

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance •• Administration •• Executive/Legal •• Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

September 27, 1984

Raymond M. Haight
City Attorney
P.O. Box 66659
Scotts Valley, CA 95066

Re: Your Follow-up Request for Advice on Behalf of Roger
Anderson; Our File No. A-84-209

Dear Mr. Haight:

Your follow-up letter on behalf of Scotts Valley Council-member Roger Anderson requests further discussion as to the basis of my advice. I reviewed, in detail, everything which you provided to me with your original letter, including the additional information which I elicited from you over the telephone. Based upon all of the facts provided to me, which I must assume you believed to be all of the material facts,^{1/} it is my advice to you and to Mr. Anderson that he is required by the provisions of Government Code Sections 87100 and 87103 to disqualify himself from participation in the pending City Council decisions on Cavalcade Ranch.

The reason for this advice is that it is reasonably foreseeable that the zoning and general plan decisions will have a material financial effect upon Mr. Anderson's wife's real property (condominium) located adjacent to a proposed 28-acre project which is the subject of those decisions. It is irrelevant whether the effect will be up or down. The Act requires only that the effect (in either direction) be material. Government Code Section 87103; 2 Cal. Adm. Code Section 18702(a) and (b)(2)(B).

^{1/} Government Code Section 83114(b) provides that an official who requests advice from the Commission's staff has limited immunity if the official has disclosed "truthfully all of the material facts" and has, in good faith, followed the Commission's advice. I therefore assumed in writing my letter that you provided all the material facts.

Raymond M. Haight
September 27, 1984
Page 2

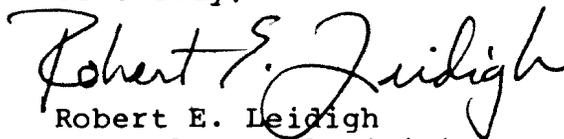
You have neither disputed the facts as stated in my letter to you nor have you provided me with any additional facts upon which to draw a conclusion other than that reached in my letter. Mr. Anderson is free to disregard my advice if he so chooses, but that he does so at his peril. If Mr. Anderson is dissatisfied with staff advice, he may seek a formal Commission Opinion, pursuant to Government Code Section 83114(a) and 2 Cal. Adm. Code Sections 18320-18326.

The conclusion in my letter is specifically based upon the Gillmor Opinion (3 FPPC Opinions 38, No. 76-089, April 6, 1977). See specifically footnote 4 at pp. 42-43. See also, Oglesby Opinion (1 FPPC Opinions 71, No. 75-083, July 2, 1975). It is certainly reasonably foreseeable that a decision on the development of a 28-acre project next door to Mr. Anderson's spouse's condominium, in which they reside, will have a material financial effect upon its value. No facts have been presented to support a conclusion to the contrary.

Lastly, by pure coincidence, I received a call on September 19th from Mr. Noor Billawala, who apparently owns the 28-acre parcel in question. In the course of our discussion, Mr. Billawala informed me that Mr. Anderson has a lawsuit pending against the City relating to the General Plan. You have not advised me of any facts regarding this litigation; consequently, I have been unable to consider its implications, if any.

In conclusion, the staff advice rendered in my letter to you of September 6, 1984, No. A-84-209, remains operative. Mr. Anderson has the option of disregarding that advice, but does so at his own peril.

Sincerely,


Robert E. Leidigh
Counsel, Legal Division

REL:km

cc: Noor Billawala

RAYMOND M. HAIGHT

ATTORNEY AT LAW

4740 SCOTTS VALLEY DRIVE, SUITE A

P. O. BOX 66659

SCOTTS VALLEY, CALIFORNIA 95066

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September 14, 1984

SEP 15 8 15 AM '84

Robert E. Leidigh, Counsel
Legal Division
Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804

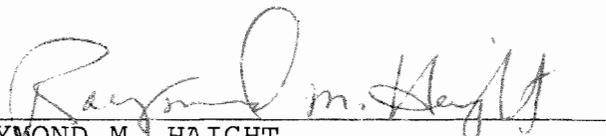
RE: Recent Advice Letter Concerning
Council Member Roger Anderson
(City of Scotts Valley)

Dear Mr. Leidigh:

With respect to your recent advice letter concerning City of Scotts Valley Council Member Roger Anderson, I have been asked (by Council Member Anderson) to make further inquiry of you with respect to said advice letter. Specifically, Council Member Anderson would like to know whether in your opinion the effect of the proposed project for the Calvacade Ranch property would be to increase or decrease the value of his wife's condominium unit (in which he has an indirect interest)? If you cannot opine as to whether the effect would be to increase or decrease the value of the condominium unit, then isn't it just as conceivable that there would be no effect? If you cannot opine as to whether the effect would be an increase or decrease in the value of the condominium unit, then what is the authority upon which you base your opinion that he should disqualify himself from participating in a governmental decision concerning a general plan amendment or rezoning of the Calvacade Ranch property?

Your prompt response to this inquiry would be greatly appreciated. Again, thank you for your previous advice letter.

Very truly yours,


RAYMOND M. HAIGHT
City Attorney

RMH:sh

cc: Roger Anderson

State of California



Fair Political Practices Commission

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September 6, 1984

Raymond M. Haight
City Attorney
P.O. Box 66659
Scotts Valley, CA 95066

Re: Your Request for Advice,
Our Advice No. A-84-209

Dear Mr. Haight:

You have requested written advice on behalf of Scotts Valley City Councilmember Roger Anderson. You have provided the following material facts for our consideration.

FACTS

Councilmember Anderson's wife owns a condominium in Scotts Valley, which has an approximate value of \$120,000. It is located in a complex consisting of 18 units and a common area. Each condominium owner holds fee simple title to his or her unit and also owns an undivided one-tenth interest in the common area of the complex, held as a tenant in common with the other condominium unit owners. The condominium is Councilmember Anderson's principal residence; however, his wife owned it prior to their marriage and it has remained her separate property.

