STAFF REPORT

Applicant:	Chris Perri, Apple Homes Development
Property Owner:	Apple Homes Development
Application:	Mitigated Negative Declaration MND14-002 Planned Development PD14-002 Land Division LD14-001 Design Review DR14-009
Location:	Scotts Valley Drive opposite the intersection with Bean Creek Road (no address) / APN's 022-162-69 & 74
General Plan/Zoning:	"Multi-family Residential" land use / R-M-6 Zoning
Environmental Status:	A Mitigated Negative Declaration has been prepared
Request:	Consideration for recommendation to City Council of a proposed Planned Development consisting of 20 townhouses and related improvements on two vacant lots (2.6 acres) located on Scotts Valley Drive.
Staff Planner:	Kim Tschantz, Cypress Environmental and Land Use Planning (contract planner)

STAFF RECOMMENDATION

It is recommended that the Planning Commission recommend to the City Council approval of the project by adoption of the attached resolution, subject to the conditions in Exhibit A, Exhibit B and Exhibit C.

PROJECT BACKGROUND

The project site is 2.6-acre vacant site consisting of two adjoining parcels. The site is mostly forested and mostly surrounded by existing development. Site topography is characterized by a northwest facing slope that slopes downward towards Scotts Valley Drive. An artificial cut slope was made at the base of this slope several years ago to

construct a concrete block retaining wall. This wall, which adjoins the sidewalk, is the only structural improvement on the property. It will be retained by the project. The property is adjacent to the Oak Creek Estates residential neighborhood. Five residential properties in that neighborhood are located to the rear of the site. Commercial uses occur to the southwest and a commercially zoned vacant property occurs to the northeast. Scotts Valley Middle School is located to the northwest on the opposite side of Scotts Valley Drive.

PROJECT DESCRIPTION

The proposed project, known as the Terrace at Scotts Valley, is a 20-unit townhouse project consisting of 20 individual lots with one dwelling/each and one common owned parcel for vehicle access, parking and open space. Each lot would contain 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. It would include the dead-end project street, outdoor parking and open space. All residential lots (townhouses) would be accessed by the new project street that connects with Scotts Valley Drive. An emergency vehicle turn-around is proposed at the end of the new dead-end street.

The project also includes 9,557 cubic yards of grading to prepare the sloping site for development. Grading, drainage and soils are discussed in the "Project Discussion" section of the report.

The design locates the townhouse buildings towards the rear of the elongated site with the new street and unenclosed parking towards the front of the site near Scotts Valley Drive. Project landscaping includes dense tree, shrub and groundcover planting between the parking area and Scotts Valley Drive.

PROPOSED ENTITLEMENTS

The project requests the following approvals: 1) Planned Development Zoning and Permit 2) Land Division and 3) Design Review Approval. The project will also need approval of a Habitat Conservation Plan by the U.S. Fish and Wildlife Service. The USFWS is currently reviewing the HCP. Final approval of the HCP is not required prior to City Council action on the project but will be required prior to any site grading or land disturbance.

According to the General Plan, the purpose of Planned Development Zoning is to "provide the means to tailor zoning regulations and to apply specific standards for the development of a particular site. This process enables the City Council to consider the unique characteristics of a site and its surroundings to better implement the citywide objectives, goals and policies of the General Plan and to provide site-specific development standards. Anytime Planned Development zoning is utilized, the standards established for the zoning district which reflects the General Plan designation are tailored

as part of a General Development Plan. Tailored zoning regulations include, but are not limited to, site intensities, location, height, coverage and appearance of structures."

The Land Division would create 20 lots of the same size and a larger common lot in accordance with the State Subdivision Map Act.

Design Review requires architectural and site plan review for all structures by the Planning Commission and the Council. The Design Review process is established to carry out the objectives of the City's General Plan and related zoning regulations and to ensure that permits for construction as set out hereinafter will be carried out in a manner which is not detrimental to the surrounding uses and is consistent with the overall planning goals of the city.

Issues associated with the requested entitlements are discussed in the following sections of the staff report.

PROJECT DISCUSSION

Architecture and Design

Development Density

The General Plan designates the property as "Multi-family Residential", also known as "Medium Density Residential" land use with a density range of 5 - 9 dwelling units/acre. The 20-unit project will result in an overall residential density of 7.63 units/acre and is therefore consistent with the General Plan designation for the site. The property is zoned R-M-6 which as a stand-alone base zoning would limit the density to 6,000 sq. ft./dwelling. With density averaging, the project has an overall density of 5,706 sq. ft./dwelling. However, as stated above, the requested Planned Development approval can tailor zoning density and site standards to a particular site. Approval of a Planned Development would make the project consistent with zoning regulations.

Lot Design

The project has been designed to locate the new street and outdoor parking towards Scotts Valley Drive and the three-story dwellings towards the rear of the site. The common owned parcel would "wrap around" the sides and rear of the buildings so open space would also be located between the townhouse dwellings and the adjoining residential properties in Oak Creek Estates. Each lot would be 22 feet wide with lengths varying from 50 feet to 58 feet; thereby having site areas of 1,100 sq. ft. to 1,276 sq. ft. Each lot would encompass the footprint of its dwelling and a 198 sq. ft. rear patio. All land beyond the 20 townhouse lots would be held as a common lot (parcel) owned by the 20 lot owners and managed through a homeowners association. The common lot would include the improvements discussed in the "Project Description" section above. An 893 sq. ft.

area directly south of the dwellings is proposed for passive outdoor use for residents. This issue is discussed in more detail below.

Buildings

As with other townhouse projects, this project includes attached dwellings with a 1-inch airspace between each of the attached walls. The project has been designed to group the townhouses in four separate structures (referred to as "blocks" on the plans) that are separated by narrow open space areas which will include drainage improvements and will convey drainage downslope to the street and parking area, which are designed to allow infiltration. The separate blocks will reduce building mass. The architecture of the townhouses is sometimes referred to as contemporary industrial modern architecture that has become popular in some cities in recent years. This project will have alternating exteriors of cement plaster and cedar siding. Units will also be painted in varying colors.

The townhouses will be 35 feet in height, which complies with the height standard for the zoning district. They will be built into a graded slope so that each unit will appear as three stories facing Scotts Valley Drive but as two stories at the rear. The ground story facing Scotts Valley Drive will include a garage sized for one vehicle, a mechanical room, storage space and a foyer that leads to a stairway to the two upper living levels of each unit. The second story will have a kitchen, dining room, living room and lavatory. Three bedrooms and two bathrooms will be provided in the third story.

Roofs will be primarily flat with smaller portions composed of metal seam roofing with a minor pitch. Solar panels will be installed on each roof; and due to the design of the buildings, they will not be visible from view from Scotts Valley Drive.

Common Area and Private Out Door Areas

Private open space is provided by the patios at the rear of each dwelling. The patios will extend from the second story of each unit, which is the ground floor at the rear side of the dwellings. The applicant states a 50-gallon rain water harvesting tank will be located on each patio. The 198 sq. ft. patios, by themselves, provide limited open space for outdoor uses that typically occur on residential properties.

At the request of staff, the applicant has agreed to designate an area on the common parcel for passive outdoor use for townhouse residents. To make the area useable for sitting, picnicking or similar passive uses, some grading must occur to create level or nearly surfaces. The applicant has designated an 893 sq. ft. area directly south of the most southerly unit for this purpose. Staff believes the proposed area should be, at least, doubled in size to adequately serve townhouse residents. The project has been conditioned to require a useable outdoor to the south of the most southerly unit that is approximately 1,800 sq. ft. in area.

Landscaping and Aesthetics

Extensive tree, shrub and ground cover planting is proposed throughout the site. One feature of the plan is extensive replacement planting to mitigate for the loss of native oak trees removed during grading, while also retaining several mature oaks on the site. A second feature of the plan is a mixture of tree and shrub planting along the project frontage with Scotts Valley Drive. This will moderate the view of the buildings from off-site and soften views of Scotts Valley Drive for townhouse residents. New utilities will include a reclaimed water line that will be used for landscape irrigation.

The proposed landscaping is an important aesthetic and biotic feature, but the project will result in a visual change to a prominently located site on one of the City's main thoroughfares. In addition to the townhouse buildings, the new street and parking area discussed above, the project will include a concrete block retaining wall and fencing along the entire frontage of the street/parking area. The concrete wall will be of varying heights not to exceed 4.5 feet. It will retain the cut and fill terrace for site improvements. The applicant is proposing a horizontal wood slat fence not to exceed a height of 6 feet on top of the concrete wall and extending north and south of the wall along the edge of the new street. The fencing is proposed to block views of parked vehicles and the first level of the townhouse units as viewed from Scotts Valley Drive. While proposed as an aesthetic feature, the fencing will have its own visual effects, especially where it is installed on the top of the concrete wall. The benefit of including a 6-foot fence should be considered by the Planning Commission. It may be that fencing of a lesser height or of a material that is more uniform with the concrete wall better achieves visual enhancement of the project. The project has been conditioned to require planning department review and approval of the final design and height of all fences.

Environmental Issues

Grading

A geotechnical investigation was conducted in 2014 by Dees and Associates culminating with a report dated July 10, 2014. Preliminary grading plans prepared by the applicant's civil engineer (sheet C3.1 of Attachment 3) show 9,557 cubic yards will be excavated on the project site, with 1,606 cubic yards re-distributed on site as fill material and 7,951 cubic yards to be exported off site. The grading is necessary to convert the sloping site to elongated terracing able to support a street, parking area and buildings. Based on earlier information on the project pans, the Draft Initial Study stated the total grading volume was 7,951 cubic yards. This has been corrected in the Initial Study (Attachment 2).

