



A G E N D A

Meeting of the Scotts Valley Planning Commission

Date: December 13, 2018

Time: 6pm

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 831-440-5630	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted on December 7, 2018, at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org .
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Appointed Officials	City Staff Members
Derek Timm, Chair Carlos Arcangeli, Vice Chair Rosanna Herrera, Commissioner Deborah Muth, Commissioner	Taylor Bateman, Acting Community Development Director Brenda Stevens, Assistant Planner

Notice regarding Planning Commission Meetings:

The Planning Commission meets regularly on the 2nd Thursday of each month (unless otherwise noticed) at 6pm in the City Hall Council Chambers located at 1 Civic Center Drive, Scotts Valley, CA 95066.

Agenda and Agenda Packet Materials:

The Planning Commission agenda is available for review the Friday before the Thursday meeting on the Internet at the City's website: www.scottsvalley.org and in the lobby of City Hall at 1 Civic Center Drive, Scotts Valley, CA. Pursuant to Government Code §54957.5, materials related to an agenda item, submitted after distribution of the agenda packet, are available for public inspection in the lobby of City Hall during normal business hours, Monday-Friday, 8am-Noon and 1-5pm. In accordance with AB 1344, such documents will be posted on the City's website at www.scottsvalley.org.

CALL TO ORDER 6pm

(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.)

PUBLIC COMMENT TIME

This is the opportunity for individuals to make and/or submit written or oral comments to the Commission on any items within the purview of the Commission, which are NOT part of the Agenda. No action on the item may be taken, but the Commission may request the matter be placed on a future agenda.

ALTERATIONS TO CONSENT AGENDA

(The Commission can remove or add items to the Consent Agenda.)

CONSENT AGENDA

(The Consent Agenda is comprised of items which appear to be non-controversial. Persons wishing to speak on any items may do so raising their hand to be recognized by the Chair. These items will be acted upon in one motion unless they are removed from the consent agenda for discussion by the Commission.)

Approve the Action Meeting Minutes from the August 9, 2018, meeting.

ALTERATIONS TO PUBLIC HEARING AGENDA

(Commission can remove or add items to the Regular Agenda.)

PUBLIC HEARING AGENDA

(Persons wishing to speak on any item may do so by raising their hand to be recognized by the Chair.)

- 1. Address:** 75 Mount Hermon Rd, Scotts Valley CA, 95066 // APN 021-271-04
Applicant / Property Owner: Larry Olivo / John Kontoudakis
Planning Permit Application No's: Use Permit U18-011, Environmental Assessment EA18-011
Project Description: Consideration of a recommendation to the Scotts Valley Planning Commission for a Use Permit to allow for a 1,300 square foot, indoor-only, wine tasting room in an existing building, to operate Friday through Sunday.
Staff: Brenda Stevens, Assistant Planner, 440-5635 bstevens@scottsvally.org
- 2. Address:** 22 Blake Lane, Scotts Valley, CA, 95066 APN 022-902-16
Applicant / Property Owner: Maria Jenson
Planning Permit Application No's: Environmental Assessment EA18-001, Planned Development PD18-001, Minor Land Division MLD18-01 and Design Review DR18-001
Project Description: Project proposes to subdivide an existing 0.42-acre site into four lots and one common parcel, and construct two duet-style single family homes (4 units total). Project requires a Mitigated Negative Declaration, Planned Development, Minor Subdivision and Design Review. The Planning Commission will hold a public hearing, review the application, hear public comment, and make a recommendation to the City Council for final action at a future public hearing to be scheduled.

Staff: Scott Harriman, Contract Planner (650) 587-7300 ext. 66
sharriman@rgs.ca.gov

ALTERATIONS TO REGULAR AGENDA

(Commission can remove or add items to the Regular Agenda.)

REGULAR AGENDA

(Persons wishing to speak on any item may do so by raising their hand to be recognized by the Chair.)

None.

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.)

DIRECTOR UPDATES

(The Acting Community Development Director may provide any department or city updates that are available.)

ADJOURNMENT

(Adjournment shall be no later than 11pm 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 2.21.010.)

The 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 in order to attend and participate at the meeting, please call the Community Development 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 call the Community Development Department. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

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Minutes

Scotts Valley Planning Commission and Cultural Resources Preservation Commission Special Meeting

Date: August 9, 2018

Time: 6:00 PM

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5630	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvally.org .
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Appointed Officials	City Staff Members
Derek Timm, Chair Carlos Arcangeli, Vice Chair Robin Donovan, Commissioner Rosanna Herrera, Commissioner Deborah Muth, Commissioner	Taylor Bateman, Community Development Dir. Michelle Edwards, Senior Planner Brenda Stevens, Assistant Planner

CALL TO ORDER: Meeting called to order at 6:04p.m.

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

ROLL CALL: Present: Arcangeli, Donovan, Muth and Timm. Absent: Herrera

PUBLIC COMMENT: John Broadsky a Scotts Valley resident expressed concerns of a possible future development at Valley Gardens. Planning Chair Derek Timm, thanked Mr. Broadsky for his comments and noted there was no formal application submitted at this time and that his concerns would be on record on the Planning Commission's audio recording of the meeting.

ALTERATIONS TO CONSENT AGENDA: None.

CONSENT AGENDA: The Commission approved the minutes.

A. Action Meeting Minutes from the June 14, 2018 meeting.

M/S: Arcangeli/Muth

To approve the Consent Agenda.

Carried: 5/0/1 (AYES: Arcangeli, Donovan, Muth, and Timm **NOES: None;**
ABSENT: Herrera)

PUBLIC HEARING AGENDA:

None.

ALTERATIONS TO REGULAR AGENDA:

A request was made by Commissioner Donovan to reverse the order of Regular Agenda Items 1 and 2 because she needed to recuse herself from Item 1. A motion was made to reverse the order of the two items.

M/S: Muth/Arcangeli

Carried: 5/0/1 (AYES: Arcangeli, Donovan, Muth, and Timm **NOES: None; ABSENT:** Herrera)

REGULAR AGENDA

Commissioner Donovan recused herself from item No. 1 due to a potential conflict of interest.

1. Address: 1 Wells Road / APN 022-082-59

Applicant / Property Owner: Jim Stroupe / Tom Tansy

Planning Permit Application No's: Design Review DR18-003

Project Description: Consideration of a Design Review application to construct an 800 square foot single family dwelling unit with a 685 square foot covered porch to the rear of an existing single family dwelling located in the R-M-6 zoning district.

Staff: Brenda Stevens, Assistant Planner, 440-5635 bstevens@scottsvalley.org

M/S: Arcangeli/Muth

To approve the project via Resolution No. 1736 subject to conditions of approval.

Carried: 4/0/2 (AYES: Arcangeli, Muth, and Timm **NOES: None; ABSENT:** Herrera and Donovan (recused))

2. Address: 1600 Green Hills Road / APN 024-261-03

Applicant / Property Owner: Brendan Moran - Solar Technologies / Central Coast Alliance for Health – Ryan Inlow

Planning Permit Application No's: Design Review DR18-006

Project Description: Consideration of a Design Review application to install four solar carports in the parking lot and rooftop solar arrays on an existing commercial building.

Staff: Brenda Stevens, Assistant Planner, 440-5635 bstevens@scottsvally.org

M/S: Arcangeli/ Donovan

To approve the project via Resolution No. 1737 subject to conditions of approval.

Carried: 4/0/1 (AYES: Arcangeli, Donovan, Muth, and Timm **NOES:** None;

ABSENT: Herrera

DISCUSSION ITEMS AND FUTURE AGENDA ITEMS: None.

WRITTEN COMMUNICATIONS – FOR INFORMATION ONLY: None.

DIRECTOR UPDATES:

The CDD announced that Michelle Edwards, Senior Planner, would be retiring in September.

ADJOURNMENT: 6:35 p.m.

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

Applicant: Larry Olivo

Property Owner: John Kontoudakis

Applications: Use Permit U18-011, Environmental Assessment EA18-011

Location: 75 Mount Hermon Road / APN: 021-271-04

General Plan/Zoning: Commercial Service / C-S

Environmental Status: Categorically Exempt from California Environmental Quality Act (CEQA), under Section 15301, Class 1, Existing Facilities

Request: Consideration of a Use Permit to allow a 1,300 square foot, indoor-only, wine tasting room in an existing building located in the Service-Commercial C-S zone.

Staff Planner: Brenda Stevens, Assistant Planner at (831) 440-5635 or bstevens@scottsvalley.org

STAFF RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing and approve Use Permit U18-011 by adopting the attached resolution and conditions in Exhibit A.

BACKGROUND

The subject property is known as “Pinnacle Pass” and is developed with one 4,650 square foot commercial building and one free-standing Kiosk drive-thru coffee business (see Location Map, Attachment 1).