The condominium complex is located directly adjacent to a 28-acre parcel of undeveloped land known as the "Cavalcade Ranch" property.^{1/} The "Cavalcade Ranch" currently is largely covered with grass and weeds. At some time in the past, it was a chicken ranch and there remain a few dilapidated structures (formerly utilized as chicken coops) on the property. These will undoubtedly be torn down for whatever future use is made of the property. The "Cavalcade Ranch" property is currently zoned

^{1/} See attached Exhibit "B" consisting of maps of the project area which are taken from the Environmental Impact Report which you have supplied.

C-2 (Community Commercial). Attached as Exhibit "A" are copies of relevant zoning ordinances of Scotts Valley, which you have furnished. Presently pending before the City Council of Scotts Valley is an application for a General Plan amendment to change the designation of the "Cavalcade Ranch" property from C-2 to M-1 (light Industrial). In addition, there is also pending before the City Council an application to rezone the property accordingly.

During the summer of 1983, prior to Councilmember Anderson's election, the City Council certified a final EIR (Environmental Impact Report) for a project on a site of the "Cavalcade Ranch" property. The proposed project is commonly known as the "Orchard Business Park." In certifying the EIR, it was determined that the General Plan and the zoning would have to be changed in order to permit the types of uses proposed. It is the "Orchard Business Park" project which has prompted the application for the General Plan amendment and rezoning. You have provided a copy of the final EIR and draft EIR, together with comments and responses, for our review.

Exhibit "C" is taken from the EIR and shows the elevation drawings for the proposed "Orchard Business Park" structures. One of the maps from the EIR in Exhibit "B" shows the proposed location of the structures. The Final EIR, June 1, 1983, describes the project as follows:

The proposed project is anticipated to contain seven buildings ranging from 47,000 square feet to 85,000 square feet each and totaling 450,000 square feet. Parking will include spaces for 2,025 cars...

* * *

Traffic Volume

On the basis of 250-275 square feet per employee, and 2.91 daily trips per employee, traffic would range from a low of 4,762 trips per day to a high of 5,238 trips per day.

* * *

...the mitigation would [involve] ... the complete design, realignment and signalization of the intersections of Scotts Valley Drive with Granite Creek Road and Glenwood Drive/ State Route 17.

Final EIR, p.1
For full text, see Exhibit "D".

CONCLUSION

Councilmember Anderson has a financial interest in the General Plan amendment and rezone decisions requiring his disqualification from participation in those decisions.

ANALYSIS

The Political Reform Act^{2/} requires that a public official disqualify himself from making, participating in making, or using his official position to influence a government decision in which he or she knows or has reason to know he or she has a financial interest. Section 87100. A financial interest exists in a decision where the reasonably foreseeable effect of the decision will be material (and will be distinguishable from the effect on the public generally) as to:

(b) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000).

* * *

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official....

Section 87103.

Clearly, Councilmember Anderson has an "interest" in his spouse's condominium worth more than \$1,000 within the meaning of Section 87103(b). See also, Section 82033. The remaining question is whether the reasonably foreseeable effects of the pending decisions on the real property interest will be both material and distinguishable from the effects on the public generally.

Given the location of the proposed project site and the proximity of the condominium to the site, it seems unquestionable that the condominium will not be affected "in substantially the same manner" as will the real property

^{2/} Government Code Sections 81000-91014. All statutory references are to the Government Code, unless otherwise specified.

Raymond M. Haight
September 6, 1984
Page 4

interests of "all members of the public or a significant segment of the public." 2 Cal. Adm. Code Section 18703.^{3/}

Furthermore, given the size and scope of the project and its close proximity to the condominium, it is reasonably foreseeable that the financial effect upon the interest in real property will be material. Regulation 2 Cal. Adm. Code Section 18702.^{4/} Even though we have not been presented with a specific projection of the change in value of the condominium, it is safe to assume that it will be "significant."^{5/}

For all the foregoing reasons, we conclude that the requisite factors are present and that they require Councilmember Anderson to disqualify himself, pursuant to 2 Cal. Adm. Code Section 18700(b)(5), from any form of participation in the decision except that permitted to him under Section 18700(d)(2) and (f)(1) (copy enclosed). That is to say that he may appear before the City Council to represent solely his own interest and point of view as a resident of a condominium located adjacent to the proposed development. However, he may not speak as a representative of anyone else's interests.

Should you have any questions regarding the advice contained in this letter, I may be reached at 916/322-5901.

Sincerely,


Robert E. Leidigh
Counsel, Legal Division

REL:km
Enclosures

^{3/} See Opinion Requested by Gary G. Gillmor, 3 FPPC Opinions 38, No. 76-089, April 6, 1977; Opinion Requested by William L. Owen, 2 FPPC Opinions 77, No. 76-005, June 2, 1976; and Advice Letter to Mary A. Chapman, No. A-84-195 (copies enclosed).

^{4/} See, Gillmor, supra; and Chapman, supra.

^{5/} 2 Cal. Adm. Code Section 18702(a). Given the \$120,000 current value of the condominium, even if we applied the guidelines in 18702(b)(2)(B) in this case, the necessary amount required for a material effect would be \$1,000--there is no evidence to even suggest the effect upon an adjacent condominium would be less.

EXHIBIT A

Leather goods and luggage stores
 Liquor stores
 Locksmiths
 Medical and orthopedic appliance stores
 Messenger offices
 Millinery shops
 Music stores
 Newsstands
 Nurseries and garden supply stores, provided that
 fertilizer of any type shall be stored and sold in packaged
 form only
 Office and business machine stores
 Optician and optometrist shops
 Paint and wallpaper stores
 Pet and bird stores
 Photographic supply stores
 Photograph studios
 Picture framing shops
 Post offices
 Pressing establishments
 Realtors and real estate offices
 Restaurants, not including drive-in restaurants
 Scientific instrument stores
 Self-service laundries
 Shoe repair shops
 Shoe stores
 Soda fountains
 Sporting goods stores
 Stamp and coin stores
 Stationery stores
 Tailor and dressmaking shops
 Telegraph offices
 Toy stores
 Travel bureaus
 Variety stores
 Watch and clock repair shops
 Catalogue establishments without stocks

And other uses which are added to this list by the planning commission in accordance with the procedure prescribed in Section 17.52.180;

B. Accessory structures and uses, not including warehouses on the same site as a permitted use. (Ord. 16.14.6 (part), 1982; Ord. 16.14 §2 (part), 1972; Ord. 16 §2 (part), 1966).