The geotechnical investigation did not observe any signs of landslide or unstable soils that would require special requirements to provide a stable substrate at finished grading. The report concludes that the primary geotechnical concerns are embedding building foundations into firm material, mitigating lose soils below improvements, controlling site drainage and designing structures to withstand seismic shaking. The report provides

recommendations to address each of these issues which have been incorporated as mitigation measures that project construction must comply with. Mitigation measures also require the applicant to implement an erosion and stormwater control plan according to several performance standards. Both State and federal law require preparation and approval of a detailed stormwater pollution prevention plan (SWPPP) before any site disturbance. The SWPPP must be approved by the Regional Water Quality Control Board. In addition, recommended permit conditions require the applicant to transport the excess fill to an approved dumpsite or project location that has an approved Grading Permit. The firm, Pacific Sunshine Development, who is proposing a large subdivision in Watsonville has requested the fill be deposited at their subdivision site. Apple Homes is currently discussing fill export to the Watsonville site with this other development company.

Hydrology

At completion the project will cover 42,227 sq. ft. (0.97 acre) with buildings and surfaced areas for access and parking which will substantially reduce the previous area of the site and thereby generating a potential impact regarding surface drainage and loss of groundwater recharge. The first impact can be mitigated through implementation of the erosion control plans and the SWPPP. The applicant's civil engineer, in cooperation with Dees and Associates, has designed the parking area to allow infiltration of storm runoff to address the second potential impact. The entire project street will be surfaced with pervious pavement. The new street located at the lower portion of the site will capture the vast majority of site drainage. The street has been designed with a series of subsurface check dams that will retard horizontal subsurface flows and promote vertical infiltration of storm drainage into the aquifer. The geotechnical investigation concludes native soil at this location has a good percolation rate. The street design will provide on-site retention of storm runoff for up to a 2-year storm events and adequate detention for up to 10-year storm events. This will allow recharge of the Santa Margarita aquifer to occur at the same rate as present. The drainage plan complies with the City's Low Impact Design (LID) Guidelines.

Biological Resources

A biological report was prepared for the site by the Biotic Resources Group, dated August 28, 2014. The report and the Initial Study conclude the project will generate *potential* impacts to nesting birds and two mammal "Species of Special Concern". Permit conditions incorporate mitigation measures to avoid or significantly reduce all identified potential impacts. Mitigation measures include a survey for nesting bats and birds prior to commencement of grading and tree removal; and if raptor nests are discovered, grading and tree removal shall be postponed until nestlings have fledged. Measures regarding the protection of woodrats and the protection of on-site trees have also been identified for the project.

An entomological habitat assessment was prepared Dr. Richard Arnold dated June 19,

2014. The assessment concludes an endangered insect species, Mt. Hermon June beetle, inhabits the site. Pursuant to the U. S. Endangered Species Act, the applicant prepared a Draft Habitat Conservation Plan (HCP) and submitted it to the U.S. Fish and Wildlife Service (USFWS) for review. The HCP (Exhibit H of Attachment 2) provides a plan to mitigate for the loss of about 2 acres of Mt. Hermon June beetle habitat. The applicant will purchase conservation credits from the Zayante Sandhillls Preserve to improve 2 acres of protected habitat for the insect species. The draft HCP is currently being reviewed by the USFWS. According to USFWS supervisorial staff person, Doug Cooper, purchase of conservation credits is the most accepted method to mitigate for habitat loss and he does not envision any substantial problems with content of the Draft HCP. Permit conditions require approval of a Final HCP by the USFWS before any construction permits can be issued for the project.

A tree resource evaluation was prepared by the City Arborist dated October 27, 2014. This evaluation includes a construction impact assessment regarding removed trees and tree protection plan for retained trees. Construction of the proposed project will require extensive grading to reconstruct the sloping terrain and construct site improvements. The evaluation concludes 71 trees or tree groups will be removed. Of these, 56 meet "Protected Tree" criteria as defined by Section 17.44.080 of the Scotts Valley Municipal Code. Permit conditions include required implementation of the evaluation's comprehensive replanting plan. City Arborist, James P. Allen and Associates, has designated areas on the site where tree replacement planting can occur at a 2:1 replacement ratio. Newly planted trees will be monitored for 5 years to guarantee success. Permit conditions also include construction monitoring of retained trees during construction.

Cultural Resources

The Scotts Valley General Plan, Figure OS-2 ("Archeological Sensitivity Zones"), indicates that the subject parcel is located within an area of high and moderate archaeological sensitivity. City regulations require that all grading for the project be monitored by a qualified archaeologist. Monitoring by a qualified archaeologist is included as a mitigation measure and recommended condition of approval. The subject parcel is underlain by Santa Margarita Sandstone, an indicator for paleontological sensitivity. Paleontological monitoring during any site disturbance of this bedrock layer is also a condition of project approval.

Noise

A traffic noise assessment of the project site was conducted by Edward Pack and Associates in September 2014 when Scotts Valley Middle School was in session (Exhibit F of Attachment 2). Acoustical measurements were taken at two locations the future unit closest to Scotts Valley Drive and the future unit closest to Mt. Hermon Road. Received

noise is primarily from traffic on these two roadways and the adjoining car wash. The average noise from these sources is 58 dBA, which is below the General Plan standard of 60 dBA.

During project construction, noise levels will increase due to grading and construction activities. The project is located adjacent to the Oak Creek Estates neighborhood and on the opposite site of Scotts Valley Drive from Scotts Valley Middle School which are considered sensitive receptors. A construction noise mitigation measure has been included in recommended conditions of approval. All construction will be limited to the hours between 8:00 AM and 5:00 PM, Monday through Friday. This is more restrictive than the normal City policy which restricts construction to the hours of 8:00 AM and 6:00 PM on weekdays and 9:00 AM to 5:00 PM on Saturday.

Traffic

A traffic analysis report was prepared by W-Trans, Inc., dated March 13, 2015 and peer reviewed by Hatch Mott MacDonald Traffic Engineers under contract with the City. The analysis concludes the 20 townhouse units will generate an average of 139 trips/day. Of these total trips 11 will occur during the morning peak period (7:00 - 9:00) and 12 trips will occur during the PM peak period (4:00 - 6:00). This level of trips will not cause nearby intersections to operate below their current level of service.

The project will construct a new dead-end street which will connect to the northbound lanes of Scotts Valley Drive about 60 feet north from the Bean Creek Road intersection. The new street is proposed as a right-turn only exit to maintain existing traffic patterns on Scotts Valley Drive. The traffic report evaluated three access/circulation alternatives:

- No changes to existing roadway conditions as proposed by the project;
- Access improvements to provide a dedicated southbound left-turn lane into the project; and
- Alignment of the new project street with Bean Creek Road.

A plan view of each alternative is shown in the project plans (Attachment 3). Each alternative is described on pages 39 - 42 of the Initial Study (Attachment 2). The proposed alternative has the benefit of retaining existing roadway conditions and circulation patterns. However, southbound traffic to the project site, will have to travel past the project site to the Mt. Hermon Road intersection to make a U-turn and travel northbound for 630 feet to the project entry. While this will add vehicle activity to the Mt. Hermon road intersection, the traffic study concludes it will not reduce its level of service below its current rating of D during peak periods.

The second alternative has the benefit of avoiding the need for southbound traffic to make a 1,260-foot round-trip discussed above to enter the site. However, this alternative requires extensive roadway improvements including reconfiguring the traffic median, converting a segment of a southbound through lane to a left-turn lane and installing a

traffic signal at the new intersection 60 feet north of the signal controlled intersection at Bean Creek Road. Converting one lane to a left-turn lane will still leave two southbound through lanes along this segment of Scotts Valley Drive. According to the traffic study the loss of this one through lane will not impact traffic if circulation improvements are constructed as recommended in the study.

The third alternative would move the project entry road 60 feet to the south to align it with Bean Creek Road; thereby converting the existing three-way intersection to a four-way intersection. Southbound traffic could enter the project street when permitted by the signal and traffic exiting the site could turn in either direction when allowed by the signal. This alternative requires converting the innermost southbound through lane to a left-turn lane, with commensurate reconfiguration of the landscape median as also required in the second alternative. This alternative would also locate the entry/exit segment of the project street at a steeper portion of the site and require substantially more grading to construct the street compared to the proposed project. According to the applicant, this location of the project street will require removal of two townhouse units from the project.

Parking and Lighting

Municipal Code Section 17.44.030 requires 44 parking spaces for a 20-unit project. However, there are no streets adjoining the project site where on-street parking can occur. Both Planning and Police Department staff believe 44 spaces would not be adequate for project parking needs especially if the inhabitants of just one townhouse unit hosted a social event. To address this concern, the applicant revised the project plans to provide a total of 59 parking spaces.

Lighting consists of seven freestanding street/parking lot lights on 20-foot high standards as shown on sheets C2.3 and C2.4 of Attachment 2. This lighting will generate an average of 1.64 footcandles which is adequate for security purposes on the site, but will not result in significant lighting or glares to pedestrians or motorists using Scotts Valley Drive. The height of the townhouses will block this lighting from casting glares to existing residences in Oak Creek Estates which adjoin the rear of the site.

Upon review of the project it appears as though the proposed 20-foot height of this lighting may be unnecessary for this type of lighting plan. Lowering the light standards to 15 feet would provide for security lighting while providing a more pleasing visual appearance at the front of the site. The project has been conditioned to have the final lighting heights to be reviewed and approved by the planning department and not to exceed 15 feet in height.

CEQA REVIEW

A Mitigated Negative Declaration has been prepared for this project based on the analysis of the Initial Study. Draft versions of the two companion CEQA documents were circulated for a 30-day public review period beginning on July 15, 2015. The site was posted and a public notice was posted on the City's website and a notice was mailed to surrounding property owners within 300 feet of the project site pursuant to State law. The City received the following written comment letters on the Initial Study/Mitigated Negative Declaration (IS/MND):

1. Monterey Bay Unified Air Pollution control District
2. William Parkin, attorney for Bill and Sherilyn Jager
3. Matt, David and Kathryn Bartlett

These letters are attached as Exhibits to the attached Initial Study. Final Comments on the IS/MND focused on the following issues:

- Post-construction air quality impacts from project use;
- Airborne dust impacts during construction;
- Need for a better description of the provisions of the HCP;
- Better explanation of mitigating the potential impact for erosion;
- Funding and management of drainage improvements;
- Preservation of trees on the site; and
- Traffic increase in area intersections.

