



CITY OF SCOTTS VALLEY

PLANNING DEPARTMENT

One Civic Center Drive • Scotts Valley • California • 95066
Phone (831) 440-5630 • Facsimile (831) 438-2793 • www.scottsvally.org

Planning Commission Meeting Agenda

DATE / TIME:

Thursday, January 19, 2017, at 6:00PM

MEETING LOCATION:

City Hall Council Chambers at One Civic Center Drive

POSTING:

Agenda was posted at the City of Scotts Valley City Hall, Scotts Valley Branch Public Library, and Scotts Valley Senior Center on January 13, 2017.

Planning Commissioners

Derek Timm, Vice-Chair
Carlos Arcangeli, Commissioner
Steve Horlock, Commissioner
Deborah Muth, Commissioner

City Staff Members

Taylor Bateman, Acting Community Dev. Director
Michelle Edwards, Senior Planner
Brenda Stevens, Assistant Planner

CALL TO ORDER: *The Planning Commission Chair calls the meeting to order.*

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE: *The Planning Commission Chair leads the pledge of allegiance.*

ROLL CALL: *Planning Department staff conduct roll call of the Planning Commission.*

ELECTION OF OFFICERS: *The Planning Commission elects a Chair and Vice-Chair for the calendar year.*

ORAL COMMUNICATIONS: *This portion of the agenda is reserved for discussion by the public of items which are NOT on the agenda. No action may be taken by the Commission. It is in the best interest of the person speaking to the Commission to be concise and to the point. All speakers are requested to sign their names at the podium so that their names may be accurately recorded in the minutes of the meeting.*

ALTERATIONS TO CONSENT AGENDA: *The Commission may remove or add items on the Consent Agenda.*

CONSENT AGENDA: *These items will be acted upon in one motion unless they are removed from the consent agenda for discussion by the Commission.*

1. Action Meeting Minutes from the Special Meeting on November 17, 2016.

ALTERATIONS TO REGULAR OR PUBLIC HEARING AGENDA: *The Commission may remove, add, or re-arrange items on the Public Hearing or Regular Agenda.*

PUBLIC HEARING AGENDA:

2. **Title:** Polo Ranch Affordable Housing
Address: 4303-A Scotts Valley Drive / APN 022-902-12
Applicant/Property Owner: Brent Reed / Lennar Homes of CA
Planning Permit Applications: MND12-001, PD10-003, LD00-002, U00-002, and DR00-014
Project Description: Consideration of recommendation of approval to the City Council of a Mitigated Negative Declaration, Planned Development District Overlay and Permit, Land Division, Use Permit, and Design Review to build two 2-story triplexes (6 condo units), parking, landscaping, and related property improvements, as the required affordable housing for the approved 40-lot "Polo Ranch" subdivision located on Polo Ranch Road off Santa's Village Road.
Planner: Michelle Edwards, Sr. Planner, (831) 440-5632 / medwards@scottsvalley.org

REGULAR AGENDA:

3. **Project Title:** Rooftop solar on a commercial building
Project Location: 1500 Green Hills Road
Planning Permit Application: DR16-016
Applicant/Developer: Kane Barnhart / The Solar Company
Property Owner: Bob Slawinski
Project Description: Installation of a Solar Electric System on the front and side mansard roof of a commercial building.
Planner: Brenda Stevens, Assistant Planner, (831) 440-5635 / bstevens@scottsvalley.org
4. **Project Title:** Best Western Monument and Pylon Signs
Project Location: 6020 Scotts Valley Drive
Planning Permit Application: DR16-013
Applicant/Developer: Northwest Signs
Property Owner: P. Patel
Project Description: New Monument and Pylon Sign for Best Western Plus
Planner: Brenda Stevens, Assistant Planner, (831) 440-5635 / bstevens@scottsvalley.org

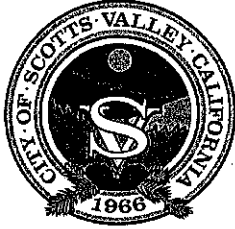
DISCUSSION ITEMS AND FUTURE AGENDA ITEMS: *The Planning Commission or Community Development Director may request to schedule items on future agendas.*

WRITTEN COMMUNICATIONS - FOR INFORMATION ONLY: *City Council Minutes or other items are provided if available.*

ADJOURNMENT: *Adjournment shall be no later than 11:00 p.m. unless extended by a four fifths vote of all Planning Commission members or a unanimous vote of the members present per City Municipal Code Section 2.21.020.*

PLEASE NOTE: City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a Planning Commission meeting and require assistance such as sign language, a translator, or other special assistance or devices to attend and participate in the meeting, call the Planning Department at (831) 440-5630 five to seven days in advance of the meeting to make arrangements for assistance.

If you require the agenda of a Planning Commission meeting be available in an alternative format consistent with a specific disability, please contact the Community Development Department. The California State Relay Service (TDD to voice: 1-800-735-2929 or voice to TDD: 1-800-735-2922) provides Telecommunications Devices for the Deaf and will provide a link between the TDD caller and users of telephone equipment.



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PLANNING DEPARTMENT

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Planning Commission Special Meeting Action Minutes

DATE / TIME: Thursday, November 17, 2016, at 6:00PM

MEETING LOCATION: City Hall Council Chambers at One Civic Center Drive

POSTING: Agenda posted at the City of Scotts Valley City Hall and Senior Center, and the Public Library on November 10, 2016

Planning Commissioners Russ Patterson, Chair Derek Timm, Vice-Chair Carlos Arcangeli, Commissioner Steve Horlock, Commissioner Deborah Muth, Commissioner	City Staff Members Taylor Bateman, Acting Community Dev. Director Michelle Edwards, Senior Planner Brenda Stevens, Assistant Planner
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CALL TO ORDER: The Planning Commission Chair called the meeting to order at 6:03PM.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE: The Planning Commission Chair led the pledge of allegiance.

ROLL CALL: Present: Arcangeli, Horlock, Muth and Patterson. Absent: Timm with cause (self-recused).

ORAL COMMUNICATIONS: None.

ALTERATIONS TO CONSENT AGENDA: None.

CONSENT AGENDA: The Commission acted on all the minutes in one motion.

1. Action Meeting Minutes from meeting on October 13, 2016.

ACTION:

Planning Commission M/S: Muth/Arcangeli

To approve the minutes as prepared

Carried 4/0/1 (AYES: Muth, Arcangeli, Horlock and Patterson. (ABSENT: Timm with cause)

ALTERATIONS TO REGULAR OR PUBLIC HEARING AGENDA: None.

PUBLIC HEARING AGENDA:

2. **Project Title:** "Dunslee Way" Planned Development
Project Location: Corner of Scotts Valley Drive & Dunslee Way, Scotts Valley, CA 95066 (No address; property is a vacant lot) APN 022-451-01
Planning Permit Application #s: MND15-002, GPA15-003, ZC15-003, PD15-002, LD15-002, and DR15-004
Applicant/Developer: Corbett Wright
Property Owner: Marlyn Bergman and Scott Norton
Project Description: Consideration of Planning Commission review and recommendation to the City Council of a proposed Mitigated Negative Declaration, General Plan Amendment, Zone Change, Planned Development, Land Division, and Design Review to build a commercial building (5,000 sq. ft.), 25 townhouses, and related property improvements on approx. 3+ acres of the vacant 10+ acre property, which is zoned for commercial-service and low-density and rural residential uses. The Planning Commission will hold a public hearing, review the application, hear public comment, make the required findings for Park & Recreation in-lieu fees and for City Council review and decision at a future public hearing to be scheduled.
Planner: Michelle Edwards, Senior Planner, (831) 440-5632 / medwards@scottsvalley.org

ACTION:

Planning Commission M/S: Patterson, Arcangeli
To recommend approval via Resolution No. 1711
Carried 4/0/1 (AYES: Patterson, Arcangeli, Horlock, and Muth) (ABSENT: Timm with cause)

REGULAR AGENDA: None.

DISCUSSION ITEMS AND FUTURE AGENDA ITEMS: None.

WRITTEN COMMUNICATIONS - FOR INFORMATION ONLY: None.

ADJOURNMENT: Approximately 7:30PM

**City of Scotts Valley
PLANNING COMMISSION
STAFF REPORT**

Date: January 19, 2017

**Applicant/
Property Owner:** Brent Reed, Forward Planning Manager
Lennar Homes of CA

**Requested
Planning
Permits:** Mitigated Negative Declaration MND12-001
Planned Development PD10-003
Land Division LD00-002
Use Permit U00-002
Design Review DR00-014

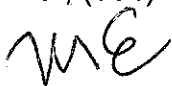
Location: 4303-A Scotts Valley Drive / APN 022-902-12

Size of Parcel: 26,650 square feet

General Plan / Zoning: High-Density Residential / R-H

Environmental Review: A previously distributed Mitigated Negative Declaration was
was made available for public review and comment from
January 5 - January 24, 2017.

Request: Consideration of Planning Commission review and
recommendation to the City Council to build a 6-unit
condominium development and related property
improvements, as the required affordable housing for the
previously approved 40-lot Polo Ranch subdivision, located
off Santa's Village Road.

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

STAFF RECOMMENDATION

The Planning Department recommends that Planning Commission conduct a public hearing, review the proposed project (6 low-income condos which will be 80% of area median), consider public testimony, and recommend that the City Council certify the Mitigated Negative Declaration (the required environmental review document for the proposed project) and approve the requested planning permits, by adopting the attached resolution subject to, additional CEQA Findings in Exhibit A, Mitigation Measures in Exhibit B, and Conditions of Approval in Exhibit C.

DISCUSSION

The following items have been prepared for Planning Commission consideration.

1. **Background:** On December 13, 2012, the Planning Commission previously considered the application and recommended approval to the City Council, subject to amended conditions, with a 4/0/1 vote (Commissioner Heald absent). A copy of the meeting minutes is attached.

The application did not proceed to the City Council to allow time to finalize an affordable housing agreement. Since then, the agreement is underway and the application requires returning to the Planning Commission for recommendation to the City Council, who will take final action at a future public hearing to be determined and duly noticed.

The original Planning Commission staff report from December 2012 is attached. Please refer to it for a site description, project description, discussion topics, public notice, findings, and conclusion.

2. **Changes from Previous Planning Commission Review in December 2012:**

Site conditions are relatively the same since December 2012, except for the large oak tree on the adjacent rear lot fell and was removed.

- a. **Recommended Conditions:** To promote a more efficient driveway design across the project site, a new Condition #29 has been added to allow flexibility in the possible relocation / configuration of the existing access easement for the residential property located behind the project site. Also, conditions from the City Public Works Department, Scotts Valley Fire Protection District, and Scotts Valley Water District have been updated to reflect their current conditions for proposed development.
- b. **California Environmental Quality Act (CEQA):** In 2012, the City prepared a Mitigated Negative Declaration (MND) and circulated it for public review from September 14, 2012 through October 3, 2012, in accordance with CEQA and the CEQA Guidelines. The MND analyzed the scope and nature of proposed development and identified measures to mitigate all potentially significant adverse project and cumulative impacts associated with the project to less than significant.

The MND and development application did not proceed to City Council for review and action because the applicant and City asked for a continuance to complete an affordable housing agreement. At that time, Habitat for Humanity was partnering with Lennar on the proposed affordable site. However, since then, the partnership dissolved, and Lennar focused on grading their approved 40-lot subdivision. A draft affordable housing agreement is being reviewed and processed. Once completed, it will be executed and recorded.

In returning to the Planning Commission/City Council, a review of the previously prepared MND in relation to current CEQA requirements was prepared, per the attached Exhibit A. Pursuant to CEQA Guidelines, the project will not result in any new avoidable/unavoidable significant effects that would require new mitigation measures or project revisions to reduce effects to less than significant levels.

PUBLIC NOTICE AND COMMENT

1. **Notices:** On January 5, 2017, public hearing notices were posted at City Hall, the Scotts Valley Branch Public Library, and the Scotts Valley Senior Center, and were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law. Additionally since December 2012, a large sign stating "notice of proposed development" has been posted on the project site at the driveway entrance to inform the public of the proposed project. To date, staff received two phone calls from some of the adjacent property owners to the south (Acorn Court Apartments) and west (single-family house), answered general questions, and provided a digital copy of the proposed plans.
2. **Discussions with an Adjacent Property Owner:** In 2012, one of the property owners of Acorn Court Apartments, adjacent development to the south of the project site, expressed concerns about visual impacts (screening the restaurant's trash bins from street views with fencing and landscaping). Conditions #11b, #22, #26, and #28 address some of his concerns.

In January 2017, the same property owner expressed the same concerns plus extending a fence and increasing its height plus a potential proposal to transfer the existing right-of-way from Lennar to Acorn Court Apartments so that they could maintain landscaping along the street and propose a permanent sign on Scotts Valley Drive. Staff requested that he submit his requests in writing; an email is attached to this report. An update will be provided at the public hearing.

ATTACHMENTS

PAGE NO.

Resolution No. ____ to: (Action Item)	4
• Certify Mitigated Negative Declaration MND12-001 * and	Attached
• Approve Planned Development District Overlay and Permit PD10-003, Land Division LD00-002, Use Permit U00-002, and Design Review DR00-014, subject to:	
Exhibit A - CEQA Findings in Connection with Approval of the Project	11
Exhibit B - List of Mitigation Measures	27
Exhibit C - Conditions of Approval	29
Planning Commission Meeting Minutes, December 13, 2012	41
Planning Commission Staff Report, December 13, 2012	43
Received Email from Craig Rowell of Acorn Court Apartments, January 13, 2017 ..	51
Project Plans *	Attached

Please note that a hard-copy is available to review in the lobby at City Hall, Monday-Thursday 8AM-12PM and 1PM-5PM, at One Civic Center Drive, Scotts Valley. Please call the Planning Department at (831) 440-5630 if you have any questions.

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RESOLUTION NO. 1642.1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF MITIGATED NEGATIVE DECLARATION MND12-001-001 AND APPROVAL OF PLANNED DEVELOPMENT DISTRICT OVERLAY AND PERMIT PD10-003, LAND DIVISION LD00-002, USE PERMIT U00-002, AND DESIGN REVIEW DR00-014 TO BUILD TWO (2) TRIPLEXES FOR THE REQUIRED SIX (6) AFFORDABLE HOUSING UNITS OF THE "POLO RANCH" SUBDIVISION AND RELATED PROPERTY IMPROVEMENTS ON A VACANT LOT AT 4303-A SCOTTS VALLEY DRIVE / APN 022-902-12.