PROJECT DESCRIPTION

The applicant is requesting to operate a wine tasting room (Kissed By An Angel Wines) in a 1,480 square footage tenant space located in the commercial building. A letter from the applicant, describing the proposed business, is attached (Attachment 2). The project details are below.

Hours of Operation:	Friday, Saturday and Sunday from Noon to 5pm.
Number of Employees:	Two, part-time.
Seating:	Indoor seating only in a 550 square foot open seating area.
Changes to the Building:	No exterior changes are proposed.
Future Signage:	Applicant proposes to comply with the existing Pinnacle Pass Planned Sign Program.
Parking:	The existing 46 parking stalls will be shared with the current businesses located on site.

DISCUSSION

1. Use Permit

The applicant's proposal to operate a wine tasting room, which falls under the category of a restaurant as defined in the Scotts Valley Municipal Code (SVMC) 17.04.210 as "any eating or drinking establishment having seating capacity which sells or offers for sale to the public any food or drink for immediate human consumption on the premises...". Restaurants in the C-S zone require Use Permit approval by the Planning Commission. The permit process evaluates whether the proposed use is appropriate and how any negative impacts to surrounding uses may be avoided or minimized. The surrounding businesses are commercial uses. Given that there will not be any noise generating equipment, no odors, no discharge of any type, no live music and no exterior activities, there are no identifiable negative impacts that the proposed wine tasting room might cause to adjacent businesses.

2. Parking

The applicant has prepared two tables included in the application packet. The first table (Center Overview) shows the current tenants, square footage occupied by the business, number of employees, approximate daily customer count and business description (Attachment 3). The second table (Parking Spaces) shows the tenants, square footage occupied by the business, public use square footage,

required parking spaces, number of spaces available and description of use (Attachment 4).

Presently, six businesses occupy the center (one of which is a drive-thru Coffee Kiosk). There are a total of 46 parking spaces on the property and 42 spaces are required. Based on 950 square feet of public space, the restaurant will require 16 parking spaces. Therefore, there will be a surplus of four parking spaces. Staff believes that there will be adequate parking for all businesses.

3. Future Signage

The applicant proposes to install signage that complies with the existing Pinnacle Pass Planned Sign Program (See Attachment 5).

REQUIRED FINDINGS

Based on staff's analysis and recommended conditions of approval in Exhibit A, staff believes that the required findings can be made as listed in the attached Resolution.

ATTACHMENTS

Page

Resolution to approve U18-011 (Action Item)

1.	Location Map.....	8
2.	Applicant's Project Description Letter dated 10/22/18	9-10
3.	Center Overview Chart (prepared by applicant)	11
4.	Parking Space Chart (prepared by applicant)	12
5.	Pinnacle Pass Planned Sign Program	13
6.	Plans (Attached)	

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RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SCOTTS VALLEY APPROVING USE PERMIT #U18-011 TO ALLOW A
1,300 SQUARE FOOT, INDOOR-ONLY, WINE TASTING ROOM IN AN
EXISTING BUILDING LOCATED IN THE SERVICE-COMMERCIAL
(C-S) ZONE AT 75 MOUNT HERMON ROAD, SUITE F / APN 021-271-04.**

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Larry Olivo for a Use Permit to operate a 1,300 square foot, indoor-only, wine tasting room in an existing building located in the Service-Commercial (C-S) zone at 75 Mount Hermon Road, Suite F / APN 021-271-04.

WHEREAS, the application was reviewed for completeness and is determined to be a “project” as defined by the California Environmental Quality Act (CEQA); and,

WHEREAS, the project is Categorically Exempt from the California Environmental Quality Act, under Section 15301, Class 1, Existing Facilities; and,

WHEREAS, the project was reviewed by the Planning Commission at regularly scheduled and noticed meeting on Thursday, December 13, 2018.

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

SECTION 1: The environmental determination represents the independent judgment 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 required by Section 17.50 of the Scotts Valley Municipal Code, and as further clarified in the staff report dated December 13, 2018.

- 1. The location of the restaurant is in accordance with the objectives of the zoning ordinance and the purposes of the zoning district in which the site is located.*** The subject property is located in the City’s Service-Commercial C-S zoning district which allows a broad base of commercial uses. The proposed use meets the requirements of this finding, in that the restaurant will be located in an area of only commercial uses. The restaurant use will occupy a tenant space in a commercial building, which will be compatible with existing commercial uses on the Mount Hermon commercial corridor.

2. ***The establishment, maintenance or operation of the restaurant 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 a restaurant will not have adverse effects on the surrounding land uses or community. Project conditions will require compliance with building and fire codes.

SECTION 4: After careful consideration of the application and related materials, plans, maps, facts, exhibits, staff reports, 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 Use Permit No. U18-011 to allow a restaurant in the C-S zone at 75 Mount Hermon Road / APN 021-271-04, subject to conditions set forth in the attached Exhibit A, which are attached hereto and 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 December 13, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Derek Timm, Chair

Taylor Bateman, Community Development Director

Exhibit A
Conditions of Approval (1- X)
for a 1,300 square foot, indoor-only, wine tasting room

STANDARD/LEGAL

1. The property owner, applicant, and tenant have 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 applicant of any such claim, action or proceeding and shall fully cooperate in defense.
2. After Planning Commission approval, the property owner and applicant shall sign these Conditions of Approval agreeing to the conditions before issuance of any building permit or occupancy.
3. The applicant shall obtain all required building permits and pay all appropriate required fees before starting any construction or occupancy.
4. Minor changes to the approved plans require prior review and approval by the Community Development Director (CDD). Proposed changes that the CDD determines to be significant may require review and approval by the Planning Commission, with associated fees paid by the applicant.

PLANNING DEPARTMENT

5. This Use Permit U18-011 approval is for the operation of a 1,300 square foot indoor-only wine tasting room as described in the Planning Commission staff report, dated 12-13-18.
6. The project shall comply with the Planned Sign Program of the shopping center and with the Sign Regulations of the Scotts Valley Municipal Code. The applicant shall bear the responsibility to confirm with the Planning Department regarding what signage is allowed on the tenant suite.

BUILDING DEPARTMENT

7. Provide accessible counters, tables and all seating areas per the 2016 California Building Code (CBC) Chapter 11B to include covered counter tops (34”AFF).
8. Maintain required aisle ways for circulation and retard areas per 2016 CBC Chapter 11B.
9. All new electrical, mechanical and plumbing or structural modifications will require a Building Permit and comply with 2016 CBC, CMC, CEC and Energy and Green Building Codes.
10. If any of comments #9 are done, 20% of construction budget will be required for Accessibility upgrades.
11. The applicant shall staple a copy of the project Conditions of Approval to all of the plans submitted for a building permit.
12. All construction activity shall be limited to the hours between 8:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturday. No construction activity is allowed on Sunday.

SCOTTS VALLEY FIRE PROTECTION DISTRICT

13. The applicant shall comply with all Scotts Valley Fire Protection District requirements.

CITY WASTEWATER DIVISION

14. Any cooking / serving of food will require a grease trap.
15. The applicant shall comply with the City’s best management practices for the green business program.

SCOTTS VALLEY WATER DISTRICT

No comments.

