City of Scotts Valley
PLANNING COMMISSION
STAFF REPORT

Date: November 17, 2016

Applicant-Developer/ Property Owner: Corbett Wright / Marlyn Bergman and Scott Norton

Requested Permits:

Mitigated Negative Declaration	MND15-002
General Plan Amendment	GPA15-003
Zone Change	ZC15-003
Planned Development	PD15-002
Land Division	LD15-002
Design Review	DR15-004

Location: Dunslee Way (no address as a vacant lot) / APN: 022-451-01

Size of Parcel: 10.41 acres

General Plan / Zoning: Service-Commercial / Service-Commercial (C-S), Low-density Residential / Single-family Residential (R-1-20), and Rural Residential / Rural Residential (R-R-2.5)

Environmental Review: Mitigated Negative Declaration (MND) was distributed for public review Oct. 10-31, 2016, in accordance with the California Environmental Quality Act (CEQA).

Request: Consideration of Planning Commission review and recommendation of approval to the City Council of a Mitigated Negative Declaration, General Plan Amendment, Zone Change, Planned Development, Land Division, and Design Review to build a commercial building (5,000 sq. ft.), 25 townhouses, and related property improvements on approx. 3+ acres of the vacant 10.41-acre property, which is currently zoned for commercial-service and low-density and rural residential uses.

Case Planner: Michelle Edwards, Senior Planner, (831) 440-5632 or medwards@scottsvalley.org

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PLANNING DEPARTMENT RECOMMENDATION

The Planning Department recommends that the Planning Commission conduct a public hearing, hear public testimony, and recommend approval to the City Council on the Mitigated Negative Declaration and requested planning permits. Recommended

mitigation measures and conditions are attached in Exhibits A and B. At a future public hearing to be scheduled, the City Council will take action on the requested permits.

SITE DESCRIPTION

The 10.4-acre property is undeveloped and extends westward from Scotts Valley Drive at the corner of Dunslee Way (see attached Location Map). On property owner's adjacent residence, the owner has a shed and part of a driveway located on Proposed Parcel L (0.24-acre) on the subject property, uphill from the proposed development. To the south on Dunslee Way, existing uses include the Baymonte Preschool, duplexes, and single-family residences, while the three Woodside commercial buildings and 50 single-family residences exist to the north.

An intermittent drainage is located along the northern boundary of the development area. Most of the proposed development area supports ruderal weedy vegetation (pampas grass); however, mixed evergreen forest (including native oak trees) are located at the western end of the development (in the proposed rear common area behind the last row of townhouses). Coyote brush scrub (with some willow) dominates the intermittent creek.

PROJECT DESCRIPTION

Of the 10.41-acre vacant property, the proposed project will develop approximately 3.17 acres, as summarized below:

- Commercial Lot: On the street frontage, a commercial building (5,000 square feet) with surface parking, trash enclosure, and related property improvements are proposed. Although commercial tenant(s) or use(s) are not known, they will be subject to the City's C-S zoning regulations. Site access is proposed off Scotts Valley Drive and Dunslee Way.

- Residential Lots: In four separate buildings, 25 residential townhouses will be located behind the commercial building. Each townhouse will be located on a separate lot, with lot sizes ranging between 1,100 to 1,900 square feet. The majority of the townhouses will be 3-story (22 of 25 townhouses), while the ends of Buildings 2-4 will have one 2-story townhouse closest to Dunslee Way. Floor areas will range from 1,342 to 2,233 square feet. Each townhouse includes a front porch and 2-story deck. All garages are designed for two cars with interior dimensions of 21 feet x 21 feet.

  Access is two driveways off Dunslee Way, which lead to a U-shaped 25-feet wide private street. Garages will front the private street while front yards will be oriented toward internal walkways. Residential improvements include two common outdoor recreation areas for project residents, surface guest parking, rock retaining walls, outdoor lighting, and landscaping.

- Site and Street Improvements: A total of 19 uncovered guest parking spaces will be located on-site; three are at the end of the cul-de-sac next to Building 1, while 16 spaces are along the north side of the property. As shown on Project Sheet TM-04, the proposed street improvements will upgrade the existing southern ½ street of Dunslee Way to current street standards and extend it by 7, 15, and approximately 37 feet on the subject property. This will result in total street widths of 34, 42, and 70 feet, respectively, which includes a cul-de-sac for emergency vehicle turn-around, and eight (8) street parking spaces.

  The project includes storm water detention areas which will empty into the City of Scotts Valley storm drain system. Large native oak trees in the common open space area behind Building 1 will be retained. Vegetation removal for the new buildings and parking will mostly be Coastal live oak trees and non-native shrubs.

- Open Space: The upper two-thirds of the site will not be disturbed and is proposed to be rezoned as Open Space (OS). Parcel L (0.24-acre) will maintain its current R-1-20 single-family residential zone and will be transferred to the property owner's existing single-family residence via the Land Division (Tentative Map). The O-S parcel will not be a future home site and will be owned and maintained by the current property owner as a buffer to his adjacent residence.

- Public Art: The developer proposes to work with the Parks and Recreation Division Manager and the Arts Commission to hire local artists to paint the two existing utility transformer boxes located along Scotts Valley Drive frontage. The anticipated cost to paint each boxes is $300, and the applicant has offered to pay the $600 fee as part of the project.

- Submitted Plans: Full-scale plans are on file at the City of Scotts Valley Planning Department, while a reduced-scale plans are available at this link: http://www.scottsvalley.org/planning/Dunslee_Way_Planned%20Development.html

Requested Planning Permits: The applicant requests Planning Commission review and recommendation of approval to the City Council for final action on the following planing permit applications:

- Mitigated Negative Declaration: To identify potential environmental impacts and ways to reduce them to less than significant levels, subject to the California Environmental Quality Act (CEQA) and the CEQA Guidelines;

- General Plan Amendment: To change some of the General Plan land use designation from Service-Commercial to High-Density Residential, from Low-density Residential to High-Density Residential, and from Rural Residential to Open Space;

- Zone Change: To change some of the C-S zone to C-S/PD, R-1-20 zone to R-H/PD, and R-R-2.5 zone to OS/PD;

- Planned Development: To create specific development standards to meet the needs of the project and to allow exceptions to the Scotts Valley Municipal Code;

- Land Division: To create a total of 39 parcels (25 residential parcels, 1 commercial parcel, 1 parking parcels, 8 landscape and storm drainage parcels, 1 open space parcel, 1 residential parcel, and 2 right-of-way parcels); the noticed Lot Line Adjustment is not required because the Tentative Map will include the proposed Parcel L (0.24 acre) to the property owner's existing property;

- Design Review: To evaluate the design of the commercial and residential buildings and structures.

DISCUSSION

The Planning Department has reviewed the project for compliance with the City's requirements. An analysis of the issues for Planning Commission consideration is described below:

1. **Consistency with the City's General Plan & Parks Master Plan:** The City's General Plan is the main policy document that provides goals, objectives, policies, and specific actions to carry-out the City's vision for new development. The proposed project requests to change the existing General Plan Land Use Designations from some Service-Commercial to High-Density Residential, from Low-density Residential to High-Density Residential, and from Rural Residential to Open Space.

    - Density: Project density will be 25 townhouses/2.35 acres of residential development area, which is 10.64 housing units/acre. Therefore, the project will be consistent with the High-density Residential land use designation of 9-15 housing units/acre.

    - Open Space: The City's Parks Master Plan calls for the hillsides of this lot to be developed with trail systems or set aside as natural habitats or scenic view sheds. Conditions of approval require the developer to place a floating easement in the proposed Remainder Parcel (7.2+/- acres) to be rezoned as Open Space.

    - Traffic: Consistency with all of the General Plan policies is not a mandate for any proposed project. The project is consistent with the City's General Plan except for Circulation Element Action CA-150 which calls for LOS "C" or better and road intersections other than Scotts Valley Drive / Mt. Hermon Road and Scotts Valley Drive / Granite Creek Road. This inconsistency is because existing traffic conditions at Scotts Valley Drive / Victor Square are already below LOS "C", at LOS "E" and "F" during peak commuter hours in the morning (7:00-9:00AM) and evening (4:00-6:00PM), respectively. The project would result in an average increase delay of 6.4 seconds in the peak AM and 26.2 seconds in the PM.

2. **Consistency with the City's Zoning Ordinance:** The project will change some of the existing C-S zone to C-S/PD, R-1-20 zone to R-H/PD, and R-R-2.5 zone to OS/PD. The Planned Development District Overlay and Permit (PD) allow development to be designed to meet the needs of the project and property. The PD will be an overlay zone to the proposed base zoning districts.

   The PD will include exceptions to: townhouse building heights of approximately 36-40+/- feet (where 35 feet is allowed); reduced garage sizes of 21 feet x 21 feet (where 22 feet x 22 feet is only required for single-family houses); reduced front setback for part of the commercial building of 13 feet-10 inches (where 20 feet is required); and various reduced setbacks for the townhouses.

3. **Road:** In general, City has not accepted offers of road dedications because of budget constraints to maintain them, and those streets have remained as privately owned and maintained. In 1979, a previous developer of a Dunslee Way subdivision offered to dedicate the existing southern ½ of Dunslee Way to the City, which the City did not accept. Therefore, the southern ½ of Dunslee Way has remained a privately owned and maintained street. For possible future development on the subject parcel, the City required the same developer to add the northern ½ of a right-of-way (23-feet wide street easement) on the subject property.