WHEREAS, the City of Scotts Valley Planning Division has received an application from Lennar Homes of CA to create six condominiums and one common lot and to build two triplexes and related property improvements, as the required low-income affordable housing (80% of area median) for the approved 40-lot Polo Ranch subdivision (located off Santa's Village Road) on a vacant lot at 4303-A Scotts Valley Drive / APN 022-902-12.

WHEREAS, Lennar Homes (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 (referred to as "MND") was prepared pursuant to Section 15162 of the CEQA; and

WHEREAS, the MND was circulated for a 20-day public review period during September 14, 2012 - October 3, 2012, and a copy was made available for public review at the City of Scotts Valley Planning Department. The MND was also made available for public review in January 5-24, 2017. A public notice of the availability of this document was provided pursuant to the requirements of CEQA; and

WHEREAS, the project, as mitigated, is determined to not have a significant impact on the environment based upon the results of the environmental assessment, and an analysis prepared, which is titled "CEQA Findings in Connection with the Approval of the Polo Ranch Affordable Housing Project" attached as Exhibit A; and

WHEREAS, the Planning Commission held a duly published and noticed public hearing on January 19, 2017, to consider the planning permit applications; and

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

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SECTION 1: That the environmental determination represents the independent judgement of the City.

SECTION 2: That the City Council certify the Mitigated Negative Declaration MND12-001, subject to the CEQA Findings in Exhibit A and mitigation measures listed in Exhibit B attached hereto and incorporated herein, based on the following findings:

- A. *An initial study has been prepared by the City of Scotts Valley to evaluate the potential for adverse environmental impacts.*** City staff conducted an Initial Study for the project which identified potentially significant and potentially significant project impacts. The City prepared a Mitigated Negative Declaration to reduce the impacts to less than significant levels.
- B. *The Mitigated Negative Declaration for the project has been completed in compliance with the California Environmental Quality Act (CEQA).*** The Mitigated Negative Declaration was completed in compliance with CEQA, was published and distributed to applicable reviewing agencies, and was made available for public review and comment for a 20-day period from September 14, 2012 - October 3, 2012. The MND was also made available for public review from January 5-24, 2017.
- C. *All mitigation measures identified in the Mitigated Negative Declaration are included in this resolution certifying the Mitigated Negative Declaration and will be made conditions of approval of future development that requires review and approval by the City.*** The seven (7) mitigation measures are listed in Exhibit A attached hereto as and incorporated herein by this reference. The project Conditions of Approval in Exhibit B include all seven (7) Mitigation Measures.
- D. *The City has prepared a program to report on and monitor changes made to the project in order to mitigate or avoid significant effects on the environment.*** A Mitigation Monitoring and Reporting Program (MMRP) lists all of the mitigation measures and identifies the parties responsible to monitor and report/track compliance of the mitigation measures. The MMRP will ensure compliance during future project implementation and provide the timing for implementation. An MMRP will be prepared for City Council review, to be scheduled after Planning Commission review.
- E. *The environmental determination represents the independent judgement of the City.*** The Mitigated Negative Declaration was prepared by City staff based on the technical/environmental reports/studies submitted by the applicant, site visits, consultation with City Department Heads, reviewing public agencies, and neighborhood concerns. Reports and supporting information have been reviewed and approved by the applicable City Department Heads and reviewing agencies, which have recommended approval subject to mitigation measures and conditions of approval.

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- F. The 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 Mitigated Negative Declaration and the technical/environmental studies prepared for the project have been made available to the public for review at City Hall.
- G. Based on the Initial Study and when considering the record as a whole, there is no evidence before the City of Scotts Valley, including the information in the Mitigated Negative Declaration and comments of appropriate reviewing agencies, to indicate that the proposed project could have any potential for an adverse effect on fish and wildlife resources or the habitat upon which it depends.** To date, the City has received one written comments from reviewing agencies. Mitigation Measures will reduce potential impacts to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Drainage and Hydrology, Hazards and Hazardous Materials, and Noise to less than significant levels. This project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants.

SECTION 3: That the City Council approve Planned Development District Overlay and Permit PD10-003, subject to Conditions of Approval in Exhibit C attached hereto and incorporated herein, based on the following findings:

- H. That the Planned Development Zoning District Overlay and Permit (PD) furthers the policies of the General Plan.** The General Plan designates the property as "High Density Residential", which calls for multi-family residences such as townhouses, apartments or condominiums. General Plan Open Space & Conservation Element Action OSA-382 encourages infill development of vacant lots, while Objective LO-24 requires new residential development to be compatible with surrounding land uses. The project as mitigated and conditioned meets the requirement of this finding in that the project constitutes as an urban infill project. The 2-story designs will integrate with other High-Density housing in the neighborhood. The project will enhance the appearance of the lot and improve the visual quality on that portion of Acorn Court.
- I. That the PD conforms in all respects to the planned development zoning of the property.** Planned Developments allow new development to be designed to meet the needs of the individual property and proposed use. The project meets the requirement of this finding in that the PD will allow exceptions to the Municipal Code for reduced front yard setbacks, right side yard setbacks, reduced garage sizes, increased lot coverage, reduced private open space for two units (Plan 1), and no RV parking storage space to meet the needs of the high-density subdivision.
- J. That the inter-relationship between the orientation, location, mass and scale of building volumes, and elevations of buildings, structures, and other uses on-site are appropriate, compatible, and aesthetically**

harmonious. The project meets the requirements of this finding in that the site planning and architecture is well-designed and appropriate as an infill project on Acorn Court. The architecture will meet the design standards in that the roof articulation and building massing will be compatible with buildings in the vicinity.

- K. *The environmental impacts of the project have been reviewed and considered.*** The project meets the requirements of this finding in that the Mitigated Negative Declaration identifies potential significant impacts and ways to reduce the impacts to less than significant levels. As mitigated, both short-term and long-term environmental effects associated with this project will be less than significant. When impacts associated with this project are considered alone, or in combination, they are not significant as mitigated. Mitigation measures and conditions will reduce impacts of the project construction.

SECTION 4: That the City Council approve Land Division MLD00-002, subject to Conditions of Approval in Exhibit C attached hereto and incorporated herein, based on the following findings:

- L. *That the location of the uses are in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.*** One of the purposes of the R-H zoning district is to provide for multi-family style of housing. The project meets the requirements of this finding in that the project will provide six condominiums and a common lot to allow a special niche of multi-family housing type.
- M. *That the proposed tentative map/land division, together with the provisions for its design and improvement, is consistent with the General Plan.*** The project meets the requirements of this finding in that the design of the land division and its related property improvements are consistent with many goals and objectives of the General Plan. The Public Works Department has reviewed the project and recommended approval subject to standard conditions.
- N. *That the project site is physically suitable for the density of the land division.*** The project meets the requirement of this finding in that the project density of 10 units/acre (6 units/26,650 square feet = 10 units/acre) will fall within the allowed density (9-15 units/acre) and required minimum lot area/unit (3,000 square feet/unit) in the R-H zone. Public services are available and utilities are of adequate capacity to accommodate the project including build-out under the General Plan.
- O. *That the design of the land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*** The project meets the requirements of this finding in that it was determined that there will be no significant impacts to fish or wildlife or other habitat based on the environmental review completed for the project (Mitigated Negative Declaration).

- P. That the design of the land division or the type of improvements is not likely to cause serious public health problems.** The project meets the requirement of this finding in that the project will not generate hazardous emissions nor store hazardous/ combustible materials. This project does not have the potential to significantly degrade the quality of the environment. Both short-term and long-term environmental effects associated with this project will be less than significant. Mitigation Measures will reduce potential impacts to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Drainage and Hydrology to less than significant.
- Q. That the design of the land division will not conflict with easements acquired by the public at large (for access through or use of property within the land division).** The project meets the requirement of this finding in that the subdivision design will not involve any access or use easements acquired by the public at large. The Public Works Department has reviewed the project and recommended approval subject to standard conditions.

SECTION 5: That the City Council approve the Use Permit U00-002, subject to the Conditions of Approval in Exhibit C attached hereto and incorporated herein, based on the following findings:

- R. The location of the condominiums is in accordance with the objectives of the zoning ordinance and the purposes of the zoning district in which the site is located.** The proposed use meets the requirements of this finding in that condominiums are similar to other high-density development located off Scotts Valley Drive, as intended in the same high-density (R-H) zoning district. Project density of 10 units/acre is appropriate in the R-H zone.
- S. The establishment, maintenance or operation of the condominium project will not, under any circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed restaurant or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.** The proposed use meets the requirements of this finding in that the project will provide the required parking and other required features. The project includes two minor exceptions regarding private open space for two units and no parking space for an RV/boat. Conditions require the developer to submit revised plans to provide the required enclosed, weatherproofed, and lockable private storage of 200 cubic square feet per unit. The expected revised design will expand the building footprint for the exterior side wall to increase the garage widths which will provide the required storage. This minor design change will also increase the private open space for Plan 1 units by 25 square feet.

SECTION 6: That the City Council approve the Design Review DR00-014, subject to the Conditions of Approval in Exhibit C attached hereto and incorporated herein, based on the following findings:

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- T. The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood is appropriate.** The project meets the requirements of this finding in that the units will be sited in similar arrangement as other dwellings in the neighborhood and other small-lot PD subdivisions approved off Scotts Valley Drive. The 2-story design will integrate into the neighborhood setting as an infill project.
- U. The materials, colors, proportion, mass and detail of all structures shall be in good proportion, have simplicity of mass and detail and be compatible in appearance with surrounding structures. There shall be an appropriate use of materials. Colors shall be appropriate within the context of use and should blend with surrounding structures.** The project meets the requirements of this finding in that site planning and architecture is well-designed and appropriate as an infill project on Acorn Court. The architectural style of the 2-story condo will use variety of exterior finishes to add visual interest in the neighborhood. The buildings will use quality exterior materials to integrate into the neighborhood setting, with stucco walls (tan) with composition shingle or cement fiber roofs (brown color).
- V. The size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures shall be appropriate to the site and building design. No sign shall be approved in excess of the maximum limits set by this title, but the size or number of signs in any area subject to design control may be reduced below this maximum number or limit.** The project meets the requirements of this finding in that the project does not include a subdivision identification sign. A condition of approval will require Design Review approval for any future subdivision sign. any signage.
- W. Landscaping and irrigation plans shall be required on the site. Landscaping shall be in keeping with the character or design of the building. Existing trees shall be preserved wherever possible.** The project meets the requirements of this finding in that the project will provide complete landscaping of the new development to help it integrate into the setting. Also, preservation of existing and neighboring trees to remain were thoroughly evaluated; in August 2010, September 2011, and March 2012, James P. Allen & Associates prepared a Construction Impact Assessment/Tree Protection Plan, an update on Completeness Review Item 14, and Tree Protection Language, respectively. The tree report provided recommendations for special treatments before construction, tree and stump removal, required tree replacement, retention bond for trees to be protected, and monitoring during construction. The large Coast live oak tree #15 located on Acorn Court Apartments Site is the largest tree to be preserved and protected.
- X. The size, location and arrangement of on-site parking and paved areas shall be appropriate.** The project meets the requirements of this finding in that the six 1-car garages and 8 uncovered spaces exceed the 13 uncovered parking spaces required for the project (2 spaces for each unit and 1 guest space for each 5 units).
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- Y. For ingress, egress and internal traffic circulation, all the above factors shall be related to the setting or established character of the neighborhood or surrounding area.** The project meets the requirements of this finding in that access is directly off Acorn Court. The project will provide new sidewalks from Scotts Valley Drive. The project design will be compatible with the development pattern established on many R-H lots located off Scotts Valley Drive.
- Z. For fences and walls over eight feet tall or fences over three feet tall in front yards when across from Hwy 17, consider height and access to sunlight, setbacks, landscaping and use of materials for articulation and visual relief.** The project meets the requirements of this finding in that the project does not include fences or walls taller than eight feet in height.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony, other evidence submitted in this matter, and amendments by the Planning Commission, that the City Council should certify the Mitigated Negative Declaration MND12-001 and approve Planned Development District Overlay and Permit PD10-003, Minor Land Division MLD00-002, Use Permit U00-002, and Design Review DR00-014 to create six condominiums and one common lot and to build two triplexes and related property improvements, as the required affordable housing for the approved 40-lot Polo Ranch subdivision (located off Santa's Village Road) on a vacant lot at 4303-A Scotts Valley Drive / APN 022-902-12, subject to the CEQA Findings in Exhibit A, List of Mitigation Measures in Exhibit B, and amended Conditions of Approval in Exhibit C, which are attached hereto and incorporated herein by this reference.

SECTION 7: This PD Permit, Land Division, Use Permit, and Design Review shall lapse and shall be come void two (2) years from the date of this resolution unless prior to the expiration date, a building permit is issued by the Building Division and construction of tenant improvements have started and have been diligently pursued toward completion, or an extension of this approval is granted by the Planning Commission.

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 19th day of January, 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Approved: _____

Planning Commission Chair

Attest: _____

Taylor Bateman, Acting Community Dev. Dir.

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Exhibit A CEQA Findings

I. CONSIDERATION OF THE 2012 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA) and the State CEQA Guidelines, Title 14, California Code of Regulations, Sections 15000 et seq. (CEQA Guidelines), the City of Scotts Valley (the "City"), or its delegate (collectively referred to herein as the City), has considered the Initial Study/Mitigated Negative Declaration (the "MND"), City Number MND12-001, for the Polo Ranch Affordable Housing Project circulated for public review between September 14, 2012 and October 3, 2012, and the Polo Ranch Affordable Housing Environmental Checklist (Environmental Checklist), dated November 2016, attached as Appendix A to this document. The City finds that the information contained in the MND and the Environmental Checklist reflects the independent judgment of the City. The MND and the Environmental Checklist contain the environmental analysis and information necessary to support approval of the Polo Ranch Affordable Housing Project (the "Project"), as set forth in **Section III**, below.

II. FINDINGS

The following Findings are hereby adopted by the City as required by Public Resources Code Sections 21081 and 21081.6, and CEQA Guidelines Sections 15073.5 and 15074, in conjunction with the approval of the Project, which is set forth in **Section III**, below.

