

A Mitigated Negative Declaration for

The Terrace at Scotts Valley Planned Development

INTRODUCTION

Project: Create 20 townhouse residential lots and one common lot from two vacant lots (2.6-acres) and construct a townhouse dwelling on each lot and associated common owned improvements on the common lot.

Located at: Scotts Valley Drive opposite its intersection with Bean Creek Road; APN 022-162-69 and -74 (no address) Scotts Valley, CA 95066

Prepared by: City of Scotts Valley Planning Department, 1 Civic Center Drive, Scotts Valley, California, 95066

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| Requested Planning Approvals & Permits: | Mitigated Negative Declaration | MND14-002 |
| | Subdivision/Tentative Map | LD14-001 |
| | Planned Development Permit | PD14-002 |
| | Design Review | DR14-009 |

Property Owner/ Applicant: Chris Perri, Apple Homes Development

Public Review Period to Provide Written Comments: July 15 – August 14, 2015 (by 5:00 PM)

SUMMARY OF PROJECT AND A LISTING OF MITIGATION MEASURES RECOMMENDED TO AVOID OR REDUCE IMPACTS TO LESS THAN SIGNIFICANT LEVELS

- A. Project Name and Address:** Terrace at Scotts Valley Townhouse Subdivision located on Scotts Valley Dr. Scotts Valley, CA 95066 Assessor Parcel No. 022-162-69 & -74
- Requested Permits/Approvals:** Mitigated Negative Declaration MND14-002
Subdivision/Tentative Map LD14-001
Planned Development No. PD14-002
Design Review DR14-009
- B. Lead Agency Name and Address:** Planning Department City of Scotts Valley - City Hall One Civic Center Drive Scotts Valley, CA 95066
- Lead Agency Contact Person:** Taylor Bateman, Principal Planner
Phone: (831) 440-5633
E-mail: tbateman@scottsvalley.org

Any interested party may submit written comments on this Mitigated Negative Declaration to the City by 5:00pm on Monday August 17, 2015 to the attention of Taylor Bateman at the address above.

C. Project Applicant/Property Owner Name and Address:

Chris Perri
Apple Homes Development, Inc.
15 Sherman Court, Scotts Valley, CA 95066

D. General Plan Designation: “Multi-family Residential” land use

E. Zoning: “RM-6” (Multi-family Residential with a 6,000 sq. ft. minimum lot size)

F. Existing Site Description: The project site is a vacant mostly forested property located on the southeast side of Scotts Valley Drive 89 feet north from Mt. Hermon Road in the central area of the City of Scotts Valley (See the Location Map on following page). The property is adjacent to a single-family residential neighborhood, named Oak Creek Estates, to the east. Commercial uses occur to the southwest and a commercially zoned vacant parcel occurs to the northeast. Scotts Valley Middle School is located to the northwest on the opposite side of Scotts Valley Drive.

G. Project Description: The applicant is proposing a 20-unit townhouse project consisting of 20 individual residential lots with one dwelling/each and one common owned parcel for vehicle access, parking and open space on two adjoining vacant parcels that encompass 2.6 acres (See Exhibit A of the Initial Study). Each townhouse would be a separate lot of about 1,056 sq. ft. The individual lots would consist of a three-story townhouse unit with a rear patio. A common owned parcel, owned by the homeowners of the 20 lots, would encompass the remainder of the site and would include the access road, outdoor parking and open space. A garage is proposed as the first story of each townhouse unit. Each garage would provide enclosed parking for one vehicle and other storage. Unenclosed parking for an additional 39 vehicles would also be provided on the common parcel. The residential lots would be accessed by a new dead-end street. An emergency vehicle turn-around is proposed at the end of the street.

The project has been designed to group the townhouses in four separate structures (referred to as “blocks” on the plans) that are divided by a narrow open space areas which include drainage improvements that will convey surface drainage downslope. The design locates the townhouse buildings in the rear of the site and the access roadway and unenclosed parking in the front of the site near Scotts Valley Drive. Exhibit A of the Initial Study provides project plans that include a copy of the tentative subdivision map and grading plan.