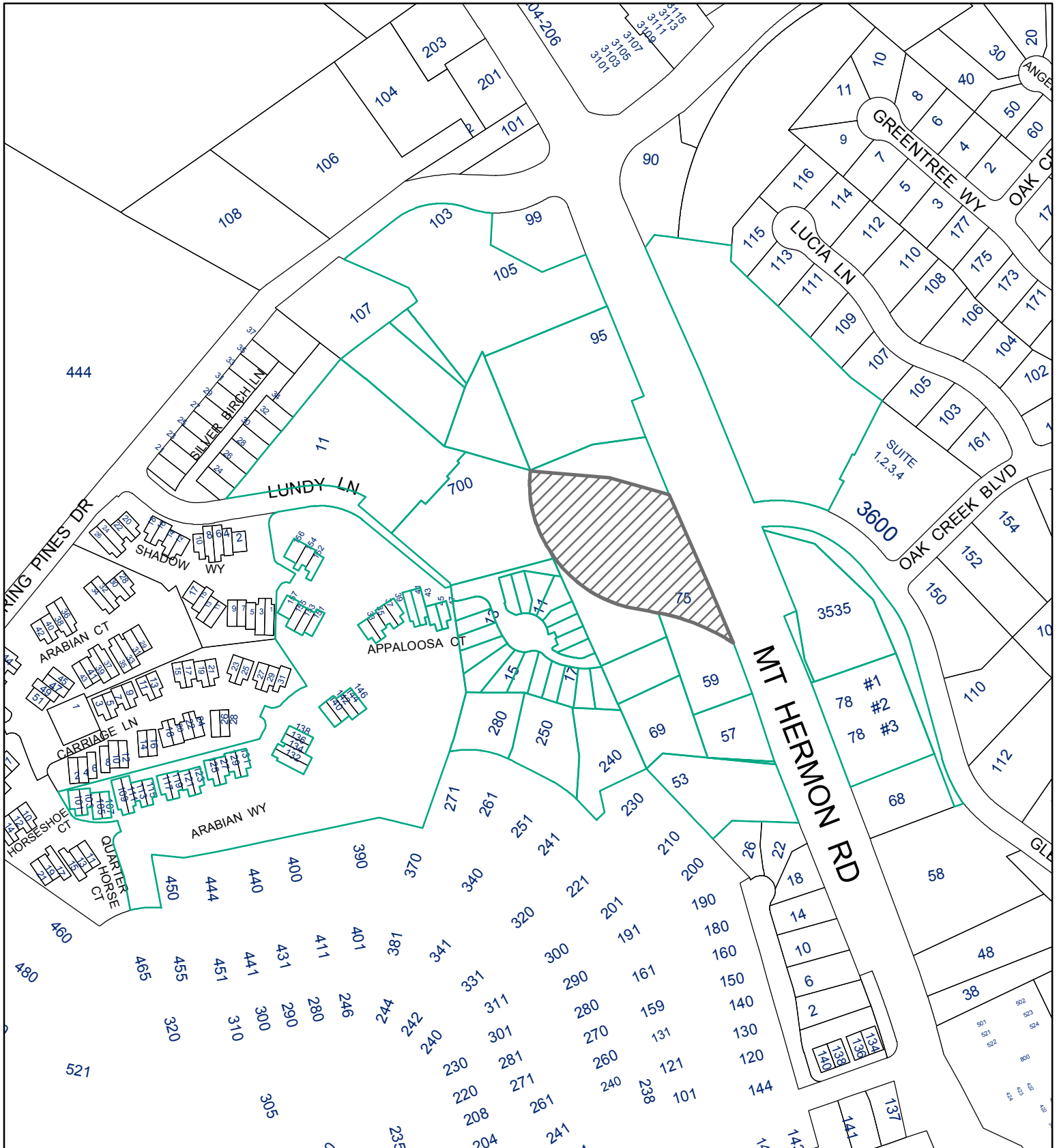
Larry Olivo, Kissed By An Angel Wines

Date

John Kontoudakis, Property Owner

Date

Location Map



75 Mt. Hermon Rd
APN 021-271-04

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To: City of Scotts Valley
Planning Department

From: Kissed By An Angel Wines, LLC

Dear Planning Department,

We are Kissed By An Angel Wines, LLC and are licensed by the State of California Alcoholic Beverage Control. License number: 538444

Our passion is wine making and our mission is to contribute annually to the Make A Wish Foundation in memory of our beloved daughter Amanda Olivo whom we lost in 2007.

We are a local Winery and are endeavoring to transfer our tasting room from 1210 Mount Hermon Rd in Scotts Valley where we have been subletting space for the last two and a half years, and moving to 75 Mount Hermon Rd, Ste F located at the Pinnacle Pass Center in Scotts Valley.

Our sub lease has not been renewed for 1210 Mt Hermon Rd. effective January 1st of 2019, due to the business owner's decision to change their go to market strategy.

We are a small boutique size family owned winery established in April of 2013 and have been supporting our community by donating our wine to many local causes along with being supportive members of the Scotts Valley Chamber (We have donated our wines to the Community Awards Gala for the last two years).

Over this past year we have been working with Corbett Wright to secure retail space in the new Hangar Development Project. Our hope is to stay in Scotts Valley as our home base and be a part of it's exciting future growth.

Kissed By An Angel Wines - Mailing address - P.O. Box 13, Felton, CA 95018

www.kissedbyanangelwines.com - email: lisa@kissedbyanangelwines.com

Phone number 831-234-6253 - Fax number 831-704-7212

Our planned hours of operation at the Pinnacle Pass Property will be primarily on Saturdays and Sundays from 12 – 5P. Our planned improvements for Suite F are as follows:

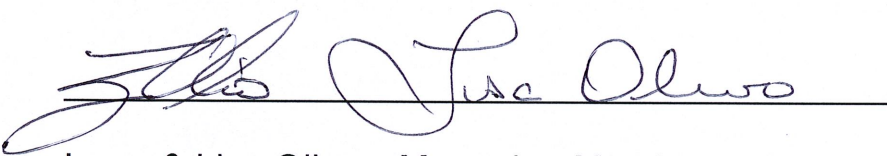
- Interior/Exterior Painting
- Installation of new carpet

We certainly hope that this proposal meets with the Scotts Valley Planning Department's approval as we're working with a limited amount of time to get approval from the Scotts Valley agencies with no interruption to our loyal base of customers.

Please find attached the required documents for your review and hopefully approval.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry & Lisa Olivo", is written over a horizontal line.

Date: 10/22/2018

Larry & Lisa Olivo – Managing Members

Kissed By An Angel Wines - Mailing address - P.O. Box 13, Felton, CA 95018

www.kissedbyanangelwines.com - email: lisa@kissedbyanangelwines.com

Phone number 831-234-6253 - Fax number 831-704-7212

Tenant	Sq ft	Public Use	Required # of Spaces	Space Available	Description of Use
Santa Cruz Experience	200	0	1	1	Shuttle Service
Beca Fabrizio	450	0	2	2	Artist Studio
Andrew Despres	500	0	2	2	Music Equip Storage
Fringe Salon	1300	900	5	5	Hair Salon
Kissed By An Angel Wines	1300	950	16	16	Wine Tasting
Neiding Harnard	900	0	4	4	Private Eye File storage
Coffee drive thru	Kiosk	2	2	2	Drive thru coffee
				42	Parking Spaces needed parking requirements
				46	Total Available Parking Spaces

Pinnacle Pass / 75 Mount Hermon				
Tenant	Square Footage	Approx Employee	Approx daily customer	Description
SC Experience	200	1	0	shuttle service
Beca Fabrizio	450	1	0	artist workspace
Andrew Despres	500	1	0	music equipment storage
Fringe Salon	1300	2	6	salon
Vacant	1300	0	0	former A Sign ASAP
				private investigator file
Neiding Henard	900	1	0	storage, furniture storage
Coffee drive-thru kiosk		2	drive through	drive through coffee, food

P L A N N E D S I G N P R O G R A M

Pinnacle Pass
75 Mt. Hermon Road

Details:

Each business owner is allowed one sign unless approved by the Design Review Board.

~~Signs shall be installed on the wall of the false store fronts or fascia where no false store front exists.~~

Signs are not allowed to be installed on the railing of the building.

Tenant signs-

Size:

Each tenant shall be allowed 10% more sign area than one square foot of sign area for each foot of business frontage. For example: a business with 20 feet of frontage would be allowed $20 \times .10 = 2.2$ square feet of sign area.

Type/Style:

Signs shall be constructed of wood and shall include the cut-out arch design either on the top or sides of the sign (see Exhibit A).

All signs shall be painted with trim matching the trim color of the building, currently a rust/brown (see Exhibit A).

Lettering:

Style shall be at the discretion of the tenant. Color of lettering shall be dark to match the trim color of the building. Samples of acceptable colors are black, brown, gold, dark green or blue, rust. Unacceptable colors would include bright red, yellow, blue, green orange, neon.

Approved by motion at 12/6/94 Design Review Board meeting.

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PROJECT DATA:

TENANT & APPLICANT: Kissed By An Angel Wines, LLC
PROJECT ADDRESS: 75 Mount Hermon Road
Scotts Valley, CA.