   The applicant proposes to dedicate the remaining ½ of Dunslee Way to the City and to pay and improve the street to City standards. There are three options to cover costs of maintaining the street:

   - Public Street Maintained by an Assessment District or the Project Home Owners Association (HOA): The City will consider accepting the dedication and making Dunslee Way a public street; but, prior to acceptance of the dedication, the applicant must improve the existing southern ½ of Dunslee Way to current standards and extend the roadway by 7, 15, and approximately 37 feet to the north, as shown on Project Sheet TM-04. Once accepted by the City, the cost to maintain the roadway would be borne by the property owners either through an assessment district or through the homeowners' association. City staff recommend this option.

   - Private Street Maintained by Neighbors and the Project HOA: The City would refuse the offer of dedication. Existing property owners and future project residents would be responsible for maintaining the improved street.

   - New Street on Subject Property: The City would refuse the offer of dedication and Dunslee Way would remain as-is (½ of a street). This would require the applicant to locate a street within the project site, which is contrary to City policies for limiting the creation of new small roads off Scotts Valley Drive. City staff do not recommend this option.

4. **Parking:** For new housing units in the R-H zone, the City's Municipal Code requires two (2) covered or uncovered parking spaces per unit, plus one additional space for every five (5) units. Therefore, the required parking for the proposed 25 townhouses is 55 covered or uncovered spaces located on the subject property, per City Municipal Code Section 17.44.030F. Proposed parking consists of the following:

   - On-Site (Total of 69 spaces): Each townhouse will have a 2-car garage (21 interior feet x 21 interior feet) which provides 50 spaces, plus 19 uncovered surface spaces (3 spaces at the end of the cul-de-sac near Building 1 and 16 spaces facing the north property line). The proposed 69 spaces exceeds the minimum 55 spaces required.

   - Street (Total of 8 spaces): Within the proposed street improvements, the developer will provide eight (8) parallel parking spaces as public parking. Currently, some of the existing residents on Dunslee Way park on the subject property.

   - Overflow in Commercial Parking Lot (Total of 9 out of 32 spaces): In the past 8 years, to meet needs of individual developments/properties, similarly-designed subdivisions have been approved with varying parking amounts and requirements (e.g., restrictions of number of cars per unit, parking easements on adjacent commercial parcels, etc.) via the Planned Development process.

     Because there has been an increase in parking complaints from similar developments and a resulting drain on City Departments, there are concerns about providing adequate guest parking for project which that have garage-fronted designs, no typical 2-car driveways, and narrow streets without street parking.

     To address the drain on City Departments and Police Department resources in handling the high amount of parking complaints and disputes, the applicant has offered a parking easement to allow guests of project residents to park on the adjacent proposed commercial lot, after typical business hours to be determined. The proposed amount of guest parking should be a minimum of 9 spaces, which would ensure one (1) guest parking space per townhouse. In addition, the applicant proposes to restrict the use to office and/or retail and prohibit a restaurant, to help the use of parking lot after typical business hours.

5. **Design Review:** New construction in the C-S and R-H zoning districts require Design Review approval to ensure that development is consistent with the City-adopted *Commercial and Industrial Design Review Guidelines* and design review criteria in City Municipal Code Section 17.50.030B1-8.

   - Prominent Ridge and Feature: The property is located within a mapped area designated as a prominent ridge and feature. The ridge reaches its apex east of Cadillac Drive, west of the proposed development. Relevant General

Plan polices require structures to be located below the ridge (OSA-375), critical review of visual resources (OSA-388), and native plants to integrate the man-made environment into the natural backdrop and to screen or soften the visual impact (OSA-389). The development is located well below the ridge. The buildings will be well-designed with a variety of quality exteriors and finishes to create visual interest, consistent with the *Guidelines* and design review criteria.

Although the proposed project will not block any designated scenic vista, project conditions may require additional landscape screening to soften the appearance and integrate the walls into the natural setting of the site.

- Exterior Lighting: The proposed level of luminance should not adversely affect the project residents of the townhouses and existing neighbors across the street. To ensure lighting harmony with existing residences across Dunslee Way, project-specific conditions require the developer to use shields on the light poles and reduce the pole height to 12 feet, consistent with the adjacent Woodside subdivision and City policies and design guidelines for lighting to be at the lowest level and carefully controlled for security, aesthetics, safety and identification without interfering with nearby land uses. Two bollard light poles will produce a small area "hotspot" of more light. Project conditions require a lower wattage of lightbulb (lamp) for those two bollards.

6. **Affordable Workforce Housing:** The project site is located within the City's Redevelopment Plan Area, which requires at least 15% of the housing units to be designated as affordable units. Therefore, of the proposed 25 units, the project is required to provide three (3) units and pay in-lieu fees of 0.75 of a unit. The sale and resale prices are restricted over a 55-year period to provide housing opportunities to qualifying first-time-buyer households.

   The income-levels of the units requires review and recommendation by the City Council affordable Housing Subcommittee. Before City Council review, the applicant shall submit the proposed income-levels for the proposed three (3) and 0.75 of a unit for review by the City Council Affordable Housing Subcommittee for recommendation to the City Council.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration has been prepared for the proposed project based on the analysis of the Initial Study (IS/MND), consistent with the California Environmental Quality Act (CEQA). Staff's review of the technical studies and recommendations from the studies have been made into "mitigation measures" to address potential project impacts to: air quality, biological resources, cultural resources, geology and geophysics, hazards/hazardous materials, hydrological resources and drainage, and noise. Short-term and long-term effects of the project will be less than significant.

The IS/MND was distributed for a 20-day public review period during 10/11/16 to 5:00PM on 10/31/16. A copy was provided to reviewing agencies, Planning Commission, City Council, and made available at City Hall and on the City's website at the link below: http://www.scottsvalley.org/planning/Dunslee_Way_Planned%20Development.html

During the public review period, the City received one (1) written comment: a letter from an adjacent property owner at the end of Dunslee Way. The letter plus staff's email response answering the questions are attached.

1. **Kathy Woods, Adjacent Property Owner on Dunslee Way:** In a letter date 10/31/16, Ms. Woods expressed objections and concerns about traffic levels, ingress & egress, parking & population. Ms. Woods recommends that the City require at least four (4) parking spaces per unit. Since the letter, the applicant has talked with Ms. Woods to address concerns; an update will be provided at the November 17, 2016, public hearing.

All comments received on the IS/MND were reviewed and considered by the City. The City determined that in no instance did the comments result in the identification of a new or previously unidentified significant adverse impact to the environment.

PUBLIC NOTICE AND COMMENT

On October 11, 2016, a Notice of Intent to adopt a Mitigated Negative Declaration and a Public Hearing Notice were posted at City Hall, the Scotts Valley Branch Public Library, and the Scotts Valley Senior Center, and were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law. After the public review period of the IS/MND closed on 10/31/16, the City received three (3) communications on the proposed project:

1. **Tom Martindale, Adjacent Property Owner on Dunslee Way:** In an email dated 10/19/16, Mr. Martindale asked questions about the proposed street width, street parking, changes to the south side of the street, storm drainage, disposition of Dunslee Way, and construction time line. The email and Planning Department email response answering the questions are attached.

2. **Sherry Woo, City Resident:** In an email dated 10/31/16 (at 10:08PM after the 5:00PM closing date of the MND), Ms. Woo expressed opposition to the proposed planned development which changes the existing low-density and rural residential uses. The email and Planning Department email response confirming that the comment would be provided to the Planning Commission are attached.

3. **Ron Woll and Monica Lussier, Adjacent Property Owners on Cadillac Drive:** In a conference call with Planning Department staff on 11/02/16, Mr. Woll and Ms. Lussier asked questions about the open space zone, the Parks Master Plan, and the proposed open space parcel. The email and Planning Department email responses answering the questions are attached.

FINDINGS

Based upon the MND and review of the submitted technical reports, staff believes that the required findings can be made to certify the Mitigated Negative Declaration and approve the requested planning permit applications, subject to Mitigation Measures (Exhibit A), Conditions of Approval (Exhibit B), and approve the Findings in the attached Parks & Recreation Commission Staff Report. Please note that the findings for the planning permit applications will be provided by 11/15/16.

CONCLUSION

The proposed project would be and infill project of an underused parcel on the City's second commercial corridor. The proposed design and zoning follow a similar the development pattern on the west side of Scotts Valley Drive.

ATTACHMENTS

PAGE #

Resolution No. ____ to Recommend: (Action Item) ..... to be provided by 11/15/16

- Certification of Mitigated Negative Declaration MND15-002; and,
- Approval of General Plan Amendment GPA15-003, Zone Change ZC15-003, Planned Development PD15-002, Land Division LD15-002, and Design Review DR15-004
  - Exhibit A - List of Mitigation Measure 9
  - Exhibit B - Conditions of Approval 13
- Approval of Required Findings of Park Land Fees in the Parks & Recreation Staff Report dated 11/17/16 25

1. Location Map 27
2. Planning Dept Email Response on 10/19/16 to Tom Martindale's Email dated 10/19/16 28
3. Planning Dept Email Response on 11/07/16 to Kathy Wood's Letter dated 10/31/16 30
4. Planning Dept Email Response on 11/01/16 to Sherry Woo's Email dated 10/31/16 35
5. Planning Dept Email Responses on 11/02/16 and 11/07/16 to conference call with Ron Woll and Monica Lussier on 11/02/16 36
6. Project Plans ..... * Attached

* *Please note that a hard-copy is available to review in the lobby at City Hall, Monday-Thursday 8AM-12PM and 1PM-5PM, at One Civic Center Drive, Scotts Valley. An digital copy is also available on the City's website at the link below:*

http://www.scottsvalley.org/planning/Dunslee_Way_Planned%20Development.html

Please call the City at (831) 440-5630 if you have any questions.