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. However, the Initial Study was revised to provide more clarity in response to some of the comments and two mitigation measures were expanded to provide more specificity. The revisions are shown as underlined text in the updated Initial Study (Attachment 2). Responses to comments received are provided in Attachment 4 to this report.

As stated above, the total grading volume was misstated in the Draft version of the Initial Study as 7,951 cubic yards rather than 9,557 cubic yards. While this did not change the conclusions of the Initial Study, it represents a minor technical change to the project as described during the CEQA review and comment period. This minor change in the project description together with staff responses to comments received during the review and comment period (Attachment 4) make it prudent to include this staff report as an Addendum to the Mitigated Negative Declaration. CEQA Guidelines Section 15164 allow preparation of an Addendum when minor technical changes have occurred in a project since preparation of the CEQA analysis but none of the changes result in new or exacerbated impacts from that described in the previously circulated CEQA document. Addendums do not need to be circulated for public review.

PUBLIC NOTICE

The site was posted and a public notice was posted as stated above. Additionally, the IS/MND was submitted to the State of California Governor's Office of Planning and Research (State Clearinghouse). The public review period of the IS/MND occurred between July 15 and August 17, 2015. Public notice included the hearing date for the Planning Commission meeting. The planning department did receive one letter in support of the project (Attachment 5).

ATTACHMENTS **PAGE No.**

Resolution Recommending the City Council Certify MND14-002 and approve PD14-002, LD14-001 & DR14-009 (Action Item) 12
Exhibit A – Recommend Conditions of Approval Map 18
Exhibit B – Mitigated Negative Declaration 31
Exhibit C – Mitigation Monitoring Reporting Program 39
1. Location Map 53
2. Initial Study (updated 09/10/15) ..... Attached
3. Project Plans (received 06/16/15 & 09/02/15) ..... Attached
4. Responses to Comments on the Draft MND/IS 54
5. Letter from Adjacent Property Owner 60
6. Aerial with Building Foot Print (received 09/02/15) ..... Attached

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE MITIGATED NEGATIVE DECLARATION, APPROVE A PLANNED DEVELOPMENT DISTRICT AND PERMIT, LAND DIVISION AND DESIGN REVIEW FOR THE TERRACE AT SCOTTS VALLEY TOWNHOUSE PROJECT LOCATED ON SCOTTS VALLEY DRIVE / APN'S 022-162-69 & 74.

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Chris Perri, Apple Homes Development for a Planned Development PD14-002, Land Division LD14-001 and Design Review DR14-09 for a 20-dwelling unit townhouse project on two adjoining vacant parcels located on Scotts Valley Drive / APN'S 022-162-69 & 74; and,

WHEREAS, Apple Home Development, (referred to as "applicant") has presented substantial evidence which supports the application; and

WHEREAS, the application is a "project" pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, a Mitigated Negative Declaration has been prepared pursuant to Section 15162 of the California Environmental Quality Act (CEQA); and

WHEREAS, as mitigated, the project is determined to not have a significant impact on the environment based upon the results of the Initial Study; and

WHEREAS, the Scotts Valley Planning Commission staff report prepared for the September 10, 2015 meeting of the Planning Commission is an Addendum to the Mitigated Negative Declaration; and

WHEREAS, a public hearing on the proposed project was noticed pursuant to the requirements of the Scotts Valley Municipal Code and State Law and a duly noticed hearing was held by the Planning Commission on September 10, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Scotts Valley ("Commission"), that the Commission hereby recommends that the City Council:

SECTION 1: Certify the Mitigated Negative Declaration and its Addendum based on the following findings:

1. *The Mitigated Negative Declaration for the project has been completed in compliance with the California Environmental Quality Act (CEQA).* The Mitigated

Negative Declaration for the project has been completed in compliance with CEQA, and the requirements of CEQA Guidelines Section 15063 have been met. The Addendum meets the requires of CEQA Guidelines Section 15164 in that is provides information on a minor technical change in the project that does not result in a new or exacerbated impacts from that discussed in the Initial Study prepared and circulated for the project.

2. *All mitigation measures identified in the Mitigated Negative Declaration are included in the resolution approving the project and are made conditions of approval for the project.* All mitigation measures have been included in the project design or as conditions of approval.

3. *Documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based will be located at the Department of Planning of the City of Scotts Valley in the custody of the Community Development Director.* Copies of the Initial Study and Mitigated Negative Declaration have been made available to the public for review pursuant to CEQA requirements.

4. *The Mitigated Negative Declaration represents the independent judgement of the City.* The City prepared the Mitigated Negative Declaration. All supporting information has been reviewed and approved by the City.

SECTION 2: Approve the Planned Development Overlay Zoning and Permit and Land Division as shown on the plans as submitted to the Planning Commission with the Conditions of Approval provided in Exhibit A and the Mitigation Monitoring Reporting Program provided in Exhibit C based on the following findings:

Tentative Subdivision Map

5. *The location of the residential use is in accordance with the objectives of the Zoning Ordinance and purposes of the district in which the site is located.* The townhouse project will be located on a property zoned "RM-6" (Multi-family Residential). Together with the Planned Development overlay zoning, the project will comply all applicable site standards of the zoning district.

6. *The proposed tentative map and subdivision together with the provision for its design and improvement is consistent with the General Plan.* The tentative map will create 20 residential lots and one common lot. The overall residential density of the project is 7.63 dwellings/acre. The General Plan land use designation os "Multi-family Residential" for the site specifies a residential density range of 5—9 dwellings/acre. The project is within this density range.

7. *The project site is physically suitable for the subdivision.* The 2.6-acres site is physically suitable for the subdivision in that no public easements encumber any portion of the site and there are no environmental constraints, such as landslides, that make part of the site unbuildable. Slopes on the site can be successfully graded to reduce their gradients without generating unmitigatable impacts to make the site suitable for the type construction that is proposed. While some environmental resources occur on the site, such as habitat for an endangered insect species, the loss of all identified resources can be mitigated as discussed in the Initial Study prepared for this project and Findings #1 - 4 above.

8. *The project site is physically suitable for the proposed density of development.* As discussed in finding #6 above, the 20-unit project meets the density range of the land use designation for the project property.

9. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.* The Initial Study prepared for this project evaluated all environmental impacts and potential environmental impacts generated by the project and concluded all such impacts or potential impacts can and will be avoided or otherwise mitigated to a level of insignificance through project design features or mitigation measures that have been incorporated into the conditions of approval.

10. *The design of the subdivision or the type of improvements is not likely to cause serious health problems.* The Initial Study prepared for this project evaluated noise impacts to future project residents and concluded there are no significant impacts. The Initial Study also evaluated hazardous materials and concluded that potential exposure to hazardous materials was limited to the construction phase of he project, and these materials would be vehicle fuels and lubricants. Mitigation measures have been adopted that will keep these materials from affecting people or properties.

11. *The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.* There are no existing easements on the project property.

<u>Planned Development Zoning</u>

12. *The proposed Planned Development zoning is consistent with the underlying zoning designation and the City of Scotts Valley General Plan.* The proposed project is consistent with the "Multi-family Residential" land use designation of the property prescribed in the General Plan. The project is consistent with the purpose and intent of the "RM-6" zoning district.

Planned Development Permit

13. *The Planned Development Permit, as issued, furthers the policies of the General Plan* by providing housing within land designated for housing with the necessary infrastructure to adequately serve the housing and its future residents.

14. *The Planned Development Permit, as issued, conforms in all respects to the Planned Development zoning of the property.* Planned Development district and permit will allow the development to be designed to meet the needs of the individual property while maintaining the character of the neighborhood. This permit will enable the applicant to implement the project with 20 individual townhouse lots and one larger common-owned parcel to provide additional housing opportunities in the city.

15. *The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious.* The project meets the requirements of this finding in that the siting and size of the proposed buildings are designed in a compatible and cohesive manner for the 2.6-acre site. The aggregate footprint of the development is approximately 19,800 sq. ft. or 17% of total site area. Natural and landscaped open space will surround the townhouse buildings, the project street and parking area. While the townhouses will be three stories with a height of 35 feet, they will be setback 64 feet—212 feet from the front property line and Scotts Valley Drive. Further, each building will be set into the slope so only two stories are visible from existing residences in the Oak Creek Estates neighborhood. These features will make the development harmonize with the surrounding area.

16. *The environmental impacts of the project have been reviewed and considered.* An Initial Study was prepared in accordance with the California environmental Quality Act and concluded a Mitigated Negative Declaration was appropriate for this project. The Initial Study and Mitigated Negative Declaration were released for public review and comment. All comments received have been reviewed and considered. All mitigation measures have been incorporated into the project design or as conditions of approval.

Design Review

17. *The siting of the structure on the site as compared with the siting of other structures in the immediate neighborhood is appropriate.* As stated in finding #15 above, the project has been designed to set the townhouse buildings back from property lines distances that exceed the required setbacks for the R-M-6 zoning district; thereby providing more privacy for adjacent residential uses and reduced

visual impact from vantage points from all surrounding properties. In addition, locating the townhouses between the rear open space and the street/parking area will shield residences in Oak Creek Estates from views of and noise from the new street and parking area. Therefore, the proposed new structures will be compatible with the existing neighborhood setting.

18. *The materials, colors, proportion, mass, and detail of the exterior improvements are in good proportion, have simplicity of mass and detail, and are compatible with the appearance of the surrounding structures.* All of the proposed townhouse buildings will be constructed using a mixture of exterior materials including horizontal cedar (wood) siding, seam metal roofing and cement plaster that will be painted a variety of muted colors. None of the proposed new buildings will exceed the maximum height limit of 35 feet for the R-M-6 zoning district. The proposed materials, colors, proportion, mass, and detail of exterior improvements will be compatible with the surrounding neighborhood.

19. *The landscaping is in keeping with the character and design of the proposed development.* Extensive tree planting is proposed throughout the project site to re-establish a more natural forest environment on the site. A primary objective of the project landscape plan is to replace native oak trees that will be removed during project grading. Other native tree species and drought-tolerant understory plants are proposed to compliment and reinforce a forest setting on the site.