17.40.030 Permitted uses--C-2 community commercial districts. The following uses are permitted in C-2 community commercial districts:

- A. All uses permitted in the C-1 district;
- B. Stores, service establishments and amusement establishments including:

Addressograph services
 Automobile supply stores
 Bicycle shops
 Blueprint and photostat shops
 Bowling alleys

Bus depots and transit stations, provided that buses or other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site

Business, professional and trade schools and colleges
 Cafes

Catering, excluding mobile vending

Cleaning and laundry agencies, including the use of one synthetic drycleaning machine using nonflammable and nonexplosive solvents and having a capacity of not more than forty pounds per cycle

Drive-in milk product stores

Drive-in restaurants

Electrical appliance repair shops

Gunsmith shops

Hand laundries

Household appliance, repair shops

Mortuaries

Music and dance studios

Musical instrument repair shops

Parcel delivery services including garage facilities for delivery trucks but excluding repair shop facilities

Plumbing, heating and ventilating equipment showrooms with storage of floor samples only

Radio and television repair shops

Taxidermists

Theaters and auditoriums within buildings

Upholstering shops

And other uses which are added to this list by the planning commission in accordance with procedure prescribed in Section 17.52.180;

C. Private clubs and lodges;

D. Churches and other religious institutions;

E. Public and private charitable institutions;

F. Public and private libraries, art galleries and museums;

G. Accessory structures and uses located on the same site as a permitted use;

H. One single-family dwelling unit accessory and wholly subsidiary to a commercial establishment. The dwelling unit must be housed in the main structure on the site. (Ord. 16.14.6 (part), 1982; Ord. 16.51 §1, 1979; Ord. 16.28 §1, 1976; Ord. 16.14 §2(part), 1972; Ord. 16 §2(part), 1966).

17.42.010 Purpose. In addition to the general objectives of this chapter, the M industrial districts are included in the zoning ordinance to achieve the following purposes:

A. To reserve appropriately located areas for industrial plants and related activities;

B. To protect areas appropriate for industrial use from intrusion by dwellings and other inharmonious uses;

C. To protect residential and commercial properties and to protect nuisance-free nonhazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, truck and rail traffic and other objectionable influences and from 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 adequate space to meet the needs of modern industrial development, including off-street parking and truck and rail 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 impact of industrial plants on nearby residential and agricultural 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. (Ord. 16 §2(part), 1966).

17.42.020 Permitted uses--M-1 light industrial districts. The following uses are permitted in M-1 light industrial districts:

A. Light industrial and related uses, including:
Manufacturing, assembling, compounding, packaging, and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber, and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semiprecious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood (not including a planing mill or sawmill);

Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils) and toiletries;

Manufacturing of ceramic products such as pottery, figurines and small glazed tile, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas;

Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures and light sheet metal products including heating and ventilating ducts and equipment, cornices, eaves and the like;

Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments, cameras and photographic equipment except film;

Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys but not including refrigerators, washing machines, dryers, dishwashers, and similar home appliances;

Assembly of electrical equipment such as radio and television receivers, phonographs and home motion picture equipment but not including electrical machinery;

Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches, and wire and cable assembly, provided no noxious or offensive fumes or odors are produced;

Manufacture of cutlery, hardware and hand tools; die and pattern making; metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils;

Bottling works; bus depots and transit stations, repair garages; cold storage plants; dairy products plants; freight forwarding terminals; furniture manufacture; ice manufacture; laboratories; lumber yards and building materials yards not including planing mills or sawmills; mattress manufacture; motion picture production; printing, lithographing and engraving; public utility and public service pumping stations; public utility service yards for commercial vehicles; contractors' storage yards; textile, knitting and hosiery mills, transit yards; trucking terminals, warehouses except for the storage of fuel or flammable liquids;

Blacksmith shops, machine shops not involving the use of drop hammers, automatic screw machines or punch presses with a rated capacity of over twenty tons; manufacturing, canning and packing of foods and food products, including fruit and vegetables but not including fish and meat products, pickles, sauerkraut, vinegar or yeast or refining or rendering of fats or oils; metal finishing and plating; small boat building not including ship building; welding shops; woodworking shops and sash and door manufacturing, including only incidental mill work which shall be conducted within a completely enclosed structure;

And other uses which are added to this list by the planning commission in accord with procedure prescribed in Chapter 17.52;

Textile bleaching;
 Wire and cable manufacture;
 Wood and lumber processing and woodworking including planing mills and sawmills, excelsior, plywood, veneer and wood-preserving treatment;
 Wool scouring and pulling;

C. Other uses which are added to this list by the planning commission in accord with the procedure prescribed in Chapter 17.52. (Ord. 16.56 §1, 1981; Ord. 16 §2(part), 1966).

17.42.040 Conditional uses--Generally. The conditional uses set forth in Section 17.42.050 and 17.42.060 shall be permitted upon the granting of a use permit, in accord with the provisions of Section 17.58.010 et seq. (Ord. 16 §2 (part), 1966).

17.42.050 Conditional uses--M-1 light industrial districts. The following shall be permitted as conditional uses in M-1 light industrial districts:

A. Any of the permitted uses in an M-2 district provided that, on the basis of the use permit application and the evidence submitted, the board of zoning adjustment makes the following findings prescribed in Section 17.58.040:

1. That consideration of all the determinable characteristics of the use which is the subject of the application indicates that the use has the same essential characteristics as the permitted uses in an M-1 district with respect to method of operation, type of process, materials equipment, structures, storage and appearance;

2. That the use will not create significantly more vehicular traffic than the volumes normally created by the permitted uses in an M-1 district;

3. That the use will not create more odor, fumes, dust, smoke, cinder, dirt, refuse, water-carried wastes, noise, vibration, glare, heat or any other objectionable factor, be more unsightly or create a greater hazard of fire or explosion than the amount or degree normally created by any of the permitted uses prescribed in Section 17.42.020;