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Exhibit A
Mitigation Measures
(#1 - #13)

1. Mitigation Measure AQ-1: To reduce dust generation from project grading and construction to minimal levels, the project proponent shall require the grading contractor to implement best management practices (BMPs) for dust control, including watering down exposed earth surfaces each non-rainfall day at intervals that attenuate dust problems. Any dirt tracked on to Scotts Valley Drive shall be removed daily in a manner that does not create substantial airborne dust. The following BMPs shall be included in the construction contract for the project and be implemented during site grading:
   a. Excavation of the site shall be done in phases by grading only those areas where immediate activity will take place, leaving the remaining areas in their original condition with ground cover;
   b. A water truck, using recycled water, shall be available on a repeated basis each day throughout the grading phase of the project to spray exposed earth surfaces;
   c. In addition to regular water spraying, a biodegradable chemical pallative shall be sprayed on any graded areas that will remain exposed without additional grading for three or more days in succession;
   d. The site entrance shall be base rocked to avoid or minimize tracking mud on Scotts Valley Drive by construction vehicles;
   e. The segment of Scotts Valley Drive along the project frontage shall be mechanically swept at the end of each work day when any dirt or mud has been tracked on the street;
   f. No grading activities shall occur during days of high wind velocity;
   g. Finished graded areas that are designated as open space and landscape areas of project, shall be covered with an accepted erosion control substance such as straw mulch or hydromulch with a tackifier; and
   h. Construction staff shall monitor daily all areas that have received a chemical pallative spray or application of mulch to determine if these areas remain in a dust-free condition and take corrective action as needed to maintain a dust-free environment.

2. Mitigation Measure BIO-1. The developer shall implement all measures contained within the arborist report for the protection of existing trees to remain, including but not limited to the required procedures and sequence, required tree replacement, tree preservation and protection, and appraised value of preserved trees in the report. No landscaping is permitted under any oak trees.

3. Mitigation Measure BIO-2. Erosion control measures shall be in place prior to project grading to prevent inadvertent impacts to the intermittent creek. The project engineer shall stake the outer edge of the 25 feet top-of-bank creek with orange construction fencing and place silt fencing along the line prior to any site disturbance. Both fencings shall be retained in a functional condition until all construction is completed on site as determined by the City. After project construction is completed, fencing may need to be removed to install the stormwater retention basins within the 25-foot setback.

4. Mitigation Measure BIO-3: To avoid impacting nesting raptors or passerine species, the project developer shall schedule all construction outside of the nesting season between February 1 to July 31 of any given year. If this is not practical, then have a qualified biologist conduct a preconstruction survey for nesting birds no earlier than 30 days prior to commencement of construction. If any active bird nests are found within 50 feet of the work area for passerines, or 100 feet for raptors, either create a suitable buffer zone or postpone construction until the biologist has determined that all young have fledged.

5. Mitigation Measure BIO-4: To avoid harm or loss of the pallid bat, a qualified wildlife biologist or bat ecologist, under contract to the project developer, shall conduct pre-construction surveys, no more than 30 days before any vegetation removal, to determine if any roosting bats are present on the site. If any are present, the biologist/ecologist shall recommend measures to prevent disturbance to sensitive bat species, such as pallid bats, during vegetation removal and construction.

6. Mitigation Measure CUL-1: To ensure that archaeological resources are not destroyed if accidently discovered during project grading or other subsurface work, the developer shall submit a copy of a contract with a qualified/registered archaeologist to conduct monitoring of all earth disturbing activities for review and approval by the Community Development Director, before grading permit issuance. The developer shall include this requirement in the contract for all contractors involved with grading and subsurface work. The qualified/registered archaeologist shall monitor all earthwork activity as described below.
   a. An archaeologist shall monitor the widening of the existing traveled gravel road, grading or excavation of soils at the development site in order to determine if important cultural remains are present. Such monitoring shall begin before and occur during subsurface earth moving activities;
   b. The duration and period of archaeological monitoring of project development activities shall be at the discretion of the professional archaeologist. At a minimum, however, any activity that initially displaces or removes original soil from its present context shall be monitored by an archaeologist on a continuous basis;
   c. Monitoring activities such as replacing soils in trenches, redistributing displaced soil elsewhere on the development site, or removing stockpiled excavated soil may not require monitoring;

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d. Monitoring may include the periodic sampling and screening of soils in order to better determine if cultural remains are present; and,

e. If any cultural resources are discovered, the project contractor shall immediately stop all earth disturbing work within a 150 foot radius of the discovery to allow for inspection, evaluation, and potential recovery of resources by the supervising project archaeologist, before resuming any earth-disturbing construction activities. The developer shall also contact the Planning Department and Building Official as soon as work has been stopped. It may be necessary to resume grading or excavation activities under the direction of the supervising archaeologist in order to locate or expose cultural remains.

7. Mitigation Measure CUL-2: To ensure that paleontological resources are not destroyed during project grading, the project proponent will include the following measures:
   a. Provide the project paleontologist with a copy of the final grading plans for review prior to any project grading;
   b. Provide for daily monitoring during grading activities by the project paleontologist to determine if paleontological resources are encountered in excavated areas;
   c. Allow for the recovery of any discovered paleontological resources according to a recovery plan/methods specified by the project paleontologist, including the donation of the recovered resources to a suitable repository (museum, school, etc.);
   d. If recovery occurs, ensure that the project paleontologist prepare a recovery report that details the type of resources recovered and the repository locations where they were taken; and,
   e. Specify in the construction contract with the project grading contractor(s), that grading personnel are to cooperate with and assist the project paleontologist during monitoring and any recovery activities, including assisting with recovery efforts if necessary.

8. Mitigation Measure GEO-1: To reduce the effects of seismic shaking to acceptable levels, the project proponent shall have all dwellings and commercial building designed California Building Code standards for the design level earthquake for the area. The design details shall be provided on the building plans submitted to the City for a Building Permit application for each dwelling.

9. Mitigation Measure HAZ-1: Implement Mitigation Measures AQ-1 and HYD-1.

10. Mitigation Measure HYD-1: To prevent sedimentation and discharge of contaminants off-site during project construction, the project developer shall have the construction contractor implement a best management practice/hazardous materials containment plan during the entire time

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construction activities are occurring. The hazardous materials containment plan shall be approved by City Planning staff prior to commencement of land alteration and construction activities for the project. It shall contain the following elements:

a. Stationary equipment such at motors, pumps, welding equipment shall be placed over drip pans or other containment apparatus;
b. Construction materials shall not be stockpiled or stored where they could be accidently discharged downslope or in to Scotts Valley Drive; and,
c. Any petroleum, lubricants or other hazardous materials used during; and, construction shall be stored in a special storage location equipped with double containment and this location shall be shown on the erosion control plan and approved by the agencies that review this plan.

11. Mitigation Measure HYD-2: To off-set the potential loss of groundwater infiltration, the project developer shall explore low impact development techniques (such as infiltration pits) within the project area for review and approval by the City and Scotts Valley Water District, before issuance of a grading permit or earthwork on site.

12. Mitigation Measure HYD-3: To prevent drainage problems related to the lack of proper maintenance of privately owned and operated drainage facilities on the site, the project CC&R's shall include regular maintenance and funding of the facilities, and shall be submitted to the City for review and approval prior to approval and recordation of the Final Map. The CC&RS shall include the following:

a. Adequate funding by each homeowner on an equal basis for the regular maintenance of the common-owned drainage facilities and any other drainage improvements not owned by the City;
b. Regular monitoring inspection, at least annually in the spring or summer, by qualified professionals with drainage engineering (such as civil engineer, erosion control specialist) shall assess the functional capability of the drainage improvements and to provide recommendations for repairs and maintenance; and,
c. Maintenance of the drainage facilities by a qualified professional in accordance with the recommendations of the monitoring inspections.

13. Mitigation Measure N-1: To reduce construction noise emanating beyond the site to acceptable levels, the project developer shall require all contractors to limit their work to 8:00AM to 5:00PM weekdays only, not on Saturdays. If gasoline generators are used, they shall be contained in an enclosure that prevents their noise from being heard at properties south of the project site. This requirement will be included in all construction contracts for grading and building construction on the site.

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Exhibit B
Conditions of Approval
(#1 - #87)

Legal

1. The developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.

2. The developer/applicant shall sign the Conditions of Approval agreeing to the Conditions of Approval prior to issuance of any grading/building permits, transfer of title, or within 30 days of approval of these planning permits, whichever occurs first.

3. Before issuance of any building/grading permits or transfer of title, the developer shall record a signed copy of a "Memorandum of Agreement Regarding the Conditions of Approval" at the County Recorder's Office. Planning Department staff will provide the document to record. The developer shall provide a conformed copy to the Planning Department.

4. The developer shall obtain all required demolition, grading, improvement plans, and building permits and pay all appropriate required fees before starting any grading/earth disturbance on the property.

Planning Department

5. The approved planning permits include a Mitigated Negative Declaration, General Plan Amendment, Zone Change, Planned Development, Land Division, Lot Line Adjustment, and Design Review to build a commercial building (5,000 sq. ft.), 25 townhouses, and related property improvements on approx. 3+ acres of the vacant 10+ acre property, as shown in the plans prepared by RJA Engineers, Studio Current Urban Design & Architecture, and Dillon Landscape Architects stamped approved, which are on file in the Planning Department.

6. All site improvements shall be in conformance with the plans stamped approved, unless otherwise conditioned in this Exhibit B, to the satisfaction of the Community Development Director (CDD) and City.