20. *The size, location, and arrangement of on-site parking and paved areas.* The 59 parking spaces proposed for on-site parking for the site, exceed the number required (44 spaces) by the City parking requirements (Municipal Code Section 17.44.030). The size, location, and arrangement of on-site parking is in compliance with City parking requirements.

21. *Ingress, egress and internal traffic circulation.* Ingress, egress, and internal traffic will be provided in compliance with City requirements. Access to the site is provided via a new dead-end street that connects with the northbound lanes of Scotts Valley Drive. The street exit will be posted with a "No left-turn" sign to prevent operational conflicts on Scotts Valley Drive. The existing traffic circulation on Scotts Valley Drive will be maintained without a need to realign travel lanes or reconfigure other existing street improvements. Northbound motorists on Scotts Valley Drive will enter the project directly from the outer northbound travel lane of Scotts Valley Drive. Southbound motorist will travel past the project and make an allowed U-turn at the Mt. Hermon road intersection and travel north on Scotts Valley Drive to enter the project. This southbound then northbound traffic route has been evaluated by the project traffic engineer and peer reviewed by another traffic engineer hired by the City. Both evaluations conclude the traffic movement, including U-turns at the Mt. Hermon Road intersection, will not degrade level of service operations at the intersection or associated roadways.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the Planning Commission recommends that the City Council certify the Mitigated Negative Declaration MND14-002 and approve, Planned Development PD14-002; Land Division LD14-001; and Design Review No. DR14-009 for the Terrace at Scotts Valley townhouse project located on Scotts Valley Drive / APN'S 022-162-69 & 74, subject to the conditions of approval set forth in Exhibit A and the Mitigation Monitoring Reporting Program set forth in Exhibit C, which are incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the Planning Commission of the City of Scotts Valley at a meeting held on the 10th day of September, 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Chair, Steve Horlock

_____
Corrie Kates, Community Development Director

EXHIBIT A

CONDITIONS OF APPROVAL
(LD14-001; PD14-002 & DR14-009)

Standard

1. 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. After City Council approval, the property owner shall sign the Conditions of Approval (Exhibit A) agreeing to the Conditions of Approval prior to recordation of the Final Subdivision Map for this project, transfer of title, or within 30 days of approval of this application, whichever occurs first.

3. All required Grading and Building Permits shall be obtained and the application shall pay all appropriate fees prior to commencement of any construction on the property.

4. Any peer review work required by the project applicant to comply with the Conditions of Approval shall be done at the project applicant's expense through a reimbursement agreement with the City.

Planning Department

Site and Building Design

5. The colors, materials, size, location, and design of the improvements shall match that shown on the approved plans and material boards for all buildings. Modifications to the approved project may require approval at the discretion of the Community Development Director.

6. The Final Subdivision Map and all constructed improvements shall be in conformance with the plans prepared for this project by William E. Kempf, Architect and C2G Consultants stamped received by the City Planning Department on June 16, 2015 & September 2, 2015. Minor modifications to these plans that do not alter the overall concept or density of this project may be approved by the Community Development Director.

7. Project plans for grading and landscaping shall be revised to designate an area of 1,800 sq. ft. or greater within the common lot south of the most southerly unit for outdoor human use. The designated area shall be graded or otherwise developed in a manner that facilitates passive human use.

8. All Landscaping improvements shall be permanently maintained.

9. The landscaping improvements shall use native landscaping as shown on Sheet L1 of the approved plans.

10. All landscape irrigation shall be installed to recycled water plumbing standards as prescribed by the Scotts Valley Water District.

11. Any new landscape irrigation system shall be metered separately from domestic (potable) water service for the new townhouses. Purple pipe shall be used for landscape lines to facilitate constructed use. A minimum 10-foot spacing shall be maintained between all potable and purple-pipe landscape lines.

12. To the maximum extent feasible, landscape installation shall provide for low water consumption plantings, drip irrigation technology, programmable irrigation control, and permeable hard surfaces.

13. The planning department shall review and approve all fence designs and heights prior installation and/or building permit final.

14. All signs shall be in compliance with the Scotts Valley Municipal Code.

15. All exterior lighting shall be the minimum necessary for security and all lighting shall be downward shining with the light source not directly visible from adjacent properties. The lighting plan shall be reviewed and approved by the Community Development Director prior to issuance of all Building Permits. Where deemed necessary by the Community Development Director, light cutoffs/shields shall be installed and lighting heights shall be adjusted.

16. Light standards shall not exceed 15 feet in height.

<u>Trees</u>

17. Tree removal shall not occur until a Grading or Building Permit has been issued for the project and furthermore not until immediately before commencement of site grading.

18. The specifications of the Tree Resource Evaluation/Construction Impact Assessment/Tree Protection Plan prepared by James P. Allen and Associates is incorporated into these conditions of approval and shall be followed by the applicant and project contractors. These specifications include, but are not limited to the following:

a. The final grading plans and improvement plans shall be reviewed and approved by the City Arborist prior to any grading and if deemed necessary additional tree preservation measures shall be applied to the project.

b. Prior to issuance of a Grading or Building Permit, the applicant shall deposit a monetary security in the amount of $178,906 and held in trust by the City of Scotts Valley as a security for "Protected Trees" located within the grading zone for the project. If damage occurs to the "Protected Trees" retained on the site during development and/or construction, funds will be drawn from the deposited amount and used to correct the damage. Funds remaining in the account will be returned to the applicant upon final inspection of the project.

c. Prior to any site disturbance, the City Arborist shall inspect tree protection fencing installed to preserve those trees retained on the site. All recommendations of the City Arborist shall be implemented by the applicant prior to site disturbance. The City Arborist shall routinely inspect the development site through the term of project construction.

d. The cost of the city arborist review and implementation of conditions, site inspection, and related work shall be borne by the applicant.

19. 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 and/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. All replacement plantings shall be monitored for 5 years or longer, as specified in the report, until the success criteria of 80% survival rate has been met. Monitoring shall be performed by either the City Arborist or another qualified professional approved by the City. (Mitigation Measure BIO-5)

Biotic Resources

20. 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 next site until all young have fledged. The wildlife biologist shall document that the young have fledged prior to commencement of proximate construction work. (Mitigation Measure BIO-1)

21. 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. (Mitigation Measure BIO-2)

22. 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. (Mitigation Measure BIO-3)

23. 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. (Mitigation Measure BIO-4)

<u>Grading</u>

24. The limits of grading shall be clearly marked with temporary construction fencing on the site prior to the issuance of a Grading Permit or Building Permit.

25. All excess material exported from the site shall be deposited at an approved landfill for this purpose or at another project site with an approved Grading Permit from the City of Scotts Valley or another jurisdiction. Prior to any site disturbance, the applicant shall identify the location of the property where the excess material is proposed to be taken and provide all necessary documentation to comply with the

intent of this condition. The off-site location shall be approved by City staff before site disturbance.

Archaeology and Paleontology

26. To ensure that archaeological resources are not destroyed if accidently 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 immediate 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. (Mitigation Measure CUL-1)

27. If an any archaeological find is determined to be an historical or unique archaeological resource, and if avoidance of the resource would not be feasible, the archaeological or cultural resources consultant shall prepare a plan for the methodical excavation of those portions of the site that would be adversely affected. The plan shall be designed to result in the extraction of sufficient volumes of non-redundant archaeological data to address important regional research considerations. The work shall be performed by the archaeological or cultural resources consultant, and shall result in detailed technical reports. This report shall be deposited with the California Historical Resources Regional Information Center. Construction in the vicinity of the find shall be accomplished in accordance with current professional standards and shall not recommence until this work is completed.

28. The project applicant shall assure that project personnel are informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by law. Prehistoric or Native American resources can include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources can include nails, bottles, or other items often found in refuse deposits.

29. If human remains are discovered, there shall be no further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains until the project applicant has complied with the provisions of State CEQA Guidelines Section 15064.5(e). In general, these provisions require that the County Coroner shall be notified immediately. If the remains are found to be Native American, the County Coroner shall notify the Native American Heritage Commission within 24 hours. The most likely descendant of the deceased Native American shall be notified by the Commission and given the chance to make recommendations for the remains. If the Commission is unable to identify the most likely descendent, or if no recommendations are made within 24 hours, remains may be reinterred with

appropriate dignity elsewhere on the property in a location not subject to further subsurface disturbance. If recommendations are made and not accepted, the Native American Heritage Commission will mediate the problem.

30. 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 paleontogical 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. (Mitigation Measure CUL-2)

31. A brief report shall be prepared by both the archaeological and paleontological consultants at the end of earth moving activities, stating the results of their monitoring and sent to the City of Scotts Valley. If no resources were found, resources, this report shall signify the end of mitigation. If resources were encountered, this report shall describe the tasks taken to conserve the resources in accordance with Conditions 22-26 above.

Noise

32. 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. (Mitigation Measure N-1)

Air Quality

33. 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 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.

These requirements shall be included in the construction contract for the project. (Mitigation Measure AQ-1)

BUILDING DEPARTMENT

34. All recommendations in the Geotechnical Report prepared by Dees and Associates for this project, dated July 2014 are incorporated as conditions of project approval. This includes, a requirement that thee project geotechnical (soils) engineer shall review and approve the final site grading, drainage, erosion control, and foundation design details prior to issuance of a Grading and Building Permit.

35. Construction plans for all townhouse buildings shall be submitted to the City of Scotts to obtain Building Permits for their construction. Plans and construction shall comply with the California Building Code requirements. Grading plans for all site grading and RWQCB approved SWPPP plans shall accompany building construction plans.