A. Environmental Review Process

In 2012, the City prepared the MND and circulated it for public review from September 14, 2012 through October 3, 2012, in accordance with CEQA and the CEQA Guidelines. The MND analyzed the scope and nature of development proposed for the approximately 26,650 square-foot Project site, located at 4303-A Scotts Valley Drive, Assessor Parcel Number 022-902-12. The MND anticipated the construction of two two-story triplexes (six condominiums total), surface parking, landscaping and related property improvements that would be made available to families earning no more than 80 percent of the Santa Cruz County median income. The MND identified measures to mitigate all potentially significant adverse project and cumulative impacts associated with the Project to less than significant. Even though the City completed the required environmental analysis for the Project, the City did not adopt the MND or approve the Project in 2012.

Section 15073.5 gives the conditions under which a negative declaration must be recirculated prior to adoption. Under 15073.5, a lead agency is required to recirculate a

negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. A "substantial revision" of the negative declaration means:

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or;*
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.*

Section 15073.5 also specifies that recirculation is not required under the following circumstances:

- (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1;*
- (2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects;*
- (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect; and*
- (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.*

Section 15073.5 further states that if during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project.

The Environmental Checklist analyzes whether, due to the passage of time and changes to the existing environment, the Project would have a new, avoidable significant effect or whether the proposed mitigation measures would no longer reduce Project impacts to less than significant. The Project will not result in any new significant impacts and the proposed mitigation measures would still reduce Project impacts to less than significant. No project revisions or specific mitigation measures other than the mitigation measures already identified in the MND were identified in the Environmental Checklist for the Project.

The legal criteria for not recirculating the MND are met here. None of the conditions or circumstances that would require recirculation pursuant to CEQA Guidelines Section 15073.5 exists in connection with the Project.

B. Findings About the Impacts of the Project

As described in greater detail below and in the MND and Environmental Checklist, the Project, with the implementation of the mitigation measures set forth below would not have any significant environmental impacts. There is no new information that would require a substantial revision to the MND. The Environmental Checklist did not identify a new, avoidable significant effect for which mitigation measures or project revisions must be added in order to reduce the effect to insignificance, and the City has determined that the proposed mitigation measure remain effective for reducing Project impacts to less than significant.

Each of the impacts of the project is discussed separately below by environmental topic.

1. Aesthetics: Based on the analysis in the MND, pages 8 through 9, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant aesthetic impacts that were not evaluated in the MND or would require new mitigation measures to reduce aesthetic impacts to less-than-significant levels. The Project would have no significant impacts on aesthetics.

2. Agricultural Resources: Based on the analysis in the MND, pages 9 and 10, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant agricultural resources impacts that were not evaluated in the MND, or require new mitigation measures to reduce agricultural impacts to less-than-significant levels. The Project would have no impact on agricultural resources.

3. Air Quality: Based on the analysis in the MND, pages 10 and 11, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant impacts related to air quality that were not evaluated in the MND, or require new mitigation measures to reduce air quality impacts to less-than-significant levels. Mitigation Measure Air Quality-1 remains sufficient to reduce the Project's air quality impacts from dust generation during construction to less-than-significant levels.

4. Biological Resources: Based on the analysis in the MND, pages 11 through 12, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant impacts to biological resources that were not evaluated in the MND, or require new mitigation measures to reduce impacts to biological resources to less-than-significant levels. Mitigation Measure Biological

Resources-1 remains sufficient to reduce the Project's potentially significant impact to qualifying trees during construction to less-than-significant levels.

5. Cultural Resources: Based on the analysis in the MND, pages 12 through 15, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant impacts to cultural resources that were not evaluated in the MND, or require new mitigation measures to reduce impacts to cultural resources to less-than-significant levels. Mitigation Measure Cultural Resources-1 remains sufficient to reduce the Project's potentially significant impact to archeological resources during construction to less-than-significant levels.

6. Geology and Soils: Based on the analysis in the MND, pages 15 through 17, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant impacts to cultural resources that were not evaluated in the MND, or require new mitigation measures to reduce impacts to cultural resources to less-than-significant levels. Mitigation Measure Cultural Resources-1 remains sufficient to reduce the Project's potentially significant impact to archeological resources during construction to less-than-significant levels.

7. Greenhouse Gas Emissions: Based on the analysis in the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not make a cumulative considerable contribution to greenhouse gas emissions, and no mitigation measures are required.

8. Hazards and Hazardous Materials: Based on the analysis in the MND, pages 17 through 19, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant hazards and hazardous materials impacts that were not evaluated in the MND, or require new mitigation measures to reduce hazards and hazardous materials impacts to less than significant. Mitigation Measure Hazardous Materials-1 remains sufficient to reduce the Project's potentially significant impact related to the accidental release of hazardous materials during construction to less-than-significant levels.

9. Hydrology and Water Quality: Based on the analysis in MND, pages 19 through 21, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant hydrology and water quality impacts that were not evaluated in the MND, or require new mitigation measures to reduce hydrology and water quality impacts to less than significant. Mitigation Measure Hydrology and Water Quality-1 remains sufficient to reduce the Project's potentially significant impact related to the use of groundwater to less-than-significant levels.

10. Land Use and Planning: Based on the analysis in MND, pages 21 through 22, and the Environmental Checklist, incorporated herein by reference, the City finds that the

Project will not result in any new significant land use and planning impacts that were not evaluated in the MND, or require new mitigation measures to reduce land use and planning impacts to less than significant. The Project has no potentially significant land use and planning impacts and no mitigation is required.

11. Mineral Resources: Based on the analysis in MND, page 23, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant mineral resource impacts that were not evaluated in the MND, or require new mitigation measures to reduce mineral resource impacts to less than significant. The Project has no potentially significant impacts to mineral resources and no mitigation is required.

12. Noise: Based on the analysis in MND, pages 23 through 25, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant noise impacts that were not evaluated in the MND, or require new mitigation measures to reduce noise impacts to less than significant. Mitigation Measure Noise-1 remains sufficient to reduce the Project's potentially significant impact related to construction noise to less-than-significant levels.

13. Population and Housing: Based on the analysis in MND, pages 25 through 26, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant population and housing impacts that were not evaluated in the MND, or require new mitigation measures to reduce population and housing impacts to less than significant. The Project has no potentially significant population and housing impacts and no mitigation is required.

14. Public Services: Based on the analysis in MND, page 26, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant impacts to public services that were not evaluated in the MND, or require new mitigation measures to reduce impacts to public services to less than significant. The Project has no potentially significant impacts to public services and no mitigation is required.

15. Recreation: Based on the analysis in MND, page 27, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant impacts to recreation facilities or parks that were not evaluated in the MND, or require new mitigation measures to reduce impacts to recreation facilities or parks to less than significant. The Project has no potentially significant impacts to recreation facilities or parks and no mitigation is required.

16. Transportation/Traffic: Based on the analysis in MND, pages 27 through 28, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant transportation and traffic impacts that were

not evaluated in the MND, or require new mitigation measures to reduce transportation and traffic impacts to less than significant. The Project has no potentially significant traffic/transportation impacts and no mitigation is required.

17. Public Utilities and Service Systems: Based on the analysis in MND, pages 29 through 30, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any new significant impacts to public utilities and service systems that were not evaluated in the MND, or require new mitigation measures to reduce impacts to public utilities and service systems to less than significant. The Project has no potentially significant impacts to public utilities or service systems and no mitigation is required.

18. Mandatory Findings of Significance: Based on the analysis in MND, page 30, and the Environmental Checklist, incorporated herein by reference, the City finds that the Project will not result in any impacts that would require a finding of significance.

C. Additional Findings

1. Adequacy of Prior Environmental Review: In accordance with applicable provisions of CEQA and the CEQA Guidelines, the City has independently examined the MND to determine whether or not recirculation is required or an additional environmental document should be prepared. The Environmental Checklist identified new information regarding the Project's impact on greenhouse gas emissions that was not included in the MND. This information is hereby incorporated into the MND and is considered a minor clarification because it does not identify a new Project impact and no new mitigation is required. Based on this review, the City finds as follows:

- a. No new, avoidable significant effect has been identified and there is no need to add mitigation measures or project revisions to reduce the effect to insignificance;
- b. The proposed mitigation measures in the MND will reduce potential effects to less than significance and new measures or revisions are not required;
- c. The new information added to the negative declaration regarding greenhouse gas emissions merely clarifies and makes insignificant modifications to the MND; and
- d. There is no substantial evidence in light of the whole record that the Project may have a significant effect on the environment which cannot be mitigated or avoided.

2. Incorporation by Reference: These Findings incorporate by reference in their entirety the Environmental Checklist and MND prepared for the Project. This incorporation is intended to elaborate on the scope and nature of the Project, and the

basis for determining that the MND does not require recirculation, and no other environmental documents need to be prepared.

3. Mitigation Monitoring: CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts or makes a condition of project approval, including mitigation measures intended to eliminate or reduce potentially significant impacts of the project, in order to ensure compliance during project implementation. The mitigation measures in the MND are included in a list in Exhibit B, which will become a Mitigation Monitoring and Reporting Program, and compliance with the program will be a condition of Project approval.

4. Record of Proceedings: Various documents and other materials constitute the record of proceedings upon which the City bases its findings and decision contained herein. The custodian for these documents and materials is the City Planning Department, located at One Civic Center Drive, Scotts Valley, California, 95066.

D. Summary

Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following Findings with respect to the project:

1. The Project will not result in any new, avoidable significant effect than disclosed in the MND and there is no need to add mitigation measures or make project revisions to address new effects.
2. The proposed mitigation measures in the MND will reduce potential effects to less than significance and new mitigation measures or project revisions are not required to reduce potential significant impacts.
3. The new information added to the MND to address greenhouse gases makes clarifications and insignificant modifications to the negative declaration, and does not identify a new impact or need for new mitigation measures or project revisions.
4. There is no substantial evidence that the Project will have a significant effect on the environment.
5. The MND and Environmental Checklist reflect the City's independent judgment and analysis.

III. APPROVALS

The City hereby takes the following actions:

- A. The City has reviewed and considered the MND and Environmental Checklist for the Project as described in **Section I**, above, as well as all other information in the record.

- B. The City hereby incorporates into the Project and makes a condition of the Project all MND mitigation measures.
- C. The City hereby adopts the Findings in their entirety as set forth in **Section II**, above.
- D. Having independently reviewed and considered the MND and the Environmental Checklist, the City hereby finds the MND, as amended by the Environmental Checklist, meets CEQA's requirements and adopts the MND as amended by the Environmental Checklist.
- E. Having independently reviewed and considered the MND and the Environmental Checklist, conditioned the project as described above, and adopted the Findings, the University hereby approves the Project.

APPENDIX A POLO RANCH AFFORDABLE HOUSING ENVIRONMENTAL CHECKLIST

Section I. Purpose

The purpose of the Polo Ranch Affordable Housing Environmental Checklist ("Environmental Checklist") is to determine whether any of the conditions listed under CEQA Guidelines Section 15073.5 that would require recirculation of the Initial Study/Mitigated Negative Declaration (the "MND"), City Number MND12-001, for the Polo Ranch Affordable Housing Project have occurred. Under 15073.5, a lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. The City circulated public notice of availability of the MND on September 14, 2012, and accepted public comments on the MND through October 3, 2012.

Under Section 15073.5, recirculation of the MND would be required if the MND requires a substantial revision, where "substantial revision" means:

- (1) *A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or;*
- (2) *The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.*

As described in the MND, the Polo Ranch Affordable Housing Project (the "Project") proposes the construction of two two-story triplexes (six condominiums total), surface parking, landscaping and related property improvements located on the approximately 26,650 square-foot Project site, commonly known as 4303-A Scotts Valley Drive, Assessor Parcel Number 022-902-12. There have been no changes to the Project since the City published the MND.

To determine if a substantial revision is required, this Environmental Checklist examines each environmental resource. As discussed in Section II below, recirculation is not required because no new, avoidable significant effects were identified and the mitigation measures in the MND are adequate to reduce all potentially significant environmental impacts to less-than-significant levels.

Section II. Analysis

1. Aesthetics: The MND concluded that the Project had no significant impacts on aesthetics because it was consistent with the City's design policies and guidelines. The Project has not changed. Similarly, the surrounding environment has not significantly changed in a manner that would alter the conclusions regarding aesthetics in the MND. The Project remains consistent with the City's General Plan, design policies and guidelines, and compatible with the surrounding development. There are no new significant aesthetic impacts. Therefore, no substantial revisions to the MND are required.

2. Agricultural Resources: The MND concluded that the subject property is not located on land that is classified as Prime Farmland, Unique Farmland or Farmland of Statewide Importance by the Farmland Mapping and Monitoring Program of the California Resource Agency. The property is not under a Williamson Act contract and is located in a residential zone. These conclusions are equally correct today. The Project has no significant impacts on agricultural resources. Therefore, no substantial revisions to the MND are required.

3. Air Quality: The MND concluded that the Project had one potentially significant impact of generation of dust during construction, but that with Mitigation Measure Air Quality-1, the impact would be reduced to less than significant levels. The MND reached this conclusion because the Project would require grading involving about 350 cubic yards of excavation and 350 cubic yards of fill, which produces airborne dust in an area with single- and multi-family homes nearby. To reduce airborne dust, Mitigation Measure Air Quality-1 requires that the grading contractor use best management practices for dust control. There have been no changes in air quality that would necessitate revisions to the MND, and Mitigation Measure Air Quality-1 would continue to mitigate Project impacts to less than significant levels; no new mitigation is required. Therefore, no substantial revisions to the MND are required.

4. Biological Resources: The MND concluded that the Project had one potentially significant biological impact, which was the potential to harm City protected trees, but that Mitigation Measure Biological Resources-1 would reduce that impact to less than significant levels. Mitigation Measure Biological Resources-1 requires the project sponsor to complete and implement all recommendations in the arborist report performed for the Project, including special treatments to protected trees before construction, required tree replacement, a bond for trees to be protected, and monitoring during construction. There have been no changes to the City's tree protection ordinance, the environment, or the Project that would necessitate revisions to this section of the MND, and Mitigation Measure Biological Resources-1 would continue to mitigate Project impacts to less than significant levels; no new mitigation is required.