7. Any future changes to the approved plans that the developer and/or other reviewing agencies initiate and/or propose, shall require prior review and approval by the CDD/City and CDD confirmation regarding the level of environmental review and planning permits required before any earth disturbance. As determined by the CDD, minor changes may be approved by the CDD while major changes may require review and approval by the Planning Commission and/or City Council, paid by the developer.

8. The developer and future project residents shall comply with the Mitigation Measures, which are listed in Exhibit A of this Planning Commission Resolution.

9. Before grading permit issuance, the developer shall submit a mitigation measure compliance monitoring fee deposit for ten (10) hours of staff time at the existing rate. Any unused time shall be refunded at a final building inspection.

Construction Phasing

10. Before any grading or building permit issuance, the developer shall prepare a draft phasing plan agreement of the proposed construction phasing of the commercial component of the project, for review and approval by the City. The agreement shall include the following items, but shall not be limited to: full standard interior wall finishes, heating & air ventilation systems, water service meter connections, and sewer connections to provide a "turn-key" building. The commercial building and all site improvements such as the trash enclosure, parking lot striping, landscaping, etc., shall be started before a Certificate of Occupancy is issued for the last townhouse. Before the first building permit is issued for any townhouse, the developer shall begin to pay property tax to City as if the commercial building were built.

Grading

11. All recommendations in the geotechnical report prepared by project geotechnical engineer, are incorporated as conditions of project approval.

12. The limits of grading shall be clearly marked on the site prior to the issuance of a grading or building permit.

13. The location of all soil to be exported shall be reviewed and approved by the Building Department prior to issuance of a grading or building permit.

Street

14. The Applicant shall offer to dedicate to the City that portion of Dunslee Way that it owns, and shall show this offer of dedication on the final map to be recorded against the project site. So long as the City accepts the dedication of: (1) the applicant's portion of dunslee way, and (2) the remaining portion of Dunslee Way 14

that was previously offered to the City for dedication pursuant to (1) "Parcel Map of the Lands of Wilson, Seadler & Dyer" filed for record in Santa Cruz County, California, on November 17, 1989, and (2) "Parcel Map for Charles Ronald Roberson" filed for record in Santa Cruz County, California, on April 10, 1979, then the Applicant shall be required to construct (at the applicant's sole cost and expense) the Dunslee Way improvements in accordance with the Subdivision Improvement Agreement ("SIA") and these conditions.

15. Prior to recordation of the final map, the applicant and the City shall enter into a mutually acceptable subdivision improvement agreement ("SIA") relating to the improvement of the entire width of Dunslee Way. This SIA shall include the following provisions requiring the applicant to provide to the City:
    a. A faithful performance bond sufficient to cover one hundred percent (100%) of the total estimated cost of constructing the improvements on Dunslee Way described in the "Tentative Map Dunslee Way (Lands of Norton, Bergman)" (the "Dunslee Way Improvements");
    b. A labor and material bond sufficient to cover fifty percent (50%) of the total estimated cost to construct the Dunslee Way Improvement (guaranteeing the payment of all persons for labor and materials furnished in the construction thereof); and,
    c. A warranty bond sufficient to cover ten percent (10%) of the total estimated cost to construct the Dunslee Way Improvements (guaranteeing said improvements against any defective work or labor done, or defective materials used in the work).

16. Prior to the recordation of the final map, the applicant and the City shall enter into a mutually acceptable encroachment permit or temporary construction easement agreement that allows the applicant to construct the Dunslee Way Improvements pursuant to the SIA and these Conditions, if the City has accepted the offer of dedication of Dunslee Way. This permit or easement shall include appropriate insurance and indemnity provisions reasonably acceptable to the City.

17. Prior to the recordation of the final map, the City will consider, by resolution whether to rescind its statement that Parcel B shown on the subdivision map entitled "Parcel Map of the Lands of Wilson, Seadler & Dyer" filed for record in Santa Cruz County, California, on November 17, 1989, is "not accepted" and unconditionally accept the dedication.

18. All future street names shall be reviewed and approved by the City, subject to review by the Fire District and Santa Cruz County. The project developer shall work with the City to establish street names that reflect the history and character of Scotts Valley prior Final Map approval. Provide street name for street serving units 29-35. Approved street names shall be shown on the final map.

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CC&R's

19. Before a Final Map is recorded, the developer shall submit two copies of the Conditions, Covenants and Restrictions (CC&Rs) for City review. The developer shall submit a deposit for City Attorney review and approval. The CC&Rs shall include the following items, but not limited to:
    a. A cheat sheet of key City limitations of the project, placed in the front of the CC&Rs;
    b. Require the residents to park their cars in the garages – not in the uncovered guest parking;
    c. Restrict the number of cars per residence to two;
    d. Contain a parking plan that specifies parking stall designations for residents and guests, fire lanes, and "No Parking" areas, and no semi-truck parking;
    e. Require curb and striping to be consistent with the Uniform Fire Code, and allow Police Department enforcement of no parking on the private street; and,
    f. Provide on-going management and maintenance for street and site improvements.

20. Prior to the recordation of the final map, the applicant shall provide to the City a copy of recorded Covenants, Conditions and Restrictions ("CC&Rs") that include the following language:

    a. As part of the original construction of the development, street improvements were installed by declarant on the entire width of what is known as "Dunslee Way" adjacent to and partly within the development. Dunslee Way is a public street, half within the subject development and half within the adjoining development. Dunslee Way shall be maintained by the City, provided that this development shall bear the expense of the street maintenance and repair. Effective on the date the association commences operations, the association shall assume the rights and duties of this development to contribute to the City's general fund the sum of $5,377.00 per year, to include consumer price index inflation annually, for the City's ongoing maintenance and repair of Dunslee Way, and shall include its costs to comply therewith in the assessment levied against the lots in the development. The board shall have the full right, power and authority to act on behalf of the association, its members and the lot owners in connection therewith.

    b. Notwithstanding anything to the contrary in this declaration, no amendment that deals with any of the following matters shall be effective without prior written consent to the City's Community Development Director or its designee:

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(1) Any amendment, the design or purpose of which is to eliminate or reduce an obligation of the association to assess its members and transmit annually the amount described herein for the City's maintenance of Dunslee Way; and,

(2) Any amendments to provisions in the CC&Rs that benefit the City, and all defined terms therein, each of which were required as a condition of approval for the development.

c. The City is a third party beneficiary of the declaration pursuant to California Civil Code section 1559. Notwithstanding any provision of the declaration to the contrary, and with respect to matters within the regulatory powers of the City, the City has the right, but not any duty, to enforce the terms of this declaration that benefit the City, in the City's absolute discretion.

Noise

21. The developer shall provide an analysis prepared by a qualified acoustical consultant that the project itself and any exterior equipment will not increase ambient noise levels more than 5 dbA measured at the property lines, subject to review and approval by the Community Development Director before issuance of a building permit for vertical construction.

Biotic

22. The developer shall provide written documentation of consultation with USFWS, pursuant to Dr. Arnold's recommendation before issuance of grading or any earth disturbance on site.

Trees

23. Tree removal shall not occur until grading/building permit issuance.

24. The final grading plans and improvement plans shall be reviewed and approved by the project arborist prior to any grading and if deemed necessary by the Community Development Director additional tree preservation measures shall be applied to the project.

25. The project arborist shall place a monetary value on trees preserved on development sites and a surety bond in an amount equal to the value of the preserved trees shall be deposited with the city prior to issuance of a grading/building permit for the project. The monetary value shall be reviewed and approved by the Community Development Director. If damage occurs to the preserved trees during development and/or construction, funds will be drawn from the deposited amount. Funds remaining in the account will be returned to the developer upon final inspection of the project.

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26. Prior to the issuance of any grading or building permits, the project arborist shall inspect tree protection fencing and the completion of pre-construction treatments.

27. The project arborist shall routinely inspect the development site through the term of the project.

Landscaping

28. The CDD shall review and approve the landscape plan.

29. The landscaping improvements shall be permanently maintained and irrigated.

30. Although the proposed project will not block any designated scenic vista, landscape screening may be required to soften the appearance and integrate the walls into the natural setting of the site.

Lighting

31. The final lighting plan shall for exterior lighting shall comply with regional dark sky policies and shall be reviewed and approved by the Community Development Director prior to issuance of building permit of vertical construction.

32. The developer shall use shields on the light poles and reduce the pole height to 12 feet, consistent with the adjacent Woodside subdivision and City policies and design guidelines for lighting to be at the lowest level and carefully controlled for security, aesthetics, safety and identification without interfering with nearby land uses.

33. For the two bollard light poles that produce a small area "hotspot" of more light, the developer shall use a lower wattage of lightbulb (lamp) for those two bollards.

34. All exterior lighting shall be the minimum necessary for security and all lighting shall be down shining with the light source not directly visible from adjacent properties. Where deemed necessary by the Community Development Director light cutoffs/shields shall be installed.

Affordable Housing

35. Before a Final Map is recorded, the developer shall enter into an Affordable Housing Agreement with the City and follow the City's sale procedures.

Building Department

36. The developer shall obtain any required grading and/or building permit(s) and pay applicable fees.

37. Winter grading shall require prior review and approval by the City.

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38. The developer shall pay all applicable City development impact fees before grading and/or building permit issuance.

39. The developer shall pay school impact fees to the Scotts Valley Unified School District before building permit issuance.

40. All trades of electrical, plumbing and mechanical will be issued under one building permit for said project (General Contractor permittee).

41. All buildings shall be designed to comply with the current codes in effect at the time of building permit issuance.

42. The building permit plans must comply with the current California Building Code (CBC) for water-conserving fixtures and fittings and with the CA Energy Commission Building Energy Efficiency Standards, which includes energy-saving fixtures and appliances to be used throughout the building.