APN: 021-271-04

ZONING: C-S

NET TENANT SPACE: 1,480 s.f. ±

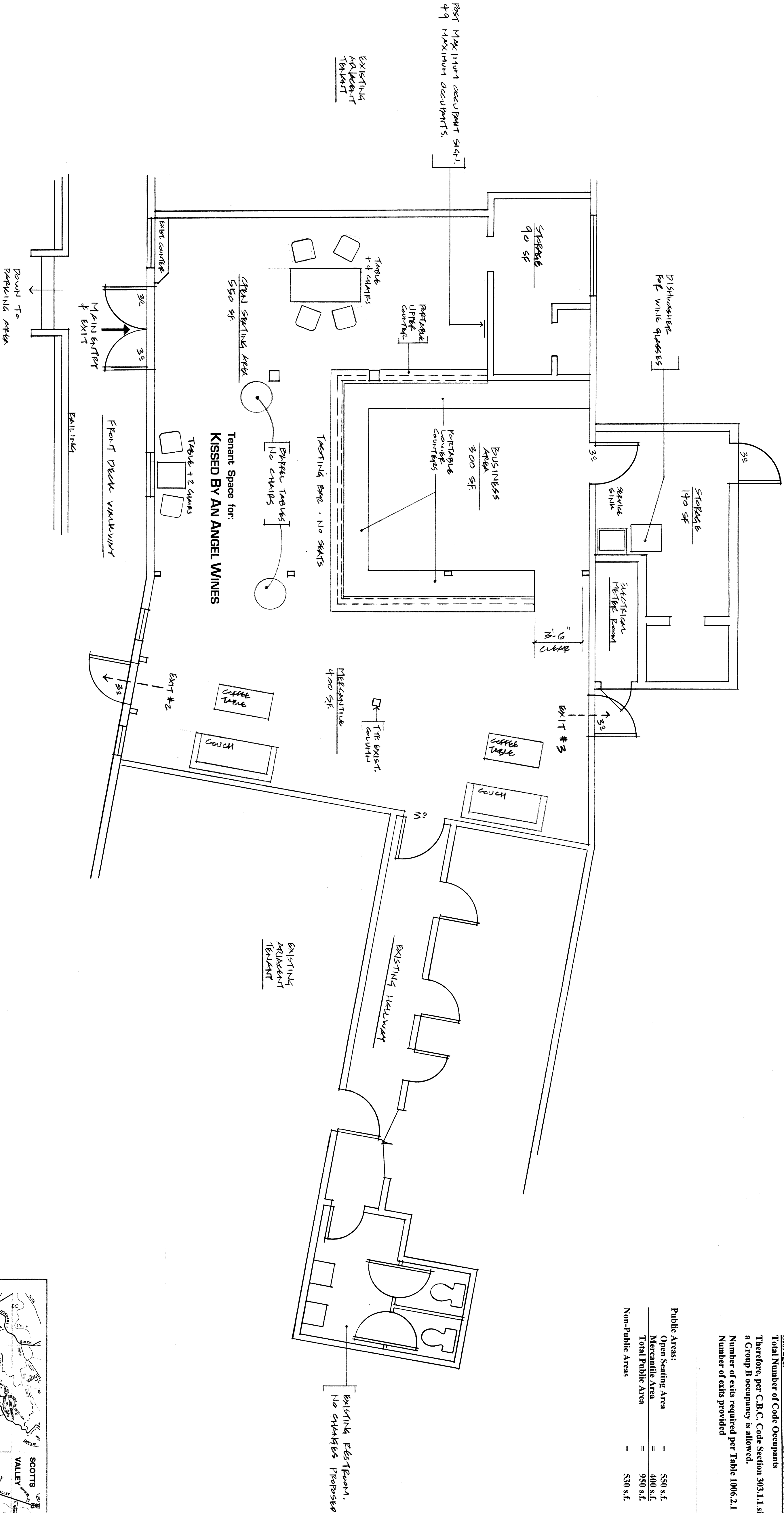
PREVIOUS OCCUPANCY: B

PROPOSED OCCUPANCY: B and M, Business and Mercantile.

Occupant Load Analysis per C.B.C. Table 1004.1.2:

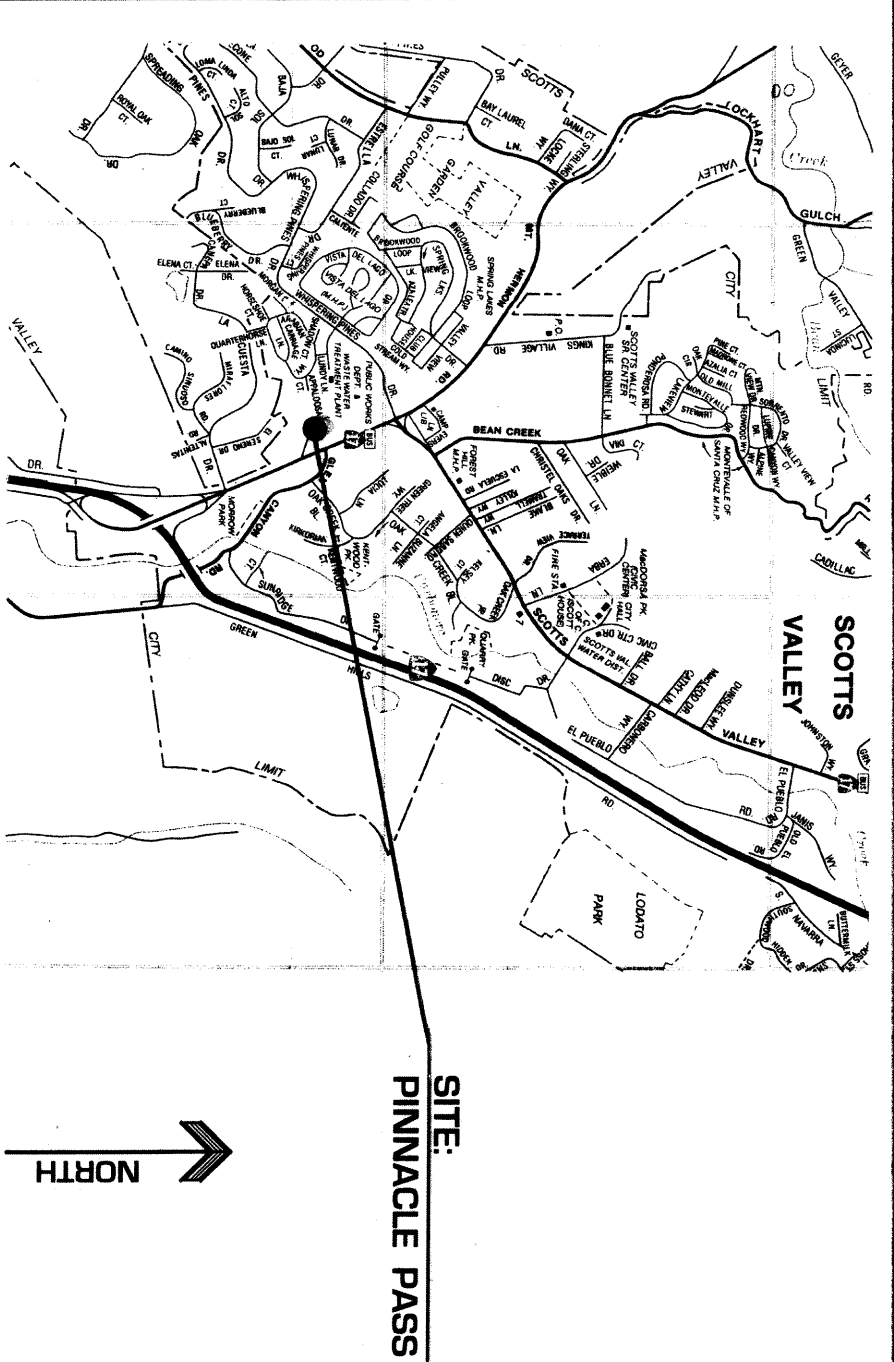
Assembly, unconcentrated	550 s.f./15 s/occupant	=	37 occupants
Mercantile Sales:	400 s.f./60 s/occupant	=	7
Business:	300 s.f./100 s/occupant	=	3
Storage:	230 s.f./300 s/occupant	=	1
Total Number of Code Occupants			48 occupants
Therefore, per C.B.C. Code Section 303.1.1 since occupant load is less than 50 a Group B occupancy is allowed.			
Number of exits required per Table 1006.2.1		=	1 exit required.
Number of exits provided			3 exits provided.

Public Areas:			
Open Seating Area	=	550 s.f.	
Mercantile Area	=	400 s.f.	
Total Public Area	=	950 s.f.	
Non-Public Areas	=	530 s.f.	



FLOOR PLAN FOR:
KISSED BY AN ANGEL WINES

- NOTES:
- Use this plan for City of Scotts Valley Use Permit purposes only.
 - Do not use for construction.
 - Floor Plan was developed from basic field measurements and therefore is approximate.
 - Field measure for new flooring and casework.



FLOOR PLAN FOR USE PURPOSES FOR:
KISSED BY AN ANGEL WINES
75 MOUNT HERMON ROAD
SCOTTS VALLEY, CALIFORNIA

Construction contractor and his subcontractors agree that in accordance with generally accepted construction practices, construction contractor and his subcontractors will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property, that this requirement shall be made to apply continuously and not limited to normal working hours, and construction contractor and his subcontractors further agree to defend, indemnify and hold design professional and owner harmless from any and all liability, real or alleged, in connection with the performance of work on this project.