The MND also found that the Project would have no impacts on the following: (1) species identified as candidate, sensitive, or special status in local regional plans, policies or regulations, or the California State department of Fish and Game or U.S. Fish and Wildlife Service, (2) federally protected wetlands as defined by Section 404 of the Clean Water Act, (3) movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, and (4) provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. There are no protected species or habitat on the Project site, the Project site has no wetlands or waters of the United States, the Project site has no migratory corridors through it, and the Project site is not within an area covered by a habitat conservation plan. Therefore, no substantial revisions to the MND are required.

5. Cultural Resources: The MND concluded that the Project had one potentially significant impact to cultural resources, which was the potential to disturb buried archeological resources, including possibly unexpectedly encountering human remains, during Project grading and construction, but that Mitigation Measure Cultural Resources-1 would reduce that impact to less than significant levels. Mitigation Measure Cultural Resources-1 requires a qualified archeologist to monitor all earth-disturbing activities and specifies what must occur if cultural resources are discovered. There have been no changes to the environment or the Project that would necessitate revisions to this section of the MND, and Mitigation Measure Cultural Resources-1 would continue to mitigate Project impacts to less than significant levels; no new mitigation is required.

The MND also found that the Project would have no impacts on the following: (1) historical resources, and (2) unique paleontological or geologic features. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter

these conclusions. There are no historic resources and no unique geologic features on or adjacent to the Project site, and the Project site is not located in any area of known paleontological resources. Therefore, no substantial revisions to the MND are required.

6. Geology, Soils, and Seismicity: The MND concluded that the Project had a few potentially significant impacts related to seismicity, including (1) placing of people and buildings in an area that would be subject to periodic seismic shaking associated with faults in the Monterey Bay Area, (2) locating the Project on a geologic unit or soil that could become unstable as a result of seismic shaking, and (3) locating the Project on located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code. Mitigation Measure Geology-1 would reduce these impacts to less than significant levels. Mitigation Measure Geology-1 requires the Project to be designed to Uniform Building Code standards for buildings in earthquake territory. There have been no changes to the environment or the Project that would necessitate revisions to this section of the MND, and Mitigation Measure Geology-1 would continue to mitigate Project impacts to less than significant levels; no new mitigation is required.

The MND also found that the Project would have less than significant impacts related to the following: (1) expose people or structures to rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, (2) expose people or structures to seismic-related ground failure, including liquefaction, (3) expose people or structures to seismic-related landslides, and (4) substantial soil erosion or loss of topsoil. The MND further found that the Project would not have any impact related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. No changes to the Project or environment have occurred that would alter these conclusions. There have been changes in CEQA law that clarify that impacts from environmental factors such as seismic shaking on the Project no longer need to be analyzed or considered environmental impacts, but this clarification would not create a new impact or require changes to Project mitigation measures. Therefore, no substantial revisions to the MND are required.

7. Greenhouse Gas Emissions: The MND did not analyze the Project's contribution to greenhouse gas emissions. Under CEQA, a project that could (1) generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or (2) conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases is a Project with a potentially significant environmental impact. As indicated by the analysis below, the Project's contribution to greenhouse gas emissions would not be significant, and the Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, there are no new impacts and no substantial revisions to the MND are required.

Background. Significant changes to global climate have been attributed to the accumulation of greenhouse gases (GHG) in the atmosphere. The most common GHG is carbon dioxide (CO₂). The primary contributor to CO₂ emissions in the state is transportation (vehicle exhaust). California's Global Warming Solutions Act of 2006 (AB 32) and the Governor's Executive Order S-3-05 both require reductions in GHGs. Their statutory goals are to achieve 1990 GHG emission levels by 2020 and reduce emission levels to 80% of the 1990 levels by 2050. The California Air Resources Board (CARB) is the lead agency implementing AB 32. CARB has completed a statewide inventory of GHGs which shows transportation contributes 38% of all CO₂ emissions. Industry is the second greatest source, contributing 21%. Other contributors are electric power generation, agriculture and various commercial and residential uses.

Generation of Greenhouse Gases. Most individual projects do not generate sufficient GHGs to create a project-specific impact to significantly influence climate change; therefore this impact typically involves an analysis to determine if a project's GHG emissions are cumulatively considerable (significant cumulative impact). The proposed project is for two triplexes, for a total of six residential units. Locally, the Monterey Bay Unified Air Pollution Control District (MBUAPCD), the County of Santa Cruz, or the City have not yet adopted a significance threshold for GHGs. MBUAPCD is currently in the process of developing threshold standards for evaluating projects under CEQA.

Currently, MBUAPCD recommends using a threshold of 2,000 metric tons of CO₂/year for determining if a project's GHGs are cumulatively considerable. The project is so small, no traffic analysis was required. Based on the traffic analysis recently completed for 25 residences that would be located 0.6 miles away on Scotts Valley Drive, the Project likely would generate no more than 35 average daily trips. The GHGs generated from this level of traffic in combination with other potential GHG emissions are below 2,000 metric tons. Energy use of the completed residences will be less than similar units constructed in previous years because their construction is required to comply with the energy efficiency standards of the 2013 edition of the California Building Code. These factors result in a project that will not significantly contribute to a cumulative GHG impact.

Consistency with Plans. AMBAG has established a GHG reduction target of 0% by 2020 (i.e. no GHG increase) and 5% reduction by 2035. The proposed Project would not conflict with this target. The Project would not conflict with the State's Global Warming Solution Act or Executive Order S-3-05. CARB's Scoping Plan includes several strategies for reduced GHGs, but it is related to uses that will not occur at the property.

Finding. While some GHGs will be generated by the project, its contribution to GHGs will not be cumulatively considerable and there will not be any significant impacts associated with GHGs.

8. Hazards and Hazardous Materials: The MND concluded that the Project had one potentially significant impact related to hazardous materials, which was the potential for an accidental release of oils, lubricants, fuels and similar hazardous substances that would be brought to the site and uses during construction. Mitigation Measure Hazardous Materials-1 was found to reduce that impact to less than significant levels. Mitigation Measure Hazardous Materials-1 requires the implementation of a best management practice/hazardous materials containment plan during construction. The plan must contain the requirement that stationary equipment such as motors, pumps, and welding equipment be placed over drip pans or other containment apparatus; and that any petroleum, lubricants or other hazardous materials used during construction be stored in a special storage location equipped with double containment and this location be shown on the erosion control plan and approved by the agencies that review the plan. There have been no changes to regulations, the environment or the Project that would necessitate revisions to this section of the MND, and Mitigation Measure Hazardous Materials-1 would continue to mitigate Project impacts to less than significant levels; no new mitigation is required.

The MND also found that the Project would have less than significant impacts related to the following: (1) significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; (2) hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; (3) impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and (4) expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The MND concluded that the Project would have no impacts related to a public or private airport or airstrip because no such uses are located near the Property. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. Therefore, no substantial revisions are required to the MND.

9. Hydrology and Water Quality: The MND concluded that the Project had one potentially significant impact related to hydrology and water quality, which was the potential to add to the demand for groundwater resources. Mitigation Measure Hydrology and Water Quality-1 would reduce that impact to less than significant levels. Mitigation Measure Hydrology and Water Quality-1 requires a number of measures designed to decrease water demand and maximize infiltration opportunities on the property, including requiring installation of a "purple pipe" for landscape irrigation for recycled water; replacement of any junction boxes with dry infiltration wells to provide

additional ways for potential groundwater infiltration; installation of bioretention areas; having CC&Rs that prohibit future additional impervious paving within the common areas and the private fenced back patios; and installation of high efficiency fixtures for all water uses in all residences. There have been no changes to the environment or the Project that would necessitate revisions to this section of the MND, and Mitigation Measure Hydrology and Water Quality-1 would continue to mitigate Project impacts to less than significant levels; no new mitigation is required. Therefore, no substantial revisions to the MND are required.

The MND also found that the Project would have less than significant impacts related to the following: (1) creating or contributing runoff water which would exceed the capacity of existing or planned storm water drainage systems, (2) substantially degrading water quality, (3) violating any water quality standards or waste discharge, (4) substantially altering the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site, (5) substantially altering the existing drainage pattern of the site or area or substantially increasing the rate or amount of surface runoff in a manner which would result in flooding on or off-site, (6) placing housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map requirements, and (7) placing structures within a 100-year flood hazard area in a manner that would impede or redirect flood flows. The MND further found that the Project would have no impact related to the potential exposure of people or structures to a significant risk of loss, injury or death as a result of the failure of a levee or dam or inundation by seiche, tsunami, or mudflow. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. Therefore, no substantial revisions to the MND are required.

10. Land Use and Planning: The MND concluded that the Project would have less than significant impacts related to physically dividing an established community or conflicting with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental impact, and no impact related to a conflict with an applicable habitat conservation plan or natural community conservation plan. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. As in 2012, the Project would not physically divide a community, but is instead an infill of a site in an existing community, is consistent with all applicable land use plans, and is not within an area covered by a habitat conservation plan or natural community conservation plan. There are no new impacts. Therefore, no substantial revisions to the MND are required.

11. Mineral Resources: The MND concluded that the Project would have less than significant impacts on mineral resources because the Project site has no significant resource deposits. No changes to the Project, environment, or applicable regulatory

regime have occurred that would alter these conclusions. There are no new impacts. Therefore, no substantial revisions to the MND are required.

12. Noise: The MND concluded that the Project could have a potentially significant noise impact because grading and construction activities would increase ambient noise levels during construction, and construction-related noise would be heard by the surrounding residences and businesses. The MND found that implementation of Mitigation Measure Noise-1 would reduce that impact to less than significant levels. Noise-1 requires construction work to be limited to 8:00 A.M. to 5:00 P.M. Monday-Friday and 9:00A.M to 5:00P.M on Saturday, with no construction activity allowed on Sunday. In addition, if gasoline generators are used, they must be contained in an enclosure that prevents their noise from being heard at residential properties northeast and southeast of the Project site. The MND found that other potential noise impacts, including noise exceeding City standards, groundborne vibrations and noise, creation of noise that would permanently increase ambient noise levels, and noise to future Project residents from airstrips or airports, were either less than significant or non-existent. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. There are no new impacts. Therefore, no substantial revisions to the MND are required.

13. Population and Housing: The MND concluded that the Project would increase the population by about 15 persons (6 units x 2.56 persons/unit), which is not be significant increase and would fall in the projected population the City. The MND also found that the Project would not displace any existing housing or people. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. There are no new impacts. Therefore, no substantial revisions to the MND are required.

14. Public Services: The MND concluded that the Project would have less than significant impacts on public services, including fire, police, schools, parks, and other public facilities. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. There are no new impacts. Therefore, no substantial revisions to the MND are required.

15. Recreation: The MND concluded that the Project would have less than significant impacts on parks and recreational facilities and would not require the construction of new recreational facilities. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. There are no new impacts. Therefore, no substantial revisions to the MND are required.

16. Transportation and Traffic: The MND concluded that the Project would have less than significant impacts on traffic level of service, and no impact related to air traffic patterns, hazards from design features, emergency access, parking, and programs

supporting alternative means of transportation. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. There are no new impacts. Therefore, no substantial revisions to the MND are required.

17. Public Utilities and Service Systems: The MND concluded that the Project's impacts on public utilities and services would be less than significant. Specifically, the Project would not exceed applicable wastewater treatment requirements; require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities; require or result in the construction of new storm water drainage facilities or expansion of existing facilities; require new or expanded water supply entitlements; result in a determination by the wastewater treatment provider that would be unable to serve the Project in addition to the provider's existing commitments; exceed landfill capacity; and the Project would comply with all federal, state, and local statutes and regulations related to solid waste. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. There are no new impacts. Therefore, no substantial revisions to the MND are required.

18. Mandatory Findings of Significance: The MND concluded the Project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants. According to the MND, both short-term and long-term environmental effects associated with the Project will be less than significant. Specifically, potential impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise, will be less than significant with mitigations included in the MND, and after mitigation, Project impacts considered alone or in combination with other projects will not be significant. No changes to the Project, environment, or applicable regulatory regime have occurred that would alter these conclusions. There are no new impacts. Therefore, no substantial revisions to the MND are required.

Section III. Conclusion

Based on the above analysis, the MND does not require recirculation because there are no new, avoidable significant effects that would require new mitigation measures or project revisions to reduce effects to less than significant levels. There also are no new significant unavoidable effects. Accordingly, recirculation of the MND is not required.

