.** Each applicant who requests a density bonus pursuant to this Section shall elect whether the bonus will be awarded on the basis of Subsection A1, A2, A3, or B of this Section. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of very low-income affordable housing units, low-income affordable housing units, moderate-income affordable housing units, or the development's status as a senior citizen housing development. Density bonuses from more than one of these categories may not be combined.
- F. **Provisions for Resale of Units.** An applicant shall agree to, and the city shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce any equity sharing agreement, unless it is in conflict with the requirement of another public funding source or law. The following apply to the equity sharing agreement:
1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which amount shall be used within five (5) years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.
 2. For purposes of this Subsection, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
 3. For purposes of this Subsection, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.

17.62.040 – Density Bonus for Donations of Land

- A. **Land Suitability.** Upon written request, when an applicant for a tentative map, subdivision map, parcel map, or other residential development donates developable land to the city in accordance with this section, the applicant shall be entitled to a density bonus. Applicants donating developable land to the city shall be eligible for a fifteen percent (15%) density bonus at the site of the housing development if the donated land is suitable for the construction of very low-income units equaling at least ten percent (10%) of the market rate units being constructed for the project. For each one percent increase above the minimum ten percent (10%), the density bonus shall be increased by one percent (1%), up to a maximum of thirty-five

percent (35%). This increase shall be in addition to any increase in density mandated by Section 17.62.030, up to a maximum combined mandated density increase of thirty-five percent (35%) if an applicant seeks both the increase required pursuant to this Section and Section 17.62.030.

B. **Qualification Criteria.** To qualify for the additional density bonus described in Subsection A of this Section, the donation of developable land must meet all the following criteria:

1. The tentative map, subdivision map, parcel map, or other residential development must otherwise be subject to a density bonus pursuant to Section 17.62.030 of this Chapter; and
2. The land must be transferred no later than the date of the approval of the final subdivision map, parcel map, or housing development application; and
3. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of dwelling units affordable to very low-income households in an amount not less than ten percent (10%) of the total number of market rate dwelling units in the proposed development (i.e., the proposed development before the addition of any density bonus); and
4. The donated land is at least one acre in size or is large enough to permit development of at least forty (40) units, has the appropriate general plan land use designation, has the appropriate zoning and development standards for affordable housing and, at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure; and
5. No later than the date of approval of the final map, parcel map, or other development application for the housing development, the donated land must have all of the applicable permits and approvals (other than building permits) necessary for the development of the very low income housing units on the donated land, except that the city may subject the proposed housing development to subsequent design review to the extent authorized by California Government Code Section 65583.2 Subsection (i) if the design is not reviewed by the city prior to the time of transfer; and
6. The donated land is subject to a deed restriction ensuring continued affordability of the very low income units consistent with Subsection 17.62.030.D of this article, which deed restriction shall be recorded upon the donated property at the time of its transfer; and
7. The land will be transferred to the city or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer and to require that the land be transferred to the developer; and
8. The land is within the boundary of the proposed housing development or within one-fourth (1/4) mile of the boundary of the proposed housing development; and,

9. No later than the date of approval of the final map, parcel map, or other development application for the housing development, a proposed source of funding for the construction of the very low-income housing units shall be identified.
- C. **Density Bonus Based on Greater Suitability of Land for Very Low-Income Housing.** For each one percent (1%) increased above the minimum ten percent (10%) in the number of very low-income housing units that can be accommodated on the donated land, the maximum density bonus shall be increased by one percent (1%), up to a maximum of thirty-five percent (35%), as specified in Table 17.62.040.C, below:

Table 17.62.040.C Percent of Additional Density Bonus for Additional Very Low-Income Units on Donated Land	
Percentage of Very Low-Income Units that can be Accommodated on Donated Land	Percentage of Additional Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
28%	33%
29%	34%
30%	35%

17.62.050 – Condominium Conversions

- A. Applicable requirements and procedures for the review and approval or disapproval of the conversion of existing multi-family rental housing to residential condominiums are provided in Section 17.44.060, Condominium Conversions and Condominiums, of the Scotts Valley Municipal Code.

- B. An applicant for a conversion of existing rental apartments to condominiums is eligible for either a density bonus or other incentives of equivalent financial value, at the option of the city, if the applicant agrees to provide: 1) at least thirty-three percent (33%) of the total units of the proposed condominium project to persons and families of low- or moderate-income as defined in Section 50093 of the Health and Safety Code, or 2) at least fifteen percent (15%) of the total units of the proposed condominium project to low-income households as defined in Section 50079.5 of the Health and Safety Code, and 3) the applicant agrees to pay for the reasonably necessary administrative costs incurred by the city pursuant to this Section.
- C. Condominium conversions qualified under Subsection A of this Section, may receive one of the following, at the city's option:
 - 1. A flat density bonus of twenty-five percent (25%) to be provided within the existing structure or structures proposed for conversion, excepting that a condominium conversion is ineligible for this bonus if the apartments to be converted originally received a density bonus or incentives pursuant to any other provisions of this article or pursuant to California Government Code Section 65915. An applicant may choose to implement a lower density bonus.
 - 2. Incentives of equivalent financial value in the form of a reduction or waiver of requirements or fees which the city might otherwise apply as conditions of conversion approval. "Other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation to the condominium conversion project or its applicant.
- D. The city reserves the right to place such reasonable conditions of the granting of a density bonus or other incentives of equivalent financial value pursuant to this Section as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchases who are persons and families of low- and moderate-income or lower income households.
- E. Condominium conversions are eligible only for the granting of a density bonus or incentive of equivalent value pursuant to this section, which bonus or incentive may not be granted in addition to, or combined with, any other incentives, concessions, density bonuses or waivers and reductions of development standards pursuant to other sections of this article. Nothing in this Section shall be construed to require the city to approve a proposal to convert rental apartments into condominiums.
- F. An applicant shall be ineligible for a density bonus or any other incentives or concessions if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low-income households, unless the proposed condominium project replaces those units, as defined in Subsection 17.62.070.G, and either of the following applies:

1. The proposed condominium project, inclusive of the units replaced, contains affordable units at the percentages set forth in Subsection 17.62.050.A.
 2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low-income household.
- G. Subsection 17.62.050.F does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by the city before January 1, 2015.

17.62.060 – Childcare Facilities

- A. A housing development that is eligible for a density bonus pursuant to Section 17.62.030 of this article, and also includes a childcare facility qualified under this Section is eligible for either of the following, at the option of the city, if requested in writing by the applicant:
1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility; or
 2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
- B. A childcare facility will only qualify the housing development for an additional density bonus or incentive or concession if it is: 1) located on the premises of, as part of, or adjacent to the housing development, and 2) the housing development is otherwise eligible for a density bonus pursuant to Section 17.62.030 of this article. As a condition of approving the additional density bonus for the housing development, the childcare facility must meet all of the following criteria:
1. The childcare facility may be used only for childcare for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable as stated in deed restrictions and pursuant to Subsection 17.62.030.D of this article; and
 2. Of the children who attend the childcare facility, the percentage of children of very low-income households, low-income households, or moderate-income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low-income households, low-income households, or moderate-income households pursuant to Section 17.62.030 of this article.
- C. Notwithstanding any requirement of this Section, the city shall not be required to provide a density bonus or concession or incentive for a childcare facility if it makes a written finding, based upon substantial evidence, that the community already has adequate childcare facilities.

17.62.070 – General Provisions Governing Density Bonus Calculations

- A. For the purposes of any provisions in this article, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.

- B. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.
- C. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.
- D. For the purposes of this article, the “total units” or “total dwelling units” in a housing development does not include those units added by any density bonus.
- E. Regardless of the number or extent of affordable units, senior housing, land dedication, childcare facilities or other qualifications for a density bonus provided in any single housing development, no housing development may be entitled to a total density bonus of more than thirty-five percent (35%). Table 16.62.070.E provides a summary of density bonus by type of affordable housing unit.

Table 16.62.070.E Density Bonus Summary				
Types of Affordable Units Providing Eligibility for a Density Bonus	Minimum Percent	Bonus Granted	Additional Bonus for Each 1% Increase in Affordable Units	Percent of Affordable Units Required for Maximum 35% Bonus
Affordable Housing Type:				
Very Low-Income	5%	20%	2.5%	11%
Low-Income	10%	20%	1.5%	20%
Moderate-Income	10%	5%	1%	40%
Senior Citizen Housing	Qualified Development	20% of the units	-	-
Land Donation for Very Low-Income Housing:				
Land Donation for Very Low-Income Housing	Land donated can accommodate 10% of market rate units, plus housing development qualified for density bonus as an affordable or senior project	15%	1%	30% of market rate units (assuming housing development provides 5% very low-income units)
Condominium Conversions:				
Low-Income	15%	25% ¹	-	-
Low/Moderate-Income	33%	25% ¹	-	-
Childcare Facility:				
Childcare Facility	Housing Development qualifies for density bonus as an affordable or senior project	Square feet in childcare facility ¹	-	-
Note: (1) Maximum of 25 percent (25%) bonus for condominium conversions, or an incentive or equal value, at the city's option				

- F. An applicant shall be ineligible for a density bonus or any other incentives or concessions if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

1. The proposed housing development, inclusive of the units replaced pursuant to this Section, contains affordable units at the percentages set forth in Section 17.62.030.
 2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
- G. For the purposes of this paragraph, "replace" shall mean either of the following:
1. If any dwelling units described in Subsection 17.62.030.F, above, are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those household in occupancy. For unoccupied dwelling units in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Subsection 17.62.030.F, above.
 2. If all dwelling units have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low-income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restrictions for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Subsection 17.62.020.F.
- H. Subsection 17.62.030.F does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by the city before January 1, 2015.

17.62.080 – Incentives and Concessions for Affordable Housing

- A. **Definition of a Qualified Incentive or Concession.** A qualifying project shall be entitled to at least one (1) but no more than three (3) of the following incentives identified by state law:

1. A reduction in the parcel development standards (e.g. coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements and/or parking requirements). Development standard means any ordinance, general plan element, specific plan, condition, law, policy, resolution, or regulation. In no case may the city apply a development standard that will have the effect of precluding the construction of affordable units. A waiver or modification to development standards may be requested by the applicant, and shall be approved unless such waiver or modification creates an adverse impact as described in Subsection C2, below.
2. Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses will reduce the cost of the housing project, and the nonresidential land uses are compatible with the housing project and existing or planned development in the area where the proposed development will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the city that will result in identifiable, financially sufficient and actual cost reductions.

B. **Number of Incentives.** The number of incentives shall be based on the percentage of affordable units in the project as follows, and summarized in Table 17.62.080.B, below:

1. One (1) incentive or concession shall be entitled for projects where at least five percent (5%) of the total units are for very low-income households, ten percent (10%) of the total units are for low-income households, or ten percent (10%) of the total units in a common interest development are sold to moderate-income households.
2. Two (2) incentives or concessions shall be entitled for projects where at least ten percent (10%) of the total units are for very low-income households, twenty percent (20%) of the total units are for low-income households, or at least twenty percent (20%) of the total units in a common interest development are sold to moderate-income households.
3. Three (3) incentives or concessions shall be entitled for projects where at least fifteen percent (15%) of the total units are for very low-income households, thirty percent (30%) of the total units are for low-income households, or thirty percent (30%) of the total units in a common interest development are sold to moderate-income households.

Table 17.60.080.B Density Bonus Incentives and Concessions Summary			
Affordable Units of Category	Percent of Affordable Units		
Affordable Housing Types:			
Very Low-Income	5%	10%	15%
Low-Income	10%	20%	30%
Moderate-Income	10%	20%	30%
Maximum incentive(s)/concession(s) ^{1,2,3}	1	2	3
Notes 1. An incentive or concession may be requested only if an application is also made for a density bonus. 2. Incentives or concessions may be selected from only 1 category (very low-, low-, or moderate). 3. No incentives or concessions are available for land donation.			

- C. **Findings to Deny Incentive or Concession.** The city shall grant the incentive or concession requested by the applicant unless the city makes a written finding based upon substantial evidence of any of the following:
1. The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units; or
 2. The concession or incentive would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse without rendering the development unaffordable to low- and moderate-income households. A specific adverse impact means a significant, unavoidable impact, as provided in written standards, policies, or conditions; or,
 3. The incentive or concession would be contrary to state or federal law.
- D. **Exceptions.** This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this Section require the city to grant an incentive or concession found to have a specific adverse impact.
- E. **Amendment, Zone Change.** The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

17.62.090 – Waivers and Modifications of Development Standards

- A. Applicants granted a density bonus pursuant to Section 17.62.030 of this article may, by written proposal, seek a waiver, modification or reduction of development standards that would otherwise have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted pursuant to this article. The

applicant may also request a meeting with the city to discuss such request for waiver and modifications.