DAVID B. ZULIM INC.
150 FELKER ST. SUITE F
SANTA CRUZ, CALIFORNIA 95060
831-425-9769
DAVID ZULIM
CE 31047 CALIFORNIA
DESIGN
ENGINEERING
PLANNING

REVISIONS	BY
#1 12-25-18	DZ

Date	12/15/18
Scale	1/4" = 1'-0"
Drawn	PZ
Job	654-18A
Sheet	1
Of Sheets	1

City of Scotts Valley
PLANNING COMMISSION
STAFF REPORT

Date: December 13, 2018

**Applicant /
Property Owner:** Maria Jenson, Lantana Homes, LLC

Applications: Planned Development PD18-001, Design Review DR18-001,
MLD18-001 and Environmental Assessment EA18-001

Location: 22 Blake Lane / APN 022-902-16

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

Environmental Status: Mitigated Negative Declaration

Request: Consideration of a Planned Development Zoning Permit, Minor Subdivision MLD18-001, and Design Review application proposing the construction of two duet-style single family homes (four new homes total) on a 0.42-acre site in the High Density Residential General Plan and Zoning District. Each of the four homes feature three-bedrooms and two bathrooms, attached two-car garage, balconies, and private outdoor yard space. The project proposes a four-lot subdivision and a common parcel, which provides shared driveway access to the four homes, required on-site stormwater retention facilities and an on-site emergency vehicle turn-around. The project site is within the Mount Hermon June Beetle habitat area, and would require approval of a Habitat Conservation Plan through the U.S. Fish and Wildlife Services, in addition to City of Scotts Valley approval prior to any construction or grading activities.

Staff Planner: Scott Harriman, Consulting Planner, (650) 587-7300 x66
sharriman@rgs.ca.gov

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the proposed project based on findings and conditions contained in the attached Resolution and Exhibit A.

SITE AND PROJECT DESCRIPTIONS

The project proposes to subdivide an existing 18,231 square foot (0.42 acre) parcel of land to establish a four lot minor subdivision with one parcel to be owned in common by the four subdivision property owners. The project includes the construction of two duet-style single-family homes (four units total). The subject parcel is currently vacant and previously contained a small single-family dwelling, which has been removed by the applicant. Each of the four lots would contain a two-story townhouse unit and private yard space. The common lot provides driveway access to the each unit's two-car garage and stormwater improvements serving the four lots. The residential lots would range in size from 2,701 square feet to 3,450 square feet. The common lot is 6,328 square feet.

The project site is at the terminus of the private road, Blake Lane, and has slopes of approximately 20% along the private lane's frontage and levels off at the upper portion of the site. The site is within the Mount Hermon June Beetle habitat area. A Low-Effect Habitat Conservation Plan (HCP) has been submitted to the U.S. Fish and Wildlife Service for an incidental take permit pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act. The HCP application has been published in the Federal Registry (Docket No. FWS-R8-ES-2018-N022) with the comment period ending November 19, 2018.

Existing land uses on adjacent parcels include single and multi-family housing. All public utilities necessary to serve the proposed development are available to the site.

PROPOSED ENTITLEMENTS

The project requires the following planning permits:

1. Planned Development Zoning – The proposed project is requesting to establish specialized planned development zoning standards that are exceptions from lot size, shape and lot coverage standards of the R-H zoning regulations.
2. Design Review – Architectural and site plan review is required for all structures, alterations to structures and signage in the R-H zoning district pursuant to Municipal Code (R-H) Section 17.10.050.
3. Minor Subdivision – The project proposes to subdivide an existing 0.42-acre site into four residential home lots and one common parcel that provides shared vehicle access to the four parcels and includes all of the required on-site stormwater retention and treatment facilities that serve the minor subdivision.

Each of these requested entitlements and the proposed development's compliance with General Plan and Zoning standards are discussed below.

DISCUSSION AND ANALYSIS

The project is requesting approval of a Planned Development Zoning, Minor Subdivision, Design Review, and Environmental Review. The following section provides an analysis of the relevant general plan and zoning standards, requested development entitlements and

environmental conditions associated with the proposed project.

GENERAL PLAN: The project site is designated High-Density Residential on the City's General Plan map. The allowable density range within the high-density designation is 9 to 15 units per acre. The four-unit development on the 0.42-acre site results in a residential density of nine (9) units per acre, consistent with the low end of the allowable density range.

ZONING: The project is situated in the R-H, High Density Residential Zoning District. The table below describes the projects compliance with the R-H, zoning standards and the requested development exceptions.

According to the General Plan, the purpose of Planned Development Zoning is to provide the means to tailor zoning regulations and to apply specific standards for the development of a particular site. This process enables the City Council to consider the unique characteristics of a site and its surroundings to better implement the citywide objectives, goals and policies of the General Plan and to provide site-specific development standards. Anytime Planned Development zoning is utilized, the standards established for the zoning district, which reflects the General Plan designation are tailored as part of a planned development. Tailored zoning regulations include, but are not limited to, lot size and shape, intensity, coverage and appearance of structures.

In this case, the proposed development is consistent with the General Plan residential land use and density standards, and is requesting a planned development for exceptions to accommodate the proposed lot configurations with zero-setback between the duet units, reduced lot width, reduce front setback from the front common parcel, and increased site coverage to provide the four single family homes, each on it's own separate parcel with private outdoor yard space and on-site garage parking.

Zoning Compliance Table – 22 Blake Lane				
R-H, High-Density Residential				
	Standard	Proposed	Compliance	Comment
Density	3,000 sf/unit	4,558 sf/unit	Yes	
Lot Area	6,000 sf	2,701 sf - 6,328 sf	No	PD needed
Lot Width	60'	35' - 46'	No	PD needed
Lot Depth	60'	73'	Yes	
Setbacks - Front	20'	7'	No	PD Needed
- Side	10% of lot width 5' min	12' min perimeter 0' (between duet units)	Partial	Perimeter side setbacks comply. PD needed for 0-ft setback between duet units.
- Rear	20% of lot depth 15' min	15'	Yes	
Height	35'	27'	Yes	
Site Coverage	55%	62% overall	No	PD needed
Parking	2-car garage + 1	2-car garage + 1	Yes	
Retaining Walls	Design Review for retain walls in front and rear >3 and 6-ft	8-ft front and terraced 5 & 7-ft high walls in rear	No	Subject to Design Review

As shown in the table above, the project complies with the zoning density standards, lot depth, rear setbacks, building height, and parking. However, the project does not comply with

all of the base R-H zoning standards and is requesting development exceptions through the Planned Development process for: 1) increased site coverage; 2) lot width 3) lot area; 4) reduced side yard setback between duet units; and, 5) front yard setback. In addition, retaining walls, which are greater than three-feet in the front yard areas and greater than six-feet in height in rear yard areas are subject to Design Review. The requested exceptions and analysis are discussed in the sections below.

PLANNED DEVELOPMENT / MINOR LAND DIVISION: The Zoning Code requires every Planned Development District to be combined with an alternative base zoning district. In this case, the alternative base zone requested for this development is the High Density Residential District (R-H). The project is requesting a Planned Development to establish specialized development standards that reflect exceptions from the proposed R-H residential zoning regulations to accommodate the proposed residential development.

The table below provides lot sizes and site coverage proposed with the proposed subdivision.

Lot Size and Coverage Table					
	Lot Area	Dwelling Size	Lot Width	Lot Depth	Coverage
Lot 1	3050	1820	35'	73'	60%
Lot 2	2702	1820	37'	73'	68%
Lot 3	2701	1820	37'	73'	68%
Lot 4	3650	1820	46'	73'	53%
Common Lot	6328	0	146'	42'	75%

The City's planned development process allows for adjustments to development standards to accommodate unique circumstances related to lot size and shape, intensity, coverage and appearance of structures. The following sections provide an analysis of the requested exceptions.

Lot Area: The minimum lot area in the R-H zoning district is 6,000 square feet. Based on this standard, the existing 18,231 square foot lot could be subdivided into three separate lots. However, a three-lot subdivision equates to seven units per acre, which would be less than the General Plan density range of 9-15 units per acre. A four-lot subdivision, as proposed, equates to nine units per acre, which is consistent with the General Plan density range.

In order to achieve the required four units, the applicant is proposing a subdivision, which provides four individual single-family home lots with private yard spaces and attached garage parking. In this case, however, Lots 1 through 4 are below the minimum 6,000 square foot lot area standard and requires an exception to the minimum 6,000 square foot lot area requirement through the Planned Development process. The common lot, which provides shared vehicle access to the four lots, meets the minimum R-H, 6,000 square foot, lot area standard.

The R-H zoning requires a minimum of 3,000 square feet of land area for each unit. Based on that standard, the existing 18,231 square foot project site would accommodate a maximum of six units. The proposed four-unit subdivision is below the maximum and consistent with R-H zoning density.

The requested exception to lot area, in this case, is an appropriate application of the Planned Development process to achieve four units consistency with the General Plan and R-H Zone density standards. In addition, the four-lot subdivision, as designed, provides private outdoor space for each unit, and two-story single-family homes, with on-site parking consistent with other single and multi-family homes in the surrounding area.

Side yard Setback: The applicant is proposing to construct two sets of duet-style homes. Each of the duet-style homes is attached along an interior side yard property line commonly referred to as a zero side yard setback. The minimum side yard setback in the R-H zone is five-feet. Therefore, the two (interior) zero side yards would require a zoning exception.