Exhibit B
List of Mitigation Measures (#1 - #6)
from Mitigated Negative Declaration MND12-001

1. Mitigation Measure Air Quality-1: To reduce dust generation from project grading and construction to minimal levels, the developer 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 Acorn Court and 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. (See page 11 of MND12-001)
2. Mitigation Measure Biological Resources-1: To ensure protection of qualifying trees during construction, the developer shall complete and implement all of the report recommendations prepared by James P. Allen & Associates, dated August 2010, September 2011, and March 2012, to the satisfaction of the City Arborist (James P. Allen) and the Community Development Director. (See page 13 of MND12-001)
3. Mitigation Measure Cultural Resources-1. To ensure that archaeological resources are not destroyed if accidentally discovered during project grading or other subsurface work, the developer shall submit a copy of a contract with a qualified/registered archaeologist to conduct monitoring of all earth disturbing activities for review and approval by the Community Development Director, before grading permit issuance. The developer shall include this requirement in the contract for all contractors involved with grading and subsurface work. The qualified/registered archaeologist shall monitor all earthwork activity as described below.
 - a. An archaeologist shall monitor the grading or excavation of soils at the development site in order to determine if important cultural remains are present. Such monitoring shall begin before and occur during subsurface earth moving activities;
 - b. The duration and period of archaeological monitoring of project development activities shall be at the discretion of the professional archaeologist. At a minimum, however, any activity that initially displaces or removes original soil from its present context shall be monitored by an archaeologist on a continuous basis;
 - c. Monitoring activities such as replacing soils in trenches, redistributing displaced soil elsewhere on the development site, or removing stockpiled excavated soil may not require monitoring;
 - d. Monitoring may include the periodic sampling and screening of soils in order to better determine if cultural remains are present; and,
 - e. If any cultural resources are discovered, the project contractor shall immediately stop all earth disturbing work within a 150 foot radius of the discovery to allow for inspection, evaluation, and potential recovery of resources by the supervising project archaeologist, before resuming any earth-disturbing construction activities. The developer shall also contact the Planning Department and Building Official as soon as work has been stopped. It may be necessary to resume grading or excavation activities under the direction of the supervising archaeologist in order to locate or expose cultural remains. (See page 14 of MND12-001)

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4. Mitigation Measure Geology-1: To reduce the effects of seismic shaking to acceptable levels, the developer shall have the residences building designed to UBC standards for the design-level earthquake for the area. Future building plans submitted shall include the design details. (See page 16 of MND12-001)
5. Mitigation Hazardous Materials-1: To prevent accidental discharge of construction related fuels, lubricants or other contaminants into the right-of-way, the project site or other properties, the developer shall have the construction contractor implement the approved erosion control plan discussed in Mitigation Measure Geology-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; and,
 - b. 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. (See page 18 of MND12-001)
6. Mitigation Measure Hydrology and Water Quality-1: To reduce the project impact of added groundwater demand, the developer shall:
 - a. Create a homeowners association or similar entity to manage a recycled water program;
 - b. Install "purple pipe" for landscape irrigation for recycled water;
 - c. Replace any junction boxes with dry infiltration wells to provide additional ways for potential groundwater infiltration;
 - d. Install all of the bioretention areas before final building permit inspection;
 - e. Explore potential low impact development (LID) features, such as disconnected roof leaders and dry infiltration wells, as deemed appropriate by the project engineer and as approved by the Community Development Director (CDD);
 - f. Provide CC&Rs that describe how the proposed bioretention areas and other potential LID features, drainage lines, and the property improvements located within the common area will be maintained;
 - g. Prohibit in the CC&Rs future additional impervious paving within the common areas;
 - h. Prohibit in the CC&Rs future additional paving in the four private fenced back patios; total allowed paving is 86.5 square feet, as shown on the plans; and,
 - i. Install high efficiency fixtures for all water uses in all residences, all items a-h are subject to review and approval by the CDD. (See page 21 of MND12-001)
7. Mitigation Measure Noise-1: To reduce construction noise emanating beyond the site to acceptable levels, the project proponent shall require all contractors to limit their work to 8:00 A.M. to 5:00 P.M. Monday-Friday and 9:00A.M to 5:00P.M on Saturday. No construction activity is allowed on Sunday. If gasoline generators are used, they shall be contained in an enclosure that prevents their noise from being heard at adjacent properties. (See page 25 of MND12-001)

Exhibit C

Conditions of Approval (#1 - #77)

Mitigated Negative Declaration MND12-001

Planned Development District Overlay and Permit PD10-003

Land Division LD00-002, Use Permit U00-002, and Design Review DR00-014

LEGAL

1. The developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. After City Council approval, the property owner shall sign the Conditions of Approval agreeing to the Conditions of Approval prior to issuance of any grading/building permits, transfer of title, or within 30 days of approval of these planning permits, whichever occurs first.
3. Before issuance of any building/grading permits or transfer of title, the developer shall record a signed copy of a Memorandum of Agreement Regarding the Conditions of Approval at the County Recorder's Office. Planning Department staff will provide the document to record.
4. The developer shall obtain all required demolition, grading, and building permits and pay all appropriate required fees before starting any grading/earth disturbance on the property.

PLANNING DEPARTMENT

Project-specific Conditions - Planning Department

5. The approved planning permits allow two triplexes (6-unit condominiums) and related property improvements as the required affordable housing (80% of median income for Santa Cruz County) for the approved 40-lot Polo Ranch subdivision, as shown in the plans stamped approved, Sheets TM-01 - TM-04, prepared by Carson Barbee & Gibson Civil Engineers; L-01 - L-02, prepared by HLD Group Landscape Architects, and 1.0 - 3.0, prepared by William Hezmelhalch Architects.

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6. All site improvements shall be in conformance with the plans and color/materials board stamped approved, unless otherwise conditioned in this Exhibit B, to the satisfaction of the Community Development Director (CDD).
7. The approved "Tentative Map" plans, architectural drawings, landscape plans, and all related documents represent the project approved by the City. If during the grading permit or final map or improvement plan or building permit stage(s), a reviewing agency or district requests or requires any change to the approved project, the developer shall obtain prior review and approval by the CDD. Depending on the scope of the change, as determined by the CDD, the City may require separate environmental review and/or planning permits, review, and fees borne by the developer.
8. To meet the unique needs of the high-density subdivision, the Planned Development District Overlay and Permit (PD) allow the following six (6) exceptions to the Municipal Code:
 - a. Front Yard Setbacks - Reduced 8-20 feet, where 20 feet is required;
 - b. Right Side Yard Setbacks - Reduced 7 feet, where 10 feet is required;
 - c. Lot Coverage - Increased of 70%, where 55% is allowed;
 - d. Garage Dimensions - Reduced 11.5-13 feet x 21.5 feet, where 12 feet x 22 feet is required;
 - e. Private Open Space - Reduced 126.5 square feet of second floor deck for 2 units (only Plan 1), where 150 square feet is required;
 - f. RV Storage - No enclosed storage space for 1 recreational vehicle/boat.
9. To provide the required enclosed, weatherproofed, and lockable private storage of 200 cubic square feet for each unit, the developer shall submit revised plans which show the following, subject to review and approval by the Community Development Director:
 - a. Relocate the meter boxes to the exterior side building wall;
 - b. Expand the building footprint by moving the opposite exterior side building wall 3-feet-7-inches;
 - c. Adjust the applicable interior garage walls;
 - d. Add storage under the garage stairwell for Plan 1 units; and,
 - e. Provide a pull-down ladder in the hallway for attic storage in all units.
10. The developer shall follow the terms of the Development Agreement executed between Lennar and the City.
11. Before a Final Map is recorded, the developer shall submit two copies of the Conditions, Covenants and Restrictions (CC&Rs) for City review, and:
 - a. Submit a \$500 deposit for City Attorney review;
 - b. Require in the CC&Rs that residents store trash and recycle bins in the garages at all times except for the 1 day/week for garbage pick-up service; and,

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- c. Prohibit storing or parking RVs or boats or other recreational vehicles in the garages and parking spaces. Cross-reference Condition #20.
12. To be consistent with the City's adopted preference criteria for households who live and work within the City limits and to restrict the sale/resale prices of all 6 units to qualifying low-income households (80% of current median income for Santa Cruz County), the developer shall execute an affordable housing agreement with the City and complete the following actions:
- a. Submit text to for CDD review and approval to advertise the restricted affordable unit in the Santa Cruz Sentinel and PressBanner newspapers for a two week period before the unit is completed or as determined by the Community Development Director;
 - b. Provide the name and contact number of the designated person to the project planner for advertising in the City's Affordable Housing Action Plan brochure;
 - c. Review the applications for income eligibility, separate the applications by the City's adopted preference criteria, and provide them to the City for the City to conduct a lottery;
 - d. Pay for the income certification process of the buyer(s)/ qualifying household(s) with the Housing Authority of Santa Cruz County; and,
 - e. Once prospective buyers have been certified, each buyer shall meet and follow the City's adopted preference criteria and standard review process, and shall enter into an affordable housing agreement with the City.
13. To be consistent with the City's sign design criteria, the developer shall obtain prior Design Review approval for any future subdivision identification sign.

The following Planning Department conditions shall be completed before grading permit issuance and any earth disturbance. See conditions from other departments and agencies for additional requirements at the building permit stage.

- 14. The developer shall comply with current redevelopment requirements regarding prevailing wages for applicable project personnel.
- 15. Before grading permit issuance, the developer shall submit a mitigation measure compliance monitoring fee deposit for five (5) hours of staff time at the existing rate. Any unused time shall be refunded at a final building inspection.
- 16. Mitigation Measure #2 - Biological Resources-1: To ensure protection of qualifying trees during construction, the developer shall complete and implement all of the report recommendations prepared by James P. Allen & Associates, dated August 2010, September 2011, and March 2012, to the satisfaction of the City Arborist (James P. Allen) and the Community Development Director.

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17. Mitigation Measure #3 - Cultural Resources-1. To ensure that archaeological resources are not destroyed if accidentally discovered during project grading or other subsurface work, the developer shall submit a copy of a contract with a qualified/registered archaeologist to conduct monitoring of all earth disturbing activities for review and approval by the Community Development Director (CDD), before grading permit issuance. The developer shall include this requirement in the contract for all contractors involved with grading and subsurface work. The qualified/registered archaeologist shall monitor all earthwork activity as described:
- An archaeologist shall monitor the grading or excavation of soils at the development site in order to determine if important cultural remains are present. Such monitoring shall begin before and occur during subsurface earth moving activities;
 - The duration and period of archaeological monitoring of project development activities shall be at the discretion of the professional archaeologist. At a minimum, however, any activity that initially displaces or removes original soil from its present context shall be monitored by an archaeologist on a continuous basis;
 - Monitoring activities such as replacing soils in trenches, redistributing displaced soil elsewhere on the development site, or removing stockpiled excavated soil may not require monitoring;
 - Monitoring may include the periodic sampling and screening of soils in order to better determine if cultural remains are present; and,
 - If any cultural resources are discovered, the project contractor shall immediately stop all earth disturbing work within a 150 foot radius of the discovery to allow for inspection, evaluation, and potential recovery of resources by the supervising project archaeologist, before resuming any earth-disturbing construction activities. The developer shall also contact the Planning Department and Building Official as soon as work has been stopped. It may be necessary to resume grading or excavation activities under the direction of the supervising archaeologist in order to locate or expose cultural remains.
18. To provide pedestrian and bicyclist safety, to minimize construction disturbances to adjacent uses, and to further protect the large oak tree (#15), the developer to submit a staging plan showing how construction trucks, equipment, and materials will be stored to keep access on Acorn Court and to the McCombs Site clear, for review and approval by the CDD.
19. To ensure that construction-related problems (such as noise, construction parking, and access on Acorn Court) are resolved quickly, the developer shall post the name and phone number of the construction disturbance coordinator on a sign that is easily readable from Acorn Court. The coordinator shall be the person responsible for receiving and resolving citizen complaints and inquiries about disturbances from project construction. The coordinator shall be available to receive calls and respond to them each day grading and construction occurs.

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20. Although construction vibration is not expected to be at high levels and will be temporary, the developer shall provide 48-hour notice to the McCombs residence, Acorn Court Apartments manager, Chef Liu Restaurant, and the two north adjacent property owners at 51 and 53 Terrace View when soil compaction will occur.

The following Planning Department conditions shall be completed before a building permit is issued for vertical construction on the project site. Other departments/ agencies may have additional requirements at this stage; see other conditions in this document.

21. Mitigation Measure #6 - Hydrology and Water Quality-1: To reduce the project's potential impact of added groundwater demand, the developer shall:
- a. Create a homeowners association or similar entity to manage a recycled water program;
 - b. Install "purple pipe" for landscape irrigation for recycled water;
 - c. Replace any junction boxes with dry infiltration wells to provide additional ways for potential groundwater infiltration;
 - d. Install all of the bioretention areas before final building permit inspection;
 - e. Explore potential low impact development (LID) features, such as disconnected roof leaders and dry infiltration wells, as deemed appropriate by the project engineer and as approved by the Community Development Director (CDD);
 - f. Provide CC&Rs that describe how the proposed bioretention areas and other potential LID features, drainage lines, and the property improvements located within the common area will be maintained;
 - g. Prohibit in the CC&Rs future additional impervious paving within the common areas;
 - h. Prohibit in the CC&Rs future additional paving in the four private fenced back patios; total allowed paving is 86.5 square feet, as shown on the plans;
 - i. Install high efficiency fixtures for all water uses in all residences, all items a-h are subject to review and approval by the CDD; and,
 - j. Prohibit in the CC&Rs removing/replacing any of the approved landscaping in the common areas.
22. The developer shall provide a detail of utilities near the south property line to ensure that future improvements on the Acorn Court Apartment site have been approved by the Acorn Court Apt. property owner and the City, and to ensure protection of the large Oak tree (#15).
23. To be consistent with policies calling for exterior lighting to be at the lowest level for adequate identification and readability, the developer shall submit specifications of light fixtures that direct light downward with shields or guards where the light source is not directly visible, to the satisfaction of the CDD.

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24. The developer shall submit a revised lighting plan and landscaping plan which show consistent locations and fixtures, for review and approval by the CDD. The landscaping plan shall include details for the small trees, shrubs, and groundcover for the 10-foot wide landscape strip in Parcel A.
25. The developer shall work with Planning Dept. Staff and PG&E to locate any new transformer boxes and other mechanical equipment and/or relocation of any existing transformer boxes to allow landscaping screening while still providing adequate maintenance access. The landscape plans shall show the location and landscape screening of all utility equipment, such as the fire protection equipment (any applicable outside stem and yoke valve "OS & Y" and fire detection indicator valve "FDI"), all subject to review and approval by the CDD.
26. To ensure that the landscaping in the common Lot 1 and in Parcel A are maintained in good condition for the duration of the project, the developer shall record a Landscape Maintenance Agreement (provided by Planning Department) which shall be signed, notarized, and recorded at the Santa Cruz County Recorder's Office. Cross-reference Condition #27.