B. Banks, restaurants including drive-in restaurants and service stations;

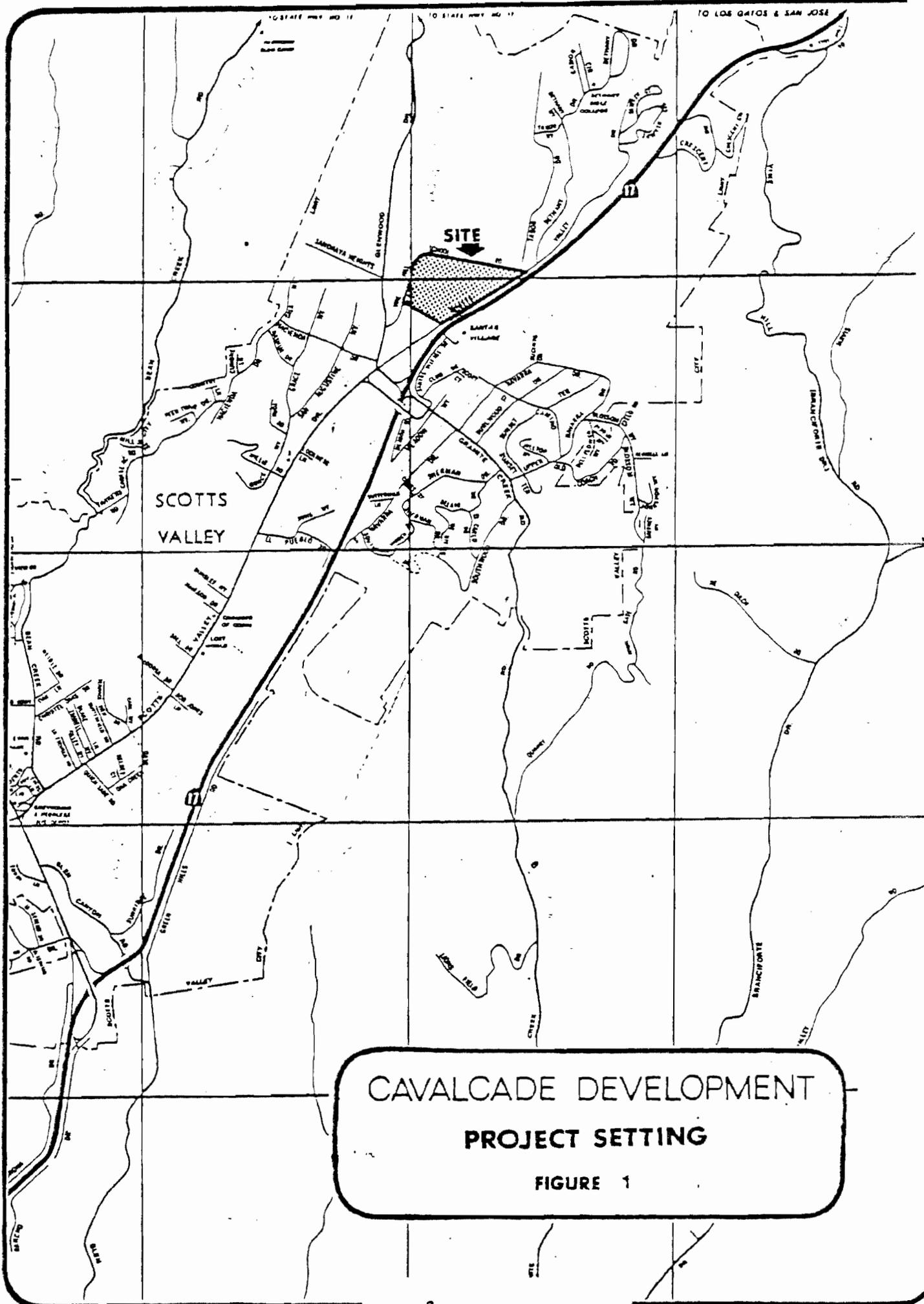
C. Retail stores and watchman's living quarters incidental to and on the same site with an industrial use;