In this case as proposed, only the owners of the new units would be affected by a zero interior side yard setback. The exterior side yard setbacks along the project site's perimeter, shared with neighboring properties, exceed the required side yard setback. Reduced interior setbacks for zero-lot line units within planned unit developments is a standard practice as a way to achieve appropriate residential densities and allow for the consolidation of usable yard space in one or two areas and permissible through the Planned Development process.

Front yard Setback: The proposed development's shared common parcel spans the entire frontage of the project site and provides driveway vehicle access to the homes. As proposed, the front setback, measured from the building to the property line at the backside of the common parcel, is approximately seven-feet. The zoning code standard for front yard setback is 20-feet from the building to roadway right-of-way. As proposed, the distance from the duet-units buildings to the private roadway is approximately 35-feet in depth. The project's front common parcel provides the setback from the private roadway in the same way a driveway provides the setback in a conventional detached single-family subdivision. Although an exception to the zoning code standard is required, the project achieves the necessary front setback and can be authorized through the Planned Development process.

Site Coverage: Site coverage is defined as the percentage of site area that may be covered by impervious surfaces, including all structures, open or enclosed or projections of structures.

As shown in the tables above, the maximum allowable impervious site coverage in the R-H zoning district is 55-percent. Project plans indicate an overall site coverage of 66-percent, which exceeds the maximum allowable site coverage. The common parcel includes additional paving for the emergency vehicle turn around area, which contributes to the lot coverage. Only Lot 4, the largest of the residential lots, meets the minimum standard.

One aspect of a zero-setback or small lot subdivision is the loss or reduction of yard space, which reduces the amount of land area typically calculated as open yard space. In this case, the zero setback design eliminates approximately 250 square feet of open space for each lot adjacent to the homes. In this case, the request for additional lot coverage allows for four individual, privately owned, home sites each with private yard space. An exception to lot coverage may be considered through the Planned Development process, which is designed to provide flexibility to tailor development standards including lot size and shape, intensity, lot coverage and appearance of structures.

The Planning Commission may request the applicant to consider including pervious pavers as a way to reduce impervious site coverage. However an exception may still be necessary as it may not be possible in this way to reduce overall site coverage to meet the 55% site coverage standard due in part to the slope and configuration of the driveways. Pervious pavement is not as durable as conventional pavement or recommended in high traffic and vehicle-maneuvering areas, such as would occur in the driveways of proposed development. The driveway slope also reduces the effectiveness of pervious pavement as surface flow of water over the sloped pavement occurs more rapidly than it would settle into and be retained in the pervious pavement. Pervious pavement or pavers on a sand base would be most effective on flat patio or walking surfaces where surface water has sufficient time to settle. The applicant has indicated that the rear patios on the homes are proposed as (impervious) concrete and poured concurrently with the homes' slab footings for visual continuity.

On-Site Parking and Driveway Design: The project meets the single-family parking requirements by providing a two-car garage for each unit and space in the driveway for one additional vehicle. An additional paved area to the right of Unit 4's garage door is for an emergency vehicle turn-around as required by the fire department. This area would be striped and signed pursuant to Fire Department standards and would not be available for parking. One of the constraints on older private lanes, which exist in Scotts Valley such as Blake Lane, is the lack of curb infrastructure, which allows for improved street parking. Vehicle access on private streets is typically through a series of private access easements, which may or may not include shared maintenance agreements. For this reason, parking on private lanes can be problematic. In this case, the subject property is located at the terminus of Blake Lane and provides a dedicated on-site emergency vehicle turn-around. While the emergency vehicle turn-around excludes this area from being used as private on-site parking, it does provide a dedicated area which is required to be available at all times for exclusive use for emergency vehicles. The limitation of street parking is something that potential owners of these new homes will need to consider in their purchase decision.

With regards to the driveway paving, City standards limit the amount of paved area in front yards, allowing for landscaping to provide visual relief. However in this case, the front common parcel provides shared and combined vehicle access serving all four of the proposed homes and is the only means of vehicle access to each of the homes. To help offset the driveway paving, the common parcel also contains on-site stormwater retention within engineered landscaped bio-swales and landscape planting areas in front of the driveway retaining wall. These landscape areas provide visual relief and help soften the surrounding hardscape. The terraced lots and upslope driveways also provide visual interest and help reduce the appearance of expansive paving.

On-site vehicle circulation and backup movements were considered as part of the project review as the driveways serving the homes are sloped and require right turns into garage and guest parking spaces. Turning movements into and out the garages for Lots 1 and 3 are further complicated by balcony support posts, which are located four-feet in front of the garage door, between the two single-wide garage doors. The center balcony posts are not used on Lots 2 and 4, which each have a single, double-wide, garage door. The applicant has provided turning templates to demonstrate that vehicles parked on-site can maneuver within the driveway area, can circulate on-site, and exit the site facing forward. The applicant may consider architectural design alternatives to eliminate the center balcony posts on Lots 1

and 3, such as add a horizontal beam to span the garage doors (similar to Lots 2 and 4), which would have a minimal visual effect on the appearance of the units. Minor design revisions, such as this, which do not substantially alter the appearance of the building, may be reviewed and approved by staff as part of the building permit process.

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

Architectural and Site Plan Design Review is required for all new structures in the R-H zoning district subject to design criteria specified in Section 17.50.030. A project's architectural and site details must be found to be consistent with the following design review criteria:

1. The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood;
2. Materials, colors, proportion, mass and detail. 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;
3. The size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures. 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;
4. 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.
5. The size, location and arrangement of on-site parking and paved areas;
6. 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.
7. Height and access to sunlight, setbacks, landscaping and use of materials for articulation and visual relief for fences and walls over eight feet tall or fences over three feet tall in front yards when across from Highway 17.
8. Arbors in front yards, over twenty square feet in roof area or between eight and ten feet in height: the design compatibility with the main structure and structures in the neighborhood, the mass and scale of the arbor, line of sight visibility for pedestrians and motorists in addition to other applicable standards of this section.

Building architecture and site design: The developed proposes two pairs of duet-style homes, for a total of four homes. Duet-style homes appear visually attached, but are on

separately owned parcels of land, with zero-setback (or shared property line) between each home. Homes on Lots 1 and 2 are constructed with a shared property line, as do Lots 3 and 4. The building pads for Lots 3 and 4 are terraced down with the existing grade and are approximately six feet lower than the building pad for Lots 1 and 2. All four homes are two-story, 26-feet in height, have front facing garage doors, and walkways to the side entry doors. Each pair of adjoining units features a unique garage doors (two single-wide doors, one double-wide doors) with vertical accent windows, and second floor balcony designs to provide architectural interest and distinction between the duet units. All four single-family homes incorporate stucco exterior siding with cedar accent walls on the first and second floor levels. Roof soffits are also shown with matching cedar trim. Exterior stucco siding colors are soft earth tones, identified as Harbor Grey and Sage Green. Windows and doors are trimmed with stucco molding. A metal railing system with vertical cables are shown on the second floor balconies. The front-facing balconies are covered by the roof eaves. The roofs are conventional in design with a 6:12 pitch and topped with weatherwood (color) composition shingles. The architectural details, materials, mass, and colors of the proposed residential units are consistent with similar newer single-family homes, and compatible with the surrounding area.

The site design includes three landscaped bioretention swales and a small rock outfall as part of the project's required stormwater management system. These bioretention swales are connected by a series of underground pipes, which serve transfer and retain storm water during rain events. The proposed stormwater plan includes a number of surface-level drop inlets. One of these inlets is shown on the adjacent property immediately west of the project site. To accomplish this improvement, the applicant would have to acquire an easement from the neighboring property owner. The City of Scotts Valley cannot require the neighboring property owner to grant an easement, nor can the city grant final project approval as shown, without the easement being granted by the neighboring property owner and recorded with the County of Santa Cruz. The applicant is aware of this requirement and is working with the neighboring property owner to acquire the easement.

Retaining Walls: The project site slopes upward from the Blake Lane frontage. To accommodate the site grades and terraced building pads the project requires a series of retaining walls that step with the terrain of the site. As previously stated, retaining walls over three feet in height in front yards and six feet in rear yards are subject to design review.

The site plan shows terraced retaining walls along the rear lot line behind Lots 1 and 2 of approximately 5½ and 4 feet in height; and 7 and 4½ feet in height at the rear of Lots 3 and 4. A single retaining wall of approximately 4½ feet in height would be located along the northern side property boundaries. A retaining wall of approximately eight feet in height would be located between the upper and lower building pad. This retaining wall would be visible from Blake Lane frontage and appear as separating wall between the two driveway areas. The front retaining wall is flanked on both sides by a ten-foot wide planted bioretention swale and a five-foot wide planter strip. The project's architectural detail sheet and discussions with the applicant indicates that the retaining walls will be poured concrete between wood forms to transfer the wood grain onto the concrete finish.