43. All structures shall comply with the most current California Energy Commission Standards (Title 24).

44. All new construction shall comply with the City's current Green Building Guidelines, which requires various low-impact-development and resource efficient techniques, to the satisfaction of the Community Development Director (CDD).

45. Structural calculations shall be submitted and wet-signed by the Engineer of record.

46. Provide names of Special Inspectors with certifications as required.

47. A soils report by a qualified geologic engineer shall be submitted with the application for any building permits.

48. All new utilities shall be installed underground.

49. The developer shall comply with the City's standard erosion control measures. The plans submitted for a building permit must include best management practices (e.g. erosion control practices and procedures) during construction, which include complying with Regional Air Quality Control Board emissions for construction equipment.

50. Site drainage erosion control and foundation plans must be reviewed and approved by a soils engineer.

51. Grading and building permit plans shall include separate full-sized sheets listing the required Mitigation Measures and Conditions of Approval.

52. An engineered grading permit shall be required.

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53. The developer shall submit a plan review letter from the project Geotechnical Engineer confirming that the construction documents comply with the project geotechnical engineer's recommendations.

54. To ensure that City requirements are met, the developer shall specify to the Building Official the off-site disposal location of any exported soil material at a pre-construction meeting or before grading permit issuance. If the disposal site is located outside the City, the site shall be a legal facility such as a licensed landfill or permitted fill site.

55. Developer shall submit a plan showing temporary (during construction) and permanent erosion control measures will need to be submitted to the Regional Water Quality Control Board (RWQCB), the agency that administers NPDES, and the City Building Department for review and approval.

56. Developer shall remove the existing building foundation in proposed outdoor yoga area behind Building 1, to the satisfaction of the CDD.

City Public Works Department- Engineering Division

57. A final subdivision or parcel map in conformance with the California Government Code, Section 66410 *et seq*, and with the City Subdivision Ordinance, and including the conditions of the tentative subdivision map, shall be filed to the satisfaction of the Public Works Director/City Engineer.

58. All required documents, final or parcel map sheets, covenants, developer and city improvement agreements and bonds, shall be provided to the satisfaction of the Public Works Director/City Engineer prior to the recordation of any final map or application for any building permit. (Developer should be advised that officials of Santa Cruz County, such as the Auditor-Controller, Recorder and Clerk of the Board have requirements, such as payment of taxes and present title guarantee, which precede recordation of the map.)

59. Engineered Improvement Plans shall be submitted for all on site and off site work and will be approved by the Public Works Director/City Engineer. On-site and off-site (encroachment) civil engineering permits must be issued by the City prior to commencing any work. Improvement Plans shall include any necessary grading, drainage, masonry retaining walls, driveway, sanitary sewer, water, street lights, street signs, mailboxes, street trees, street lights, electric, telephone, gas, cable television, and any other proposed utility, utility pole relocation, frontage improvement and/or repair of sidewalk, curb and gutter or similar facilities required to satisfy tentative map conditions to the satisfaction of the Public Works Director/City Engineer. All improvements shall conform to the design standards contained in text and illustration in the "City of Scotts Valley Standard Details", latest revision adopted by the City Council.

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60. Developer shall construct street improvements for the full parcel frontage in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.

61. The developer shall improve Dunslee Way right-of-way, including but not limited to the following items, as deemed required by DPW to the satisfaction of the DPW:
    a. Inspect sanitary and storm sewer and repair if needed;
    b. Replace damaged sections of existing curb and gutter on south side of road;
    c. Install matching curb and gutter the entire length of north side of road;
    d. Create Maintenance Assessment or other instrument/mechanism to be approved by City;
    e. Remove and replace all AC;
    f. Plans shall include project specific street profiles and sections and all work shall be designed and constructed in accordance with:
        (1) City of Scotts Valley Standard Details Part 2 for Street Design including: ST-4, ST-5, ST-6, ST-7, ST-12, and possibly ST-10;
        (2) City of Scotts Valley Standard Details Part 3 for Storm Drainage including: SD-7, SD-8, SD-9; and,
        (3) Sewer Details SS-4 and SS-10.

62. Engineered improvement plans for all work, signed and prepared under the direction of a registered civil engineer, shall be approved by the Public Works Director/City Engineer prior to commencing work.

63. All work in the public right-of-way will require an encroachment permit application made to the satisfaction of the Public Works Director/City Engineer. The civil on-site work, as plan reviewed by the Public Works Department, will require an on-site civil engineering permit and inspection.

64. All public improvements shall be guaranteed by written Agreement with the city, Faithful Performance Bond, and Labor and Material men's Bond, to the satisfaction of the Public Works Director/City Engineer.

65. All signing and striping shall be approved and completed as required by the Public Works Department, and shall be in conformance with current editions of Transportation and Traffic Engineering Handbook, by the Institute of Transportation Engineers, and the State Department of Transportation "Standard Specifications".

66. The project shall connect to the sanitary sewer system and existing septic systems, if any, shall be properly abandoned to the satisfaction of the PWD.

67. Developer shall construct storm drain facilities in conformance with data and analysis and current City regulations for water quality and waste discharge that

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are in effect at the building permit stage, as determined and required by the Public Works Director/City Engineer.

68. Developer shall pay the cost to accomplish the utility design and construction to underground any telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections, to the satisfaction of the Public Works Director/City Engineer.

69. A registered civil engineer shall provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts. The design shall follow the criteria contained in the City of Scotts Valley Standard Details and the data and analysis contained in the latest adopted City of Scotts Valley Storm Drainage Master Plan. Development shall not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.

70. Developer shall pay the cost to accomplish the utility design and construction to underground the telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections to the satisfaction of the PWD/CE.

71. The final map shall be submitted to the City's Public Works Department on an Auto CAD drawing up to version 2004 electronic version prior to recording.

72. The developer shall submit a completed "segregation of assessment" form for each assessment district in which the subdivision participates.

73. Prior to the filing of the final/parcel map, the developer shall contact the Santa Cruz County Assessor's Office or the Local Agency Formation Commission (LAFCO) to ensure that the subdivided property is within a single tax code.

74. Required for final map approval including but not limited to as deemed required by DPW:
    a. Erosion control plan;
    b. Plan and Profile of Dunslee Way and highlight how it will conform to, or differ from, City Standards; and,
    c. Preliminary Stormwater Control Plan: "Floatable bark" shall be avoided in bioretention areas. Per City of Scotts Valley Stormwater Technical Guide, select a non-floating mulch. Floatable bark tends to clog outlet structures and/or pollutes downstream systems. Revise Page 4 to remove floatable bark from bioretention areas.

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75. Pre-Construction Meeting: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property, with the exception of installation of temporary construction fencing demarcating the disturbance envelope, tree protection fencing, and silt fencing, the developer shall convene a pre-construction meeting on the site. The following parties shall attend: the developer, the grading contractor supervisor, the project biologist, the project arborist, the Civil Engineer, City of Scotts Valley Planning staff, City Engineer, and Public Works Director. The temporary construction fencing demarcating the disturbance envelope, tree protection fencing, and silt fencing will be inspected at that time.

76. Before grading/building permit issuance, the developer shall provide a set of current (pre-project) photos of Dunslee Way and Scotts Valley Drive parcel frontage to the Public Works Director for review and approval, to ensure that the developer repairs any damage to City-maintained streets that is caused by project construction:
    a. After project construction and before occupancy, the developer shall schedule an inspection with the Public Works Director to inspect the road and determine if any repairs are required to restore the road to the pre-project condition; and,
    b. The developer shall complete any required repairs to the road to the satisfaction of the Public Works Director before City sign-off on the building permit(s) and occupancy of any unit.

77. Applicant shall provide used motor oil reclamation services for the general public (applies to services stations).

City Public Works Department- Parks & Recreation Division

78. The developer shall comply with City Municipal Code Chapter 16.35, Dedication of Land for Park and Recreational Purposes.

79. To be consistent with the City's Parks Master Plan which calls for the hillsides of this lot to be developed with trail systems or set aside as natural habitats or scenic view sheds, the developer shall provide an irrevocable offer to dedicate a "floating easement" for these items. This "floating easement" shall apply to the 7.2-acre "Remainder" Parcel to be rezoned as Open Space. The exact location of any future trail systems and any associated parking easement shall be determined by the City. The construction of a future trail and associated parking shall be done by the City and not be the responsibility of the applicant or the homeowners.

80. To provide public access for those trail systems dedicated for public use within the dedicated open space parcel, the developer shall create the necessary public easements. The public easement document shall be reviewed by the City

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Attorney to protect the HOA against unnecessary liabilities from public use of public dedicated trail and parking areas. There will be appropriate signage at trail heads to limit usage according to the Parks & Recreation Commission guidelines. Trail signage and use conditions shall be developed in consultation with the City's Parks and Recreation Commission and City Attorney.

City Public Works Department - Wastewater Division

81. All sanitary sewer mains, laterals, manholes, and pump stations inside all of the facilities shall be private except for the main trunk line and manholes in the Scotts Valley Drive / Dunslee Way right-of-way.

82. Every sewer lateral crossing a curb line shall be marked with an "S" stamped in the face of the curb.

83. Water softeners shall only be permitted if they are exchange-base systems, where a vendor comes and picks up columns of brine and exchanges them for new ones. Systems that back-flush and discharge brine to the sewer are not permitted since the City of Scotts Valley recycles water for irrigation.