- B. In order to obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of Section 17.62.030 of this article, at the densities or with the concessions or incentives permitted by this article.
- C. A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 17.62.080 of this article.
- D. The city may deny a request for any waiver, modification or reduction of development standards if the waiver, modification or reduction would have a specific adverse impact.

17.62.100 – Parking Incentives

Upon the written request of the applicant for a housing development meeting the criteria for a density bonus under Section 17.62.030 of this article, the city shall not require a vehicular parking ratio that exceeds the following:

- A. Zero to one bedroom units: One (1) onsite parking space.
- B. Two (2) to three (3) bedroom units: Two (2) onsite parking spaces.
- C. Four (4) and more bedroom units: Two and one-half (2 1/2) parking spaces.

Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Section, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking. For purposes of this article, the parking ratios set forth in this Section shall be deemed a concession or incentive available to the applicant under Section 17.62.080 of this article.

17.62.110 – Standards for Density Bonus Housing Developments

- A. Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market rate units in terms of appearance, materials, and finished quality. The applicant may reduce the interior amenities and square footage of inclusionary units, provided all units conform to all other requirements of this Municipal Code.
- B. For developments with multiple market rate units containing differing numbers of bedrooms, affordable units qualifying a housing development for a density bonus shall be representative of the market rate unit mix.

- C. All building permits for affordable units qualifying a housing development for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for affordable units qualifying a housing development for a density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.

17.62.120 – Application Requirements

- A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this Section shall be submitted with the first approval of the housing development and processed concurrently with all other applications required for the housing development.
- B. For affordable units qualifying the housing development for a density bonus, the application shall include the following information:
 - 1. A site plan identifying the base project without the density bonus, number and location of all inclusionary units, affordable units qualifying for the project for a density bonus, and proposed density bonus units; and
 - 2. Proposed category(ies) qualifying the housing development for a density bonus; and
 - 3. Level of affordability of all affordable and inclusionary units and proposals for ensuring affordability, if applicable; and,
 - 4. A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards.
 - 5. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section 17.62.040 of this article can be made.
 - 6. If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, the application shall demonstrate that the project meets the qualifications and findings stated in Section 17.62.050 of this article.
 - 7. If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the childcare facility and provide evidence that the findings included in Section 17.62.060 of this article can be made.
- C. Upon submission of the application to the city, the community development director or designee shall determine if the application is complete and conforms to the provisions of this article. No application for a first approval for a housing development requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this article.

- D. A request for a minor modification of an approved application may be granted by the city Manager or designee if the modification is substantially in compliance with the original application and the conditions of approval. Other modifications to the affordable housing plan shall be processed in the same manner as the original application.

17.62.130 – Application Review

- A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this article shall be reviewed as part of the first approval of the housing development by the approval body with authority to approve the housing development, unless additional review by the planning commission or city council is required. An applicant proposing a housing development pursuant to this article may submit a preliminary application prior to the submittal of any formal request for approval of a housing development.
- B. Within ninety (90) days of receipt of the preliminary application the city shall provide to an applicant, a letter which identifies project issues of concern (the maximum financial assistance that the community development director can support when making a recommendation to the city council), and the procedures for compliance with this article. The community development director shall inform the applicant that the requested additional incentives shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives pursuant to Section 17.62.080 of this article shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the community development director, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.
- C. Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:
 - 1. The housing development is: a) eligible for a density bonus, and/or b) any concessions, incentives, waivers, modifications, or reduced parking standards requested conform to all requirements of this article, and c) supported by a financing mechanism for all implementation and monitoring costs.
 - 2. If the density bonus is based all or in part on dedication of land, the application meets the qualifications and findings stated in Section 17.62.040 of this article.
 - 3. If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, that the application meets the qualifications and findings stated in Section 17.62.050 of this article.
 - 4. If the density bonus, incentive, or concession is based all or in part on the inclusion of a childcare facility, the application meets the qualifications and findings stated in Section 17.62.060 of this article

5. If a waiver or modification is requested, the applicant has shown that the waiver, modification or reduction of development standards meets the qualifications and findings stated in Section 17.62.090 of this article.
- D. If the findings stated in Subsection C of this Section can be made, and a request for an incentive or concession is otherwise consistent with this article, the approval body may deny a concession or incentive based upon written findings of any of the factors stated in Section 17.62.080 of this article for the denial or disqualification of a concession or incentive.
- E. If the required findings stated in Section 17.62.080.C can be made, and a request for a waiver or modification is otherwise consistent with this article, the approval body may deny the requested waiver or modification based upon written findings of any of the factors stated in Section 17.62.090 of this article for the denial or disqualification of a waiver or modification.
- F. Nothing in this section shall be interpreted to require the city to grant an incentive or concession or to waive or reduce development standards if that incentive, concession, waiver, or reduction has a specific adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- G. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed pursuant to Chapter 17.50 of the Scotts Valley Municipal Code. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

17.62.140 – Developer Affordable Housing Agreement

- A. Applications requesting a density bonus shall agree to enter into a density bonus housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the community development director, who shall formulate a recommendation to the planning commission for final approval. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this article and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.
- B. The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind future owners and successors in interest.

Section 1. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after the date of its adoption. Prior to the expiration of fifteen days from the date of adoption, this Ordinance shall be published in three public places within the City.

Section 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

Section 3. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance was introduced on the 1st day of July, 2015, and passed and adopted on the 15th day of July, 2015, at a duly held meeting of the City Council of the City of Scotts Valley by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Dene Bustichi, Mayor

ATTEST:

Tracy Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

ORDINANCE NO. 16-137

AN ORDINANCE OF THE CITY OF SCOTTS VALLEY AMENDING TITLE 17, ZONING, OF THE SCOTTS VALLEY MUNICIPAL CODE TO ADOPT THE CITY'S REASONABLE ACCOMMODATION PROCEDURES

WHEREAS, the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act prohibit discrimination in housing against individuals with disabilities and require that municipal agencies take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities;

WHEREAS, fair housing laws require that cities provide individuals with disabilities or their representatives flexibility when applying adopted land use and zoning regulations;

WHEREAS, California municipal agencies are required to identify constraints that may inhibit a person with disabilities access to housing and develop strategies to remove constraints or provide reasonable accommodation for such housing;

WHEREAS, California municipal agencies should adopt Reasonable Accommodation Procedures to provide flexibility when applying adopted land use and zoning regulations;

WHEREAS, the City of Scotts Valley 2009-2014 Housing Element Goal #3 reflects the City's desire to expand and protect a range of housing opportunities for all demographic, economic, and special needs groups in the community;

WHEREAS, Government Code section 65583 requires local governments to remove constraints to housing for persons with disabilities or provide reasonable accommodation to housing for persons with disabilities;

WHEREAS, the adoption of this Ordinance is exempt from California Environmental Quality Act (CEQA) review per State CEQA Guidelines Section 15305, Class 5, Minor Alterations to Land Use Limitations and do not trigger any exceptions to exemptions per Section 15300.2; and Section 15061(b)(3), general rule which states that CEQA only applies to projects which have potential to cause a significant effect on the environment; and, a Notice of Exemption shall be filed upon adoption of this Ordinance;

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed ordinance was held by the Planning Commission on June 11, 2015, where all interested persons might appear and be heard; and,

WHEREAS, the Planning Commission considered the Ordinance on June 11, 2015, and recommended that the City Council adopt the proposed ordinance, via Resolution #1687;

WHEREAS, the City Council held a duly noticed and regularly and lawfully given public hearing on July 1, 2015, to consider the proposed ordinance and hear public input;

NOW, THEREFORE, the City Council of the City of Scotts Valley does ordain as follows:

Title 17 of the Scotts Valley Municipal Code is hereby amended to add the following Chapter:

Chapter 17.60 Requests for Reasonable Accommodation

17.60.010 Purpose and Intent

17.60.020 Definitions

17.60.030 Review Authority

17.60.040 Noticing

17.60.050 Application and Submittal Procedures

17.60.060 Standards

17.60.070 Decisions

17.60.090 Appeals

17.60.010 Purpose and Intent

In accordance with federal and state fair housing laws, it is the purpose of this Chapter to provide reasonable accommodations in the city's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability equal opportunity to use and enjoy a dwelling.

In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards, practices, and land use regulations, and policies for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a persons with a disability equal opportunity to housing of their choice.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter applies only to those persons who are defined as disabled under the Acts.

17.60.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

“Disabled person” means a person who has a medical, physical or mental condition that limits a major life activity, as those terms are defined in California Government Code section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term disabled person does not include a person who is currently using illegal substances, unless he or she has a separate disability. (42 U.S.C. 3602(h).)

“Fair housing laws” or *“the Acts”* means (1) the federal Fair Housing Act (42 U.S.C. §3601 and following) and (2) the California Fair Employment and Housing Act (Gov’t. Code §12955 and following), including amendments thereto.

“Reasonable accommodation” means providing disabled persons flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. *Reasonable accommodation* does not include an accommodation which would (1) impose an undue financial or administrative burden on the city or (2) require a fundamental alteration in the nature of the city’s land use and zoning program.

17.60.030 Review Authority

A. Community Development Director or Designee - The community development director or Designee has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter. The community development director or designee may refer the matter to the planning commission, at his or her discretion, when a reasonable accommodation request includes the following items, but not limited to: any encroachment into the setback areas, results in a building size increase above what is permitted in the applicable zoning district with respect to height, lot coverage, or whenever a reduction in required parking is requested.

B. Planning Commission - The planning commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the community development director.

17.60.040 Noticing

A public hearing is not required for a reasonable accommodation request reviewed and decided upon by the community development director. Upon deeming the application complete, the planning department shall send a notice to the applicant, property owner,

the owners and tenants of property of the five parcels located closest to the subject property, and to all members of the planning commission. The notice shall indicate the date upon which the community development director will act on the permit and the intended action to be taken by the community development director. Such notices shall be mailed, via first class mail, a minimum of fifteen days prior to date that action is to be taken. Requests for reasonable accommodation subject to review and decision by the planning commission shall require a public hearing pursuant to the advance noticing requirements of Chapter 17.50 of the Scotts Valley Municipal Code.

17.60.050 Application and Submittal Requirements

A. Application. The applicant shall submit a request for reasonable accommodation on a form provided by the city of Scotts Valley planning department. The application shall include the following information, and shall be filed with the planning department, accompanied by any required fee:

1. The applicant's name, address and telephone number ;
2. Address of the property for which the request is being made;
3. The name and address of the property owner, and the owner's written consent to the application;
4. The current use and/or activity of the property;
5. A description of the basis that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and any effects on the person's medical, physical or mental limitations;
6. The policy, program, regulation or standard adopted by the city of Scotts Valley applicable to the request for accommodation, including the development standard or regulation from which reasonable accommodation is being requested;
7. A description of the specific accommodation request;
8. A description of the basis by which the accommodation is reasonable and necessary for the needs of the affected disabled person(s);
9. Copies of plans, drawings, pictures, and/ other supporting data that provide sufficient information to render a decision (plans and drawings will be to standard scale);
10. Other reasonable requests for information requested by the city to facilitate the rendering of a decision, consistent with fair housing laws.

B. Review with other Related Applications. If the development, project or proposal for which the reasonable accommodation is being requested also requires some other discretionary approval (such as conditional use permit and/or design review), then the applicant shall submit the reasonable accommodation application for a

determination by the community development director, at the same time with the other applications.

C. Required Fees. Any fee required for an application for reasonable accommodation shall be set by resolution of the city council.

17.60.060 Standards

The decision to approve, approve with conditions, or deny an application for reasonable accommodation shall be based on a finding of consistency within the meaning of this Chapter and shall take into consideration all of the following factors:

A. Required Findings

1. The housing or housing related facilities will be used by an individual with a disability under the Acts;
2. The requested accommodation is necessary to make specific housing available to an individual with a disability under the Act;
3. The requested accommodation would impose an undue financial or administrative burden on the city; and
4. The requested accommodation does not negatively affect the character of the zoning district and intent of adopted city, policies, regulations, programs or laws.