Before a final building inspection and occupancy

27. To comply with the City's condominium development standards, the developer shall paint the unit number on each parking space and paint "guest parking" in 6" or 8" white lettering. The CC&Rs shall require the HOA to maintain the painted identification in a good readable condition at all times. Cross-reference Condition #26.
28. For more privacy from the adjacent restaurant and parking lot, the developer shall replace the existing chain link and wood fence on north property line with a new 6-feet tall solid wood 'good neighbor' fence with 2-feet of lattice and a cap rail and replace the proposed spilt rail fence with a solid 3-feet tall wood fence, per red-line notes stapled to the project plans. Additionally, the developer shall install a 6-feet tall solid wood "good neighbor" fence with 2-feet of lattice with a cap rail along the west property line next to the McCombs Site as shown on the approved site plan.
29. **** To promote of a more efficient driveway design across the project site to the adjacent rear (west) property (McCombs Site), this approval allows flexibility for the possible relocation / reconfiguration of the existing access easement.***

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BUILDING DEPARTMENT

Standard Conditions - Building Department

30. Developer shall obtain a grading/building permit(s) and pay appropriate fees before doing any earth disturbing work on the subject property.
31. The developer shall pay school impact fees to the Scotts Valley Unified School District and submit proof of payment with the building permit application.
32. All trades of electrical, plumbing and mechanical will be issued under one building permit for said project (General Contractor permittee).
33. All new construction shall comply with the City of Scotts Valley's Green Building Guidelines in effect at the time of building permit issuance.
34. The buildings must be designed to comply with the current California Building Code and all other applicable codes in effect at the time of building permit issuance, including structural and seismic/earthquake requirements.
35. The building permit plans must comply with the current California Building Code for water-conserving fixtures and fittings and energy-saving fixtures and appliances to be used throughout all residences.
36. All structures shall comply with the most current California Energy Commission Standards (Title 24).
37. All new utilities shall be installed underground.
38. An engineered grading permit may be required for the proposed site work.
39. A soils report by a qualified geologic engineer shall be submitted with the application for any building permits.
40. Any grading or earthwork proposed between Oct. 15-April 15 requires prior review and approval by the City Council by submitting information, plans, and applicable fee to the satisfaction of the CDD and/or Public Works Director.
41. The plans submitted for a building permit must include a drainage plan that conforms with the City's current Storm Drain Master Plan and post run-off requirements in effect at the time of grading/building permit issuance. 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.
42. Site drainage erosion control and foundation plans must be reviewed and approved by a soils engineer.

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43. Structural calculations shall wet-signed by the Engineer of record.
44. Provide names of Special Inspectors with certifications as required.

Project-specific Conditions - Building Department

45. To each set of plans submitted to the Building Department for all grading and/or building permits, the developer shall affix a copy of the Conditions of Approval, and the Construction Impact Assessment/Tree Protection Plan (August 2010), Update on Completeness Review Item 14 (September 2011), and Tree Protection Language (March 2012) prepared by James P. Allen & Associates.
46. The buildings shall be designed to provide a maximum of 45 dB DNL inside.
47. Mitigation Measure #4 - Geology-1: To reduce the effects of seismic shaking to acceptable levels, the developer shall have the residences building designed to UBC standards for the design-level earthquake for the area. Future building plans submitted shall include the design details.
48. The plans submitted for a building permit must follow all of the recommendations in the project geotechnical investigation report. The developer shall submit a plan review letter from the project Geotechnical Engineer confirming that the construction documents comply with the project geotechnical engineer's recommendations.
49. To prevent erosion from occurring during or after grading and development of the project site, conditions require an erosion control plan at the building permit stage. 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 use of silt fencing, straw bales to prevent sediments from leaving the site, and other measures as appropriate.
50. Mitigation Measure #5 - Hazardous Materials-1: To prevent accidental discharge of construction related fuels, lubricants or other contaminants into the right-of-way, the project site or other properties, the developer shall 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. These requirements shall be included in the construction contract for the project. The plan shall contain the following elements:
 - a. Stationary equipment such as motors, pumps, welding equipment shall be placed over drip pans or other containment apparatus; and,

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- b. 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.
51. To be consistent with the Monterey Bay Unified Air Pollution Control District requirements, the developer shall use Best Management Practices during construction for noise reduction by muffling and shielding intakes and exhausts, shrouding or shielding impact tools, and using electric powered rather than diesel powered construction equipment, as feasible., as determined by the CDD.
52. Mitigation Measure #7 - Air Quality-1: To reduce dust generation from project demolition, grading, and construction to minimal levels, the developer 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 Acorn Court and 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.
53. To ensure that City requirements are met, the plans shall specify the off-site disposal location of the exported soil material. If the disposal site is located outside the City, the site shall be a legal facility such as a licensed landfill or permitted fill site.
54. Mitigation Measure #7 - Noise-1: To reduce construction noise emanating beyond the site to acceptable levels, the project proponent shall require all contractors to limit their work to 8:00 A.M. to 5:00 P.M. Monday-Friday and 9:00 A.M. to 5:00 P.M. on Saturday. No construction activity is allowed on Sunday. If gasoline generators are used, they shall be contained in an enclosure that prevents their noise from being heard at residential properties northeast and southeast of the project site.

PUBLIC WORKS DEPARTMENT

Standard Conditions - Public Works Department

55. A final subdivision or parcel map in conformance with the California Government Code, Section 66410 *et seq.*, and with the City Subdivision Ordinance, and including the conditions of the tentative subdivision map, shall be filed to the satisfaction of the Public Works Director/City Engineer.
56. All required documents, final or parcel map sheets, covenants, developer and city improvement agreements and bonds, shall be provided to the satisfaction of the Public Works Director/City Engineer prior to the recordation of any final map or application for any building permit. (Developer should be advised that officials

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of Santa Cruz County, such as the Auditor-Controller, Recorder and Clerk of the Board have requirements, such as payment of taxes and present title guarantee, which precede recordation of the map.)

57. 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.
58. Developer shall construct street improvements for the full parcel frontage in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.
59. Developer shall pay the cost to accomplish the utility design and construction to underground any telephone, electric power, and television cables in each project contained easement, private or public road frontage. This undergrounding of utilities to remove utility poles comes in addition to the state required undergrounding of transmission for the project and any new service connections, to the satisfaction of the Public Works Director/City Engineer.
60. 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.
61. All work in the public right-of-way will require an encroachment permit application made to the satisfaction of the Public Works Director/City Engineer. The civil on-site work, as plan reviewed by the Public Works Department, will require an on-site civil engineering permit and inspection.
62. Pursuant to City Council action on March 3, 2010, the developer shall modify the Traffic Impact Study to address the Mount Hermon Road/Scotts Valley Drive and Mount Hermon Road /La Madrona Drive intersections to determine the additional peak hour trips through the intersections. Specifically AM and PM peak hour trips for Mount Hermon Road /Scotts Valley Drive and PM only peak hour trips for Mount Hermon Road /La Madrona Drive. The study will also determine if the additional trips will degrade the Level of Service (LOS) of the intersections.
63. The findings of the study will determine the amount owed for the Mount Hermon Road traffic mitigations fair share contribution. The Developer shall conclude this study and pay any associated fees at the time of building permit issuance.

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64. All public improvements shall be guaranteed by written Agreement with the city, Faithful Performance Bond, and Labor and Material men's Bond, to the satisfaction of the Public Works Director/City Engineer.
65. All signing and striping shall be approved and completed as required by the Public Works Department, and shall be in conformance with current editions of Transportation and Traffic Engineering Handbook, by the Institute of Transportation Engineers, and the State Department of Transportation "Standard Specifications".
66. The project shall connect to the sanitary sewer system and existing septic systems, if any, shall be properly abandoned.
67. Developer shall construct storm drain facilities in conformance with data and analysis in the adopted City of Scotts Valley Storm Drain Master Plan, December 1989 and in accordance with the city's SWMP Ordinance No. 184.1.
68. A registered civil engineer shall provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts. The design shall follow the criteria contained in the City of Scotts Valley Standard Details and the data and analysis contained in the latest adopted City of Scotts Valley Storm Drainage Master Plan. Development shall not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.
69. Developer shall pay the cost to accomplish the utility design and construction to underground the telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections.
70. 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.
71. Developer shall submit a completed "segregation of assessment" form for each assessment district in which the subdivision participates.
72. Prior to the filing of the final/parcel map, the developer shall contact the Santa Cruz County Assessor's Office or the Local Agency Formation Commission (LAFCO) to ensure that the subdivided property is within a single tax code.
73. Pre-Construction Meeting: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property, with the exception of installation of temporary construction fencing demarcating the disturbance envelope, tree

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protection fencing, and silt fencing, the developer shall convene a pre-construction meeting on the site. The following parties shall attend: the developer, the grading contractor supervisor, the project biologist, the project arborist, the Civil Engineer, City of Scotts Valley Planning staff, City Engineer, and Public Works Director. The temporary construction fencing demarcating the disturbance envelope, tree protection fencing, and silt fencing will be inspected at that time.

74. To ensure that the developer repairs any damage to Acorn Court that is caused by project construction, the developer shall provide a set of current (pre-project) photos or video of Court Lane to the Planning Department and Public Works Director for review and approval, and the following actions shall be completed:
- After project construction and before a final building permit inspection of the project, the Public Works Director shall inspect the road and determine if any repairs are required to restore the road to the pre-project condition; and
 - The developer shall complete any required repairs to the road to the satisfaction of the Public Works Director before City sign-off on the building permit(s) and occupancy of any unit.

SCOTTS VALLEY FIRE PROTECTION DISTRICT (SVFPD)

75. The developer shall comply with the California Fire Code as amended by the Scotts Valley Fire Protection District.

SCOTTS VALLEY WATER DISTRICT

76. The developer shall obtain a Main Extension Agreement.
77. All recycled water systems must be designed according to the SVWD Rules and Regulations and must conform to the "Recycled Water Irrigation Systems Standard Notes and Details".

* ***As amended by the CDD on January 13, 2017***

Printed Name of Property Owner, Lennar Homes, or Agent

Date

Signature of Lennar Homes or Agent

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CITY OF SCOTTS VALLEY

PLANNING DEPARTMENT

One Civic Center Drive • Scotts Valley • California • 95066
Phone (831) 440-5630 • Facsimile (831) 438-2793 • www.scottsvally.org

Planning Commission Action Meeting Minutes

DATE / TIME: Thursday, December 13, 2012 at 6:00 PM

MEETING LOCATION: City Hall Council Chambers at One Civic Center Drive

POSTING: Agenda was posted at the City of Scotts Valley City Hall and Senior Center, and the Public Library on December 7, 2012

Planning Commissioners
Russ Patterson, Chair
Deborah Muth, Vice-Chair
Rick Bowen, Commissioner
Jackie Heald, Commissioner
Derek Timm, Commissioner

City Staff Members
Corrie Kates, Community Development Director/
Deputy City Manager
Taylor Bateman, Senior Planner
Michelle Fodge, Senior Planner

CALL TO ORDER: The Planning Commission Chair called the meeting to order at 6:02 PM.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE: The Planning Commission Chair led the pledge of allegiance.

ROLL CALL: Commissioners Patterson, Bowen, Muth, and Timm were present, with Heald absent.

ORAL COMMUNICATIONS: None.

ALTERATIONS TO CONSENT AGENDA: None.

CONSENT AGENDA: The Planning Commission approved the Action Meeting Minutes of the October 11, 2012, meeting, as prepared (Item 1 on the agenda).

ALTERATIONS TO REGULAR OR PUBLIC HEARING AGENDA: None.

REGULAR AGENDA: None.

PUBLIC HEARING AGENDA:

2. **Title:** Polo Ranch Affordable Housing
Address: 4303-A Scotts Valley Drive / APN 022-902-12
Applicant/Property Owner: Brent Reed / Lennar Homes of CA

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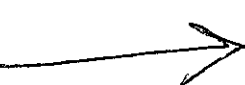
Planning Permit Applications: MND12-001, PD10-003, LD00-002, U00-002, and DR00-014

Project Description: Consideration of recommendation of approval to the City Council of a Mitigated Negative Declaration, Planned Development District Overlay and Permit, Land Division, Use Permit, and Design Review to build two 2-story triplexes (6 condo units), parking, landscaping, and related property improvements, as the required affordable housing for the approved 40-lot "Polo Ranch" subdivision located off Santa's Village Road.

Staff Recommendation: That the Planning Commission recommend approval of the project to the City Council, subject to mitigation measures and conditions of approval.

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

Members of the Public Who Spoke: Craig Rowell, adjacent property owner of Acorn Court Apartments.

 **Action Taken:** Recommended approval to the City Council 4/0/1, subject to an amended Condition #28.

DISCUSSION ITEMS: None.

FUTURE AGENDA ITEMS: None.

WRITTEN COMMUNICATIONS - FOR INFORMATION ONLY: None.

ADJOURNMENT: 6:45 PM.

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**City of Scotts Valley
PLANNING COMMISSION
STAFF REPORT**

Date: December 13, 2012

**Applicant/
Property Owner:** Lennar Homes

Requested	Mitigated Negative Declaration	MND12-001
Planning	Planned Development	PD10-003
Permits:	Land Division	LD00-002
	Use Permit	U00-002
	Design Review	DR00-014

Location: 4303-A Scotts Valley Drive / APN: 022-902-12

Size of Parcel: 26,650 square feet

General Plan / Zoning: High-Density Residential / R-H

Environmental Review: A Mitigated Negative Declaration was prepared and distributed for public review and comment from September 14 - October 3, 2012.

Request: Consideration of Planning Commission recommendation of approval to the City Council to build a 6-unit condominium development and related property improvements, as the required affordable housing for the approved 40-lot Polo Ranch subdivision located off Santa's Village Road.

Staff Planner: Michelle Fodge, AICP, Senior Planner, (831) 440-5632 and mfodge@scottsvally.org

STAFF RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, review the proposed project, consider public testimony, and recommend that the City Council certify the Mitigated Negative Declaration (the required environmental review document for the proposed project) and approve the requested planning permits, by adopting the attached resolution subject to Mitigation Measures in Exhibit A and Conditions of Approval in Exhibit B.

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PUBLIC HEARING BACKGROUND

This planning permit application was scheduled for Planning Commission review on October 11, 2012. Because more time was needed to discuss concerns with adjacent property owners, the project was continued to November 15, 2011, which was canceled to allow more time.

SITE DESCRIPTION

The 26,650 square feet project site is a vacant, high-density zoned lot located on the west side of Scotts Valley Drive, off Acorn Court, behind the Chef Liu restaurant. Site topography is relatively flat. Site vegetation includes non-native trees and native trees, some of which qualify for protection. Earlier this year, two sheds were demolished due to complaints from adjacent residents. The surrounding properties are developed with commercial and high-density and single-family residential uses.

PROJECT DESCRIPTION

To provide the required affordable housing for the approved 40-lot "Polo Ranch" subdivision, Lennar Homes of CA, property owner and developer, proposes to build two 2-story triplexes (6 condominium units with 1-car garages), surface parking, fencing, landscaping, and related property improvements. For details, see alphabetical topics on pages 3-6.

REQUESTED PLANNING PERMITS:

The project requires the following five Planning Permits:

1. **Mitigated Negative Declaration:** To identify, disclose, and minimize any potential environmental project impacts;
2. **Planned Development Zoning Overlay and Permit:** To allow exceptions to development standards to meet the needs of the high-density zoned project;
3. **Minor Land Division:** To create 6 condominium units and 1 common lot; and,
4. **Use Permit:** To allow condominiums;
5. **Design Review:** To evaluate new construction in the R-H zone.