In considering the projects overall retaining wall design, staff suggests that the terraced walls along the rear property line and northern side property line will have limited visual impact as

the project site is downhill from the adjacent neighbors and will be predominately screened from view by the new homes from along Blake Lane. The retaining wall on the front common parcel will however be visible from Blake Lane. Staff suggests that the planter beds in front of the wall are an appropriate landscape design feature to screen and soften the appearance of the wall. Also, adding color pigment, such as “lampblack” to the concrete mix would darkened and soften the potentially bright hue of a basic concrete mix. Staff has included the requirement to incorporate measures, such as using lampblack, to reduce the brightness of the concrete retaining walls as a condition of project approval.

Perimeter Fencing: The projects architectural detail sheet depicts property perimeter fencing and privacy fencing between rear yard patios to be constructed of vertical redwood slats stained a cedar color. The vertical wood fence design is shown with continuous running boards that follow the slope and do not step at support posts. Open hog wire fencing is proposed on the top of retaining walls that separate Lots 1 and 2 from Lots 3 and 4. Hog wire was selected in this area to allow vines to grow and provide a green border. A condition of approval has been added that requires that plans submitted for building permit show the location where the various fences are situated and include fence construction details that account for unique site conditions and grades that may occur on the project site.

Landscaping: The project proposes to incorporate irrigated landscape areas, consisting of trees and shrubs, in yard planters and along perimeter walls. Redwood mulch will be utilized as a ground cover in planter beds, and myoporum parvifolium ground cover is proposed on slopes. The bioretention swales will include low plantings and native grasses as recommended in accordance with industry standards for use in such areas. A condition of approval is included in the draft resolution that requires that landscape plans submitted for building permit include the name, number, size, and location for all planting materials and ground covers, and that the plant and tree selections be made in consultation with the project arborist and the stormwater/bioretention design team.

Lighting: The project proposes exterior lighting to include recessed can lights on the underside of the second level balconies to light walkways. Motion sensor lights are proposed above garage doors and wall-mounted LED sconce lights are proposed at first and second floor exterior doorways. To insure that exterior lighting does not add glare on neighboring properties, a condition of approval is included that all exterior lighting be down directed with shielded light sources. Additionally, lighting plans shall in prepared in consultation with the projects Habitat Conservation Plan team, to avoid lighting impacts on the native Mount Hermon June Beetle.

Trees: The applicant has submitted an arborist report, dated January 16, 2018, which evaluates 15 protected trees; 13 on-site and two on adjacent parcels. 11 of the 13 protected trees on site would be directly impacted by the proposed development, including six coast live oak trees and five non-native black locust trees. The arborist report also recommends removal of the other two protected trees on-site due to poor health (Ponderosa pine, Tree 713) and a black locust (Tree 721), which has a sever lean toward an adjacent apartment building. In total, 13 trees on-site would be removed as a result of the project development.

The 24-inch Ponderosa pine (Tree 713) is identified in the arborist report to be in poor health and weak condition. The pine tree is part of a rare coastal California assemblage of

Ponderosa pines, which is a native species that typically occurs in the Sierra Nevada region of the state. The City General Plan designates Ponderosa pines as rare. The arborist report does not recommend retention of the pine tree due to its poor health. However, the arborist report identifies a smaller Ponderosa pine located on site (noted as tree D in the arborist report), which while not large enough to be considered protected, is identified in very good health and excellent structure, and has a much better chance at (preservation) success than the larger protected tree (713). The arborist report recommends that Tree D be held at a nursery during construction, and returned to the site for replanting during the landscaping phase. This action is included as a mitigation measure in the Mitigated Negative Declaration.

The project arborist has stated that the project site, with the proposed development in place, has the capacity to support approximately nine trees, including the replanted Ponderosa pine. Therefore, a replacement plan of one tree for each tree removed would result in a minimum of eight new trees to be planted on-site and payment by the developer of an in-lieu fee, paid into the City's tree replacement bank, equal to the cost of four trees.

A condition of approval has been added in the attached resolution requiring that landscape plans submitted to the City for site development permits be revised to include a minimum of eight new trees and the replanted Ponderosa pine. All new tree species shall be selected in consultation with the project arborist, based on the specific tree location, soil type, and water and solar needs.

ENVIRONMENTAL DETERMINATION

A Mitigated Negative Declaration (MND) was prepared for the proposed development consistent with the requirements of the California Environment Quality Act. Project related environmental impacts were identified, and include mitigation measures that reduce the potential impacts to less than significant levels. The MND was circulated for 30 days as required, from November 8, 2018 through December 10, 2018. To date, comments have been received from the Native American Heritage Commission included, as Attachment 8. City staff has communicated with a representative of the Native American Heritage Commission who has indicated that the comments on the Initial Study were procedural in nature and do not result in a substantive change in the environmental findings. The initial study will be updated accordingly and a written response will be provided to the Native American Heritage Commission prior to City Council review.

PUBLIC NOTICE & COMMENT

A public notice was posted on site and mailed to surrounding property owners within 300 feet pursuant to State law. As of the date of this staff report no comments have been received on the proposed development.

FINDINGS AND CONCLUSION

Staff finds that the project's architectural and site plans respond appropriately to the site and surrounding area and recommends that the Planning Commission forward an affirmative recommendation to the City Council on the proposed four lot residential subdivision, Planned Development District and Permit, and Design Review subject to findings and conditions

contained in the attached Resolution and Conditions of approval.

ATTACHMENTS

1.	Resolution of Approval	13
2.	Location Map.....	31
3.	Project Plans*.....	33
4.	Sample Exterior Elements.....	51
5.	Architectural Details and Vehicle Turning Templates.....	63
6.	Initial Study (11-8-18).....	65
	a. Arborist Report	
	b. Stormwater Plan	
	c. Habitat Conservation Plan	
7.	Letter from the Native American Heritage Commission	231

**Please note that the project plans are provided in the Planning Commission packets. However, the project plans and file are available for public review in the Planning Department Monday-Thursday 8AM-12PM, or by appointment, at City Hall, 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.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF A MITIGATED NEGATIVE DECLARATION (EA18-001), PLANNED DEVELOPMENT OVERLAY & PERMIT (PD18-001), MINOR LAND DIVISION (MLD18-001) AND DESIGN REVIEW (DR18-001), FOR “22 BLAKE LANE – LANTANA HOMES” PLANNED DEVELOPMENT CONSISTING OF FOUR SINGLE-FAMILY HOMES, AND RELATED SITE IMPROVEMENTS, SUBJECT TO CONDITIONS OF APPROVAL, ON A 0.42-ACRE SITE LOCATED AT 22 BLAKE LANE / APN 022-902-16

WHEREAS, the City of Scotts Valley has received an application and technical reports from Maria Jenson, applicant and property owner, to subdivide a 0.42-acre site into four lots and common lot, and to construct four new single-family homes and related site improvements at 22 Blake Lane, as shown on project plans on file with the Planning Department / APN 022-902-16; and

WHEREAS, the applicant has presented substantial evidence which supports the application; and

WHEREAS, the application is a “project” pursuant to the California Environmental Quality Act (“CEQA”), which requires environmental review; and

WHEREAS, the City conducted an Initial Study and prepared a Mitigated Negative Declaration (IS/MND), in accordance with the State CEQA Guidelines and requirements. The IS/MND was duly noticed, published, and distributed for a 30-day public review period from November 8, 2018 through December 10, 2018 (5:00PM), and was made available for public review at City Hall, Planning Department, and City’s website; and

WHEREAS, the Planning Commission held duly published and noticed public hearings on December 13, 2018, to review and consider the proposed development and the requested planning permits (entitlements), hear public testimony, and provide comments and recommendations to the City Council; 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:

SECTION 1: That the IS/MND has been completed in compliance with the requirements of CEQA and that the Planning Commission has reviewed and considered the information within the IS/ND.

SECTION 2: That the IS/MND represents the independent judgment and analysis of the City.

SECTION 3: That the City Council certify the MND based on the following findings pursuant to CEQA and the CEQA Guidelines Section 15074:

1. ***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 and prepared a Mitigated Negative Declaration and found that there were potentially significant adverse environmental impacts, however mitigation measures have been identified and required as part of the project that reduce these potential impacts to less than significant levels.
2. ***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 the applicable agencies, and was made available for public review for a 30-day period from November 8 to December 10, 2018.
3. ***The environmental determination represents the independent judgment of the City.*** The Mitigated Negative Declaration was prepared by City staff. All reports and supporting information have been reviewed and approved by the applicable City Department Heads.
4. ***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 referenced technical and/or environmental studies that were submitted for the project have been made available to the public for review at City Hall, the Planning Department, and the City's website.
5. ***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.*** The project site has been previously developed and contained a single-family home and detached accessory structures. The project site is within a known habitat area for a federally endangered insect species, the Mt. Hermon June Beetle. Consequently, a Low-Impact Habitat Conservation Plan has been prepared for the project and site by Dr. Jodi McGraw, which was submitted to the U.S. Fish and Wildlife Service (USFWS) for review. Measures have been incorporated into the project conditions of approval, which require the applicant and all contractors on the site comply with all mitigation measures identified in an approved Low-Impact Habitat Conservation Plan issued through the USFWS.