36. To reduce the effects of seismic shaking to acceptable levels, the project proponent shall have all dwellings designed to 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 for each dwelling. (Mitigation Measure GEO-1)

37. The applicant shall comply with all Conditions of this permit regarding export of excess soil.

38. To prevent erosion from occurring during or after grading and 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. The plan shall include the following performance standards: Limit grading activities to the dry season of April 15–October 15; Seed and mulch/hydromulch exposed areas as soon as possible following Stabilize all finished graded slopes of 15% or greater by installing additional features, such as erosion control netting or coir rolls;

a. Provide sediment traps, including temporary siltation basins at downstream end of drainage channels;

b. Keep all drainageways clear of debris and clean them when debris is observed;

c. Implement all dust control BMPs specified in Mitigation Measure AQ-1;and

d. Monitoring the site on a regular basis to determine the effectiveness of all stormwater/erosion control measures and correct any identified problems. (Mitigation Measure GEO-2)

39. To protect project improvements from the effects of soil instability, the project applicant shall design project improvements according to the recommendations of the geoteechnical 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. (Mitigation Measure GEO-2)

WASTEWATER AND WATER

40. The project shall comply with all Scotts Valley Water District and Scotts Valley Fire Protection District fire flow requirements.

41. Scotts Valley Water District approved backflow devices shall be installed at all new service connections, as determined applicable by Scotts Valley Water District.

42. Water-conserving plumbing fixtures shall be used exclusively in the townhouse units, such as high efficiency toilets (1.28 gallons per flush), and low-flow showerheads.

43. The project shall connect to the sanitary sewer system. The manhole labeled

"SSM1" on sheet C4.1 of the project plans shall be relocated closer to Scotts Valley Drive as specified by the Wastewater Division of the Public Works Department.

44. 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. (Mitigation Measure HYD-2)

FIRE DISTRICT

45. A final site map shall be submitted to the Fire District prior to the issuance of any Fire District permits. The site map shall include each parcel, each building footprint, all access ways and fire hydrant location. Drawings of the plans shall be submitted on an Auto CAD drawing up to version 13 or a DWG file, on a high density 3.5" floppy disk. A legend of all the layers contained on the disk must be attached. An 11" x 17" hard copy of the site map must also be included.

46. Automatic fire sprinkler plans shall be submitted directly to the Fire District for review and permit prior to starting work on the system and prior to issuance of Building Permits for townhouse dwellings.

47. All requirements of the Scotts Valley Fire Protection District shall be met, including construction of the emergency vehicle turn-around and installation of the fire hydrant and fire sprinkler systems. Upon completion of all conditions of the permit, the Fire District shall sign-off each Building Permit prior to the allowance of occupancy. Written verification of these sign-offs shall be provided by the Fire District to the City of Scotts Valley prior to occupancy of dwellings.

48. The selected street name for the new project street is subject to the approval of the Scotts Valley Fire District and shall be shown on the Final Subdivision Map. Address numbers will be assigned by the Fire District.

49. The Fire District shall make the final determination for placement of the automatic fire sprinkler control valve and fire department connection prior to the approval of the final site map drawings.

DEPARTMENT OF PUBLIC WORKS

50. A Final Subdivision 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. 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.

51. 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. (Applicant 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 final map.)

52. 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, utilities, 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. 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.

53. 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 in accordance with Condition #40 above. 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.

54. All work and/or activity in the public right-of-way will require an Encroachment Permit application made to the satisfaction of the Public Works Director/City Engineer. This application shall include a traffic control plan that shows how traffic will be safely controlled and motorists will be alerted during times when construction vehicles are entering and exiting the project site. The civil on-site work, and plan reviewed by the Public Works Department, will require an on-site civil engineering permit and inspection.

55. Concurrent with submittal of the Final Subdivision Map, the applicant shall submit a Homeowners' Association Agreement (HOA) and Conditions, Covenants and Restrictions (CC&Rs) for review by the Public Works Department, Planning

Department and the City Attorney. The HOA shall include a maintenance agreement or reference an HOA maintenance agreement document that descibes how all common lot utilities and other features, including open space areas, will be permanently maintained and the funding for such maintenance. Both the HOA and CC&Rs shall be approved by the City before the Final Subdivision Map can be recorded.

56. 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:

    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 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.

    c. Maintenance of the drainage facilities by a qualified professional in accordance with the recommendations of the monitoring inspections. (Mitigation Measure HYD-3)

57. 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.

58. The applicant shall install a "No Left Turn" at the southbound lane side of Scotts Valley Drive at the approach to Bean Creek Road to the satisfaction of the Public Works Director to advise motorists that left-turns into the project site at this location are not permitted.

59. The applicant shall install a "No Right Turn" sign at the project street exit to advise motorists that only left turn exiting is possible from the project site.

60. 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:

a. Stationary equipment such as 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 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. (Mitigation Measure Applicant shall construct all storm drain facilities in conformance with data and analysis in the adopted *City of Scotts Valley Stormwater Technical Guide*, February 2014.

61. 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 Stormwater Technical Guide*. 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.

62. A copy of all required documents, including the recorded final map sheets, City-approved HOA agreements, CC&Rs, developer security bond agreements for improvements, shall be provided to appropriate City departments prior to the application of any Grading or Building Permit.

Exhibit B - Planning Commission Resolution - September 10, 2015
Mitigated Negative Declaration for

The Terrace at Scotts Valley Townhouse Subdivision

INTRODUCTION

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

Located at:	No Situs; Scotts Valley Drive opposite its intersection with Bean Creek Road; APN 022-162-69 and -74	
Prepared by:	City of Scotts Valley Planning Department, 1 Civic Center Drive, Scotts Valley, California, 95066	
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 17, 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:	**Requested Permits/Approvals:**	
Terrace at Scotts Valley Townhouse Subdivision	Mitigated Negative Declaration	MND14-002
No situs; located on Scotts Valley Dr.	Subdivision/Tentative Map	LD14-001
Scotts Valley, CA 95066	Planned Development No.	PD14-002
Assessor Parcel No. 022-162-69 & -74	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
ATTN: Taylor Bateman, Senior Planner

Lead Agency Contact Person:
Kim Tschantz, MSP, CEP, Contract Planner
Phone: (831) 685-1007
Fax: (831) 685-1007
E-mail:kimt@cypressenv.com

C. Project Applicant/Property Owner Name and Address:
Chris Perri
Apple Homes Development, Inc.
15 Sherman Court, Scotts Valley, CA 95066 mailto:george@boltonhill.net

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 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	City Council
September 10, 2015 City Hall Council Chambers 6:00 PM	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" (Commerical 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

The following mitigation measures from the Initial Study are provided in the listing below. Underlined text shows additional language added to mitigation measures after the public review and comment period. This additional text is for clarification purposes only and does not represent a new mitigation measure or a change in the concept of any mitigation measure.

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. The following BMPs shall 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: 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 to 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 next 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. <u>All replacement plantings shall be monitored for 5 years or longer, as specified in the report, until the success criteria of 80% survival rate has been met. Monitoring shall be performed by either the City Arborist or another qualified professional approved by the City.</u>

7. **Mitigation Measure CUL-1**: To ensure that archaeological resources are not destroyed if accidently 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 immediate 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 paleontogical 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. The plan shall include the following performance standards:

    a) Limit grading activities to the dry season of April 15–October 15;
    b) Seed and mulch/hydromulch exposed areas as soon as possible following grading, in no case later than October 15;
    c) Stabilize all finished graded slopes of 15% or greater by installing additional features, such as erosion control netting or coir rolls;
    d) Provide sediment traps, including temporary siltation basins at downstream end of drainage channels;
    e) Keep all drainageways clear of debris and clean them when debris is observed;
    f) Implement all dust control BMPs specified in Mitigation Measure AQ-1; and
    g) Monitoring the site on a regular basis to determine the effectiveness of all stormwater/erosion control measures and correct any identified problems.

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 geoteechnical 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.

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 at 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 accidently 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.

Exhibit C

Planning Commission Resolution

MITIGATION MONITORING AND REPORTING PROGRAM

for the Terrace at Scotts Valley Townhouse Project

LD14-001; PD14-002 & DR14-009

The Mitigation Monitoring and Reporting Program (MMRP) is a CEQA-required component of the Mitigated Negative Declaration (MND) process for the project. The results of the environmental analyses, including proposed mitigation measures, are documented in the Initial Study/MND.

CEQA requires that agencies adopting MNDs take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval.

As part of the CEQA environmental review procedures, Section 21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in Section 21081.6(a)(1):

> The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

Table 1 is the MMRP matrix. The table lists each of the mitigation measures proposed in the Initial Study/MND and specifies the agency responsible for implementation of the mitigation measure; the documentation that agency will retain to show how the measure was complied with as intended; the time period to implement the mitigation measure and the type of remedial actions that will occur to correct identified problems so each measure can be implemented successfully.

Mitigation Monitoring and Reporting Program

Environmental Impact	Mitigation Measure	Responsible Entity, Implementation and Remediation Method and Timing
	Air Quality	
Impact AQ-1: Project grading on most of the 2.6-acre site generate substantial airborne dust that will affect surrounding properties, including people residing in dwellings east of the site.	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 implemented during site grading: 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; 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; a) In addition to regular water spraying, a biodegradable chemical	Monitoring & Reporting: The project applicant shall provide City Planning staff with a copy of the provision in the construction contract requiring attenuation of dust prior to any grading on the site. Planning staff shall observe dust attenuation methods during routine inspections of project construction and respond to any citizen complaints regarding dust problems. Remediation: If City Planning staff observes problems, they shall be communicated immediately to contractors at the site and to the project applicant along with ideas on how to resolve the problem(s). Planning staff shall re-inspect the site within 24 hours to observe how the dust problem has been solved. Observed and reported dust problems and their solutions shall be recorded in an inspection log.