ENVIRONMENTAL REVIEW

The project is subject to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, which requires environmental documentation. City staff reviewed the submitted technical reports and existing planning files, conducted site visits, and consulted with City Department Managers and reviewing agencies.

Staff prepared a Mitigated Negative Declaration (MND12-001) which analyzes the project and includes ways to reduce potential negative impacts to less than significant levels, which are called mitigation measures. These measures will reduce potential impacts to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise.

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The MND12-001 was distributed to reviewing agencies and made available to the public for a 20-day comment period during September 14 - October 3, 2012. An advance copy was given to the Planning Commission.

DISCUSSION - PROJECT DETAILS

Summary details of the project are listed below. Applicable mitigation measures and key conditions of approval are noted. For a detailed analysis, please refer to MND12-001.

1. **Access:** Project access will be a private driveway off Acorn Court. An existing 24-foot wide easement provides access to an existing adjacent lot (McCombs Site), located behind the subject property. The McCombs Site is also zoned high-density but developed with a single-family residence. Paving within the existing easement will replace the existing gravel/dirt driveway located outside of the easement. See Project Plans - Sheet TM-02 by CBG Engineers.

To minimize construction disturbances to adjacent uses and to further protect the large oak tree (#15), Condition #18 requires the developer to submit a staging plan showing how construction trucks, equipment, and materials will be stored to keep access on Acorn Court and to the McCombs Site clear.

2. **Affordable Workforce Housing:** The proposed project will provide the required affordable units for the approved Polo Ranch 40-Lot Subdivision (40 units x 15% = 6 units). Sale/resale prices are restricted for a 55-year period to qualifying low-income households (80% of the median income for Santa Cruz County). Standard conditions will require the applicant to follow City procedures which give preference to households which live and work within the City limits.
3. **Air Quality:** Although neighboring residences and commercial businesses are not considered "sensitive receptors" like medical clinics, convalescent homes, and hospitals, project construction will create temporary airborne dust. Therefore, Mitigation Measure Air Quality-1 requires the developer to use best management practices for dust control and to daily remove dirt tracked onto Acorn Court Lane and Scotts Valley Drive.
4. **Architecture and Site Design:** Site planning and architecture is appropriate as a high-density infill project. The buildings will use quality exterior materials to integrate into the neighborhood setting, with stucco walls (tan) with composition shingle or cement fiber roofs (brown color). Two plan types will be offered; Plan 1 is 2 bedrooms/1bath (about 1,000 square feet), while Plan 2 is 3 bedrooms/1.5 baths (about 1,300 square feet). See Project Plans - Sheets 1.0-3.0 by William Hezmalhach Architects.
5. **Biological Resources - Protected Species:** In March 2003, Dr. Richard Arnold, of Entomological Consulting Services, confirmed the absence of suitable habitat for the four special status insects (see *Attachment 16 of MND12-001*). In April 2003, The Huffman-Broadway Group prepared a Biological Report assessing for protected biological resources (see *Attachment 17 of MND12-001*), which concluded that the site does not have any state/federal protected species. 45

6. **Cultural Resources:** To comply with the City's Municipal Code, Mitigation Measure Cultural Resources-1 requires the developer to have an archaeologist monitor all excavation of soils at the development site to determine if important cultural remains are present.
7. **Density:** Project density (6 units/26,650 square feet) is 10 units/acre which complies with the allowed high-density (9-15 units/acre) and required minimum lot area/unit (3,000 square feet/unit) of the R-H zone.
8. **Drainage:** Project drainage will essentially follow existing drainage patterns from the west to east. The drainage system will add 12-inch storm drain lines to connect to an existing 18-inch line. Three bioretention areas will allow potential filtering and groundwater infiltration before discharging into the new lines. At the improvement plan stage, standard conditions require that drainage plans conform with the City's current storm water regulations in effect for erosion control. See Project Plans - Sheets TM-03 and TM-04.
9. **Fencing:** The project proposes to leave the chain link side yard fence and to build a new solid wood and split rail fences between the Chef Liu Restaurant site. See Project Plans - Sheets L-01 and L-03. Condition #28 requires replacing the existing chain link and wood fences with a new solid wood fence and replacing the proposed split rail fence with a solid 3-feet tall wood fence for privacy, per red-line notes stapled to the project plans.
10. **Fire Protection:** The Scotts Valley Fire Protection District has reviewed the project and requires specific conditions for new water lines, water meters, and a fire hydrant which will apply at the building permit stage. A standard shunt turn-around for emergency services will be provided within the subject site and Acorn Court right-of-way and part of the Acorn Court Apartment Site, which has been approved by the property owner of Acorn Court Apartments. See Project Plans - Sheet TM-02.
11. **Geology and Grading:** The site is relatively flat. Preliminary grading estimates are 350 cubic yards of both excavation and fill. See Project Plans - Sheet TM-03. In January 2000, Lowney Associates prepared a Geotechnical Investigation for the project (see *Data Source 14 of MND12-001*). In September 2011, ENGEO prepared a Geotechnical Exploration Update (see *Attachment 21 of MND12-001*). The ENGEO report concluded that the project could be developed as proposed if design recommendations are followed. Also, Mitigation Measure Geology-1 requires the building designs to follow the current Uniform Building Code for design-level earthquake of the area.

The site is a candidate for winter grading (Oct 15 - April 15) because lack of slopes and drainage channels. To allow winter grading, Condition #39 requires the developer to submit information and plans for City review and approval.

12. **Hazardous Materials:** To prevent accidental discharge of fuels/contaminants onto protected trees, adjacent properties, and the street, Mitigation Hazardous Materials G-1 requires the applicant to implement an erosion control plan and

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best management practice/ hazardous materials containment plan during construction activities.

13. **Landscaping and Tree Removal and Preservation:** Project construction will remove 8 trees, 6 of which qualify for protection, and could have a potential negative impact on existing trees to remain. See Project Plans - Sheets TM-01 and L-01 and L-02. In August 2010, September 2011, and March 2012, James P. Allen & Associates prepared a Construction Impact Assessment/Tree Protection Plan, an update on Completeness Review Item 14, and Tree Protection Language, respectively, for the project (see *Attachments 18-20 of MND12-001*). The tree report provided recommendations for special treatments before construction, tree and stump removal, required tree replacement, retention bond for trees to be protected, and monitoring during construction. The large Coast live oak tree #15 located on Acorn Court Apartments Site is the largest tree to be preserved and protected.

For every tree removed, the City's usual practice is to require a tree replacement ratio of 2:1. The project will plant 13 trees and related landscaping; see Project Plans - Sheet L-01. Therefore, the standard 2:1 replacement ratio will be met. To protect trees to remain, Mitigation Measure Biological Resources-1 requires the developer to complete and implement all of the report recommendations.

The project includes a perpendicular strip of land (10-feet wide) which starts from Scotts Valley Drive, abuts the restaurant building, crosses the restaurant driveway onto Acorn Court, and connects with the main project site. This strip will be landscaped and maintained by the HOA. Ensuring regular maintenance of landscaping can be challenging. Staff is exploring an idea with Lennar and will bring an update to the Planning Commission.

14. **Lighting:** General Plan Action LA-43 calls for lighting to be carefully controlled for security, safety, identification, and aesthetics without interfering with nearby land uses. The Municipal Code requires lighting to be the lowest level consistent and that the light source not be directly visible.

The project will generate more nighttime lighting than current conditions. In March 2012, Associated Lighting Representatives and AGI32 prepared a lumens plan. Project lighting includes light poles, bollards, and wall-mounted fixtures that will light driveway, parking spaces, and walkways, with minimal light near property the perimeter to avoid glare onto adjacent properties. See Project Plans - Sheets L-01 and L-03, by HLD Group, and 1 of 1 by ALR and AGI32.

However, the lighting locations shown on the lighting plan differ than those shown on the landscape plans, and the fixtures show the light source (bulb). Therefore, Condition #24 requires the developer to resolve the discrepancy between the plans before grading permit issuance.

15. **Noise and Vibration:** The addition of project development and traffic and 6 ground-mounted air conditioning units will not be a significant increase to the cumulative noise levels. The project is not expected to increase ambient noise

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levels more than 5 dba allowed. Nevertheless, grading and construction activities will temporarily increase ambient noise levels during project construction. Therefore, Mitigation Measure Noise-1 requires all contractors to limit their work to 8:00AM - 5:00PM Monday - Friday and 9:00AM - 5:00PM on Saturday. No construction activity is allowed on Sunday.

Although construction vibration is not expected to be high and will be temporary, Condition #20 require the developer to provide 48-hour notice to the McCombs residence, Acorn Court Apartments manager, Chef Liu Restaurant, and the two north adjacent property owners at 51 and 53 Terrace View Drive when soil compaction will occur.

16. **Parking:** The required parking is 13 uncovered spaces (two spaces/unit plus one guest parking space for each five units). The project will provide 14 spaces, which include 1-car garages plus seven uncovered spaces. The PD will allow a minor reduction in garage dimensions of 11.5-13 feet x 21.5 feet where 12 feet x 22 feet of gross floor area is required. See Project Plans - Sheet TM-02.
17. **Recycled Water:** The City's Municipal Code encourages new residential subdivisions to use recycled water for landscaping if feasible. The project will use recycled water for landscaping by connecting to the nearest recycled water line located at the end of Acorn Court near the project driveway entrance. A homeowners association will manage the account from the Water District. See Project Plans -Sheet TM-04 and L-02.
18. **Signage:** The project does not propose a subdivision identification sign. Condition #13 requires Design Review approval for any future subdivision sign.
19. **Traffic:** The amount of project traffic will be absorbed within the existing street network and are not expected to have a significant impact. The scope of the project will fall within anticipated traffic at build-out.
20. **Water Resources:** The Scotts Valley Water District has provided a "Will Serve" letter. The developer will enter into a "Main Extension Agreement" with the District. Three bioretention areas will filter surface runoff water before water enters the new storm drainage system. The project has the potential to add to the demand of groundwater resources. Therefore, to reduce the potential demand, Mitigation Measure Hydrology and Water Quality-1 requires the developer to prohibit adding new paved surfaces, to explore the feasibility of adding more simple low-impact development features, and to complete other items. See Project Plans -Sheet TM-02, TM-04, and L-02.

DISCUSSION - LAND USE CONSISTENCY AND PLANNING PERMITS

1. **General Plan:** The General Plan designates the property as "High Density Residential", which calls for multi-family residences such as townhouses, apartments or condominiums. General Plan Open Space & Conservation Element Action OSA-382 encourages infill development of vacant lots, while

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Objective LO-24 requires new residential development to be compatible with surrounding land uses.

The project is consistent with the General Plan in that the project is an urban infill project. The 2-story design will integrate with the adjacent 2-story Acorn Court Apartments and other uses and buildings in the neighborhood.

2. **Zoning and Planned Development District Overlay and Permit (PD):** The project is consistent with the "High-Density Residential" zoning (R-H) in that the project is a multi-family condominiums project. A PD allows new development to be designed to meet the unique needs of the property. Given the site size and shape and high-density zoning, the applicant requests the following seven (7) exceptions to the Zoning Ordinance:

- a. Front Yard Setbacks - Reduced 8-20 feet, where 20 feet is required;
- b. Right Side Yard Setbacks - Reduced 7 feet, where 10 feet is required;
- c. Lot Coverage - Increased of 70%, where 55% is allowed;
- d. Garage Dimensions - Reduced 11.5-13 feet x 21.5 feet, where 12 feet x 22 feet is required;
- e. Parking Dimensions - Reduced length of 15-20 feet for space in front of Garage 1, where 20 feet is required;
- f. Private Open Space - Reduced 101.5 square feet of second floor deck for 2 units (only Plan 1), where 150 square feet is required;
- g. RV Storage - No enclosed storage space for 1 recreational vehicle/boat.

3. **Use Permit:** New condominium projects require a Use Permit and conformance with the City's condominium development standards. As submitted, the project requests two exceptions (items f-g above).

To provide the required enclosed, weatherproofed, and lockable private storage of 200 cubic square feet, the project architects have explored expanding the building footprint for the exterior side wall to increase the garage widths which will provide the required storage. This minor design change will also increase the private open space for Plan 1 units by 25 square feet (item f above).

Condition #9 requires the developer to submit revised drawings for review and approval by the Community Development Director.

4. **Design Review:** New construction in the R-H zoning district requires Design Review approval. Site planning is appropriate as high-density infill project. The architecture will meet the City's design standards in that the proportions of roof and massing will be compatible with existing residential buildings in the vicinity.

PUBLIC NOTICE AND COMMENT

1. **Notices:** On September 14, 2012, public notices were posted at City Hall, the public library, and the Senior Center, and were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law. Additionally, a large sign was posted at the driveway entrance to inform the public of the proposed project. 49

To date, Planning Department staff have received three public phone calls and two visits to the public counter. Staff answered general questions.

2. **Meetings with Adjacent Property Owners:** The adjacent property owner to the south (Acorn Court Apartments) expressed concerns about visual impacts (trash bins, fencing, landscaping). Conditions #11b, 22, 26, and 28 address some of his concerns.

The adjacent property owner to the west (McCombs Site) and the developer have discussed relocating the existing access easement to provide more usable area for the project and more linear driveway design to the McCombs residence. An alternative design between Lennar and McCombs was not developed further. McCombs have indicated that they accept the proposed design.

CONCLUSION

The project will provide high-density, affordable residential infill development. The design and use will be compatible with surrounding uses. The project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants. After mitigation, project impacts considered alone or in combination will not be significant.

FINDINGS

Based upon the project's environmental review, staff believes that the required findings in the attached resolution can be made to recommend certification of the Mitigated Negative Declaration and approval to the City Council of the requested planning permit applications, subject to the List of Mitigation Measures in Exhibit A and Conditions of Approval in Exhibit B.

ATTACHMENTS

PAGE NO.