D. Public buildings and grounds;

E. Accessory structures and uses located on the same site as a conditional use;

F. Trailer parks. (Ord. 16.55 §4, 1981; Ord. 16.3 §1, 1967; Ord. 16 §2(part), 1966).

EXHIBIT B



CAVALCADE DEVELOPMENT
PROJECT SETTING
FIGURE 1

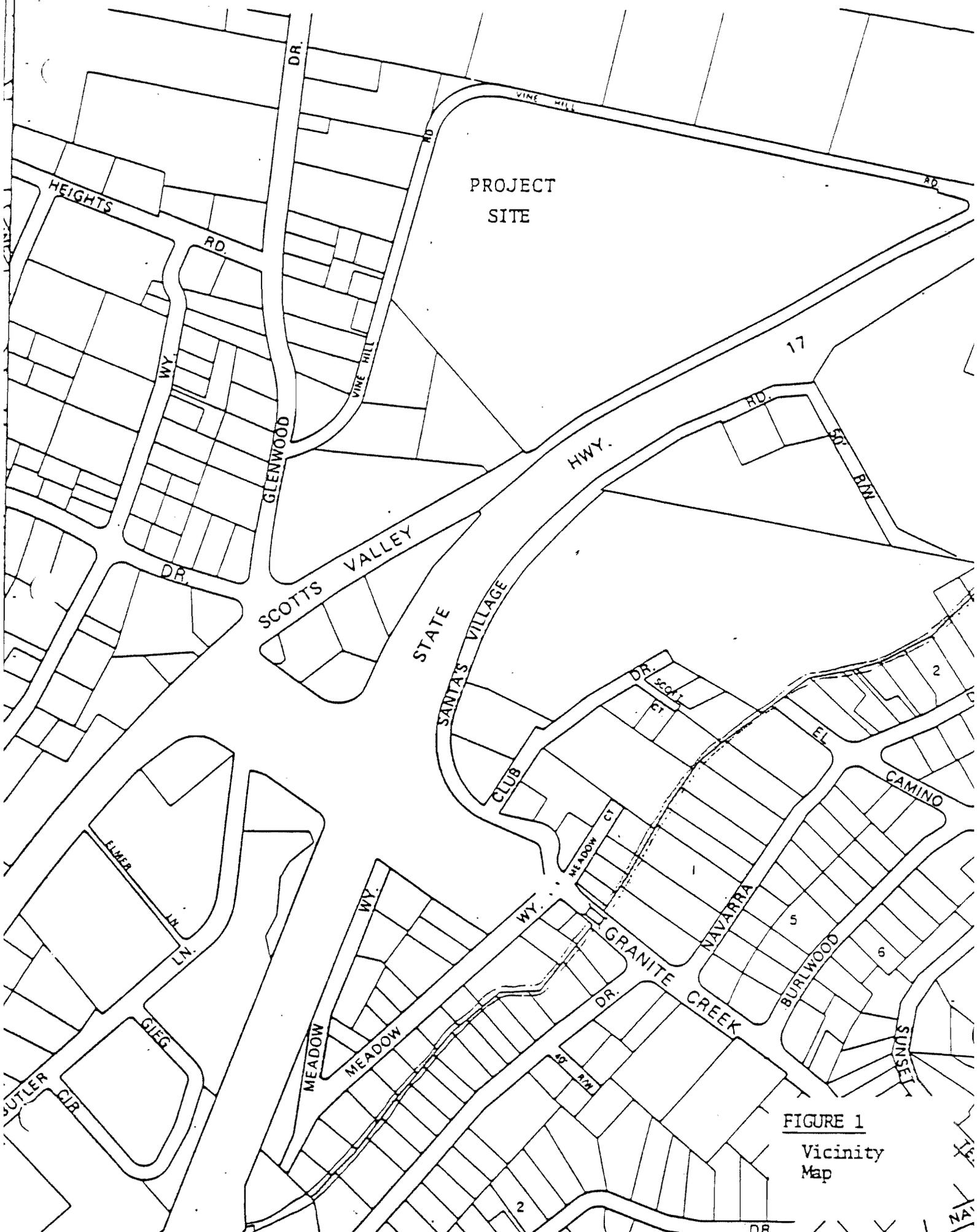
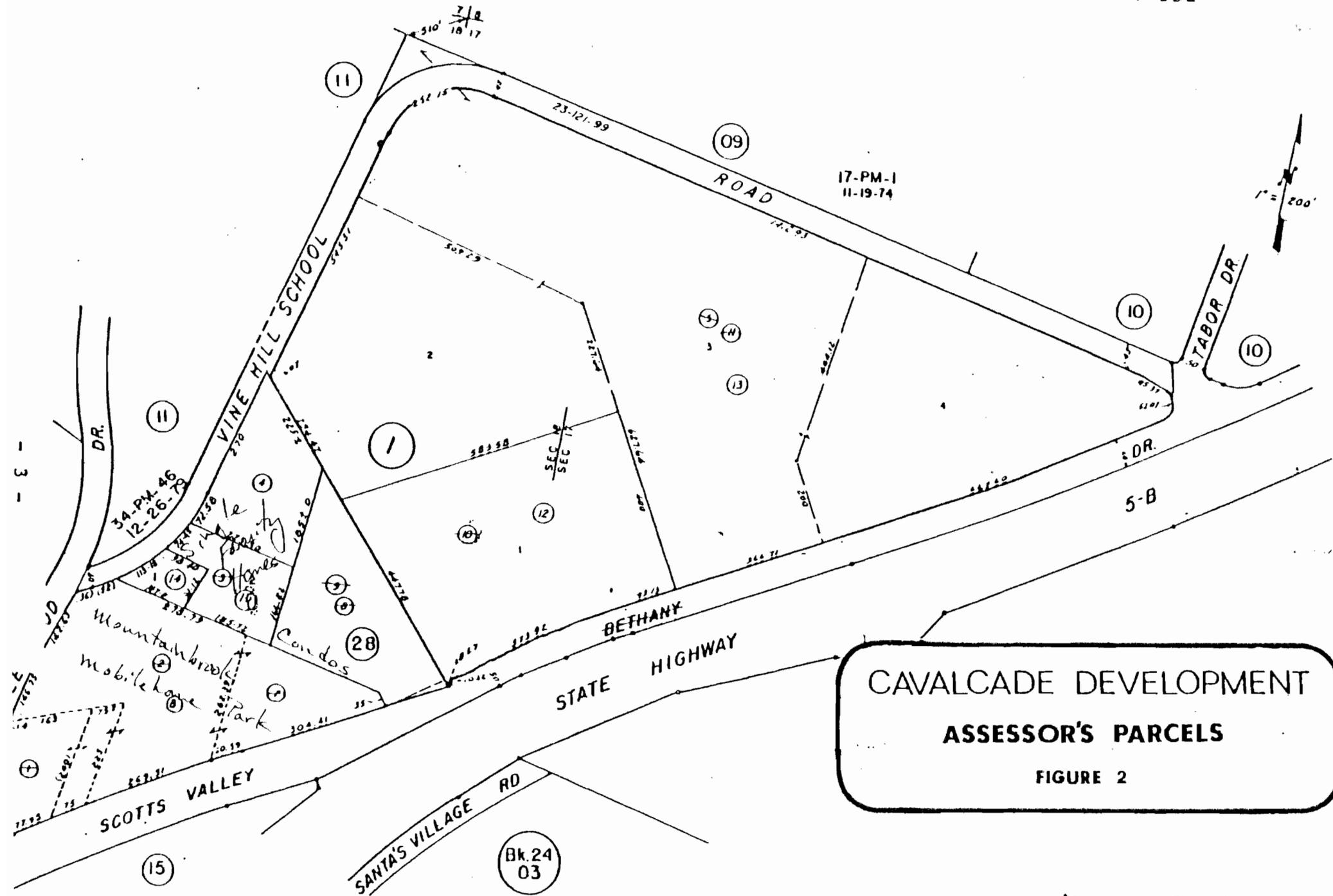


FIGURE 1
Vicinity
Map

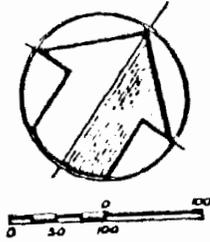


CAVALCADE DEVELOPMENT
ASSESSOR'S PARCELS
 FIGURE 2

Note - Assessor's Parcel Block B
 Lot Numbers Shown in Circles.