	pallative shall be sprayed on any graded areas that will remain exposed without additional grading for three or more days in succession; b) The site entrance shall be base rocked to avoid or minimize tracking mud on Scotts Valley Drive by construction vehicles; c) 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; d) No grading activities shall occur during days of high wind velocity; e) 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 f) 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.	
	Biological Resources	
Impact BIO-1: The removal of trees for project construction has the potential to disrupt the nesting period for raptors and special status song birds, two avian wildlife groups that are	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	Monitoring & Reporting: The project applicant shall submit a copy of the raptor survey to City Planning staff for review and acceptance prior to City approval to begin grading activities. The

protected by State and federal laws	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 next site until all young have fledged. The wildlife biologist shall document that the young have fledged prior to commencement of proximate construction work.	accepted report shall be retained in the project file. Remediation: Non-acceptance of the adequacy of the report by the City will necessitate a subsequent survey and a successive report shall be done by the project proponent's ornithologist and submitted to City Planning for review and approval prior to any site disturbance.
Impact BIO-2: The removal of trees in project construction area has the potential to kill or injure roosting bats, including the pallid bat (*antrozous pallidus*), a mammal listed as a "species of special concern" by the California Department of Fish and Wildlife.	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	Monitoring & Reporting: The project applicant shall submit a copy of the pallid bat survey to City Planning staff for review and acceptance prior to City approval to begin grading activities. The accepted report shall be retained in the project file. Remediation: Non-acceptance of the adequacy of the report by the City will necessitate a subsequent survey and a successive report shall

	necessary, the biologist shall consult with CDFW on a bat removal plan. The project applicant shall implement the recommendations of the biologist.	be done by the project proponent's biologist and submitted to City Planning for review and approval prior to any site disturbance.
Impact BIO-3: Project construction has the potential to kill or injure San Francisco dusky-footed woodrats (*Neatoma fuscipes annectens*), a mammal listed as a "species of special concern" by the California Department of Fish and Wildlife.	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.	Monitoring & Reporting: Same process as for BIO-2 above. Remediation: Same process as for BIO-2 above.
Impact BIO-4: Project construction will remove approximately 2 acres of known and occupied habitat of the Mt. Hermon June beetle (*Polyphylla barbata*), an insect listed as an endangered species by the U.S. Fish and Wildlife Service.	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	Monitoring & Reporting: The applicant shall submit a copy of the USFWS-approved Final HCP along with a copy of the USFWS-approved Incidental Take Permit to City Planning prior to any land disturbance on the site. A copy of both these documents shall be permanently maintained in the project file. Remediation: The USFWS is the agency responsible for monitoring and enforcement of the HCP. The USFWS shall take enforcement action as specified in the HCP and

	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.	Take Permit to resolve any compliance problems. City staff shall cooperate with the USFWS to the degree feasible if the City is advised of any compliance problems.
Impact BIO-5: The project will remove 56 trees/tree groups that are protected by Section 17.44.080 of the Scotts Valley Municipal Code by meeting the criteria as a "protected tree". These include coast live trees (*Quercus agrifolia*) and other trees with trunk diameters of 8 inches or greater.	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 and/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. All replacement plantings shall be monitored for 5 years or longer, as specified in the report, until the success criteria of 80% survival rate has been met.	Monitoring & Reporting: One copy of the approved plan shall be permanently retained in the project file. Approved & stamped copies shall be giving to the project applicant with issuance of the Permit and another copy to the City Arborist. City Arborist shall inspect the replanting to ensure it conforms with the approved plan. Inspection results shall be logged in Arborist's inspection log and supplemented with photographs. Repeat inspections, logging and photos shall continue for 5 years, or longer if success criteria has not been achieved at end of year 5. Remediation: If the City Arborist observes problems, they shall be recorded in the inspection log and a copy of the log entry shall be submitted to the project applicant and the Planning Dept. with recommendations to correct the problem. A Certificate for Occupancy of the townhouses will not be issues by Building staff until any problems observed during teh construction phase are corrected. The performance security will not be returned to applicant

	Monitoring shall be performed by either the City Arborist or another qualified professional approved by the City.	until the success criteria has been achieved at year 5.
Cultural Resources		
Impact CUL-1: Although not expected, it is possible that archaeological resources could be accidently encountered during project grading.	Mitigation Measure CUL-1: To ensure that archaeological resources are not destroyed if accidently 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 immediate 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.	Monitoring & Reporting: The project applicant shall provide City Planning staff with a copy of the provision in the construction contract pertaining to accidental discovery of archaeological resources prior to the issuance of a Grading Permit. If resources are found during grading, monitoring shall be conducted by a qualified archaeologist as specified by the Municipal Code. The archaeologist shall be hired by the project applicant and shall prepare log entries and reports to document all monitoring activities. A copy of the log and reports shall be maintained in the project file by Planning staff. Remediation: Any problems identified by the archaeologist shall be communicated immediately to the contractor on-site and the project applicant who shall remedy the problem immediately in the manner recommended by the archaeologist.
Impact CUL-2: The geologic stratigraphy at the development area of the property indicates a high sensitivity for buried	Mitigation Measure CUL-2: To ensure that paleontological resources are not destroyed during project grading, the project	Monitoring & Reporting: Prior to the issuance of a Grading Permit, the project proponent shall provide City Planning with: a) a copy of the

paleontological resources at the site. These resources could be destroyed during project grading.	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 paleontogical 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.	provision in the construction contract pertaining to accidental discovery of paleontological resources; and b) a letter from a qualified paleontologist that the grading plans have been reviewed. The project paleontologist shall monitor grading activities on a daily basis during all grading activities. A final monitoring report shall be prepared by the project paleontologist and submitted to City Planning for retention in the project file. If resources are found, monitoring shall be conducted by a qualified paleontologist in the same manner as described in CUL-1 above Remediation: Any problems identified by the paleontologist shall be communicated and monitored in same manner as CUL-1 above
Geology and Soils		
Impact GEO-1: The development and use of 20 dwellings within a seismically	Mitigation Measure GEO-1: To reduce the effects of seismic shaking to acceptable levels, the project	Monitoring & Reporting: The project applicant shall submit construction drawings for a

active area will subject the dwellings and their inhabitants to periodic seismic shaking associated with the San Andreas Fault and other active faults within the Monterey Bay area.	proponent shall have all dwellings designed to 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 for each dwelling.	Building Permit application to the City Building Department. City Building staff shall review the plans to ensure they address seismic Requirements of the Building Code prior to issuance of the Building Permit for all dwellings. The City Building Inspector will inspect the construction of the townhouse dwellings to ensure seismic related features are constructed correctly. Remediation: Any inadequacies with the building plans identified during plan checking shall be specified in writing to the Building Permit applicant (plan check comments). The applicant will need to submit revised plans to address the identified inadequacies prior to issuance of the Building Permit for the dwelling.
Impact GEO-2: The grading of 9,557 cubic yards over most of the 2.6-acre site area will generate a high potential for accelerated erosion to occur. This would result in the loss of valuable top soil and damage project improvements.	Mitigation Measure GEO-2: To prevent erosion from occurring during or after grading and 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	Monitoring & Reporting: Project applicant shall submit the project erosion control plan to City Building Department for review and approval prior to approval of the Final Subdivision Map. This plan will actually be part of the Engineered Improvement Plan submitted with the Final Map. Stamped and approved copies of the plan shall be retained in both the project file and with the grading inspector assigned to the project. The inspector shall monitor implementation of the plan at the site during grading operations. (See HYD-1)

	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. The plan shall include the following performance standards: a) Limit grading activities to the dry season of April 15–October 15; b) Seed and mulch/hydromulch exposed areas as soon as possible following grading, in no case later than October 15; c) Stabilize all finished graded slopes of 15% or greater by installing additional features, such as erosion control netting or coir rolls; d) Provide sediment traps, including temporary siltation basins at downstream end of drainage channels; e) Keep all drainageways clear of debris and clean them when debris is observed; f) Implement all dust control BMPs specified in Mitigation Measure AQ-1; and g) Monitoring the site on a regular basis to determine the effectiveness of all stormwater/erosion control measures and correct any identified problems.	The project proponent shall also submit a copy of the approved RWQCB permit to City Planning. This permit copy shall be retained in the project file Remediation: Observed inconsistencies between plan implementation and the approved plan as well as observed erosion problems on-site shall be noted in the grading inspector's log and communicated immediately to the contractor at the site and the project applicant with recommendations to remedy the problem. The grading inspector shall return the site within 24 hours or less to determine if corrective actions are adequate.(See HYD-1)
Impact GEO-3: The volume of grading required on this steeply sloped site could result in soil	Mitigation Measure GEO-3: To protect project improvements from the effects of soil instability, the	Monitoring & Reporting: The project proponent shall submit the engineer's plan review letter to the