B. Development Standards and Conditions

1. An approved request for reasonable accommodation is subject to the applicant's compliance with all other applicable zoning regulations.
2. An approved reasonable accommodation request under this Chapter is considered a personal request for accommodation by the applicant and shall not run with the land. The reasonable accommodation shall terminate upon any sale, transfer, lease or other conveyance of the property.
3. Where appropriate, the applicable reviewing authority may condition its approval on any or all of following:
 - a. Periodic inspection of the location, as specified in the application, to verify continued compliance with the provisions of this section and any conditions of approval;
 - b. Prior to any sale, transfer, lease or other conveyance of the property, or at the time the need for the reasonable accommodation is no longer necessary, the owner of the property shall bring the property into conformance with the city's Zoning Code to the extent that relief was provided under the Zoning Code as part of the request for reasonable accommodation ;
 - c. Time limits and/or expiration of the approval if it can be determined that the Applicant's reasons for approving the accommodation no longer exists;

- d. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;
- e. Methods, design considerations and features that reduce the impact on surrounding uses;
- f. Methods, design considerations and features that preserve the integrity of the property and structures;
- g. Other reasonable accommodations providing an equivalent level of benefit they will not result in an encroachment into required setbacks, permitted exceedance of height limits, lot coverage or floor area ratio requirements specified for the applicable zoning district; and,
- h. Other conditions necessary to protect the public health, safety and welfare of Scotts Valley residents.

17.60.070 Decisions

A. Decision by Community Development Director

The community development director shall render a decision (or refer the matter to the planning commission) within 30 days after the planning department determines the application is complete, per application requirements set forth in Section 17.60.050.A. of this Chapter. The application shall be approved, approved with conditions, or denied, based on the findings set forth in Section 17.60.060. The city shall notify the applicant of the decision. The written decision shall explain in detail the basis of the decision, including the community development director's finding on the factors stated in Section 17.60.060.

B. Decision by Planning Commission

If the application for reasonable accommodation is referred to, or reviewed by, the planning commission, a decision to approve, approve with conditions or deny the application shall be decided at the scheduled public hearing, based on the findings set forth in Section 17.60.060.

17.60.080 Appeals

Any decision on an application under this Chapter shall be subject to appeal pursuant to Chapter 17.50.060 (Appeals) of the Scotts Valley Municipal Code.

Section 1. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after the date of its adoption. Prior to the expiration of fifteen days from the date of adoption, this Ordinance shall be published in three public places within the City.

Section 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

Section 3. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance was introduced on the 1st day of July, 2015, and passed and adopted on the 15th day of July, 2015, at a duly held meeting of the City Council of the City of Scotts Valley by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Dene Bustichi, Mayor

ATTEST:

Tracy Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

ORDINANCE NO. 16-138

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY SCOTTS VALLEY AMENDING TITLE 17,
ZONING, OF THE SCOTTS VALLEY MUNICIPAL
CODE TO ADOPT THE CITY'S REGULATORY
PROVISIONS FOR EMERGENCY SHELTERS AND
TRANSITIONAL AND SUPPORTIVE HOUSING**

WHEREAS, Senate Bill 2 (SB 2) generally requires that at least one zone in a local jurisdiction be identified where “emergency shelters” are a permitted use without a conditional use or other discretionary permit, subject to development and management standards permitted under Government Code Sections 65582, 65583, and 65589.5; and

WHEREAS, Senate Bill 2 requires that “supportive housing” and “transitional housing” be considered a residential use of property, subject to the same standards as other residential uses of the same type in the same zone. Therefore, transitional and supportive housing shall be permitted in all residential zones; and

WHEREAS, Program 2 of the Housing Element, adopted in December 2, 2009, calls for the City to review and amend the Zoning Code to implement state requirements to remove barriers to the development of special needs housing, including emergency shelters and transitional and supportive housing, consistent with the requirements of Senate Bill 2 of 2007; and

WHEREAS, the City of Scotts Valley seeks to be in compliance with the State of California’s regulations for the allowance of emergency shelters, transitional and supportive housing as required by state Senate Bill 2; and

WHEREAS, the City of Scotts Valley currently allows as a permitted use emergency shelters in its C-SC (Shopping Center Commercial), C-S (Service Commercial), and P (Public/Quasi-Public) zoning district regulations and will continue to do so with adoption of this ordinance; and

WHEREAS, the City of Scotts Valley currently allows as a conditional use transitional housing in its I-L (Light Industrial) and C-S (Service Commercial) zoning district regulations and will continue to do so with adoption of this ordinance; and

WHEREAS, the adoption of this Ordinance is exempt from California Environmental Quality Act (CEQA) review per State CEQA Guidelines Section 15305, Class 5, Minor Alterations to Land Use Limitations and do not trigger any exceptions to exemptions per Section 15300.2; and Section 15061(b)(3), general rule which states that CEQA only applies to projects which have potential to cause a significant effect on the environment; and, a Notice of Exemption shall be filed upon adoption of this Ordinance; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed ordinance was held by the Planning Commission on June 11, 2015, where all interested persons might appear and be heard; and

WHEREAS, the Planning Commission considered the ordinance changes on June 11, 2015, and recommended that the City Council adopt the proposed ordinance, via Resolution #1687; and

WHEREAS, the City Council held a duly noticed and regularly and lawfully given public hearing on July 1, 2015, to consider the proposed ordinance and hear public input; and

NOW, THEREFORE, the Planning Commission of the City of Scotts Valley does ordain as follows:

Section 1. Section 17.04.080, Definition of “E” terms is hereby amended to modify the definition of “emergency shelters” to read as follows:

“Emergency shelters” means buildings that are used to provide an immediate short-term solution to homelessness and limited supplemental health, nutrition and sanitary services, during a time when an emergency has been declared by the Scotts Valley City Council housing with minimal supportive services that is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay; as defined and used in Section 50801(e) of the California Health and Safety Code. However, emergency shelter providers are not obligated to accept individuals if the shelter is at it approved capacity.

Section 2. Section 17.04.220, Definition of “S” terms is hereby amended to add the definition of “supportive housing” to read as follows:

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community; as defined by Section 50675 of the California Health and Safety Code.

Section 3. Section 17.04.230, Definition of “T” terms is hereby amended to add the definition of “target population” and modify the definition of “transitional housing” to read as follows:

“Target population” means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster

care system, individuals exiting from institutional settings, veterans, or homeless people; as defined in Section 50675.14 of the California Health and Safety Code.

“Transitional housing” is temporary housing with supportive services, limited occupancy of up to two years and designed for the recently homeless with the ultimate goal of moving them to permanent housing as quickly as possible means temporary rental housing intended for occupancy by target populations transitioning to permanent housing that is operated under program requirements calling for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months as defined in Section 50675.2 of the California Health and Safety Code.

Section 4. Section 17.44, General and Special Provisions is hereby amended to add Section 17.44.110 to read as follows:

Chapter 17.44.110 Emergency Shelters.

- A. **Purpose.** The purpose of these regulations is to provide operational and management standards for emergency shelters. The regulations contained herein are intended to establish compatibility with surrounding uses.
- B. **Operational standards and management standards for emergency shelters.** Emergency shelters shall be subject to and comply with the following standards and regulations:
 - 1. **Limited terms of stay.** The facility shall operate on a first come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00pm and 7:00am (PDT), and 5:00pm and 7:00am (PST). Clients must vacate the facility by 8:00am and have no guaranteed bed for the next night. A curfew of 10:00pm (or earlier) shall be established and strictly enforced. Clients shall not be admitted after the curfew.
 - 2. **Siting.** To avoid over concentration of emergency shelter facilities, a minimum distance of 300 feet shall be maintained from any other emergency shelter, as measured from the property line.
 - 3. **Restroom Facilities.** Service providers shall provide sufficient numbers of male and female toilets/restrooms for clients and prospective clients to have access to use on a 24-hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings.
 - 4. **Outdoor Storage.** Any outdoor storage, including but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six (6)-foot tall decorative wall or fence. Shopping carts are not permitted on site.

5. **Waiting Areas.** Adequate waiting areas must be provided within the premises for clients and prospective clients including ten (10) square feet per bed, minimum 100 square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas. Facility improvements shall comply with the Scotts Valley Municipal Code and the most current adopted Building and Safety Code, specific to the establishment of dormitories.
6. **Off-Street Parking.** An emergency shelter facility shall provide off-street parking at the ratio of one (1) space per three (3) beds, and/or 1.0 per bedroom designated as a family unit with children, plus one (1) space per staff member. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients, and other visitors who drive to the premises.
7. **Bicycle Parking.** Secure bicycle rack parking shall be provided at the facility at a rate of one space per three beds.
8. **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.
9. **Additional Service Areas.** The facility may provide the following services in a designated area separate from sleeping areas:
 - a. A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six (6)-foot tall visually screening decorative wall or fence.
 - b. A counseling center for job placement, education, health care, legal services, or mental health services.
 - c. Kitchen and dining area.
 - d. Client storage area.
10. **Outdoor Activity.** For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of 9:00am and 10:00pm (PDT and PST)
11. **Refuse.** Emergency shelters shall provide a refuse storage area that is in accordance with the requirements of the public works department.
12. **Business License.** Emergency shelter operators shall obtain a City business license.
13. **Shelter Management Plan.** A shelter management plan shall be submitted as part of the permit application, which addresses all the following:

- a. All graffiti on the premises shall be removed by the shelter operator within 24 hours.
- b. Installation of anti-loitering signs.
- c. Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the City prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed shelter and shall reasonably be expected to be available for the life of the project.
- d. A minimum one (1) staff member per 15 beds shall be awake and on-duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff members who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.
- e. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the emergency shelter.
- f. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to Scotts Valley.
- g. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.
- h. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the City.
- i. Service providers shall provide the timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period.
- j. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, City staff, or the general public.
- k. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for

clients who have previously been expelled from the facility shall be established.

- I. Alcohol and illegal drug use is prohibited on-site. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.
 - m. The facility shall implement other conditions and/or measures as determined by the City, in consultation with other City/County agencies necessary to ensure that management and/or clients of the emergency shelter maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use.
14. The facility shall comply with all other laws, rules, and regulations that apply including, but not limited to, Building and Fire Codes. The facility shall be subject to City inspections prior to the commencement of operation. In addition, the City may inspect the facility at any time for compliance with the facility's Management Plan and other applicable laws and standards.

The following applies to the C-S (Service Commercial) Zoning District

Section 5. Section 17.20.020, Permitted Uses, is hereby amended to read as follows:

D. Emergency shelters (≤ 25 occupants), subject to compliance with Section 17.44.110

Section 6. 17.20.030, Conditional Uses, is hereby amended to read as follows:

T. Emergency shelters (> 25 occupants), subject to compliance with Section 17.44.110

The following applies to the C-SC (Shopping Center Commercial) Zoning District

Section 7. Section 17.22.020, Permitted Uses, is hereby amended to read as follows:

C. Emergency shelters (≤ 25 occupants), subject to compliance with Section 17.44.110

Section 8. Section 17.22.030, Conditional Uses, is hereby amended to read as follows:

K. Emergency shelters (> 25 occupants), subject to compliance with Section 17.44.110

The following applies to the P (Public/Quasi-Public) Zoning District

Section 9. Section 17.30.020, Permitted Uses, is hereby amended to read as follows:

C. Emergency shelters (≤25 occupants), subject to compliance with Section 17.44.110

Section 10. Section 17.30.030, Conditional Uses, is hereby amended to read as follows:

M. Emergency shelters (>25 occupants), subject to compliance with Section 17.44.110

The following applies to the I-L (Light Industrial) Zoning District

Section 11. Section 17.26.035, Transitional housing is hereby amended to delete the following:

Chapter 17.26.035 Transitional Housing

No person shall operate a transitional housing facility without obtaining a conditional use permit in accordance with Section 17.50.020 and subject to requirements of Section 17.44.170 of this title. ~~In addition the applicant will supply the following information:~~

- ~~a. A letter of certification of final approval from the state or county licensing authority,~~
- ~~b. A site plan of the property showing parking, outdoor exercise area, and fencing,~~
- ~~c. A letter from the fire department approving the safety of the structure for the use,~~
- ~~d. A letter application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and~~
- ~~e. Landscaping and other information as required by the community development director.~~
- ~~f. Show that there is one parking space for each single resident and/or one space for each family unit living in the facility.~~

The following applies to the C-S (Service Commercial) Zoning District.