Assessor's Map No. 23-12
 City of Scotts Valley
 County of Santa Cruz Calif

SCALE

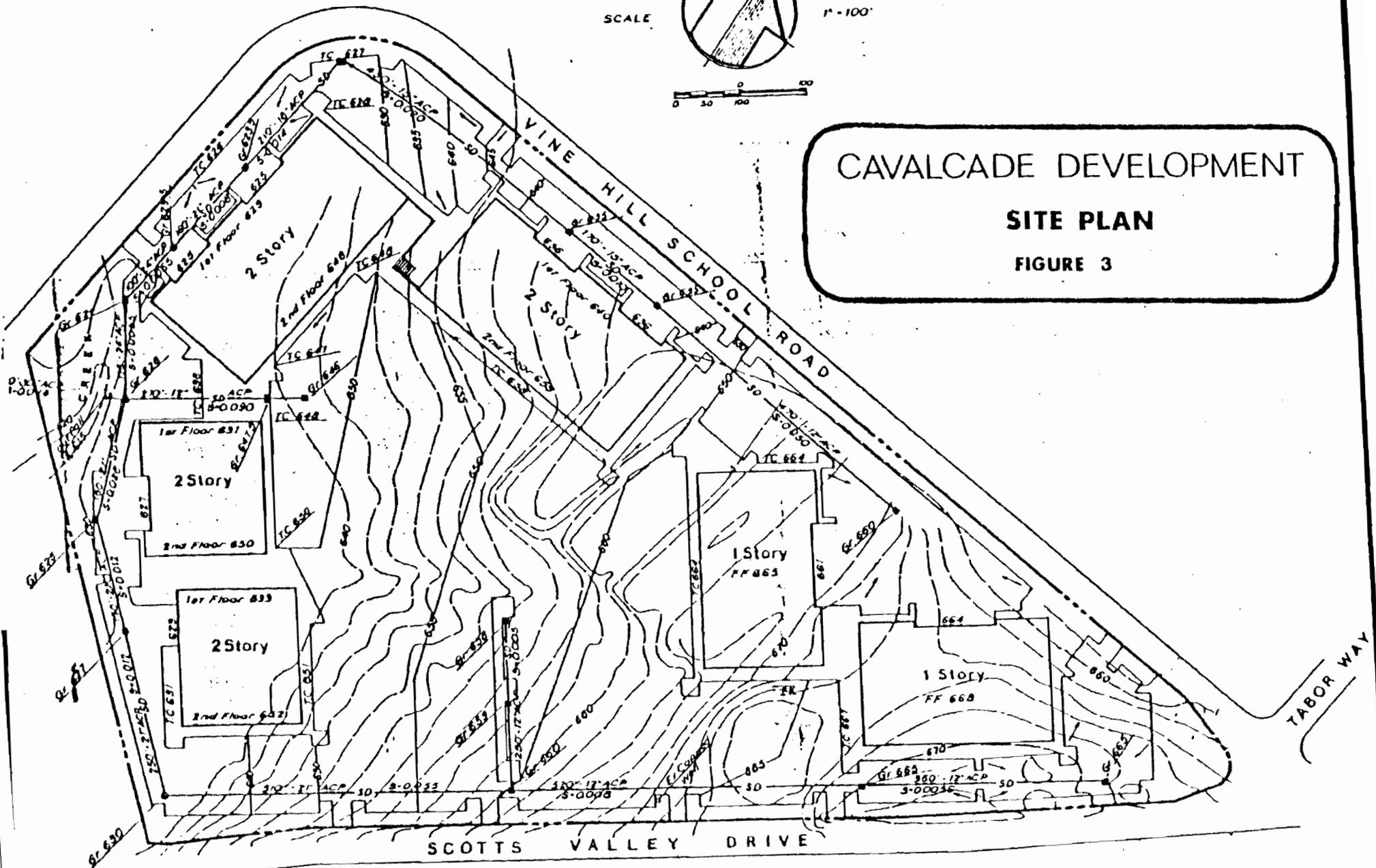


1" = 100'

CAVALCADE DEVELOPMENT

SITE PLAN

FIGURE 3



State Highway no. 17

EXHIBIT C

The site is covered with indigenous plants and weedy grass species. These species include clover, wild grain and milkweed. Animals present on the site include rodents, rats and other small mammals. The predominant species is domesticated dog and cat. No rare or endangered species have been reported in this area.

There are 13 existing buildings on the site. All except four of the buildings are being removed by a salvage company. These buildings were mainly used for the feeding and stabling of horses. The ranch was, at one time, a chicken farm. Most of the structures are wood frame and in very bad condition. There is a two bedroom stucco house (approximately 1,000 square feet of living space) located on the west side of the property off Vine Hill School Road.

At recent public hearings members of the community indicated that the site is used as a "short cut" for school children going to and from Vine Hill School.

THE PROJECT

The "project", as defined by the California Environmental Quality Act, is the issuance of a Use Permit on 27.885 acres of land. The Use Permit would be issued in accordance with the zoning ordinance of the City of Scotts Valley. The proposed project site plan is shown in Figure 3. Elevations of the proposed buildings are shown in Figure 4.

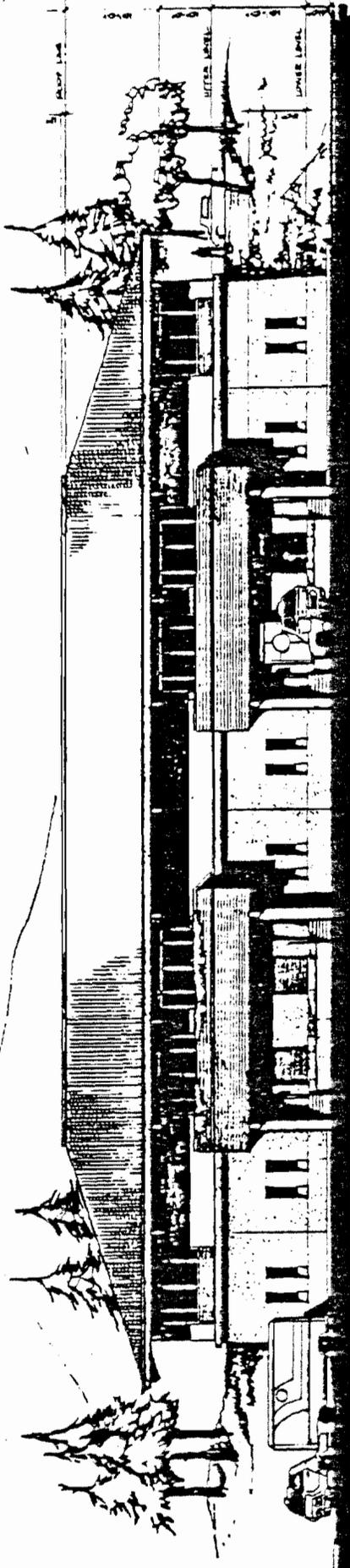
As shown in the site plan, the project will contain six single- and two-story buildings with a total of 498,000 square feet of building area. Access to the proposed industrial site will be from Scotts Valley Drive via four 30-foot two-lane driveways. The plan shows 1,966 parking spaces which is a ratio of 3.9 cars for each 1,000 square feet of floor area. A total of 712 spaces are reserved for compact cars.