Scott Valley Fire Protection District

84. All development must comply with the California Fire Code as amended by the Scott Valley Fire Protection District.

Scott Valley Water District (SVWD)

85. A Main Extension Agreement will need to be executed between Marlyn Bergman/ Corbett Wright and SVWD.

86. Future improvement plans and construction documents shall address specific comments made on SVWD letter dated January 11, 2016.

87. All recycled water systems must be designed according to the SVWD Rules and Regulations and must conform to the Recycled Water Irrigation Systems Standard Notes and Details.

Signature of Corbett Wright, Applicant/Developer _____ Date _____

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Agenda Item:_____
Date: November 17, 2016

City of Scotts Valley
PARKS & RECREATION COMMISSION
STAFF REPORT

DATE: November 17, 2016

TO: Honorable Mayor and City Council

FROM: Scott Hamby, Public Works Director

SUBJECT: **Proposed Development Park Recreation or Open Space - In Lieu Fees**

SUMMARY OF ISSUE

A local developer is proposing to build 25 townhouses and a 5,000 square foot commercial building at the corner of Dunslee Way and Scotts Valley Drive. Pursuant to the City of Scotts Valley Municipal Code (the "Muni Code"), Title 16, Chapter 16.35 - Dedication of Land for Park and Recreational Purposes, as a condition of approval of a final map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both at the option of the City, for park or recreation services. For this project, because the development is for fewer than 50 parcels, the development must pay a fee based on the unimproved assessed fair market value at the time of filing the tentative map or upon independent appraisal (to be paid by the subdivider) of the land required to meet the needs of the project.

The amount of land required to meet the needs of the project is calculated using a formula within Chapter 16.35 of the Muni Code. For this proposed project, the minimum amount of land to be dedicated for open space is 19,602 square feet or 0.45 acres.

The developer can get partial credit (up to 50%) against the required fee for the development of open space if private parkland is provided within the development and those certain findings outlined in Section 16.35.090 of the Muni Code can be met. As proposed, the development has 23,200 square feet or 0.53 acres of land developed as park facilities. Based on that, the findings in Section 16.35.090 can be met as outlined below:

A. The yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations are not included in the computation of such private open space; and

B. That the private ownership and maintenance of the open space is provided for in the Covenants, Conditions and Restrictions to be recorded on the property (the "CCRs"); and

C. The use of the private open space is restricted for park, recreation and open space purposes by the CCRs, which run with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the City; and

D. The proposed private open space is reasonably adaptable for park, recreation and open space purposes, consistent with the factors detailed in Section 16.35.080 because it is a flat park like area with landscape park-like and quiet areas including a yoga area, is consistent with general plan, preserves natural resources by leaving the area in its natural state and provides outdoor recreation opportunities; and

E. The facilities proposed for the open space are in substantial accordance with the following provisions of the open space, recreation and conservation element of the general plan: OSO-361- designate open space where its use will conserve and maintain the scenic, tranquil and spacious qualities of the neighborhood and PRA-625- will locate and develop a park and recreation facility to preserve and enhance natural open space and scenic resources; and

F. The private park and recreational facilities for which credit is given meets the minimum criteria of the ordinance in that the project includes .53 acres of landscape park-like and quiet area walking path and yoga area.

The provision of the park area in the project meets the requirements to justify giving the developer a 50% credit against the required parkland fees.

FISCAL IMPACT

Developer will receive partial credit, not to exceed 50% of the fees owed to the City for parks and recreational services. Credit is based on the fair market value of the open space offered for dedication. The money collected at the time of filing the tentative map or upon independent appraisal is only to be used for the purpose of providing park, recreation and open space land or facilities.

STAFF RECOMMENDATION

It is recommended that the Parks and Recreation Commission accept staff's findings that the proposed project meets the conditions for offering private open space for park, recreation and open space purposes pursuant to City of Scotts Valley Municipal Code, Title 16, Chapter 16.35.

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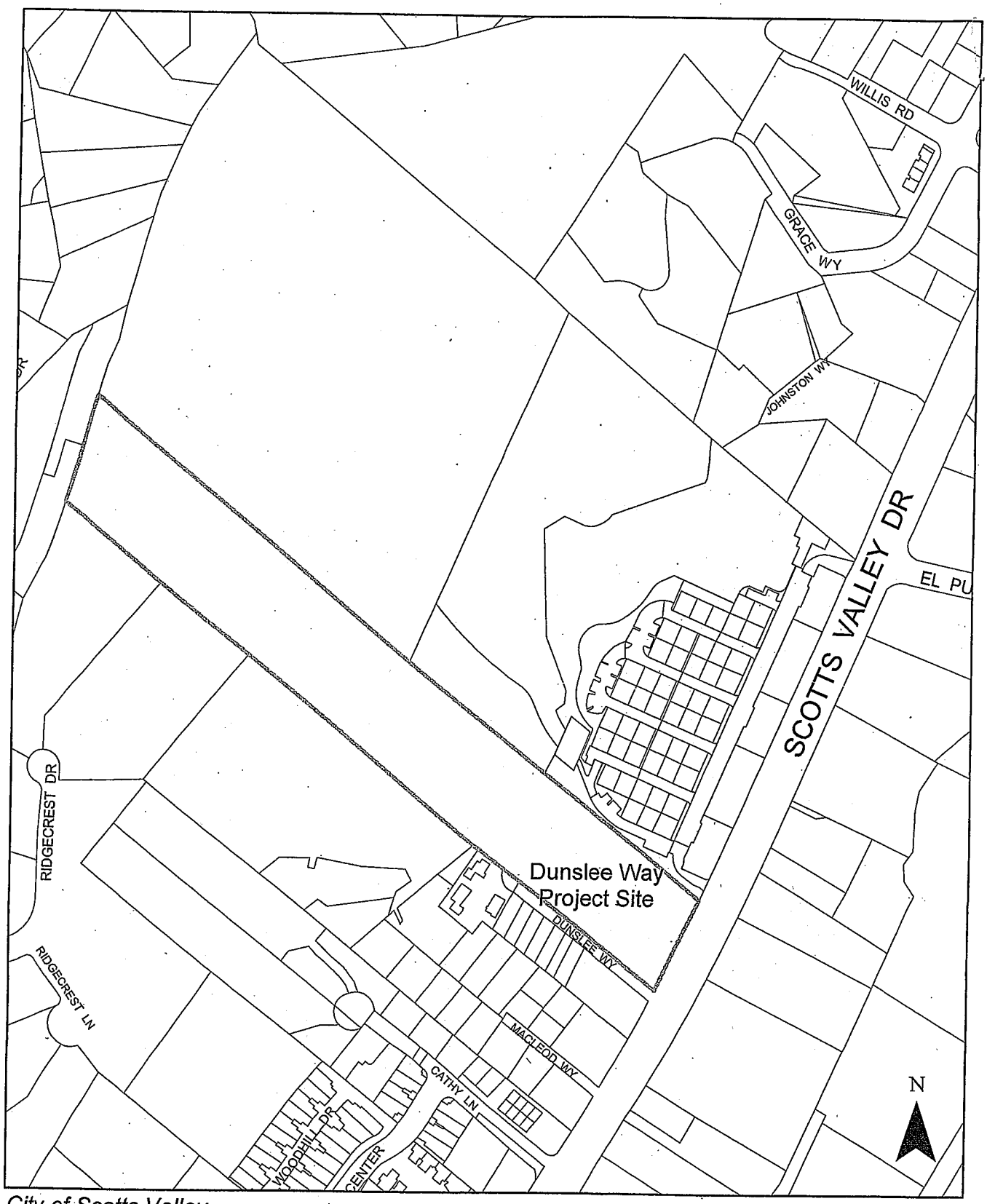
K. Location Map



Michelle Edwards

From: Michelle Edwards
Sent: Wednesday, October 19, 2016 4:11 PM
To: 'JoAnn Martindale'
Subject: RE: Dunslee Way - Questions

Hi Tom,

Please see staff replies below.

Michelle Edwards
Senior Planner
Direct: (831) 440-5632
Email: mfodge@scottsvalley.org

City of Scotts Valley
Planning Department
One Civic Center Drive
Scotts Valley, CA 95066
Office: (831) 440-5630
Fax: (831) 438-2793
Website: www.scottsvalley.org

From: JoAnn Martindale [mailto:2Joannm@comcast.net]
Sent: Wednesday, October 19, 2016 3:15 PM
To: Michelle Edwards
Subject: dunslee way

Hello, I own #21 Dunslee way, Would you please answer a few questions for me re. the planned development.

1. what will be the width of the street? **[Planning Dept]** Near Scotts Valley Drive, street width on plans is 34 feet, which includes sidewalk on north side of street). Near end of Dunslee Way, street width on plans is 42 feet, which includes sidewalk on north side.

2. will there be street parking on the north side only? **[Planning Dept]** Yes, plus more spaces within the project site.

3. will there be any change in the street on the south side? **[Planning Dept]** If the City accepts the proposed dedication of the street, the street must meet applicable Public Works Dept standards.

4. will the street have storm drains? **[Planning Dept]** One storm drain inlet is proposed on Dunslee Way, which will connect to the proposed drainage system to connect to the City's existing storm drain system within Scotts Valley Drive.

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5. will Dunslee become a city street? **[Planning Dept]** That is what the project proposes/requests.

6. any idea of the timetable for starting const.? **[Planning Dept]** Sometime next year.

Thank you very much, Tom Martindale

Michelle Edwards

From: Michelle Edwards
Sent: Monday, November 07, 2016 5:12 PM
To: 'kwqueenbee@gmail.com'
Subject: Dunslee Way - Response to Letter Received
Attachments: Dunslee Way - Received Letter 2016-10-31.pdf

Dear Kathy,

This email is a follow-up to your counter visit on 10/31/16 and your attached letter (dated 10/26/16) commenting on the proposed commercial residential development on Dunslee Way. Please note that your comments will be forwarded to the Planning Commission in the staff report that will be prepared for the proposal.