H. Summary of Requested Planning Department Permits: Required project entitlements include Tentative Subdivision Map, Planned Development and Design Review approvals. The project is subject to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, which require this environmental review. The project entitlements and environmental review will be presented at two public hearings. The Planning Commission and subsequently the City Council will hold public hearings to discuss and act upon the requested entitlement and this environmental review. The project will also need the approval of the U.S. Fish and Wildlife Service for the approval of a Habitat Conservation Plan. However, this approval is not required prior to City action on the project.

- I. **Public Hearings at City Hall:** The project requires review and recommendation of the Planning Commission to the City Council, who will take final action on the planning permit applications. The date and time of the Planning Commission public hearing is:

Planning Commission
 September 10, 2015
 City Hall Council Chambers
 6:00 PM

City Council
 The date will be scheduled after Planning Commission hearing and action on the project
 City Hall Council Chambers
 6:30 PM

- J. **Surrounding Land Uses:** The existing uses located around the subject property are:

| Direction | Zoning District | Existing Uses | Address |
|-----------|--|--|---|
| North | "P" (Public/quasi-Public) and "C-S" (Commercial Service) | Scotts Valley Middle School Retail commercial uses in the Camp Evers Center | 8 Bean Creek Road Various on Scotts Valley Drive |
| South | "R-1-10" (single-family Residential with a min. lot size of 10,000 s.f.) | Single-family residential within the Oak Creek Estates neighborhood | Various on various streets |
| East | "C-P" (Commercial Professional) | Vacant | Not yet assigned |
| West | "C-S" (Commercial Service) | Mt. Hermon Shell Gas Station and Car Wash | 90 Mt. Hermon Road |

- K. **Project Location Map:** See Project Plans attached as Exhibit A to the Initial Study.
- L. **Environmental Factors Potentially Affected and Determination:** See the attached Initial Study for a complete discussion of factors.
- M. **List of Mitigation Measures**

For a convenient reference, the following mitigation measures from the Initial Study are provided in the listing below.

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 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. These requirements shall be included in the construction contract for the project.

2. Mitigation Measure BIO-1: To avoid impacting nesting raptors or passerine species, the project applicant shall schedule all construction outside of the nesting season of February 1 to July 31. If this is not feasible the applicant shall implement the following alternative measure. To minimize impacts to nesting raptors or migratory passerines on the site, a qualified wildlife biologist, under contract to the project proponent, shall conduct pre-construction surveys for nesting raptors and migratory passerines to determine if they occur on the site or in close proximity to the site. The surveys shall be conducted no earlier than 30 days prior to commencement of construction. If raptors or migratory passerines are observed nesting on the site, or on an adjoining site within 300 feet, the project proponent shall postpone construction within 300 feet of a raptor nest site and 50 feet from a migratory passerine nest site until all young have fledged. The wildlife biologist shall document that the young have fledged prior to commencement of proximate construction work.
 3. Mitigation Measure BIO-2: To avoid harm or loss of the pallid bat, a qualified wildlife biologist, under contract to the project applicant, 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 discovered, the biologist shall recommend mitigation measures to allow the bats to escape their roosts unharmed prior to tree removal. If necessary, the biologist shall consult with CDFW on a bat removal plan. The project applicant shall implement the recommendations of the biologist.
 4. Mitigation Measure BIO-3: To avoid harm or loss of the Dusky-footed woodrat, a qualified wildlife biologist, under contract to the project applicant, shall conduct pre-construction surveys, no more than 30 days before any vegetation removal, to determine if any occupied woodrat nests are present on the site. If any are discovered, the biologist shall consult with CDFW to formulate a plan to either relocate the woodrat nests or construct a human-made woodrat nest on another site suitable for the species.
 5. Mitigation Measure BIO-4: To compensate for the loss of about 2 acres of habitat for the endangered species, Mt. Hermon June beetle, the applicant shall complete the HCP/Incidental Take Permit process with the USFWS as specified by Section 10 of the Endangered Species Act and continue to employ a qualified entomologist to implement the approved HCP according to the requirements and the schedule specified by USFWS and the approved HCP for this project. Written documentation of USFWS approval of the HCP and a Take Permit for this project shall be submitted to the City of Scotts Valley Planning Department prior to commencing any ground disturbance at the project property.
 6. Mitigation Measure BIO-5: To compensate for the loss of 56 City Protected Trees and to minimize impacts to trees retained on the site, the project applicant shall implement the construction impact assessment and tree protection plan prepared by J.P. Allen and Associates dated September 2, 2014. Planting of new trees at a 2:1 replacement ratio may be done on-site or at another site approved by the City Arborist prior to any project grading. This planting may be included in the project landscape plan as approved by the City Arborist. All replacement planting shall be inspected and approved by the City Arborist. Plan specifications to protect retained trees shall be included in the construction contracts with all project contractors involved with land alteration, and foundation construction. The project arborist shall inspect the site prior to any grading activities and thereafter on a weekly basis to ensure tree preservation measures are in place throughout the construction phase of this project.
 7. Mitigation Measure CUL-1: To ensure that archaeological resources are not destroyed if accidentally discovered during project grading or other subsurface work, the contractor shall immediately halt all work activities within a 150 foot radius of the discovery and immediately
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contact the City Planning Department so the City can retain an archaeologist to examine the find to make appropriate recommendations to conserve the resource. The project applicant shall include this requirement in the contract for all contractors involved with grading and subsurface work.