The applicant proposes extensive landscaping within an 80-foot setback buffer zone. Along Scotts Valley Drive, the applicant will be installing a six-foot wide pedestrian path, extending from Granite Creek Road to Vine Hill School Road. A 19-foot wide landscaped berm will buffer this path and Scotts Valley Drive from the proposed parking area.

The developer proposes to utilize sweet gum, Japanese plum, redwood and sweet shade for landscaping. All new trees will be 15 gallons in size. The existing Eucalypti along Vine Hill School Road will be removed as they present a danger to new structures.

The ground cover includes Star Jasmine, St. John's Wart and Turf. While Turf is not a low water using plant it will be limited in its distribution on the site and the landscaping will be watered by a low precipitation rate irrigation system with an automatic controller and multiple timing. Picnic areas and employee rest areas will be provided along the creek and between buildings. For screening and accent, Oleander and Photinia in one gallon containers will be planted.

Figure 4 is a typical elevation of the proposed single story buildings which would be fronting on Scotts Valley Drive and Vine Hill School Road. The northeast corner of the property is at a higher elevation than the remaining portions of the property. To reduce the visual impact of the development on the neighborhood, the applicant proposes to have single story buildings in this area of the development.



ELEVATION • LOADING DOCK SIDE
SCALE 1/8"=1'-0"

DEVELOPMENT FOR NOOR BILLAWALA

CAVALCADE DEVELOPMENT
TYPICAL ELEVATION
FIGURE 4

RAYMOND M. HAIGHT
ATTORNEY AT LAW
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P O BOX 86859
SCOTTS VALLEY, CALIFORNIA 95066
(408) 438-8610

August 13, 1984

ROBERT E. LEIDIGH
Counsel, Legal Division
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

RE: REQUEST FOR WRITTEN ADVISE ON BEHALF OF COUNCILMEMBER ROGER
ANDERSON

Dear Mr. Leidigh:

Request is hereby made on behalf of Councilmember Roger Anderson of the City of Scotts Valley for your written advice on the subject of conflict of interest in the factual situation hereinbelow set forth.

FACTS

1. Councilmember Roger Anderson was duly elected to the City Council of the City of Scotts Valley in June 1984.

2. The wife of Councilmember Roger Anderson owns a condominium in Scotts Valley located adjacent to a parcel of land, consisting of approximately 28 acres, and commonly known as the "Cavalcade Ranch" property.

3. The condominium unit is owned by Mrs. Anderson as her separate property. It was acquired in 1979 by her prior to her marriage to Councilmember Anderson. Since prior to marriage the parties have always recognized the condominium as the separate property of Mrs. Anderson, and continue to do so. Mr. and Mrs. Anderson live in the condominium as their principal residence.

4. The condominium unit has a value of approximately \$120,000.00, and is located in a complex consisting of 18 condominium units (including the unit owned by Mrs. Anderson) and a common area. Each condominium owner owns the fee simple title to his or her condominium unit and also owns an undivided one tenth interest in the common area (as a tenant in common with the other condominium unit owners).

5. Presently pending before the City Council of the City of Scotts Valley is an application for a General Plan amendment to change the designation of the Cavalcade Ranch property from community commercial to light industrial.

NOV 11 9 34 AM '84

ROBERT E. LEIDIGH
August 13, 1984
PAGE TWO

6. In addition, there is also pending before the City Council an application to rezone the property accordingly. The General Plan application must be considered first and if the determination is favorable the rezoning application would be considered next.

7. At present, the Cavalcade Ranch property is unimproved (other than for a few dilapidated structures which would have to be demolished as a part of any project) and is not being used for any commercial, industrial, or residential use.

8. During the summer of 1983, the City Council certified a final EIR for a project on the site of the Cavalcade Ranch property. The project is commonly known as the "Orchard Business Park". In certifying the EIR it was determined that the general plan and zoning would have to be changed.

9. It is this project which has prompted the application for the General Plan amendment and rezoning.

10. The Cavalcade Ranch Property is presently zoned C-2 (community commercial); this is its designation for general plan purposes. Attached hereto as Exhibit "A" are Scotts Valley Municipal Code Sections 17.40.030 (Permitted Uses - C-2 Community Commercial), 17.40.080 (Conditional Uses - C-2 Community Commercial), 17.42.020 (Permitted Uses - M-1 Light Industrial), and 17.42.050 (Conditional Uses - M-1 Light Industrial).

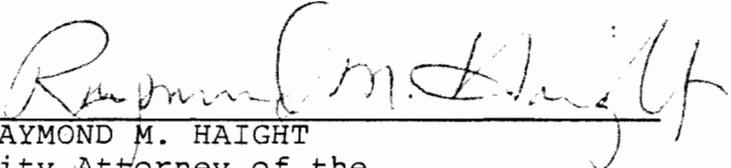
11. The "Orchard Business Park" project is one which seeks to cause the development of six industrial buildings for research and development purposes, with a combined maximum floor area of approximately 498,000 square feet. Enclosed herein as Exhibit "B" is the final EIR for this project.