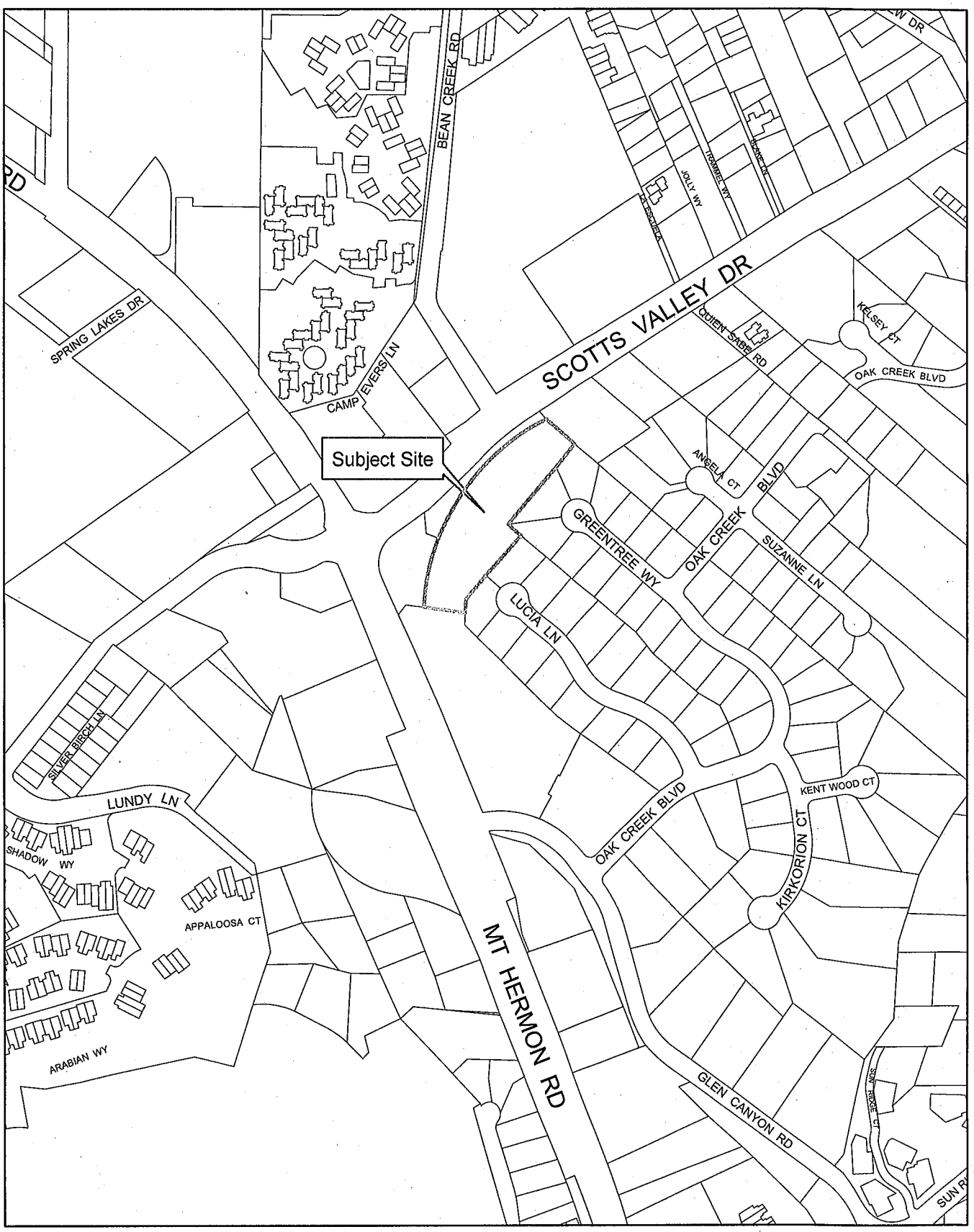
instability problems that could affect site improvements after they are constructed.	project applicant shall design project improvements according to the recommendations of the geotechnical report prepared by Dees and Associates dated July 10, 2014. The geotechnical engineer shall review and approve 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.	City Building Department for review and acceptance prior to approval of the Grading Permit and any Building Permits for dwellings in the project. The engineer's letter shall be retained in both the Planning project file and with the Office copy of the Building Plans. The project geotechnical engineer shall inspect the grading, drainage improvements and construction of townhouse foundations, as specified in the geotechnical report throughout the construction phase of the project. A copy of the engineer's inspection completion letters shall be retained in the project file. Remediation: Any problems observed by the project geotechnical engineer shall be remediated under his/her supervision prior to the City's final inspections and approvals of the Grading Permit and engineer-inspected improvements.
Hazards		
Impact HAZ-1: The use of construction vehicles and machinery will bring oils, lubricants, fuels and similar hazardous substances to the site during the construction phase of the project. The regular use of these materials could include accidental release of these substances into proximate	Mitigation Measure HAZ-1: Implement Mitigation Measures AQ-1 and HYD-1.	Monitoring & Reporting: Same process as stated for GEO-2 above. Remediation: Same process as stated for GEO-2 above.

drainages, the roadway or other areas off the site.		
	Hydrology	
Impact HYD-1: The use of heavy construction vehicles to grade 7,951 cubic yards over most of the 2.6 -acre area proximate to Scotts Valley Drive will generate a high potential for accelerated erosion that could add sediment to the arterial roadway and includes a potential to discharge vehicle lubricants into the street or an existing storm sewer inlet located at the base of the property's slope.	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: 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 construction shall be stored in a special storage location equipped with double containment and this	Monitoring & Reporting: Same process as stated for GEO-2 above. Remediation: Same process as stated for GEO-2 above.

	location shall be shown on the erosion control plan and approved by the agencies that review this plan.	
Impact HYD-2: The site coverage of at least 42,227 square feet (0.97 acre) with structures and surfaced areas for access and parking and related improvements will substantially reduce the area available for groundwater recharge on the property. This is a significant cumulative impact on the Santa Margarita aquifer and the City's water supply.	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.	Monitoring & Reporting: The project engineers shall inspect grading operations for the new street and parking area and submit inspection results letters to the City Building Dept. A copy of engineer's inspection letters shall be retained in the project file. Remediation: Any problems observed by the project geotechnical and/or civil engineers shall be remediated under their supervision prior to final inspections and approvals of grading and engineer-inspected improvements.
Impact HYD-3: The project will alter natural drainage flows on the site. While project improvements include engineered drainage facilities to control project drainage, these facilities can only function adequately with proper routine maintenance and they will not be maintained by the City.	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: a) Adequate funding by each homeowner on an equal basis for the regular maintenance of the common-owned drainage facilities and any	Monitoring & Reporting: The applicant shall submit the HOA maintenance agreement to City staff for review and approval by Planning staff and the City Attorney prior to approval of the Final Subdivision Map. The approved maintenance agreement shall be recorded by the applicant. A conformed (Recorder's stamped) copy of the Agreement shall be permanently retained in the project file. Remediation: If staff review determines revisions are needed in

	other drainage improvements not owned by the City. b) 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. c) Maintenance of the drainage facilities by a qualified professional in accordance with the recommendations of the monitoring inspections.	the Agreement, the needed revisions will be communicated to the applicant. The language of the Agreement shall be revised as specified by the City staff prior to approval of the Final Subdivision Map.
Noise		
Impact N-1: Grading and construction activities will increase ambient noise levels during the construction phase of the project. This additional construction related noise will be heard primarily by residents living in the Oak Creek Estates neighborhood adjoining the northeastern edge of the project property.	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.	Monitoring & Reporting: The City inspectors assigned to the project shall observe if the requirements of N-1 are being met. Remediation: Any problems observed during routine inspections or complaints received from the public shall be communicated immediately to the on-site contractor and the project applicant. The inspector shall re-inspect the site within 24 hours to determine if the problem has been successfully corrected. Continued non-compliance could result in a Stop Work Order until the issue is resolved to the satisfaction of City staff.

Location Map



N

Scotts Valley Drive
APN's 022-162-69 & 74

Responses Comments Received During the Public Review Period for the Draft Initial Study and Draft Mitigated Negative Declaration

The City received the following written comment letters on the Initial Study/Mitigated Negative Declaration:

1. Monterey Bay Unified Air Pollution Control District
2. William Parkin, attorney for Bill and Sherilyn Jager
3. Matt, David and Kathryn Bartlett

These letters are attached as Exhibits I, J and K to the Final Initial Study (Attachment 2 of the Planning Commission staff report). Each issue stated in the letters is provided below followed with a response to the comment.

Letter from Amy Clymo, Supervising Planner, MBUAPCD, dated July 28, 2015

Comment 1: The air quality analysis discussion starting on page 10 only addresses construction impacts and does not address potential impacts from project operation. The operational emissions should be compared to the Air District's CEQA thresholds to evaluate significance.

Response 1: The text of the air quality discussion in the Initial Study has been revised to include an evaluation to determine if significance thresholds would be met for the long-term use of the proposed 20 dwellings. At the suggestion of the commentor's letter, the MBUAPCD's CEQA Guidelines were used to determine if the project would exceed the Air District's threshold level. Review of Table 5-4 in the District's CEQA Guidelines showed that the size of the project is substantially below the 1,195-unit threshold level to generate a significant impact on air quality. This approach was reviewed with the author of this comment letter on August 20, 2015 who confirmed this was the correct approach.

Comment 2: The Air District recommends installing electric vehicle charging stations in common parking areas or at a minimum, stub out for 220/240 volt connections for later installation of electric vehicle charging stations.

Response 2: This recommendation is noted. The City Planning Commission and Council will determine if this recommendation should be included in the project.

Letter from William Parkin, Attorney for Bill and Sherilyn Jager, dated August 13, 2015

Comment 1: The Initial Study simply requires the grading contractor to implement best management practices for dust control. Absent is a thorough discussion of what best management practices entail. It is unclear what practices the Initial Study envisions to mitigate dust generation to a level that would be less than significant.

Response 1: Mitigation Measure AQ-1 has been expanded to specify the types of best management practices (BMPs) that shall be included in the contractor's actions to minimize dust generation during the construction phase of the project. As such, these BMPs are the minimum performance standards the applicant/contractor must carryout to reduce airborne dust to a level of insignificance. Specifying performance standards in a mitigation measure is an acceptable method to mitigate identified impacts in CEQA documents.

Comment 2: A mitigation measure proposes to compensate for the loss of about two acres of habitat for the federally endangered Mt. Hermon June beetle by completing the Habitat Conservation Plan (HCP)/Incidental Take Permit process with the USFWS as specified by Section 10 of the endangered Species Act. However, absent is any discussion regarding what the HCP actually entails. It is impossible to discern whether the HCP will in fact mitigate the loss of habitat.

Response 2: Page 15 of the Initial Study has been revised to add text that summarizes the mitigation approach proposed in the Draft HCP prepared for this project. The Draft HCP document is also appended to the updated Initial Study. In summary, the HCP states the applicant will purchase conservation credits from the Zayante Sandhill Conservation Bank to enhance 2 acres of Mt. Hermon June beetle habitat. According to the USFWS, this is the normally acceptable form of mitigation for the habitat loss impact generated by the project.

Comment 3: The project conflicts with local policies which aim to protect biological resources, especially protected trees as defined in the Scotts Valley Municipal Code. A total of 71 trees/tree groups will be removed by the project. Of this total, 56 trees meet the criteria as trees protected by the code. The Tree Protection Code requires preservation of significant healthy trees when development of property is proposed. The main measure to compensate for the loss of trees is to plant new trees on-site or at another site. This is an inadequate mitigation for the loss of protected and mature trees.