Resolution to: (Action Item)	9
Certify Mitigated Negative Declaration MND12-001 and	
Approve Planned Development District Overlay and Permit PD10-003,	
Land Division LD00-002, Use Permit U00-002, and Design Review DR00-014,	
subject to:	
Exhibit A - List of Mitigation Measures	16
Exhibit B - Conditions of Approval	18
Project Plans *	Attached

- * *Please note that project plans are provided to the Planning Commission. However, the project plans are available for public review in the Planning Department at City Hall, Monday-Thursday from 8:00AM to 12:00PM, or by appt. by calling (831) 440-5630.*

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Michelle Edwards

From: K. Craig Rowell [craigrowell@gmail.com]
Sent: Friday, January 13, 2017 1:50 PM
To: Michelle Edwards
Subject: Acorn Court Public hearing

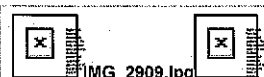
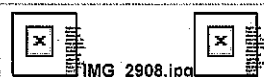
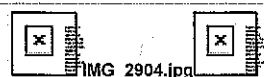
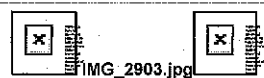
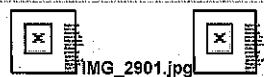
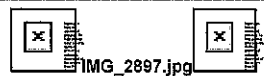
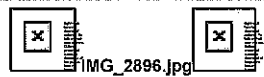
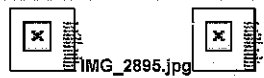
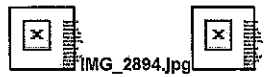
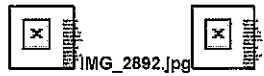
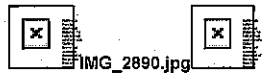
Michelle,

I have some photos that I would like to be able to present at the public hearing. Can you make the photos in this attachment available? I will be requesting that the 5 ft. high "good neighbor fence" continue to the area immediately adjacent to the parking lot and connect to the corner of the Chinese restaurant. This would replace the open split rail fence being proposed.

Thank you

Regards

Craig



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Craig Rowell
131 Linden St.
Santa Cruz, California
95062
Phone 831 426-9630
Cell 831 818-0395
email: craigrowell@gmail.com

**City of Scotts Valley
PLANNING COMMISSION
STAFF REPORT**

Applicant: Kane Barnhart / The Solar Company
Property Owner: Bob Slawinski
Application: Design Review No. DR16-016
Location: 1500 Green Hills Road / APN 024-261-06
General Plan / Zoning: Light Industrial / I-L
Environmental Status: Categorically Exempt: Class 1-Existing Facilities
Request: Consideration of a Design Review application to install a Solar Electric System on the front and side mansard roof of an existing commercial building.
Staff Planner: Brenda Stevens, Assistant Planner

STAFF RECOMMENDATION

It is recommended that the Planning Commission approve Design Review DR16-016, by adoption of the attached resolution, subject to the conditions in Exhibit A.

PROJECT DESCRIPTION

The applicant is requesting to install a Solar Electric System including 318 modules on the front and side mansard roof of a commercial building located at 1500 Green Hill Road (Attachment 1 - Location Map).

PROJECT DISCUSSION

The project site is in the Light Industrial (I-L) zoning district. Per Section 17.26.050.A of the Scotts Valley Municipal Code (SVMC), architectural and site plan review is required for all structures and alterations to structures in the I-L zoning district. Furthermore, per Section 17.26.050.D of the SVMC, all roofs shall be architecturally designed to provide an appearance which is compatible with the exterior walls of the building. The Planning Commission shall review and approve the roofscape.

The following is a review of the project's compliance with the General Plan and Zoning Requirements.

Background

On December 5, 2016 a Phase I building permit was issued for the installation of solar panels on the rooftop of the 66,000 square foot commercial building. Since those panels are placed on the roof and hidden behind and below the parapet, no Design Review application was required.

Phase II

The second phase of the solar panel project requires that 318 solar modules be mounted on the front and side of the commercial building mansard roof. Since these panels will be visible, Design Review is required.

Visual Impact

This building is one of four large buildings in a row along Green Hills Road in the I-L zoning district. Each of the buildings has a similar architectural style and dark colored exterior walls which blends in well against the background of the forested hillside. The solar panels will be visible from street level and the adjacent freeway (Attachment 2). The panels will be flush mounted to the roof and will have a three to five inch height visibility above the roof line, along the front and sides of the building. The roof is approximately 30 feet in height and it is anticipated that the visual impact will be relatively modest from street level or from the freeway.

ATTACHMENTS

Page #

Resolution No. ____ to Approve Design Review DR16-016 (Action Item)

1.	Location Map	6
2.	Project Plans received December 5, 2016.	Attached

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY APPROVING DESIGN REVIEW DR16-016 TO INSTALL A SOLAR ELECTRIC SYSTEM ON THE FRONT AND SIDE MANSARD ROOF OF A 66,000 SQUARE FOOT COMMERCIAL BUILDING LOCATED IN THE LIGHT INDUSTRIAL ZONING DISTRICT AT 1500 GREEN HILLS ROAD / APN 024-261-06.

WHEREAS, the Planning Department of the City of Scotts Valley has received an application filed by Kane Barnhart / The Solar Company, for Design Review DR16-016 to install a solar electric system on the front and side mansard roof of an 66,000 square foot commercial building located in the Light Industrial (I-L) zoning district at 1500 Green Hills Road / APN 024-261-06.

WHEREAS, the project is determined to be categorically exempt from CEQA, Class 1 - Existing Facilities (Section 15301); and,

WHEREAS, the project was reviewed by the Planning Commission at a duly noticed public hearing on Thursday, January 19, 2017.

NOW THEREFORE, the Planning Commission of the City of Scotts Valley hereby resolves as follows:

SECTION 1: The environmental determination represents the independent judgement of the City.

SECTION 2: The categorical exemption is hereby approved.

SECTION 3: The Planning Commission of the City of Scotts Valley does hereby specifically make the following findings, as further clarified in the Planning Commission staff report dated Thursday, January 19, 1017:

1. *The siting of the structure on the site as compared with the siting of other structures in the immediate neighborhood is appropriate.* The solar panels would be compatible with the architectural design of the professional buildings in the immediate neighborhood.
2. *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.* The materials, colors, proportion, mass, and detail of the improvements is in good proportion and is compatible with the appearance of the surrounding structures. The architectural style and dark colored exterior walls blend in well against the background of the forested hillside.

SECTION 4: 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 of the City of Scotts Valley does hereby approve Design Review DR16-016 to install a solar electric system on the front and side mansard roof of an 66,000 square foot commercial building located in the Light Industrial (I-L) zoning district at 1500 Green Hills Road / APN 024-261-06 subject to the conditions set forthin the Attached Exhibit A, which are attached hereto and incorporated herein by this reference.

SECTION 5: Design Review DR16-016 shall lapse and shall be come void two (2) years from the date of this resolution unless prior to the expiration date, a building permit is issued by the Building Division and construction has commenced and diligently pursued toward completion, or an extension of this approval is granted by the Planning Commission.

THE ABOVE AND FOREGOING RESOLUTION was duly adopted and passed by the Planning Commission of the City of Scotts Valley at a regularly scheduled meeting held on the 19th day of January, 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Planning Commission Chair

Taylor Bateman
Acting Community Development Director

EXHIBIT A
CONDITIONS OF APPROVAL
(Numbers 1 - X)

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 Planning Commission approval, the property owner shall sign the Conditions of Approval (Exhibit A) agreeing to the Conditions of Approval prior to the issuance of any building permits, transfer of title, or within 30 days of approval of this application, whichever occurs first.
3. All required building permits shall be obtained and the application shall pay all appropriate fees prior to commencement of any construction on the property.

PLANNING DEPARTMENT

4. The color, materials, size, location, and design of the improvements shall match the approved plans. Modifications to the approved project may require approval by the Planning Commission at the discretion of the Community Development Director.

Property Printed Owner Name & Signature

Date

Location Map



1500 Green Hills Road

STAFF REPORT

Applicant: Northwest Signs

Property Owner: Praful Patel

Application: Design Review DR16-013

Location: 6020 Scotts Valley Drive

General Plan/Zoning: C-S Commercial Service

Environmental Status: Categorically Exempt : Class 1-Existing Facilities

Request: Consideration of a Design Review to allow one new monument sign and one new pylon sign for Best Western Plus.

Staff Planner: Brenda Stevens, Assistant Planner

STAFF RECOMMENDATION

It is recommended that the Planning Commission approve Design Review DR16-013 by adoption of the attached resolution, subject to the conditions in Exhibit A.

PROJECT DESCRIPTION

The Best Western Plus is located at 6020 Scotts Valley Drive Road (Attachment 1 - Location Map). There are two new signs proposed with the project. One sign is a new monument sign and the second sign is a new cabinet sign on top of the existing Pylon sign. The color palette includes the revised corporate colors of brown, red and white as noted on the plans (Attachment 2).

PROJECT DISCUSSION

The project site is in the Service Commercial (C-S) zoning district. Per Section 17.20.050 of the Scotts Valley Municipal Code (SVMC), signs in the C-S zoning district

require Design approval from the Planning Commission. Below is a review of the projects compliance with the City's General Plan and Zoning Requirements.

Monument Sign:

The proposed monument sign will be located in the same location as the existing monument sign, along Scotts Valley Drive, in front of the business. The proposed sign size is 55 square feet. The existing sign is 75 square feet, therefore, the new sign would be smaller by 20 square feet and approximately 10 inches shorter in height. The existing monument sign base would be used for the new sign. The sign text would remain the same. However, the new Best Western logo, fonts and corporate colors would change from blue, yellow, white and red to brown, red and white. The sign would remain double sided, aluminum and plex and would be internally illuminated.

Pylon Sign:

The existing 35 foot tall pylon sign exceeds the current SVMC height restriction of 12 feet, (with an additional 23 feet in height) therefore, the sign is considered to be "legal non-conforming." In 2005, the SVMC was revised to state: "Every sign in existence on September 19, 1995 and which does not conform to the provisions of this chapter, is a legal non-conforming sign. A legal non-conforming sign shall comply with Section 17.56.060.B, and may be modified provided that the modifications do not increase the non-conformity, or do not create danger to public health, safety or welfare. (Ord. 16-1216, 2005). The new Best Western logo, lettering and corporate colors would change as proposed in the monument sign. The sign would remain double sided and would be internally illuminated. As proposed, the sign would be a reduction in sign cabinet size from 66.7 square feet to 55 square feet (a decrease of 11.7 square feet) and would be 28 inches narrower than the existing Best Western pylon sign. While the pylon height remains the same, as proposed, the sign cabinet would add approximately 14 inches to the overall pylon sign height. Since the pylon sign modifications are not allowed to increase the non-conformity of the sign, the sign will be conditioned to remain at a height not to exceed 35 feet, including the sign cabinet (Condition #6).

ATTACHMENTS

PAGE No.

<i>Resolution No. ____ to Approve DR16-013 (Action Item)</i>	3
1. Location Map	7
2. Plans (received 10-31-16)	Attached

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY APPROVING DESIGN REVIEW DR16-013 TO ALLOW ONE NEW MONUMENT SIGN AND ONE NEW PYLON SIGN FOR THE BEST WESTERN PLUS LOCATED AT 6020 SCOTTS VALLEY DRIVE // APN 023-151-06.

WHEREAS, the Planning Department of the City of Scotts Valley has received an application filed by Northwest Signs, Design Review DR16-013, to allow one new monument sign and one new pylon sign for Best Western Plus located at 6020 Scotts Valley Drive // APN 023-151-06.

WHEREAS, the project is determined to be categorically exempt from CEQA, Class 1 (Section 15301); and,

WHEREAS, the project was reviewed by the Planning Commission at a duly noticed public hearing on Thursday, January 19, 2017.

NOW THEREFORE, the Planning Commission of the City of Scotts Valley hereby resolves as follows:

SECTION 1: The environmental determination represents the independent judgement of the City.

SECTION 2: The categorical exemption is hereby approved.

SECTION 3: The Planning Commission of the City of Scotts Valley does hereby specifically make the following findings, as further clarified in the Planning Commission staff report dated Thursday, January 19, 2017 :

1. *The siting of the structure on the site as compared with the siting of other structures in the immediate neighborhood is appropriate.* The location of the signs are compatible with signs in the immediate neighborhood.
2. *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.* The materials, colors, proportion, mass, and detail of the improvements is in good proportion and is compatible with the appearance of the surrounding signs and structures.
3. *The signs serve primarily to identify the business or the activity conducted on the premises, or identifies the product or service offered thereon.* All proposed signs serve to identify the businesses as conducted on the premise.

4. *The signs are harmonious with the materials, color, texture, size, shape, height, location and design of the building, landscaping, property and environment of which it is a part.* The proposed signs are harmonious with the materials, color, texture, size, shape, height, location and design of the building, landscaping, property and environment of which it is a part.

SECTION 4: 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 of the City of Scotts Valley does hereby approve Design Review DR16-013 to allow one new monument sign and one new pylon sign for Best Western Plus located at 6020 Scotts Valley Drive // 023-151-06, subject to the conditions set forth in the attached Exhibit A, which are incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly adopted and passed by the Planning Commission of the City of Scotts Valley at a regularly scheduled meeting held on the 19th day of January, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair

Taylor Bateman, Acting Community Development Director

EXHIBIT A
CONDITIONS OF APPROVAL

(Numbers 1 - x)

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 Planning Commission approval, the property owner shall sign the Conditions of Approval (Exhibit A) agreeing to the Conditions of Approval prior to the issuance of any building permits, transfer of title, or within 30 days of approval of this application, whichever occurs first.
3. All required building permits shall be obtained and the application shall pay all appropriate fees prior to commencement of any construction on the property.

PLANNING DEPARTMENT

4. The color, materials, size, location, and design of the improvements shall match the approved plans. Modifications to the approved project may require approval by the Planning Commission at Community Development Director discretion.
5. The internally illuminated canopy shall not be brighter than the existing internally illuminated canopy.
6. The pylon height, including the top of the sign cabinet, shall not exceed the existing height of 35 feet (which is currently, legal non-conforming). Revised plans are required to show a minimum of a 14 inch height reduction in the sign cabinet in order to confirm with the 35 foot tall overall height restriction of the pylon sign.

Property Owner Name & Signature

Date

DR16-013
01-19-17 P.C. Mtg.
Best Western Plus

Resolution No. _____
6020 Scotts Valley Drive
APN 021-021-39

Location Map



6020 Scotts Valley Drive