Section 12. Section 17.20.030, Conditional uses is hereby amended to delete the following:

S. Transitional Housing. No person shall operate a transitional housing facility without obtaining a conditional use permit in accordance with Section 17.50.020 and

subject to the requirements of Section 17.44.170 of this title. ~~In addition the applicant will supply the following information.~~

- ~~a. A letter of certification of final approval from the state or county licensing authority,~~
- ~~b. A site plan of the property showing parking, outdoor exercise area, and fencing,~~
- ~~c. A letter from the fire department approving the safety of the structure for the use,~~
- ~~d. A letter application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and~~
- ~~e. Landscaping and other information as required by the community development director.~~
- ~~f. Show that there is one parking space for each single resident and/or one space for each family unit living in the facility.~~

Section 13. Section 17.44, General and Special Provisions is hereby amended to add Section 17.44.170, Transitional Housing, to read as follows:

Section 17.44.170, Transitional Housing

A. No person shall operate a transitional housing facility without obtaining a conditional use permit in accordance with Section 17.50.020. In addition the applicant will supply the following information:

- 1. A letter of certification of final approval from the state or county licensing authority,
- 2. A site plan of the property showing parking, outdoor exercise area, and fencing,
- 3. A letter from the fire department approving the safety of the structure for the use,
- 4. A letter application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and
- 5. Landscaping and other information as required by the community development director.
- 6. Show that there is one parking space for each single resident and/or one space for each family unit living in the facility.

The following applies to the R-VH (Very High-Density Residential) Zoning District

Section 14. Section 17.09.020, Permitted Uses, is hereby amended to add subsection E to read as follows:

E. Transitional housing and supportive housing

The following applies to the R-H (High-Density Residential) Zoning District

Section 15. Section 17.10.020, Permitted Uses, is hereby amended to add subsection G to read as follows:

G. Transitional housing and supportive housing

The following applies to the R-M-6 and R-M-8 (Multiple Residential) Zoning District

Section 16. Section 17.12.020, Permitted Uses, is hereby amended to read as follows:

G. Transitional housing and supportive housing

The following applies to the R-1 (Single-Family Residential) Zoning District

Section 17. Section 17.14.020, Permitted Uses, is hereby amended to read as follows:

H. Transitional housing and supportive housing

The following applies to the R-R-2.5 (Residential Rural) Zoning District

Section 18. Section 17.16.020, Permitted Uses, is hereby amended to read as follows:

H. Transitional housing and supportive housing

The following applies to the R-MT-5 (Residential-Mountain) Zoning District

Section 19. Section 17.18.020, Permitted Uses, is hereby amended to read as follows:

I. Transitional housing and supportive housing

Section 20. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after the date of its adoption. Prior to the expiration of fifteen days from the date of adoption, this Ordinance shall be published in three public places within the City.

Section 21. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

Section 22. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance was introduced on the 1st day of July, 2015, and passed and adopted on the 15th day of July, 2015, at a duly held meeting of the City Council of the City of Scotts Valley by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Dene Bustichi, Mayor

ATTEST:

Tracy Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

- Prohibit outdoor storage next to housing in the I-L zone;
- Allow permitted outdoor storage uses to remain until their use permits expire;
- Phase-out unpermitted outdoor storage uses to vacate properties by July 2016;

Staff Planner: Michelle Fodge, Senior Planner, (831) 440-5632 or mfodge@scottsvalley.org

Action: Planning Commission recommended approval of the ordinance to the City Council, and expressed an interest to keep businesses like Scotts Valley Feed and outdoor garden stores and to not force (legal nonconforming) businesses out of town, via Resolution # 1686, with a 3/0/2 vote.

5. **Project Title:** Density Bonus, Reasonable Accommodation, and Emergency Shelters and Transitional and Supportive Housing Ordinances

Planning Permit Applications: AZO15-002, AZO15-003, and AZO15-004

Project Addresses: City-wide in the following zones: Commercial-Service, Commercial-Shopping Center, Light-Industrial, Open Space, Public/ Quasi-Public, and all Residential

Applicant: City of Scotts Valley

Property Owners: Various; City-wide parcels

Project Description: Consideration of a recommendation of approval to the City Council of a Zoning Ordinance Amendments to:

- Meet requirements of state Density Bonus Law to give developers the opportunity to receive a density bonus above what zoning allows in exchange for providing affordable units;
- Establish formal reasonable accommodation procedures that give flexibility with zoning regulations to individuals with disabilities; and,
- Adopt regulatory provisions for emergency shelters and transitional and supportive housing per Senate Bill 2.

Staff Planner: Michelle Fodge, Senior Planner, (831) 440-5632 or mfodge@scottsvalley.org

Action: Planning Commission recommended approval to the City Council, via Resolution # 1687, with a 3/0/2 vote.

DISCUSSION ITEMS: None.

FUTURE AGENDA ITEMS: None.

WRITTEN COMMUNICATIONS - FOR INFORMATION ONLY: None.

ADJOURNMENT: 7:45PM.

City of Scotts Valley
PLANNING COMMISSION
STAFF REPORT

Date:	June 11, 2015
Applicant:	City of Scotts Valley
Applications:	Zoning Ordinance Amendments: AZO15-002 - Density Bonus AZO15-003 - Reasonable Accommodation AZO15-004 - Emergency Shelters, Transitional and Supportive Housing
Location:	Citywide for Density Bonus and Reasonable Accommodation Ordinances; and Residential, Commercial, Light-Industrial, Open Space, and Public/Quasi-Public Zoning Districts for Emergency Shelters, Transitional and Supportive Housing Ordinance
General Plan:	Commercial-Service, Commercial-Shopping Center, Open Space, Light-Industrial, Public/Quasi-Public, and all Residential
Zoning:	C-S, C-SC, I-L, OS, P/Q-P, and R-VH, R-H, R-M-6, R-M-8, R-1, R-R-2.5, R-MT-5
Environmental Status:	The adoption of all three ordinances is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15305, Class 5, Minor Alterations to Land Use Limitation and State CEQA Guidelines Section 15061(b)(3), general rule that CEQA only applies to projects which have the potential to cause a significant effect on the environment.
Request:	Consideration of Planning Commission review and recommendation of approval to the City Council of amendments to the Zoning Ordinance to: 1. Meet requirements of state Density Bonus Law to give developers the opportunity to receive a density bonus above what the current zoning allows, in exchange for providing affordable units;

2. Establish formal reasonable accommodation procedures that give flexibility with zoning regulations to individuals with disabilities; and,
3. Adopt regulatory provisions for emergency shelters and transitional and supportive housing per Senate Bill 2, enacted in September 2014.

Staff Planner: Michelle Fodge, Senior Planner at (831) 440-5632 or mfodge@scottsvalley.org

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Conduct a public hearing to receive public input on the proposed Zoning Ordinance Amendments (ordinances) via Ordinance Nos. 16-136, 16-137, and 16-138 (see *Exhibits A, B, and C attached*). The ordinances propose to amend the following Chapters of the City's Zoning Ordinance:
 - 17.62, Density Bonus;
 - 17.60, Requests for Reasonable Accommodation;
 - 17.44.110, Emergency Shelters;
 - 17.04, Definitions;
 - 17.09, R-VH Very High-Density Residential Zoning District Regs.;
 - 17.10, R-H High-Density Residential Zoning District Regulations;
 - 17.12, R-M-6 and R-M-8 Multiple Residential Zoning District Regs.;
 - 17.14, R-1 Single-Family Residential Zoning District Regulations;
 - 17.16, R-R-2.5, Residential-Rural Zoning District Regulations;
 - 17.18, R-MT-5 Residential-Mountain Zoning District Regulations;
 - 17.20, C-S Service Commercial Zoning District Regulations;
 - 17.22, C-SC Shopping Center Commercial Zoning Dist. Regs.;
 - 17.26, I-L Light Industrial Zoning District Regulations;
 - 17.30, P Public/Quasi-Public Zoning District Regulations; and,
 - 17.44, General and Special Provisions;
2. Provide any comments/recommendations for City Council consideration; and,
3. Adopt the attached resolution recommending approval of the proposed ordinances (see *Exhibits A, B, and C attached*).

SUMMARY OF ISSUE

Changes to the City's Zoning Ordinance require Planning Commission review and recommendation to the City Council. Therefore, staff requests the Commission's review and comments on the proposed ordinances (see *Exhibits A, B, and C attached*).

The City is updating the General Plan Housing Element for the planning period of 2015-2023, which will be scheduled for Planning Commission and City Council review later this year. As such, the City is also required to amend the Zoning Ordinance to address changes in state law and to implement programs committed in the previously certified Housing Element for the planning period of 2009-2014. The ordinances address the following three topics:

1. Density Bonus Ordinance;
2. Reasonable Accommodation Ordinance; and
3. Senate Bill 2 Provisions for Emergency Shelters, and Transitional and Supportive Housing

BACKGROUND

1. Density Bonus: Enacted in 1979, Density Bonus Law encourages cities and counties in California to offer density bonuses, incentives, and waivers to housing developments that include certain percentages of affordable units. The law has been modified since its inception with the last revision in September 2014 (Assembly Bill 2222). Consequently, all jurisdictions must update their Municipal Code in compliance with the most recent State law provisions.

A density bonus may allow a parcel to accommodate additional square footage or additional residential units beyond the maximum allowed under zoning or development range of a General Plan land use designation. The amount of density bonus granted varies and is dependent upon the target income level of the units (very low-, low-, moderate-) and the number of units to be provided. State law establishes a progressive scale in which the density bonus percentage available to an applicant increases based on the nature of the applicant's offer to build below market rate housing.

The City committed to the adoption of Density Bonus provisions in its 2009-2014 Housing Element, Program 2. As such, a new section will be added to the Zoning Ordinance which clearly outlines density bonus requirements, concessions, and incentives (*see Exhibit A attached*).

2. Reasonable Accommodation: Fair housing laws and subsequent federal and state legislation (Federal Fair Housing Act and the California Fair Employment and Housing Act) require all cities and counties to further housing opportunities for individuals with disabilities by identifying and removing constraints to the development of housing for individuals with disabilities, including local land use and zoning barriers, and to also provide reasonable accommodation as one method of advancing equal access to housing.

The proposed ordinance provides a fair and reasonable means of accommodating the special housing needs of individuals with disabilities, as required by state and federal law. Fair Housing laws require that cities and counties provide flexibility or even waive certain requirements when it is necessary to eliminate barriers to housing opportunities for people with disabilities.

An example of such a request is placing a ramp in a front yard to provide access from the street to the front door. The City has previously committed to removing constraints to the development of housing for persons with disabilities in Program 15 of the 2009-2014 Housing Element. As such, a new section will be added to the Zoning Ordinance (*see Exhibit B attached*).

3. SB 2 - Emergency Shelters, Transitional and Supportive Housing: Senate Bill 2 (SB 2) was enacted in January 2008, and clarifies and strengthens housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. Generally, SB 2 amends housing element law regarding planning and approval for emergency shelters and transitional and supportive housing as follows:
 - At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary action;
 - Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter;
 - Existing or proposed permit procedures, development and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters;
 - Emergency shelters shall only be subject to development and management standards that apply to residential or commercial within the same zone;
 - Written and objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security; and,
 - Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

According to the 2013 Santa Cruz County Homeless Point-in-Time Census and Survey, there were 25 homeless individuals in the City of Scotts Valley. To meet requirements of SB 2 as it relates to emergency shelters, the City of Scotts Valley currently permits emergency shelters in the C-S (Service Commercial), C-SC (Shopping Center Commercial), and P (Public/Quasi-Public) zoning districts as a matter of right. The City also permits transitional housing in the I-L (Light Industrial) and C-S (Service Commercial) zoning districts with a conditional use permit. To fully meet requirements of SB 2, the proposed ordinance addresses both transitional and supportive housing, plus provides operational standards for emergency shelters (*see Exhibit C attached*).

PROJECT DESCRIPTION

1. Density Bonus – Ordinance No. 16-136: The City proposes to amend the Zoning Ordinance to provide Density Bonus and related incentives and concessions to encourage the development of affordable housing units. The ordinance provides specific application and review requirements, general provisions for determining density bonus calculations, and types of bonuses and incentives allowed.