Response 3: The commentor is correct that Section 17.44.080 of the Scotts Valley Municipal Code requires protection of trees that meet the criteria of "Protected Trees". However Subsection 17.44.080(4) allows *removal* of Protected Trees with approval of permit and Subsection 17.44.080(5) provides

for *replacement* of removed Protected Trees when a permit is approved. The project includes a request to remove Protected Trees in accordance with Section 17.44.080 of the Municipal Code. Pages 16 and 17 of the Initial Study have been revised to better explain this and to describe the areas on the site where new coast live oak propagation will occur. Two sentences have been added to Mitigation Measure BIO-5 to clarify the required success rate for new oak plantings (80% survival) and the duration of monitoring that will occur until this success criteria is met (5 years or longer if the success criteria is not met in 5 years.). Permit conditions require the applicant deposit a performance bond with the City to ensure the tree planting is completed as specified by the City Arborist report for this project.

Comment 4: The Initial Study identifies that the project requires grading over most of the 2.6-acre site. This will generate a high likelihood for accelerated erosion. The proposed mitigation measure is to have a qualified professional prepare an erosion control plan for review and approval prior to the approval of the Final Subdivision Map. This violate CEQA. The significance of environmental impacts may not be deferred to a later date.

Response 4: The "Geology and Soils" Section of the Initial Study has identified project grading may generate a significant erosion related impact and has recommended implementation of Mitigation Measure GEO-2 to mitigate the identified impact. GEO-2 requires preparation of an erosion control plan that must be reviewed and approved by the City before any land disturbance can occur or even before the Final Subdivision Map can be approved for recordation. The original text of GEO-2 has been expanded to specify additional performance standards the plan must adhere to in order to be acceptable to the City. These additional performance standards clarify those additional items that need to be included in the plan to effectively mitigate any potential erosion impacts on the site. The use of performance standards in mitigation measures is a long standing and accepted practice for the preparation of plans that are typically finalized prior to the construction phase of a project. The performance standards specified in both the original GEO-2 and the revised GEO-2 meet the requirements of CEQA.

Comment 5: The mitigation proposed to compensate for the loss of groundwater recharge area would only be successful with proper maintenance and funding of drainage facilities designed to promote infiltration of surface drainage. It is uncertain if the City would have any authority to enforce the provisions of the homeowners' agreement requiring drainage maintenance and monitoring.

Response 5: Mitigation Measure HYD-3 requires a homeowners' association (HOA) agreement that requires the HOA to adequately maintain all common-owned drainage facilities, annually monitor these facilities to ensure their effectiveness and sufficient funding to carry out these activities. The

agreement must be submitted to the City for review and approval prior to recording the Final Subdivision Map. Non-compliance with HYD-3 in the future would be non-compliance with the approval for this project which also includes a Planned Development Permit. The language of HOA maintenance agreements typically address non-compliance issues to avoid problems like those stated in the comment.

Comment 6: Given that an estimated 139 trips will be added daily to Scotts Valley Drive, how the traffic report concluded that only 23 additional peak hour trips would be added eludes us.

Response 6: The traffic report was prepared by W-Trans, Inc. a respected traffic engineering firm with offices in Santa Rosa and Oakland, California and peer reviewed by Hatch Mott McDonald another respected traffic engineering firm. The peer review did not criticize or otherwise comment on the trip generation identified by W-Trans. The traffic analysis was actually based on a 24-unit townhouse project which was an earlier version of the applicant's project. Therefore, the traffic generation rates in the report are slightly higher than expected for the proposed 20 units; but have been used in the Initial Study at the applicant's request. As such, the traffic rates in the report represent a "worst case" (or slighter higher than "worst case") analysis.

Trip rates are calculated using the Institute of Transportation Engineers *Trip Generation Manual*, 9th Edition (2012). Based on 24 units, the trip rates for the "residential condominium/townhouse" land use category are as follows:

a) Average daily trips = 5.81 trips/unit;
b) Morning peak period = 0.44 trips/unit; and
c) Afternoon peak period = 0.52 trips/unit.

The number of expected trips is calculated by multiplying each of these rates by 24 units. As stated above, these rates could have been multiplied by 20 units to obtain more accurate figures; which also would be slightly lower trip numbers than stated in the Initial Study. However, CEQA does not preclude using rates that provide a slightly higher than "worst case" analysis in this manner, if supported by reasonable methodology or logical reasoning. In this case, the applicant requested the analysis based on 24 units continue to be used. If the 20 units were instead used in the analysis the number of peak period trips would be 19 rather than 23 trips.

Comment 7: The Initial Study concludes that "it is anticipated the project will generate an average of 139 vehicle trips/day which is the normal trip generation for a residential project of this size. As such, the impacts will not be significant". This statement mischaracterizes the standard against which an environmental impact should be

measured. Given this erroneous framework, it is difficult to discern whether the project's traffic analysis does have a significant effect on existing traffic patterns.

Response 7: The quote used in this comment is taken from the "Air Quality" section of the Initial Study and not the "Traffic and Transportation" section. Therefore, use of this quote to evaluate the adequacy of the "Traffic and Transportation" section is inappropriate. The quote is used in the "Air Quality" section of the Initial Study to note that air emissions from project generated traffic will not be greater than anticipated for this type of residential use.

Comment 8: There is a "fair argument" that the project has several potential significant environmental impacts. The mitigation measures identified for these potential impacts are not adequate for the aforementioned reasons. The City of Scotts Valley should not approve the Mitigated Negative Declaration and instead prepare a full EIR as required by CEQA.

Response 8: Pursuant to CEQA Guidelines Section 15064 a lead agency, in this case the City of Scotts Valley, determines if the environmental effects of a project are substantial enough to require preparation of an Environmental Impact Report (EIR) rather than a Negative Declaration or Mitigated Negative Declaration. A decision to prepare an EIR must be based on "substantial evidence" in the record that the project may have a significant effect on the environment. According to CEQA Guidelines Subsection 15064(f) (5) and Section 15384 "substantial evidence shall include facts, reasonable assumptions predicated upon facts and expert opinion supported by facts". The existence of public controversy over the effects of a project do not require the preparation of an EIR if there is no substantial evidence to support that opinion.

The issues presented in the commentor's letter do not provide opinion of technical experts in relevant areas of expertise; nor do the comments provide facts that successfully refute the conclusions of the Initial Study. All of the issues raised by the commentor have been considered, and evaluated and then responded to in Responses 1—7 above. These responses show that the comments were either incorrect statements or were statements that encouraged more clarity in the Initial Study text. In some cases, the Initial Study text and three of its mitigation measures were revised to provide more clarity. However, new information added to a Negative Declaration which merely clarifies, amplifies or makes insignificant modifications to a Negative Declaration does not require recirculation of the CEQA document nor requires the preparation of an EIR (CEQA Guidelines Section 15073.5).

Letter from Matt, David and Kathyrn Bartell, dated August 17, 2015

Comment 1: The property is inhabited by the Palled bat, birds of prey, the Dusky-footed wood rat and the endangered Mt. Hermon June beetle. Permanently removing the habitat for these species would be a great detriment to their existence. It's not OK to cut down 56 of our city's protected trees. If approved, the trees proposed to be cut should be transplanted instead in other parts of the City.

Response 1: A biological report was prepared regarding the bird and mammal species cited in the comment. An entomological assessment and Draft Habitat Conservation Plan were prepared for the insect species. A tree evaluation report was prepared by the City Arborist. These four technical reports were all prepared by qualified professionals and have been incorporated in the Initial Study. The biological report provided mitigations for impacts to special status species that *may* inhabit the site. Based on this information the Initial Study has concluded potential impacts to these species can be mitigated to levels of less than significance with the adoption of Mitigation Measures BIO-1, BIO-2 and BIO-3. The loss of Mt. Hermon June beetle habitat can be mitigated by Measure BIO-4 as described in Response 2 to the letter from William Parkin above. Implementation of Mitigation measure BIO-5 will mitigate for the loss of City Protected Trees as described in Response 3 to the Parkin letter. Transplanting mature trees is not effective mitigation as attempts to transplant mature trees typically results in death of the trees due to their size and age. Replacing removed trees with newly planted trees, as specified in BIO-5, is accepted as a much more successful method to mitigate for tree loss.

Comment 2: I do not agree that the amount of traffic generated by the project will not substantially effect intersection operations.

Response 2: Please refer to Response 6 to the letter from William Parkin above.

Comment 3: I believe that many intersections operation will be negatively affected by the construction activities associated with construction. How are you going to manage traffic during a major development across the street from a busy middle school which will be involved in its own construction activities?

Response 3: Recommended permit condition #50 requires the applicant to obtain an Encroachment Permit from the City Public Works Department for any work in or construction vehicle use of public right-of-ways. The application for this permit must include a traffic control plan that shows how traffic will be safely controlled and motorists will be alerted during times when construction vehicles are entering and exiting the project site. This type of condition is typically required for other projects throughout the City, including the new hotel project, currently under construction, on Scotts Valley Drive north of the project site.

Stephen and Deidre Winters
116 Lucia Lane
Scotts Valley, CA 95066

Attachment No. 5

August 27, 2015

Taylor Bateman
Scotts Valley Planning Department
1 Civic Center Drive
Scotts Valley, CA 95066

Dear Mr. Bateman,

We are writing to you regarding the proposed development "The Terrace at Scotts Valley". We live adjacent to the property – directly behind and up the hill from the proposed townhouses.

We have met with the Apple Homes developer, Chris Perri, several times to review the plans and we support the 20 unit development that he has shown us. We feel he has done a good job on the design and has been thoughtful regarding the concerns of neighbors. He moved the buildings to accommodate one of our neighbor's objections and he intends to add trees and other landscaping for screening between the proposed development and existing neighbors.

We know there will be additional noise and a small amount of additional traffic with the new development, but we feel it will be safer for the existing neighbors to have new neighbors living on this property. We have observed people camping in the trees and have heard parties at night there. We have observed people walking through the field below our house with cigarettes. About 8 years ago there was a fire on this property that came within 10 feet of our fence. Currently there is a lot of very dry brush and some very dry trees on this land. With the drought, fires are a constant worry. Once the property is developed, Chris intends for the landscaping to be watered and maintained, reducing the fire risk.

Chris lives in Scotts Valley and cares about the community. We feel that he will continue to honor the concerns of neighbors throughout the building process.

Sincerely,

Deidre Winters

Stephen Winters

RECEIVED
SEP 02 2015
CITY OF SCOTTS VALLEY