Traffic

- Traffic Trips: The traffic impact study analyzed the commercial building as a possible restaurant (worst-case scenario), which is one of the busiest types of uses. The developer proposes an office and/or retail uses. Therefore, anticipated trips will be much less. Future use of the commercial building must comply with Service-Commercial (C-S) zone and other applicable parts of the City's Municipal Code.
- Developer's Report: The Planning Department prepared the Initial Study and Mitigated Negative Declaration for the proposed project.
- Levels of Traffic: The existing intersection of Scotts Valley Drive/Victor Square currently operates at levels of service E and F during peak hours in the morning (7-9AM) and evening (4-6PM), respectively. Public Works Department and its traffic consultant reviewed the traffic study and agreed with the study findings that existing conditions plus the project will not be a significant increase.

Ingress & Egress

- Access: In 1979, the City required a previous developer on Dunslee Way to dedicate a 23-feet wide right-of-way for future access to the subject property. Therefore, access to the subject property on Dunslee Way was anticipated. City policies call for limiting the number of new driveway cuts and new roads off Scotts Valley Drive.

Parking & Population

- On-site Guest Parking: The proposed project will provide 19 on-site surface parking spaces: 3 at the end of the cul-de-sac and 16 along the north property line, as shown on the provided Sheet TM-04. The proposed 19 spaces exceed the minimum required of 5 spaces. Via a parking easement, the developer proposes to allow project residents to park in the commercial parking lot. City Departments believe that the proposed amount of parking should be adequate. The Planning Commission will review the proposal and make a recommendation to the City Council who will take final action at a future public hearing to be scheduled.
- Street Parking: The proposed project will provide 8 parallel parking spaces on Dunslee Way that will be available to the public and are not considered as project parking.
- Woodside Parking: Project residents may park in the commercial parking lot via recorded easements that were part of the project approvals.
- Requested Parking: Your request for the developer to provide 4 spaces per unit will be forwarded to the Planning Commission in the staff report that will be prepared for the proposal.
- Population: The U.S. Census data for Santa Cruz County was used (approximately 68 persons), plus an expanded range of approximately 87 persons if each bedroom is occupied with one person.
- Quit Claim: The note on the plans refers to the existing 23-feet wide right-of-way located on the subject property - not the existing right-of-way of Dunslee Way.

Planning Department will also provide a copy of this email to the applicant and property owner.

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Michelle Edwards
Senior Planner
Direct: (831) 440-5632
Email: mfodge@scottsvalley.org

City of Scotts Valley
Planning Department
One Civic Center Drive
Scotts Valley, CA 95066
Office: (831) 440-5630
Fax: (831) 438-2793
Website: www.scottsvalley.org

RECEIVED
OCT 3 1 2016
CITY OF SCOTTS VALLEY

Kathy Wood
33 Dunslee Way
Scotts Valley, CA 95066
831-234-9817

October 26, 2016

My objections to the "Dunslee Way Planned Development" and my request for mitigation of my objections follows:

I. Objection: the development will increase traffic on Dunslee Way by ten times.

A. The developer's own report lists 782 additional trips per day!

B. Allows developer to build 25 townhomes, mostly 3 stories each without using his property for access.

C. Puts the burden of a busy street onto the 10 homeowners on Dunslee Way, not the development's 25 townhomes.

D. Traffic, parking and noise become the homeowners of Dunslee Way's problems.

E. Dunslee Way already has a parking problem and arguments have occurred regarding parking in the street.

F. Dunslee Way already has 10 homes and one daycare building.

G. The planned development includes 25 townhomes, 3 and 4 bedrooms. The estimated occupancy = 2.72 persons/unit x 25 = 67.5 people. The estimate of 68 persons living in project is considered high density housing.

H. From the developer's report: **"Given the proposed bedroom mix, the project could result in 87 more persons if each bedroom and den is occupied by one person".**

II. There is already ingress and egress in place on the vacant lot that the developer owns.

A. Why doesn't the developer use his own property?

1. Using Dunslee Way allows the Developer to build more homes without using his property for ingress and egress which increases his profit.
2. The City appears to support the development because it receives more revenue with greater density.

Solution: I request that the developer provide his own ingress and egress for the residents of his project off of Scotts Valley Drive instead of using Dunslee Way which is not a part of his property.

III. Objection: there are not enough parking spaces allocated for the new homes.

A. There are two parking spaces per unit (garage) for a total if 50 spaces.

B. There are 19 guest parking spaces of which only 13 spaces are on the developer's property. The remaining six parking places as proposed by the developer appeared to be taken from the residents of Dunslee Way. According to the site plan, (see attachment A-1) the developer is planning on using six of the eight parking spaces that would be created by the road widening. As Dunslee Way exists now, the existing residents can park twelve cars on Dunslee Way. After widening, the residents will only have two parking spaces. (Eight spaces created - six spaces are allocated for the development = two spaces remaining). So the residents will actually lose ten parking spaces! This street has already experienced disputes over parking that required calling the Scotts Valley Police to intervene. You can bet that the eight spaces on Dunslee Way will be in hot demand, "first come, first served" and that fights over "my spot" will occur.

C. It is also a reality that some owners of the proposed development will rent out a bedroom (or two) this is common in Santa Cruz County. These renters will need parking.
D. I have experienced the problem of too little parking first-hand at Sea Breeze condominiums in Aptos for 32 years. It is a continuous problem that could have been avoided with proper planning (more parking) and fewer units.
E. The adjacent development of Woodside has 3.52 spaces/unit, MORE spaces than is being proposed for Dunslee way (2.72 spaces/unit). They are already experiencing major shortages of parking, with the owners resorting to parking in the commercial section. There is mention of a "high-turnover restaurant" in the new commercial building. This completely eliminates any notion of Dunslee Way development residents parking in their lot.
F. It seems that the short term greed of the developer is winning out over realistic and proper urban planning by the City of Scotts Valley and over the concerns of the police department, who have to intercede when fights erupt over limited parking.
G. The estimate of 2.72 persons per home is unrealistic and parking needs to increase to match reality. The average household size for Santa Cruz County of 2.72 persons was quoted from the developer's building proposal. This average household size is not accurate. People do not buy 3 and 4 bedroom homes for 2.72 people. The developers own report states that if the rooms were filled there would be 87 residents which is 3.48 residents/unit. Realistically most master bedrooms will have two occupants which will further raise the occupancy total.
E. Four parking spaces per unit matches the reality of the Santa County housing situation and that is what I am requesting.

Solution: I request that the developer provide 4 parking spaces per unit on his own property!

IV. Objection: the developer's own impact report says that traffic at Scotts Valley Drive and Victor Square will be at "unacceptable levels now and in the future" and gives it a flunking grade of "F" for level of service.

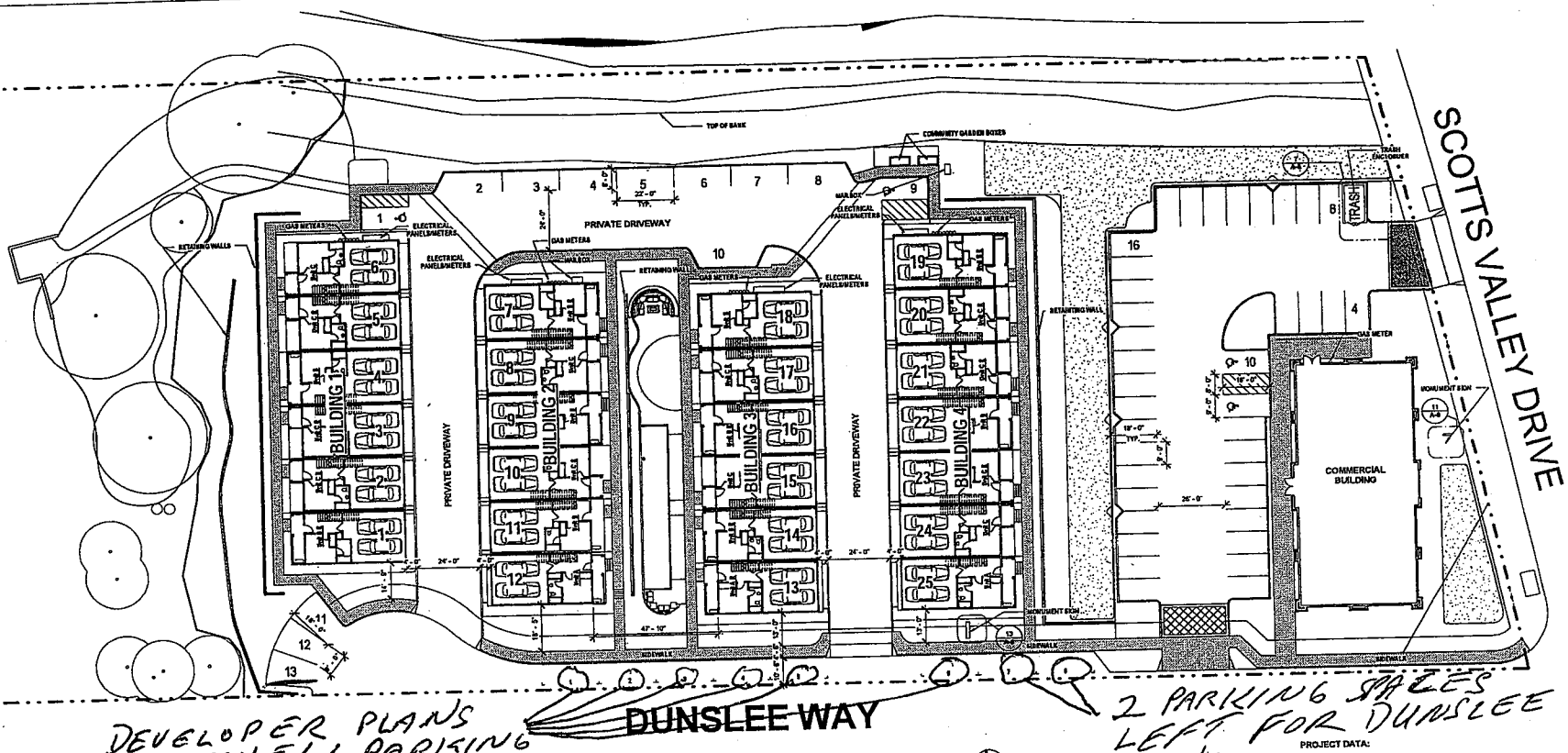
Solution: It is the responsibility of the City of Scotts Valley to respect the objective analysis of consultants and to REJECT proposals that create traffic gridlock.