8. Mitigation Measure CUL-2: To ensure that paleontological resources are not destroyed during project grading, the project proponent will include the following measures:
 - Provide the project paleontologist with a copy of the final grading plans for review prior to any project grading;
 - Provide for daily monitoring during grading activities by the project paleontologist to determine if paleontological resources are encountered in excavated areas;
 - 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.);
 - 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
 - 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.
 9. Mitigation Measure GEO-1: To reduce the effects of seismic shaking to acceptable levels, the project proponent shall have all dwellings designed to Uniform 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 for each dwelling.
 10. Mitigation Measure GEO-2: To prevent erosion from occurring during or after grading/development of the project site, the project applicant shall have a qualified professional prepare an SWPPP/erosion control plan and submit it to both the RWQCB and the City Building Department for review and approval prior to approval of the final subdivision map. The approved plan shall be implemented with grading of the site. The erosion control measures should be functional prior, during and after construction. Specific measures shall be identified in the project plans and specifications should include the following features: use of coir rolls, straw bales and/or similar measures to prevent sediments from leaving the site, erosion control seeding and mulching following construction and other measures as appropriate.
 11. Mitigation Measure GEO-3: To protect project improvements from the effects of soil instability, the project applicant shall design project improvements according to the recommendations of the geotechnical report prepared by Dees and Associates dated July 10, 2014. The geotechnical engineer shall review and approve construction plans prior to submitting plans to the City Building Department for a Grading Permit and Building Permit application. The applicant shall submit written documentation that the project engineer has verified that site grading work and the construction of each dwelling meets the recommendations of the approved geotechnical report.
 12. Mitigation Measure HAZ-1: Implement Mitigation Measures AQ-1 and HYD-1.
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13. Mitigation Measure HYD-1: To prevent sedimentation and discharge of contaminants off-site during project construction, the project applicant shall have the construction contractor implement the approved erosion control plan discussed in mitigation measure GEO-2 and implement a best management practice/hazardous materials containment plan during the entire time 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:
- Stationary equipment such as motors, pumps, welding equipment shall be placed over drip pans or other containment apparatus;
 - Construction materials shall not be stockpiled or stored where they could be accidentally discharged downslope or in to Scotts Valley Drive;
 - Any petroleum, lubricants or other hazardous materials used during 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.
14. Mitigation Measure HYD-2: To compensate for the loss of groundwater recharge area, the project applicant shall install the drainage design feature of pervious pavement underlain with a series of concrete check dams that promote infiltration of collected surface drainage as proposed by the project plans prepared by C2G consultants dated, January 21, 2015 and date stamped by the City as received on June 16, 2015.
15. 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, a homeowners maintenance agreement and homeowners funding agreement shall be submitted to the City for review and approval prior to approval and recordation of the final subdivision map that includes the following:
- 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.
 - Regular monitoring inspection by qualified professionals (civil engineer, erosion control specialist.) to assess the functional capability of the drainage improvements and to provide recommendations for repairs and maintenance. This monitoring should occur at least annually in the spring or summer and include professionals qualified in the area of drainage engineering.
 - Maintenance of the drainage facilities by a qualified professional in accordance with the recommendations of the monitoring inspections.
16. Mitigation Measure N-1: To reduce construction noise emanating beyond the site to acceptable levels, the project applicant shall require all contractors to limit their work to 8:00 A.M. to 5:00 P.M. weekdays. 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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