Your written advice is requested with respect to whether Councilmember Anderson can participate in voting on the proposed General Plan amendment, as well as in voting on the proposed rezoning (should the General Plan amendment be approved) in light of the provisions of the Fair Political Practices Act. It would be appreciated if your written advice could be rendered as quickly as possible. The City Council has scheduled the matter of consideration of the General Plan Amendment for early September 1984.

ROBERT E. LEIDIGH
August 13, 1984
PAGE THREE

If you have any questions in this matter please call me.
Thank you in advance for your courtesy and cooperation.

Very truly yours,



RAYMOND M. HAIGHT
City Attorney of the
City of Scotts Valley

RMH:jmb
Enclosures

cc: Roger Anderson

June 1, 1983
ORCHARD BUSINESS PARK
SCOTT'S VALLEY
FINAL ENVIRONMENTAL IMPACT REPORT
SUMMARY OF RESPONSES
BY TOPIC

Project Description

The proposed project is anticipated to contain seven buildings ranging from 47,000 square feet to 85,000 square feet each and totaling 450,000 square feet. Parking will include spaces for 2,025 cars, with 40% designated for compact cars, as is allowed by City Ordinance. There will be at least a 20-foot setback from the street and adjacent properties to the parking area which will allow for earth berms and landscape screening. A meandering sidewalk will be provided in the 20-foot setback along Scotts Valley Drive and Vine Hill Road. Along Granite Creek and the southern boundary of the project there will be an 80-foot setback to one story buildings, which will minimize obstruction of scenic views.

The proposed buildings will be provided with sloping roofs of colored metal or clay tile to help screen the roof mounted mechanical equipment. Walls will be rough-board formed concrete and wood finished with semi-transparent stain. The buildings will be designed as split-level structures and at different pad elevations in order to blend with the natural contours of the land. Attached is a proposed site plan and elevation.

Traffic

A. Traffic Volume

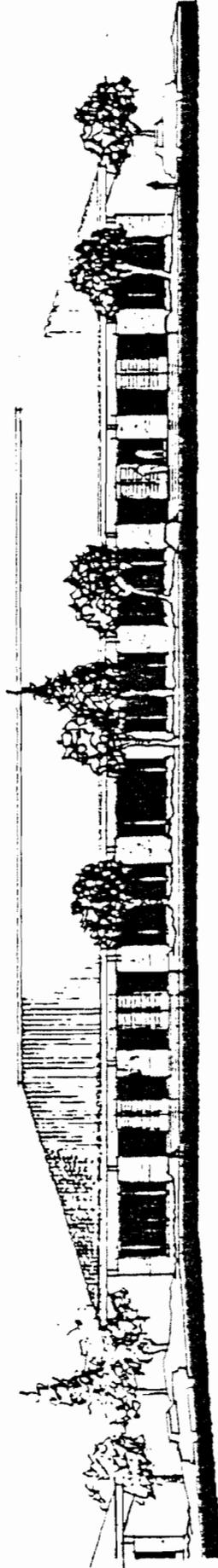
On a basis of 250-275 square feet per employee, and 2.91 daily trips per employee, traffic would range from a low of 4,762 trips per day to a high of 5,238 trips per day.

Existing Daily Traffic Volumes and Project traffic increases are reviewed in Table 1 of this report (which comes from Table 6, Draft E.I.R., Dec., 1982). Peak Hour traffic for this type of development would be 15% of the daily average with 80% outbound and 20% inbound.

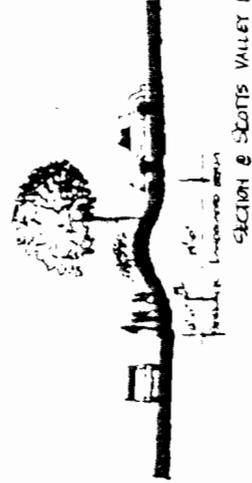
Overall peak hour traffic would be 10% of the 1982 traffic.

It was determined by the traffic engineer that additional traffic counts are not necessary at this time because even with the additional traffic counts the mitigation would remain the same: The complete design, realignment and signalization of the intersections of Scotts Valley Drive with Granite Creek Road and Glenwood Drive/State Route 17.

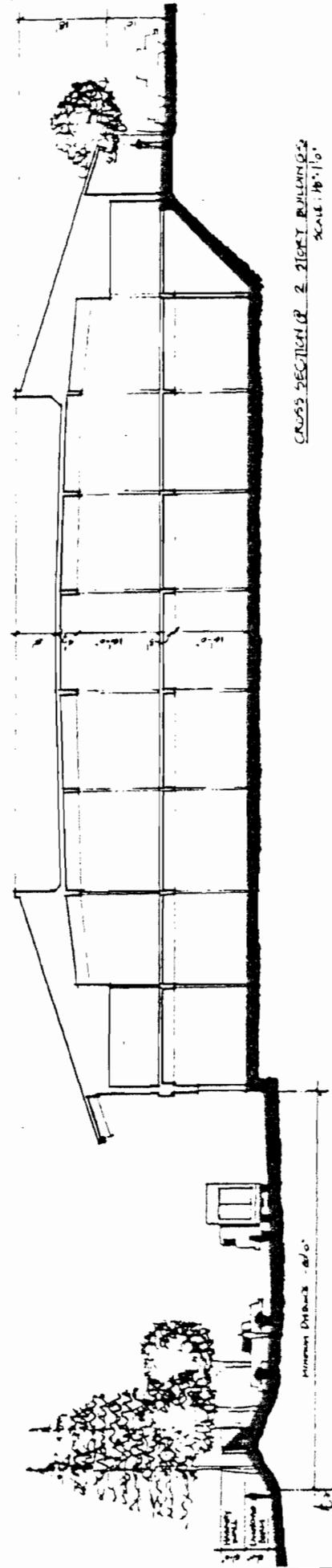
EXHIBIT D



ELEVATION @ ENTRY LEVEL
 (LOOKING WEST)
 2 STORY BUILDINGS
 SCALE: 1/8" = 1'-0"



SECTION @ SCOTTS VALLEY RD.



CROSS SECTION @ 2 STORY BUILDINGS
 SCALE: 1/8" = 1'-0"

DEVELOPMENT FOR NOOR BILLAWALA