Applicants for density bonuses may request specific incentives or concessions from local jurisdictions. An incentive or concession is defined as:

- A reduction in site development standards, or a modification of zoning code or architectural design requirements, including reduction in otherwise mandated setback, square footage, and parking ratio requirements, resulting in identifiable, financially sufficient, and actual cost reductions;
- Approval of mixed-use zoning in conjunction with the housing project is the nonresidential land uses would reduce the cost of the housing development and are compatible with the housing project and the surrounding area; and,
- Other regulatory incentives proposed by the developer of the City that results in identifiable, financially sufficient, and actual cost reductions.

An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard under the ordinance will be reviewed as part of the first approval of the housing development by the approval body with authority to approve the housing development, unless additional review by the planning commission or city council is required. In accordance with State law, the City cannot impose development standards that would make the qualified affordable housing project infeasible.

2. Reasonable Accommodation – Ordinance No. 16-137: The proposed ordinance provides a notice, review, and decision process for reasonable accommodation requests filed by persons with disabilities. The reasonable accommodation ordinance establishes appropriate findings that reflect the intent and specific language of both the federal and state fair housing statutes.

The focus of the request for reasonable accommodation is the need of the individual with disabilities to overcome barriers to housing, not on the topography of the site or the unique character of the lot. The ordinance provides a formal process for individuals with disabilities to request relief from, and flexibility in, the application of the City's zoning, building, and land use laws, regulations, policies or procedures, to provide equal opportunity for them to use and enjoy their dwelling.

3. SB2 Emergency Shelters, Transitional & Supportive Housing – Ordinance No. 16-138: To meet state law requirements, the proposed ordinance permits emergency shelters (serving 25 or less occupants) by-right in the C-S (Service Commercial), C-SC (Shopping Center Commercial), and P (Public/Quasi-Public) zoning districts. Emergency shelters serving more than 25 persons will require a conditional use permit.

Given that the City's homeless need has been estimated at 25 persons in Scotts Valley, state law requires that the City provide sufficient capacity to accommodate that need. This revision meets the requirements of SB 2, but allows the City discretionary review of shelters that provide for more than 25 occupants.

The proposed ordinance requires a Shelter Management Plan to be submitted which addresses operational characteristics such as hours of operation, staffing, client intake procedures, and safety and security. Other standards for emergency shelters include length of stay, outdoor storage, lighting, and business license requirements. Shelters will be required to comply with the development standards of the underlying zoning district.

Staff believes that the standards identified are appropriate and achieve the goal of providing flexibility in terms of the specific operational characteristics of a shelter, while also providing sufficient controls on the use so that adverse impacts to surrounding properties do not occur

Senate Bill 2 requires that supportive housing and transitional housing be considered a residential use of property, subject to the same standards as other residential uses of the same type in the same zone. Therefore, the proposed ordinance permits transitional and supportive housing in all residential zones. The proposed ordinance also clarifies definitions for emergency shelters, transitional housing, and supportive housing per state law.

DISCUSSION

1. **Consistency with the City's General Plan:** The proposed ordinances are being proposed to comply with state law. The ordinances were analyzed for consistency with the City's General Plan and found to be consistent with the General Plan Housing Element as shown in the table below:

Proposed Zoning Ordinance Amendment	Housing Element Policy	Housing Element Program
Density Bonus	Policy 1.4 Offer regulatory incentives and concessions for affordable housing, such as modified development standards, density bonuses, or fee waivers where deemed to be appropriate.	Program 2 - Development Code Revisions
Reasonable Accommodation	Policy 3.3 Encourage the provision of support and housing services for special needs groups, including seniors, large families, disabled persons, single parents, college students, homeless people and others.	Program 15 - Fair Housing
SB2 Emergency Shelters, and Transitional and Supportive Housing	Policy 3.3 Encourage the provision of support and housing services for special needs groups, including seniors, large families, disabled persons, single parents, college students, homeless people and others.	Program 2 - Development Code Revisions Program 15 - Fair Housing

2. **Consistency with the Zoning Ordinance:** The ordinances will be consistent with the purposes and objectives of the applicable sections of the Zoning Ordinance in that they do not change the base zoning designation of properties, do not affect existing uses, and do not propose or require any new development.

ENVIRONMENTAL REVIEW

The proposed ordinances are categorically exempt from the California Environmental Quality Act (CEQA), per State CEQA Guidelines, Section 15305, Class 5, Minor Alterations to Land Use Limitations and do not trigger any of the exceptions to exemptions listed in CEQA Guidelines Section 15300.2. Section 15061(b)(3), general rule states that CEQA only applies to projects which have the potential to cause a significant effect on the environment. The ordinances do not propose construction of a project. Any development proposed in the future will be required to comply with CEQA at that time.

PUBLIC NOTICE AND COMMENT

1. **Public Hearing Notices:** On May 29, 2015, a public hearing notice was published in the PressBanner newspaper and was City Hall, the public library, and the Senior Center, pursuant to State law and the City's Municipal Code. At the time of completing this staff report, one member of the public asked questions about water availability for anticipated future development. Staff explained that the proposed ordinances do not involve construction of a project. Staff has not received any public phone calls about the project.
2. **Received Written Comments:** To date, the City has not received any written correspondence. If any comments are received, staff will provide the Planning Commission and public a copy at the Planning Commission public hearing.

REQUIRED FINDINGS

Based on staff's analysis, staff believes that the required findings can be made as listed in the attached resolution to recommend approval of the ordinances to the City Council.

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AB 2222: Amendment to Density Bonus Law

- Signed into law on September 27, 2014
- Amended sections of the State Density Bonus Law (Gov. Code §§ 65915, 65915.5)
- Require developers to replace all of a property's pre-existing affordable units in order to become eligible for the bonuses, incentives, waivers provided under the Density Bonus Law (DBL)
- Prohibits an applicant from receiving a density bonus unless the proposed housing development would, at a minimum, maintain the number and proportion of affordable housing units within the proposed developments
 - Includes affordable dwelling units that have been vacated or demolished in the 5 year period preceding the application
- Increases the required affordability from 30 years or longer to 55 years or longer for all affordable rental units that qualified an applicant for a density bonus
 - Requires replacement rental unit to be subject to a recorded affordability restriction for at least 55 years
 - If units that qualified an applicant for a density bonus are affordable ownership units, as opposed to rental units, they must be subject to an equity sharing model
- New law does not apply to density bonus applications submitted to, or processed by, a local government before January 1, 2015

City of Scotts Valley Staff Report

DATE: July 1, 2015

TO: Honorable Mayor and City Council

FROM: Scott Hamby, Public Works Director

SUBJECT: **SKYPARK OPEN SPACE MAINTENANCE ASSESSMENT
DISTRICT NO. 1: RESOLUTION 1555-SP-027; ANNUAL
ENGINEER'S REPORT**

SUMMARY OF ISSUE

On October 18, 1995, City Council adopted the necessary resolutions to initiate the proceedings to form the Skypark Open Space Maintenance Assessment District No. 1 and on December 6, 1995, authorized the levy and collection of assessments. The assessment district pays to maintain the linear park, the two greenbelt areas and insurance for slope subsidence of the bluffs along the linear park. The assessment district is formed pursuant to the Landscaping and Lighting Act of 1972 and must be renewed annually.

The district special fund is annually depleted and the owners reassessed each year. Attached is the Engineer's Report establishing the assessments this year at \$219.74 per unit, the same as last year's, for total revenue of \$41,750.60.

As required, all 190 owners were notified by mail of the public hearing and the public meeting. The assessor's role is used to obtain the current name and address of each property owner to be notified of the proceedings.

City Council will hold a public meeting on June 17, 2015 and conduct a public hearing on July 1, 2015. It is appropriate at the public meeting to take testimony from the affected property owners. No other action is necessary. It is appropriate at the public hearing to take testimony from the affected property owners; overrule protest, if Council so chooses; approve the annual Engineer's Report; and adopt Resolution 1555-SP-27.

FISCAL IMPACT

None. All costs will be borne by the assessment district.

STAFF RECOMMENDATION

1. At the public meeting on June 17, 2015; accept public testimony.
2. At the public hearing on July 1, 2015; City Council accept testimony from the property owners; overrule protests, if any; approve the Engineer's Report; and approve Resolution 1555-SP-27, authorizing the levy and collection of assessments.

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RESOLUTION NO. 1555-SP-027

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY
ORDERING AND AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS
THEREIN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972**

SKYPARK OPEN SPACE MAINTENANCE DISTRICT

RESOLVED, by the City Council of the City of Scotts Valley, California, that,

WHEREAS, pursuant to Resolution No. 1555-SP-07, ordering formation of territory into an Open Space Maintenance Assessment District and authorizing the levy and collection of assessments, adopted on the 6th day of December 1995 by the City Council pursuant to the Landscaping and Lighting Act of 1972, as amended, the Engineer of Work of said City has filed with the City Clerk the written report called for under said Act and by said Resolution No. 1555-SP-07, which report has been presented by said Engineer of Work to this Council and this Council has preliminarily approved and confirmed said report by its Resolution No. 1555-SP-03, adopted October 18, 1995, and ordered that the same stand as the report for the purpose of all subsequent proceedings pursuant to said Resolution No. 1555-SP-03.

WHEREAS, June 17, 2015 at the hour of 6:00 o'clock p.m. and July 1, 2015 at the hour of 6:30 o'clock p.m., in the regular meeting place of said Council, Council Chambers, One Civic Center Drive, Scotts Valley, California, was appointed and fixed as the time and place of public hearings to act upon the Engineer's Report and Resolution No. 1555-SP-027.

WHEREAS, the City Clerk gave notice of said hearings by publication once a week for two weeks in the local newspaper published and circulated in said City, and by mailing or causing to be mailed notice of the adoption of said Resolution and of the filing of said report, postage prepaid, at least ten days before the date set for hearings of said protests, to all persons owning real property to be assessed, whose names and addresses appear on the last equalized assessment roll for County taxes prior thereto or as known to the City Clerk, which notice contained a statement of the time, place and purpose of the hearings and a statement of the total estimated cost of said proposed maintenance and improvements, the amount as shown by said report to be assessed against the particular parcel covered by the notice, together with a statement that any person interested may file a protest in writing as provided in said Act.

WHEREAS, all written protests and other written communications were read by the Council and are on file with the Clerk and all persons desiring to be heard were fully heard;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. That protests against said maintenance of improvements and levy of assessments were not signed by the owners of a majority or more of the area of the lands within the assessment district assessed for the costs and expenses of said work.

2. That said protests be, and each of them are, hereby overruled.
3. That the owners of one-half (1/2) or more of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearings, file written protests against the said proposed maintenance and improvements as a whole, or against said district or the extent thereof to be assessed for the costs and expenses of said maintenance and improvements as a whole, or as to the Engineer's estimate of said costs and expenses, or against the maps and descriptions, or against the diagram or assessment to pay for the costs and expenses thereof.
4. That the district benefitted by said maintenance and improvements are to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof are more particularly described in said Resolution No. 1555-SP-07 and made a part hereof by reference thereto. That all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from said district and from the levy and collection of the special taxes to be hereafter levied and collected to cover the costs and expenses of said maintenance and improvements.
5. That the Engineer's estimate of the itemized and total costs and expenses in connection therewith, contained in said Report, be, and it is hereby, finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said maintenance of improvements.
6. That the public interest and convenience require and said Council does hereby order the maintenance of improvements to be made as described in and in accordance with said Resolution No. 1555-SP-07 on file in the office of the Clerk, reference to which is hereby made for a more particular description of said maintenance of improvements, and also for further particular pursuant to the provisions of said Landscaping and Lighting Act of 1972.
7. That the diagram showing the assessment district referred to and described in said Resolution No. 1555-SP-07, and also the boundaries and dimensions of the respective subdivisions having been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said maintenance of improvements.
8. That the assessment of the total amount of the costs and expenses of the proposed maintenance of improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by said subdivisions, respectively from said maintenance of improvements, and of the expenses incidental thereto, contained in said report, be, and the same is hereby, finally approved and confirmed as the assessment to pay the costs and expenses of said maintenance of improvements.
9. That said Engineer's Report be, and the same is hereby, finally adopted and approved as a whole.

10. That the Clerk shall forthwith deliver to the Superintendent of Streets said assessment as confirmed by this Council with his/her certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his/her office in a suitable book to be kept for that purpose, and append thereto his/her certificate for the date of such recording, and such recordation shall be and constitute the assessment roll herein.

11. Proceedings shall be taken by this Council pursuant to said Act for any fiscal year during which an assessment is to be levied and collected within said district.

12. The Clerk of this City be, and is hereby, authorized and directed to file a certified copy of this resolution with the County Auditor of Santa Cruz County.