V. Objection: This project, as designed, depends upon the cooperation of the Dunslee Way Homeowner's Association to quitclaim our portion of Dunslee Way. We have no intention of quitclaiming anything.

Solution: Redesign the project to not include any of the Dunslee Way HOA owned property!

Thank you,

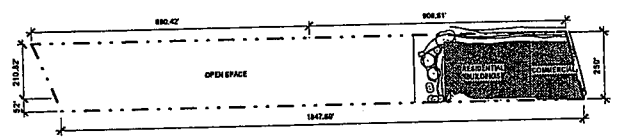
Kathy Wood



DEVELOPER PLANS TO TAKE! 6 PARKING SPACES

2 PARKING SPACES LEFT FOR DUNSLEE WAY!

1 MASTER SITE PLAN
Scale: 1" = 20'-0"



2 KEY PLAN
Scale: 1" = 200'-0"

PROJECT DATA:

APN: 922-45-01
LOT SIZE: 19.41 ACRES

GROSS BUILDING AREA:

BUILDING 1:			
0 – UNIT A @	1,702 SF =		9 SF
2 – UNIT B @	2,339 SF =		4,678 SF
4 – UNIT C @	2,534 SF =		10,136 SF
BUILDING 1 – TOTAL AREA:		=	14,814 SF
BUILDING 2:			
1 – UNIT A @	1,702 SF =		1,702 SF
3 – UNIT B @	2,339 SF =		7,017 SF
2 – UNIT C @	2,534 SF =		5,068 SF
BUILDING 2 – TOTAL AREA:		=	13,787 SF
BUILDING 3:			
1 – UNIT A @	1,702 SF =		1,702 SF
3 – UNIT B @	2,339 SF =		7,017 SF
2 – UNIT C @	2,534 SF =		5,068 SF
BUILDING 3 – TOTAL AREA:		=	13,787 SF
BUILDING 4:			
1 – UNIT A @	1,702 SF =		1,702 SF
2 – UNIT B @	2,339 SF =		4,678 SF
4 – UNIT C @	2,534 SF =		10,136 SF
BUILDING 4 – TOTAL AREA:		=	16,516 SF
COMMERCIAL BUILDING:			
50 X 100'		=	1,900 SF
ALL BUILDINGS – TOTAL GROSS AREA		=	63,804 SF

UNIT TYPE COUNT:

UNIT A:	3 UNITS	3 BD / 2 BA
UNIT B:	10 UNITS	3 BD / 3-1/2 BA
UNIT C:	12 UNITS	4 BD / 3-1/2 BA
TOTAL UNITS:	25 UNITS	

PARKING COUNT:

COMMERCIAL BUILDING LOT:	36 STANDARD + 2 ADA	= 38 SPACES
TOWNHOMES – 25 UNITS:	2 – CAR GARAGE / UNIT	= 50 SPACES
TOWNHOME GUEST PARKING:	19 STANDARD + 2 ADA	= 21 SPACES
ON-STREET PARKING:	8 STANDARD	= 8 SPACES

STUDIO CURRENT

Project:
DUNSLEE WAY, LLC.
SCOTTS VALLEY, CA

Consultant

PD/DESIGN REVIEW SET
JULY 23, 2015

Revision

No	Date

Stamp

LICENSED ARCHITECT JEFFREY R. CURRENT C 19444 PEN. 1-31-2017 STATE OF CALIFORNIA

Sheet Information

Issue Date	07/21/2015
Job Number	14-045
Drawn	KA
Checked	ST
Approved	JC
Scale	As Indicated

Sheet Title
ARCHITECTURAL SITE PLAN

A-1

34

Michelle Edwards

From: Michelle Edwards
Sent: Tuesday, November 01, 2016 10:39 AM
To: 'Sherry Woo'
Subject: RE: Dunslee Way Planned Development - Intent to Adopt a Mitigated Negative Declaration

Dear Sherry,

The Planning Dept has received your comment on the proposed project.

The comment will be forwarded to the applicant and will be included in the staff report to the Planning Commission, who will make a recommendation on November 17th to the City Council for their decision at a future public hearing to be scheduled.

Please give us a call if you have any questions.

Michelle Edwards
Senior Planner
Direct: (831) 440-5632
Email: mfodge@scottsvalley.org

City of Scotts Valley
Planning Department
One Civic Center Drive
Scotts Valley, CA 95066
Office: (831) 440-5630
Fax: (831) 438-2793
Website: www.scottsvalley.org

From: Sherry Woo [mailto:sherry.c.woo@gmail.com]
Sent: Monday, October 31, 2016 10:08 PM
To: Michelle Edwards
Subject: Dunslee Way Planned Development - Intent to Adopt a Mitigated Negative Declaration

I oppose the proposed planned development which deviates from the low density and rural residential use.

Sherry Woo
15 MacLeod Way
Scotts Valley, CA
831.439.8843

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Michelle Edwards

From: Michelle Edwards
Sent: Wednesday, November 02, 2016 1:42 PM
To: 'Ron Woll'
Subject: Dunslee Way - Conference Call Follow-up
Attachments: Parks Master Plan Adopted March 1996.pdf; Chapter 17.32 072303.pdf

Dear Ron and Monica,

Follow-up to your questions about the proposed development during our conference call this morning:

- What does Open Space mean? The proposed Open Space (OS) zone means that parcel will be subject to the OS district regulations (attached).

- Parks Master Plan (PMP) (Adopted March 1996): Please see page 1 of the PMP (attached) for the purpose and function of the PMP. (Please ignore arrows on certain pages; they are notes regarding a different project). Page 25 gives a general description of the intended types of open space and locations. For this property, the PMP calls for trail systems, or set aside as natural habitats or scenic view sheds. The staff report to the Planning Commission will include a recommended condition to require an easement for these open space uses.

- Open Space Parcel: Sheet TM-04 (see link below) includes a note "parcel to be retained by owner". Staff will confirm the proposed disposition of the Open Space parcel, and if there are reasons why the owner wishes to retain it. http://www.scottsvalley.org/downloads/planning/Dunslee_Way_Planned_Development/Plans-1TM_Set_2016-09-12.pdf

Please forward this email to Monica Lussier. As I mentioned in subsequent phone call, this email will be forwarded to the project applicant Corbett Wright (and property owner Maryln Bergman).

If there are any other questions, please give us a call.

Michelle Edwards
Senior Planner
Direct: (831) 440-5632
Email: mfodge@scottsvalley.org

City of Scotts Valley
Planning Department
One Civic Center Drive
Scotts Valley, CA 95066
Office: (831) 440-5630
Fax: (831) 438-2793
Website: www.scottsvalley.org

From: Ron Woll [mailto:wollron@gmail.com]
Sent: Tuesday, November 01, 2016 7:20 PM
To: Michelle Edwards
Subject: Meeting.(Dunslee Way)

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Michelle,

Can we meet tomorrow (Wednesday, 2 Nov) to discuss a few things regarding the Dunslee Way development. Ms. Monica Lussier and myself are available at 9:00 AM or later (until ~noon). I can be reached at the cell number below or return e-mail. Thanks Ron

Ron Woll
408 489 2688
quidquid Latine dictum sit altum videtur
Always remember that you're unique. Just like everyone else.
"He has all the virtues I dislike and none of the vices I admire." - Winston Churchill
What do you call someone that finally stands up to a bully?
An ambulance..
Semper ubi, sub ubi.

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Michelle Edwards

From: Michelle Edwards
Sent: Monday, November 07, 2016 10:43 AM
To: 'Ron Woll'
Subject: RE: Dunslee Way - Ownership of the Proposed Open Space Parcel

Hello Ron and Monica,

Follow-up to the question about why the property owner wishes to keep the proposed Remainder Parcel:

Staff talked with the applicant. The Remainder Parcel (7.2 acres) is proposed to be rezoned to Open Space (OS), will not be a future home site, and will be owned and maintained by the current property owner as a buffer to his existing single-family residence. Parcel L (0.24 acre) will maintain its current single-family residential zone (R-1-20) and will be transferred to the property owner's residence.

Please forward this email to Monica Lussier.

Michelle Edwards
Senior Planner
Direct: (831) 440-5632
Email: mfodge@scottsvalley.org

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From: Michelle Edwards
Sent: Wednesday, November 02, 2016 1:42 PM
To: 'Ron Woll'
Subject: Dunslee Way - Conference Call Follow-up

Dear Ron and Monica,

Follow-up to your questions about the proposed development during our conference call this morning:

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