I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the City Council of the City of Scotts Valley, California, at a regular meeting thereof held on the 1st day of July 2015, by the following vote of the members thereof:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Dene Bustichi, Mayor

ATTEST: _____
Tracy Ferrara, City Clerk

ENGINEER'S REPORT
FISCAL YEAR 2015-2016
SKYPARK OPEN SPACE
MAINTENANCE ASSESSMENT DISTRICT NO. 1

Tract No. 1380

CITY OF SCOTTS VALLEY
Santa Cruz County, California

Dene Bustichi
Mayor

Donna Lind
Vice-Mayor

Randy Johnson
Council Member

Stephany E. Aguilar
Council Member

Jim Reed
Council Member

Stephen H. Ando
City Manager

Scott Hamby
Public Works Director

Joel F. Ricca, RCE 53588
Assessment District Engineer of Work

Skypark Open Space Maintenance Assessment District No. 1

ASSESSMENT

Fiscal Year 2015-2016

WHEREAS, on October 18, 1995, the City Council of the City of Scotts Valley, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution No. 1555-SP-01, determining to initiate proceedings for the establishment of an assessment district to be known as the "Skypark Open Space Maintenance Assessment District No. 1", more particularly therein described; and

WHEREAS, Resolution No. 1555-SP-25 appointed the City Engineer as Engineer of Work and directed the preparation and filing of an Engineer's Report presenting plans of the improvements to be maintained, a diagram for the assessment district, an estimate of cost for maintenance and servicing thereof, and an assessment of the estimated costs upon all assessable lots or parcels within the assessment district, to which resolutions reference is hereby made for further particulars.

NOW, THEREFORE, I, Joel F. Ricca, RCE 53588, City Engineer of said City of Scotts Valley, acting in the capacity of Engineer of Work under order of the City Council of said City of Scotts Valley, hereby make the following assessment to cover the portion of the estimated cost of the maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, to be paid by the assessment district.

The amount to be paid for said maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, to be paid by the assessment district for the fiscal year 2015-2016 is as follows:

Engineer's Estimate: \$41,750.60

And I do hereby assess and apportion said portion of said total amount of the costs and expenses of said maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, upon the several lots, pieces, or parcels or portions of lots of land liable therefor and benefitted thereby, and hereinafter numbered to correspond with the numbers upon the diagram, upon each, severally and respectively, in proportion to the benefits to be received by such lands respectively, from the maintenance hereto attached and by reference made a part hereof.

As required by said Act, a diagram is recorded in official records of the County of Santa Cruz showing the assessment district and also boundaries and dimensions of the respective lots or parcels of land within said assessment district generally described as the same existed at passage of said Resolution No. 1555-SP-01.

Said assessment is made upon the several lots or parcels of land within said assessment district in proportion to the estimated benefits to be received by said lots or parcels respectively, from the maintenance and servicing of the improvements. The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular description of said property.

I hereby place opposite the number of each lot or parcel of land assessed, the amount assessed thereon and the number of the assessment. Each lot or parcel of land is described in the assessment list by reference to its parcel number as shown on the Assessor's Maps of the County of Santa Cruz for the fiscal year 2015-2016 to the right of the parcel numbers and includes all of such parcels.

Date

Joel F. Ricca, RCE 53588
City Engineer

DESCRIPTION OF WORK

Skypark Open Space Maintenance Assessment District No. 1

1. Maintaining and servicing of landscaping, vegetation and open space, including the cost of repair, removal or replacement of all or any part thereof, providing for the life, growth, health and beauty thereof, including cultivation, trimming, spraying, fertilizing or treating for disease or injury, the removal of trimmings, rubbish, debris and other solid waste, and water for the irrigation thereof.
2. Maintaining and servicing of decorative fencing, exercise par course and signage thereon, electronically controlled gates, and other ornamental structures and facilities, including the cost of repair, reconstruction, removal, or replacement of all or any part thereof.
3. Repair or replacement, including the installation and construction thereof, of hardscaping, including damaged curbs, gutters, walls, sidewalks, paving, water, irrigation systems, drainage, lighting, or electric facilities appurtenant to any of the improvements referenced in paragraphs 1 and 2 above, or which are necessary or convenient for the maintenance or servicing of said improvements.
4. The improvements referenced above are all within the boundaries of parcels 14, 15, 16, 17, as shown on Final Map, Tract No. 1355, Skypark, recorded in the official records of Santa Cruz County in the Book of Maps, Volume 89, Page 14, and within the boundaries of parcels A and B as shown on Final Map, Tract No. 1380, California Skypark, recorded in the official records of Santa Cruz County in the Book of Maps, Volume 89, Page 15 (hereinafter referred to as Final Maps).
5. The cost of slope subsidence/stability insurance or a self-insurance fund for any and all slope failures within the boundaries of parcels 14, 15, 16, 17, A and B as shown on the aforesaid Final Maps.
6. The maintenance, repair or replacement of such other facilities as may be appurtenant to the foregoing or which are necessary or convenient for the maintenance or servicing thereof.

SKYPARK OPEN SPACE
MAINTENANCE ASSESSMENT DISTRICT NO. 1

Engineer's Estimate

Fiscal Year 2015-2016

BENEFIT ASSESSMENT

The budget for the costs and expenses of maintaining and operating any and all of said public improvements for fiscal year 2015-2016 is as follows:

MAINTENANCE

1.	Initial maintenance contract	
	a. Park maintenance	\$20,950.00
	b. Water cost	\$5,000.00
	Subtotal	\$25,950.00
	Total maintenance cost (12-month period)	

INSURANCE

1.	Liability/slope subsidence insurance	\$15,000.00
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INCIDENTALS

1.	Printing and advertising (notices)	\$ 800.60
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BALANCE TO ASSESSMENT	<u>\$41,750.60</u>
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RULES OF SPREADING ASSESSMENTS

1. District is to be assessed for all costs associated with the maintenance and servicing of the landscaping, hardscaping and appurtenant improvements within parcels 14, 15, 16, 17, as shown on Final Map, Tract No. 1355, Skypark, recorded in the official records of Santa Cruz County in the Book of Maps, Volume 89, Page 14, and within the boundaries of parcels A and B as shown on Final Map, Tract No., 1380, California Skypark, recorded in the official records of Santa Cruz County in the Book of Maps, Volume 89, Page 15.
2. Total costs shall be apportioned to all parcels within the district boundaries in accordance with the benefit derived from the landscaping improvements.
3. The benefit derived has been determined to be equal for all parcels.

Certificates

I, Tracy Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing assessment roll, in the amount set forth, was filed with me on _____.

Tracy Ferrara, City Clerk

I, Joel Ricca, City Engineer of the City of Scotts Valley, do hereby certify that the amounts set forth under the Engineer's Estimate on Page 1 of the Assessment, and the individual amounts on the foregoing pages of the Assessment have been computed in accordance with the order of the City Council of said City of Scotts Valley, as expressed by Resolution No. 1555-SP-027, duly adopted by said City Council on July 1, 2015.

Joel F. Ricca, RCE 53588
City Engineer

I, Tracy Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing assessment, in the amount set forth in the Engineer's Estimate on Page 1 of the Assessment, was approved and confirmed by the City Council of the City of Scotts Valley on _____.

Tracy Ferrara, City Clerk

The Assessment was filed in the office of the County Auditor of the County of Santa Cruz, California, on _____.

Tracy Ferrara, City Clerk

I HEREBY CERTIFY that the enclosed Engineer's Report and Assessment was recorded in my office on _____.

Superintendent of Streets
Scotts Valley, Santa Cruz County, California

By _____
Scott Hamby

City of Scotts Valley
SKYPARK OPEN SPACE MAINTENANCE ASSESSMENT DISTRICT NO. 1

ASSESSMENT ROLL

Assessment Number	Assessor's Parcel No.	Property Owner	Assessment Amount
1001	22-691-01	Mario Guerrero Magno	\$ 219.74
1002	22-691-02	Jyri J Virkki	\$ 219.74
1003	22-691-03	Nicholas P. & Felicia J. Thelen	\$ 219.74
1006	22-691-06	Robert D. & Sheri L. Larkin	\$ 219.74
1007	22-691-07	Nanette L Carrillo Trustee	\$ 219.74
1008	22-691-08	Brian D. & Teresa M. Hallin	\$ 219.74
1009	22-691-09	Soon K. & Young H. Yuh	\$ 219.74
1010	22-691-10	Michael Mark Goodwin et al	\$ 219.74
1011	22-691-11	Jeffrey A. & Suzanne M. Rosen	\$ 219.74
1012	22-691-12	Jeremy & Lori Gentile	\$ 219.74
1013	22-691-13	Clarence W. & Maureen A. Mezzell	\$ 219.74
1014	22-691-14	Robert L Hambelton et al	\$ 219.74
1015	22-691-15	Gillian McGlaze Trustee	\$ 219.74
1016	22-691-16	Shaunak Mistry et al	\$ 219.74
1017	22-691-17	Dan Joe Aspromonte Trustee	\$ 219.74
1018	22-691-18	Willie D. & Lisa J. Lu Trustees	\$ 219.74
1004	22-691-20	Jose F. & Heather T. Lomba	\$ 219.74
1005	22-691-21	Peter & Susan Sierant Trustees	\$ 219.74
1144	22-692-01	Nancy Gonzalez Caro Trustee	\$ 219.74
1145	22-692-02	Tuan Bao Hoang et al	\$ 219.74
1146	22-692-03	Jann L Smart	\$ 219.74
1147	22-692-04	Richard L. & Joy H. Rohde	\$ 219.74
1148	22-692-05	Andreas & Jennifer Becker	\$ 219.74
1149	22-692-06	Hin F. Boen et al	\$ 219.74
1150	22-692-07	Peter K. Thompson	\$ 219.74
1151	22-692-08	Edward J. & Karen E. McNamara	\$ 219.74
1152	22-692-09	William J. & Kathleen M. Knudson	\$ 219.74
1153	22-692-10	Jeffrey Allen Ott	\$ 219.74
1154	22-692-11	Jonah Kaj & Josephine Fleming	\$ 219.74
1177	22-692-12	Philip Albuquerque et al	\$ 219.74
1178	22-692-13	Johnny Mon et al	\$ 219.74
1179	22-692-14	Gar Mowery	\$ 219.74
1180	22-692-15	Keith H. & Jody L. Tyndall	\$ 219.74
1181	22-692-16	John C. & Kassi L. Van Lanen	\$ 219.74
1182	22-692-17	Jeffrey A. & Marci B. Maple	\$ 219.74
1183	22-692-18	Nicholas P. & Waritha Richards	\$ 219.74
1184	22-692-19	Christopher & Lisa Hertz	\$ 219.74
1185	22-692-20	Darren Capell	\$ 219.74
1186	22-692-21	Matthew R. & Kathleen M. Schwab	\$ 219.74
1187	22-692-22	Kamaljit & Anjana Mann	\$ 219.74
1188	22-692-23	Catherine C. Kolumbus Trustee	\$ 219.74
1189	22-692-24	Peter Svensson	\$ 219.74
1190	22-692-25	Eric P. & Julie A. Miller	\$ 219.74
1107	22-693-01	Clay M. & Caroline Ann Teramo	\$ 219.74
1108	22-693-02	Catherine H. & Gregory L. Horvath	\$ 219.74
1109	22-693-03	M. Patricia & David Dorsey	\$ 219.74
1110	22-693-04	Stuart & Lora Glasgow	\$ 219.74
1137	22-693-05	Stephen A. & Jennifer N. Spence	\$ 219.74
1138	22-693-06	Scott & Lisa M. MacGowan	\$ 219.74
1139	22-693-07	Ping Fai Ben Li et al	\$ 219.74

1140	22-693-08	Hubert H. Burroughs	\$ 219.74
1141	22-693-09	Robert A. & Sylvia P. Morrison et al	\$ 219.74
1142	22-693-10	Todd A Theimann Trustee	\$ 219.74
1143	22-693-11	Chris S. & Shana L. Taylor Trustees	\$ 219.74
1019	22-701-01	Sheryl Ann McEwan	\$ 219.74
1020	22-701-02	Allen M. & Susan E. Sandretti	\$ 219.74
1021	22-701-03	Bruce & Tura Fuller Co-Trustees	\$ 219.74
1022	22-701-04	Andrew Seppy Bloom et al	\$ 219.74
1023	22-701-05	Mary Simpson	\$ 219.74
1024	22-701-06	Christopher S. Thomas	\$ 219.74
1025	22-701-07	James V. & Lea K. Reed	\$ 219.74
1026	22-701-08	George C. Jones et al	\$ 219.74
1027	22-701-09	Kevin & Julie L. Burnett	\$ 219.74
1028	22-701-10	Linda Lloyd Fisher Trustee et al	\$ 219.74
1029	22-701-11	Carolyn Nicholson	\$ 219.74
1030	22-701-12	Howard D. & Rosalia D. Shapiro	\$ 219.74
1031	22-701-13	Roderick & Cheryle Brownfield	\$ 219.74
1032	22-701-14	Linda C. Anderson	\$ 219.74
1033	22-701-15	Jerrod M. J. Seehof	\$ 219.74
1176	22-702-01	Jason V. & Jannie Hinkle	\$ 219.74
1175	22-702-02	Alber & Inas Youssef Trustees	\$ 219.74
1174	22-702-03	William L. & Carol M. Campbell	\$ 219.74
1173	22-702-04	James S. Szabo et al	\$ 219.74
1172	22-702-05	Terre & Denise Wortman Trustees	\$ 219.74
1171	22-702-06	Terrence A. & Megan A. O'Toole	\$ 219.74
1170	22-702-07	Nathan C. & Shera R. York	\$ 219.74
1169	22-702-08	Gregory W. & Marnie L. Giguere	\$ 219.74
1168	22-702-09	G. Brent & Diana I. McHenry	\$ 219.74
1167	22-702-10	Debbie P. Dizon	\$ 219.74
1166	22-702-11	Charles E. Schmuck Trustee	\$ 219.74
1165	22-702-12	Steve & Kathleen F. Gullickson	\$ 219.74
1164	22-702-13	Thomas R. Bradrick Trustee	\$ 219.74
1163	22-702-14	Brian & Michiyo Johnston	\$ 219.74
1162	22-702-15	Eric & Beth Seib	\$ 219.74
1161	22-702-16	Linda Donovan Trustee	\$ 219.74
1160	22-702-17	Amanda Danner	\$ 219.74
1159	22-702-18	Brian & Stacey Costello Trustees	\$ 219.74
1158	22-702-19	David J. & Cheryl L. Romer	\$ 219.74
1157	22-702-20	Charles & Cynthia Frakes Trustees	\$ 219.74
1156	22-702-21	Adam Blanton	\$ 219.74
1155	22-702-22	Richard D. & Elaine C. Bennett	\$ 219.74
1134	22-702-26	Robert D. & Jayne E. Scott	\$ 219.74
1133	22-702-27	Mark T. & Helen L. Youmans	\$ 219.74
1132	22-702-28	Maria C. Torchio-Gauthier et al	\$ 219.74
1131	22-702-29	Andrew & Jenny Wood	\$ 219.74
1115	22-702-30	Stephen Morairty et al	\$ 219.74
1114	22-702-31	The Salvation Army	\$ 219.74
1113	22-702-32	Stephen P. Dinwiddie	\$ 219.74
1112	22-702-33	Jason P. & Amy M. Ivey	\$ 219.74
1111	22-702-34	Gavin & Jane Melford Trustees	\$ 219.74
1135	22-702-36	Cesar & Jacqueline DeSantos	\$ 219.74
1136	22-702-37	Douglas & Susan Morey Trustees	\$ 219.74
1105	22-703-01	Gregory Jackson et al	\$ 219.74
1106	22-703-02	Fazlul & Rokhsana Quader	\$ 219.74
1073	22-703-03	John Lau et al	\$ 219.74
1072	22-703-04	James E. & Deborah L. Nieters	\$ 219.74

1129	22-711-01	Craig & Kathleen Adams Trustees	\$ 219.74
1128	22-711-02	Andrew & Terry Przybylinski	\$ 219.74
1127	22-711-03	Steven J. & Lisa Marie Bellavance	\$ 219.74
1126	22-711-04	Gregory Allen Rexelle	\$ 219.74
1125	22-711-05	Peter C. Lombrozo et al	\$ 219.74
1124	22-711-06	William & Joanne Thompson	\$ 219.74
1123	22-711-07	Philip W. Crowley	\$ 219.74
1122	22-711-08	Yong I Pak Yoon	\$ 219.74
1121	22-711-09	Thomas M. Carli & Margaret Walsh	\$ 219.74
1120	22-711-10	Stephen T. & Meganne C. Miller	\$ 219.74
1119	22-711-11	John B. & Susan A. Ledingham	\$ 219.74
1118	22-711-12	David S. Sanchez et al	\$ 219.74
1117	22-711-13	Kaylon M. & John A. Northington	\$ 219.74
1100	22-711-14	Kim & John M. Lariviere	\$ 219.74
1099	22-711-15	Henry R. & Stephanie A. Knight	\$ 219.74
1098	22-711-16	Donald G. Melrose et al	\$ 219.74
1097	22-711-17	Sandra Holland et al	\$ 219.74
1096	22-711-18	Ben & Katie Howell	\$ 219.74
1095	22-711-19	Craig Moorhead	\$ 219.74
1094	22-711-20	Sally Benyola	\$ 219.74
1093	22-711-21	Robert Jr. & Denise Rodd Trustees	\$ 219.74
1092	22-711-22	Steven & Kristie Trefethen	\$ 219.74
1091	22-711-23	Gareth & Karen S. Egerton	\$ 219.74
1090	22-711-24	Jill M. & Gary D. Cramer Trustees	\$ 219.74
1089	22-711-25	Clark & Debra Patteson Trustees	\$ 219.74
1088	22-711-26	Julia & Michael Voight	\$ 219.74
1087	22-711-27	Mark R. & Marna S. Scarr Trustees	\$ 219.74
1086	22-711-28	Christine Pryor	\$ 219.74
1085	22-711-29	John Gullory & Suzanne Herrera	\$ 219.74
1084	22-711-30	Kirk A. Kerchelich	\$ 219.74
1083	22-711-31	James D. Neef et al	\$ 219.74
1082	22-711-32	Alan & Laurie Okamura	\$ 219.74
1081	22-711-33	Sudesh Shetty Kodialbail et al	\$ 219.74
1080	22-711-34	Mooney & Kim S. Lee	\$ 219.74
1079	22-711-35	Matthew & Marina M. Ward	\$ 219.74
1078	22-711-36	Keith & Jennifer Chomentowski	\$ 219.74
1130	22-711-38	Kevin Tien et al	\$ 219.74
1116	22-711-39	Barry W. Prentiss	\$ 219.74
1101	22-711-40	Richard P. Des Jardin Trustee et al	\$ 219.74
1102	22-711-41	Anna Marhenke et al	\$ 219.74
1103	22-711-42	Leslie Marie Christie Trustee	\$ 219.74
1104	22-711-43	Susan Hanlock Chapman	\$ 219.74
1074	22-711-44	Larry D. & Rebecca C. Mosley	\$ 219.74
1075	22-711-45	Brandon & Valerie Polito	\$ 219.74
1076	22-711-46	Todd & Michelle Rebecca Riddle	\$ 219.74
1077	22-711-47	Richard & Theresa Riemer	\$ 219.74
1034	22-712-01	Matthew & Gretchen Clark Trustees	\$ 219.74
1035	22-712-02	Claude H. & Cynthia M. Lopez	\$ 219.74
1036	22-712-03	C. W. Bensen & T. Dalton	\$ 219.74
1037	22-712-04	Jeffrey L. Gee et al	\$ 219.74
1038	22-712-05	Emir & Denise Gurer	\$ 219.74
1039	22-712-06	Goran & Susan Domitrovic	\$ 219.74
1040	22-712-07	Latha Amujuri et al	\$ 219.74
1041	22-712-08	Shaun S. & Habibeh Deyhim	\$ 219.74
1042	22-712-09	Robert J. Romero et al	\$ 219.74
1043	22-712-10	Scott & Deanna L. Heywood	\$ 219.74
1044	22-712-11	Rodney W. & Christine E. Stanton	\$ 219.74
1045	22-712-12	Clifford & Lily Dong	\$ 219.74
1046	22-712-13	Ferdinand M. Bergholz	\$ 219.74

1047	22-712-14	Donald & Paula Cardoza Trustees	\$ 219.74
1048	22-712-15	Elaine Z. Moore et al	\$ 219.74
1049	22-712-16	Alan Van Wambeck Trustee et al	\$ 219.74
1050	22-712-17	Joerg & Beate Weingarten	\$ 219.74
1051	22-712-18	The Salvation Army	\$ 219.74
1052	22-712-19	Richard W. Wilkman & Ellen Foster	\$ 219.74
1053	22-712-20	Mark Alan Newton et al	\$ 219.74
1054	22-712-21	Donald J. Hutchison Trustee	\$ 219.74
1071	22-713-01	Janet Teresa Freed Trustee et al	\$ 219.74
1070	22-713-02	Jong Dae Kim et al	\$ 219.74
1069	22-713-03	Jeffrey S. & Susan Leigh Rosell	\$ 219.74
1068	22-713-04	Daryl & Claire Spitzer	\$ 219.74
1067	22-713-05	Scott M. & Lailah Muetting	\$ 219.74
1066	22-713-06	Elsa Marmolejo	\$ 219.74
1065	22-713-07	Manish N. & Alpa M. Patel	\$ 219.74
1064	22-713-08	Thomas F. Cramer	\$ 219.74
1063	22-713-09	Terrie S. Dusa Trustee	\$ 219.74
1062	22-713-10	Linda & Robert Flaherty Trustees	\$ 219.74
1061	22-713-11	Douglas Edward Fairchild Jr.	\$ 219.74
1060	22-713-12	Mark & Vicki C. Teixeira	\$ 219.74
1059	22-713-13	Mark J Crawford et al	\$ 219.74
1058	22-713-14	Casey G. & Betty Nicole Peterson	\$ 219.74
1057	22-713-15	Charles & Wilma Caldwell Trustees	\$ 219.74
1056	22-713-16	Lynn C. Sheredy	\$ 219.74
1055	22-713-17	Matthew R. Hakimi Trustee	\$ 219.74

TOTAL ASSESSMENTS

\$41,750.60

annual reports/skypark open space

City of Scotts Valley Staff Report

DATE: July 1, 2015

TO: Honorable Mayor and City Council

FROM: Scott Hamby, Public Works Director

SUBJECT: **PINEWOOD ESTATES LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT; RESOLUTION 1213.29; ANNUAL
ENGINEER'S REPORT**

SUMMARY OF ISSUE

On July 15, 1987, Resolution 1213 was adopted by City Council to form the referenced assessment district pursuant to the Landscape and Lighting Act of 1972. The district improvements, which generally consist of ornamental landscaping, irrigation equipment, signs, fences, and storm detention ponds, were dedicated to the City by the developer of Pinewood Estates subdivision. These improvements were planted/constructed in the right-of-way of Lockewood Lane and in landscaping easements from the subdivision. The district participants are the twenty-five Pinewood Estates homeowners, who are being assessed for the cost of maintaining the improvements.

The district special fund is annually depleted and the owners reassessed each year. Attached is the Engineer's Report establishing the assessments this year at \$240 per unit, the same as last year's, for total revenue of \$6,000.

As required, all 25 owners were notified by mail of the public hearing and the public meeting. The assessor's role is used to obtain the current name and address of each property owner to be notified of the proceedings.

City Council will hold a public meeting on June 17, 2015 and conduct a public hearing on July 1, 2015. It is appropriate at the public meeting to take testimony from the affected property owners. No other action is necessary. It is appropriate at the public hearing to take testimony from the affected property owners; overrule protests, if Council so chooses; approve the annual Engineer's Report; and adopt Resolution 1213.29.

FISCAL IMPACT

None. All costs will be borne by the assessment district.

RECOMMENDATION

1. At the public meeting on June 17, 2015; accept public testimony.
2. At the public hearing on July 1, 2015; City Council accept testimony from the property owners; overrule protests, if any; approve the Engineer's Report; and approve Resolution 1213.29 authorizing the levy and collection of assessments.

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RESOLUTION NO. 1213.29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY ORDERING AND AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS THEREIN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

PINEWOOD ESTATES LANDSCAPE MAINTENANCE DISTRICT

RESOLVED, by the City Council of the City of Scotts Valley, California, that,

WHEREAS, pursuant to Resolution No. 1192, a Resolution of Public Interest and Convenience to Form a Landscaping Maintenance District and Ordering Preparation of an Engineer's Report adopted on the 4th day of February, 1987, by the City Council pursuant to the Landscaping and Lighting Act of 1972, as amended, the Engineer of Work of said City has filed with the City Clerk the written report called for under said Act and by said Resolution No. 1192, which report has been presented by said Engineer of Work to this Council and this Council has preliminarily approved and confirmed said report by its Resolution No. 1213, adopted July 15, 1987, and ordered that the same stand as the report for the purpose of all subsequent proceedings pursuant to said Resolution No. 1213.

WHEREAS, June 17, 2015 at the hour of 6:00 o'clock p.m. and July 1, 2015 at the hour of 6:30 o'clock p.m., in the regular meeting place of said Council, Council Chambers, One Civic Center Drive, Scotts Valley, California, was appointed and fixed as the time and place of public hearings to act upon the Engineer's Report and Resolution No. 1213.29.

WHEREAS, the City Clerk gave notice of said hearings by publication once a week for two weeks in the local newspaper published and circulated in said City, and by mailing or causing to be mailed notice of the adoption of said Resolution and of the filing of said report, postage prepaid, at least ten days before the date set for hearings of said protests, to all persons owning real property to be assessed, whose names and addresses appear on the last equalized assessment roll for County taxes prior thereto or as known to the City Clerk, which notice contained a statement of the time, place and purpose of the hearings and a statement of the total estimated cost of said proposed maintenance and improvements, the amount as shown by said report to be assessed against the particular parcel covered by the notice, together with a statement that any person interested may file a protest in writing as provided in said Act.

WHEREAS, all written protests and other written communications were read by the Council and are on file with the Clerk and all persons desiring to be heard were fully heard;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. That protests against said maintenance of improvements and levy of assessments were not signed by the owners of a majority or more of the area of the lands within the assessment district assessed for the costs and expenses of said work.
2. That said protests be, and each of them are, hereby overruled.

3. That the owners of one-half (1/2) or more of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearings, file written protests against the said proposed maintenance and improvements as a whole, or against said district or the extent thereof to be assessed for the costs and expenses of said maintenance and improvements as a whole, or as to the Engineer's estimate of said costs and expenses, or against the maps and descriptions, or against the diagram or assessment to pay for the costs and expenses thereof.

4. That the district benefitted by said maintenance and improvements are to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof are more particularly described in said Resolution Nos. 1192 and 1213 and made a part hereof by reference thereto. That all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from said district and from the levy and collection of the special taxes to be hereafter levied and collected to cover the costs and expenses of said maintenance and improvements.

5. That the Engineer's estimate of the itemized and total costs and expenses in connection therewith, contained in said Report, be, and it is hereby, finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said maintenance of improvements.

6. That the public interest and convenience require and said Council does hereby order the maintenance of improvements to be made as described in and in accordance with said Resolution Nos. 1192 and 1213 on file in the office of the Clerk, reference to which is hereby made for a more particular description of said maintenance of improvements, and also for further particular pursuant to the provisions of said Landscaping and Lighting Act of 1972.

7. That the diagram showing the assessment district referred to and described in said Resolution No. 1192 and 1213, and also the boundaries and dimensions of the respective subdivisions having been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said maintenance of improvements.

8. That the assessment of the total amount of the costs and expenses of the proposed maintenance of improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by said subdivisions, respectively from said maintenance of improvements, and of the expenses incidental thereto, contained in said report, be, and the same is hereby, finally approved and confirmed as the assessment to pay the costs and expenses of said maintenance of improvements.

9. That said Engineer's Report be, and the same is hereby, finally adopted and approved as a whole.

10. That the Clerk shall forthwith deliver to the Superintendent of Streets said assessment as confirmed by this Council with his/her certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his/her office in a suitable book to be kept for that purpose, and append thereto his/her certificate for the date of such recording, and such recordation shall be and constitute the assessment roll herein.

11. Proceedings shall be taken by this Council pursuant to said Act for any fiscal year during which an assessment is to be levied and collected within said district.

12. The Clerk of this City be, and is hereby, authorized and directed to file a certified copy of this resolution with the County Auditor of Santa Cruz County.

I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the City Council of the City of Scotts Valley, California, at a regular meeting thereof held on the 1st day of July 2015, by the following vote of the members thereof:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Dene Bustichi, Mayor

ATTEST: _____
Tracy A. Ferrara, City Clerk

ANNUAL ENGINEER'S REPORT

Fiscal Year 2015-2016

PINEWOOD ESTATES

LANDSCAPING MAINTENANCE DISTRICT

Tract No. 1121

**City of Scotts Valley
Santa Cruz County, California**

**Dene Bustichi
Mayor**

**Donna Lind
Vice Mayor**

**Randy Johnson
Council Member**

**Stephany E. Aguilar
Council Member**

**Jim Reed
Council Member**

**Stephen H. Ando
City Manager**

**Scott Hamby
Public Works Director**

**Joel F. Ricca, RCE 53588
Assessment District Engineer of Work**

ASSESSMENT

Fiscal Year 2015-2016

WHEREAS, on February 4, 1987, the City Council of the City of Scotts Valley, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution No. 1192, determining to undertake proceedings for the establishment of an assessment district to be known as the "Pinewood Estates Landscaping Maintenance District", more particularly therein described; and

WHEREAS, on July 15, 1987, the City Council of the City of Scotts Valley, California adopted Resolution No. 1213 primarily approving and confirming the written report by the Engineers of Work called for under said Act, and ordered that the same stand as the report for the purpose of all subsequent proceedings had pursuant to said Resolution No. 1213; and

WHEREAS, on August 17, 1988, the City Council of said City of Scotts Valley adopted Resolution No. 1213.1 setting a time and place of hearing protest on levy of assessments pursuant to said Act; and

WHEREAS, on September 7, 1988, the City Council of said City of Scotts Valley adopted Resolution No. 1213.2 ordering and authorizing the levy and collection of assessments therein pursuant to the said Act; and

WHEREAS, the proceedings under said Act require an annual engineers report to be prepared and filed in the same way as the report for the formation of the district for each year in which an assessment is to be levied.

NOW, THEREFORE, I, Joel F. Ricca, RCE 53588, City Engineer of said City of Scotts Valley, acting in the capacity of Engineer of Work under order of the City Council of said City of Scotts Valley, hereby make the following assessment to cover the portion of the estimated cost of the maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, to be paid by the assessment district.

The amount to be paid for said maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, to be paid by the assessment district for the fiscal year 2015-2016 is as follows:

Engineer's Estimate: \$6,000

And I do hereby assess and apportion said portion of said total amount of the costs and expenses of said maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, upon the several lots, pieces, or parcels or portions of lots of land liable therefor and benefitted thereby, and hereinafter numbered to correspond with the numbers upon the diagram, upon each, severally and respectively, in proportion to the benefits to be received by such lands respectively, from the maintenance hereto attached and by reference made a part hereof.

As required by said Act, a diagram is recorded in official records of the County of Santa Cruz showing the assessment district and also the boundaries and dimensions of the respective lots or parcels of land within said assessment district as the same existed at the passage of said Resolution No. 1192.

Said assessment is made upon the several lots or parcels of land within said assessment district in proportion to the estimated benefits to be received by said lots or parcels respectively, from the maintenance and servicing of the improvements. The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular description of said property.

I hereby place opposite the number of each lot or parcel of land assessed, the amount assessed thereon and the number of the assessment. Each lot or parcel of land is described in the assessment list by reference to its parcel number as shown on the Assessor's Maps of the County of Santa Cruz for the fiscal year 2015-2016 to the right of the parcel numbers and includes all of such parcels.

Dated: _____

Joel F. Ricca, RCE 53588
City Engineer

DESCRIPTION OF WORK

1. Maintaining and servicing of landscaping and ornamental vegetation, including the cost of repair, removal or replacement of all or any part thereof, providing for the life, growth, health and beauty thereof, including cultivation, trimming, spraying, fertilizing or treating for disease or injury, the removal of trimmings, rubbish, debris and other solid waste, and water for the irrigation thereof.
2. Maintaining and servicing of decorative fencing, signage and other ornamental structures and facilities, including the cost of repair, reconstruction, removal, or replacement of all or any part thereof.
3. Repair or replacement, including the installation and construction thereof, of hardscaping, including damaged curbs, gutters, walls, sidewalks, paving, water, irrigation systems, drainage, lighting, or electric facilities within the landscape maintenance easement.
4. The maintenance, repair or replacement of such other facilities as may be appurtenant to the foregoing or which are necessary or convenient for the maintenance or servicing thereof.

ESTIMATE OF COSTS

ANNUAL MAINTENANCE COSTS

Fiscal Year 2015-2016

Engineer's Estimate (City Engineer)

Maintenance Expenses

Maintenance and servicing	\$ 4,000
Irrigation and power	1,600

Subtotal	\$ <u>5,600</u>
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Incidental Expenses

City administration	\$ 200
Landscape management	200

Subtotal	\$ <u>400</u>
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Total Estimated Cost	\$ 6,000
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Net Amount to be Assessed	\$ <u><u>6,000</u></u>
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RULES OF SPREADING ASSESSMENTS

1. District is to be assessed for all costs associated with the maintenance and servicing of the landscaping, hardscaping and appurtenant improvements within the boundaries of the district.
2. Total costs shall be apportioned to all parcels within the district boundaries in accordance with the benefit derived from the landscaping improvements.
3. Because the landscaping enhances an area serving as a drainage detention system for all parcels within the boundaries of the district, the benefit derived has been determined to be equal for all parcels.

Certificates

I, Tracy Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing assessment, in the amount set forth, was filed with me on _____.

Tracy Ferrara, City Clerk

I, Joel Ricca, City Engineer for the City of Scotts Valley, do hereby certify that the amounts set forth have been re-computed in accordance with the order of the City Council of said City of Scotts Valley, as expressed by Resolution No. 1213.29, duly adopted by said City Council on July 1, 2015.

Joel F. Ricca, RCE 53588
City Engineer

I, Tracy Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing assessment, in the amount set forth was approved and confirmed by the City Council of the City of Scotts Valley on _____.

Tracy Ferrara, City Clerk

The Assessment was filed in the office of the County Auditor of the County of Santa Cruz, California, on _____.

Tracy Ferrara, City Clerk

I HEREBY CERTIFY that the enclosed Engineer's Report and Assessment was recorded in my office on _____.

Superintendent of Streets
Scotts Valley, Santa Cruz County, California

By: _____
Scott Hamby

City of Scotts Valley

PINEWOOD ESTATES LANDSCAPING MAINTENANCE DISTRICT

ASSESSMENT ROLL

2015-2016

Assessment Number	Assessor's Parcel No.	Property Owner	Assessment Amount
1.	021-172-01	Mary Anita Long et al	\$ 240
2.	021-172-02	Russell J. Marino Trustee	240
3.	021-172-03	Geoffrey & Susan Martin	240
4.	021-172-04	Terry A. & Julie Keller Trustees	240
5.	021-172-05	Andrea Edwards	240
6.	021-172-06	Marshall Wolf & Kristia Burgess Trustees	240
7.	021-172-07	Eugene & Jennifer Hall	240
8.	021-172-08	Michael C. O'Connor & Sarah Wright	240
9.	021-172-09	Carlos E. Robinson et al	240
10.	021-172-10	Steven MaGee & Lisa Hall Co-Trustees	240
11.	021-172-11	John & Janine Dunn	240
12.	021-172-12	Qi Gong et al	240
13.	021-172-13	Melvin M. & Miriam C. McConnell	240
14.	021-172-14	Amy D. & Robert W. McMullen	240
15.	021-301-01	Joel M. & Karina Linn	240
16.	021-301-02	Vinicio & Kristy Sion Co-Trustees	240
17.	021-301-03	Mark S. & Eve M. Davidson et al	240
18.	021-301-04	Seth K. Keith et al	240
19.	021-301-05	Cynthia M. Lemmon Trustee	240
20.	021-301-07	John B. & Linda L. Suggs Trustees	240
21.	021-301-08	Mark John Nordstrom Trustee et al	240
22.	021-301-09	James D. Spiegel Trustee et al	240
23.	021-301-10	Simon J. McElrea et al	240
24.	021-301-11	Melissa Kaplan Grudin Trustee et al	240
25.	021-301-12	Richard A. & Joann M. Webster Trustees	240
TOTAL ASSESSMENTS:			\$ 6,000