SECTION 4: Approve the Planned Development District Overlay and Permit based on the following findings, subject to Conditions of Approval (Exhibit A) attached hereto and incorporated herein:

6. ***That the Planned Development Zoning District Overlay and Permit (PD) further the policies of the General Plan.*** The project meets the requirement of this finding in that the project proposes to four new single-family homes within lands designated R-H, High Density Residential on the City's General Plan map. The project is consistent with the allowable General Plan density range of 9 to 15 units per acre, and results in a density of nine units per acre. The four new single-family homes are two-story and included covered garage paring, private yard space for each unit and are of a conventional design that is consistent with the character of the neighborhood. Further, the project improves and upgrades a previously developed and underutilized site providing housing opportunities for four families.
7. ***The proposed Planned Development District Overlays (PD) are consistent with the underlying land use designations and zoning districts and that of the City of Scotts Valley General Plan.*** The project meets the requirements of this finding because the PD district overlay will be combined with the base zoning districts. The resulting R-H/PD zone allows specific development standards to address the zero lot line subdivision design and duet-style homes.
8. ***That the PD conforms in all respects to the planned development zoning of the property.*** The "PD" will be an overlay zone to the proposed R-H base zoning districts. The project design meets the requirement of this finding in that approval of the Planned Development and Permit will allow four new single-family homes to be developed utilizing a zero lot line subdivision design on a sloped site, such that each new home will have private yard space and covered garage parking.
9. ***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 overall siting and design of the buildings incorporate conventional stucco siding, cedar trim accents walls, composition shingle roofing, and window and door trim. The two-story design are approximately 27-feet in height feet, and steps down with the site's slope reducing site grading, consistent with the General Plan Action OSA-387. The PD will allow exceptions from the underlying R-H zoning standards predominantly related to lot size and configuration of the proposed lots, in order for each home to be on a separate parcel of land, which has private yard spaces. The architecture, quality exterior materials/ finishes/colors, and landscaping will create a visually harmonious project.
10. ***The environmental impacts of the project have been reviewed and considered.*** The project meets the requirements of this finding in that the Project's Initial Study and Mitigated Negative Declaration EA18-001 establishes and incorporates mitigation measures that reduce potentially significant impacts to less than significant levels. As proposed and through mitigation measures adopted for the proposed development the long and short-term environmental effects associated with this project will be less than significant.

SECTION 5: Approve Design Review based on the following findings, subject to Conditions of Approval (Exhibit A) attached hereto and incorporated herein:

11. ***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 requirement of this finding in that the proposed single-family homes will be sited appropriately in relation to the existing neighborhood and location at the terminus of the private street. The building pads are designed to step down with the existing slope of the site. The duet-style homes have been sited such that each pair of homes meets the required building side and rear setbacks from adjacent neighbors and are requesting reduced setbacks along the interior, zero side yards that separate each of the duet homes. As proposed the single-family homes are suited to the property, setting, and zoning context.
12. ***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 the proposed single-family homes, are two-story in height and utilize conventional stucco siding, cedar accent walls, and composition roof shingles, similar to other nearby homes in the neighborhood. The color scheme incorporates natural color tones of light grey and sage green. The variety of quality materials, exterior treatments, finishing details and exterior colors are appropriate and consistent with the City's design review criteria.
13. ***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, with tree and landscape revisions as depicted and described in the applicant schematic revisions dated September 17, 2018, would meet the requirements of this finding in that the project will provide new landscaping including perimeter trees and shrubs, ground cover, and planted bioretention swales. Retaining walls including foreground landscaping. Terraced landscape wall contain planting selections that cascade down to soften the appearance of the walls. Connection to recycled water will be required. Preliminary landscaping details have been reviewed. A condition of approval requires that fully developed landscape plans be developed in consultation with the project arborist be prepared and submitted for staff review prior to the City Council hearing.
14. ***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 each proposed single-family homes has a two-car garage. Each of the four driveways that serve the homes provides a minimum of one additional uncovered parking space consistent with the City's single-family parking standard.
15. ***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 requirement of this finding in that vehicle access to the site and homes is through a shared, common, parcel. The project's vehicle access and circulation plan, at the end of a private lane, has been

designed to accommodate an on-site emergency vehicle “hammer-head” turn-around to accommodate City Fire Department emergency vehicles.

- 16. 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 does include retaining walls over three feet in height in front yard areas, and a series of terraced retaining walls at the rear of the site over eight feet in height. The front retaining walls allow the development to step down the slope following the natural grade of the site. Landscape plans have developed including foreground plantings to screen and soften the appearance of the front facing retaining walls. Terraced walls at the rear include cascading plant selections that flow over the edges to add visual interest and soften the appearance of the walls. To ensure that the concrete retaining walls do not appear overly bright, a condition of approval has been added that requires the concrete mix include “lampblack” pigment. As proposed, with landscape treatment, and as conditioned to add lampblack pigment to the concrete mix, the retaining walls will appropriately integrate into the site design.

SECTION 6: Approve the Land Division based on the following findings, and as shown on the plans submitted, subject to Conditions of Approval (Exhibit B) attached hereto and incorporated herein:

- 17. 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.** The project meets the requirements of this finding in that the project provides four new single-family homes (two pairs of duet-style units) in the R-H, High Density Residential Zoning District. The homes utilize conventional materials and design details that integrate into the surrounding residential neighborhood.
- 18. 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 four-lot residential development on the 0.42-acre site is consistent with the General Plan High Density Residential density range of 9 – 15 units per acre. The subdivision design and its related property improvements creates four new single family homes with private yard spaces for each new home and establishes an homeowners association to share in the maintenance of driveways and stormwater features. The project as proposed and conditioned is designed to provide measures to protect the endangered Mt Hermon June Beetle, consistent with goals and objectives of the General Plan.
- 19. 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 0.42-acre site is sufficient in size to accommodate the four-lot subdivision and improvements including two-car garages and private yard areas for each unit. The four-lot subdivision is consistent with both the General Plan and Zoning density ranges. Public services are available and utilities are of adequate capacity to accommodate the project.

- 20. 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 the MND includes mitigation measures to reduce impacts associated with: Biological Resources (impacts to Mt Hermon June Beetle habitat area and tree removal). In addition, standard conditions of approval establish procedures to reduce dust and noise during construction activities, and earth disturbance to possible archaeological and paleontological resources). All impacts would be reduced to less than significant levels.

- 21. *That the design of the land division or the type of improvements is not likely to cause serious public health problems.*** The four unit residential project meets the requirement of this finding in that the project will not generate hazardous emissions nor be a storage facility for hazardous/ combustible materials. During project grading and construction, to reduce dust generation to minimal levels and to prevent sedimentation and discharge of contaminants off-site, standard conditions of approval require the grading and construction contractors to implement best management practices (BMPs) and a hazardous materials containment plan, respectively. The MND evaluated that the project is not expected to cause serious public health problems.
- 22. *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 no such easements are known to affect the project site. Access to the project site is through a series of private, shared, easements. The project includes placing a stormwater drain inlet and associated drain pipe on an adjacent privately owned parcel. The applicant is responsible for acquiring an easement from the neighboring parcel owner prior to any project approval. The Public Works Department has reviewed the project and recommended approval subject to conditions.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the Planning Commission of the City of Scotts Valley recommends City Council certify a Mitigated Negative Declaration EA18-001 and approve Planned Development Overlay and Permit PD18-001, Design Review DR18-001, and Minor Land Division MLD18-001, for "22 Blake Lane – Lantana Homes" planned development consisting of four single-family homes and related site improvements, on a 0.42-acre site located at 22 Blake Lane / APN 022-902-16 subject to Conditions of Approval (Exhibit A), and project development plans which are attached hereto and incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the Planning Commission of the City of Scotts Valley at a meeting held on the 13th day of December 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Approved: _____
Derek Timm
Planning Commission Chair

Attest: _____
Taylor Bateman
Community Development Director

Exhibit A
Conditions of Approval
22 Blake Lane / APN 022-902-16
(#1 - #96)

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 action of the project the developer/applicant shall sign the Conditions of Approval agreeing to the Conditions of Approval prior to issuance of any grading/building permits, transfer of title, or within 30 days of approval of these planning permits, whichever occurs first.
3. The developer shall obtain all required demolition, grading, improvement plans, and building permits and pay all appropriate required fees before starting any grading/earth disturbance on the property.

Planning Department

4. The approved planning permits include a Planned Development Overlay and Permit, Minor Land Division, and Design Review to construct a total of four new single-family homes on a 0.42-acre site. The two-story, duet-style homes and site improvements shall be constructed substantially as shown in the plans prepared by RI Engineering Inc., Robin Alaga, Designer, and Viji Jaganathan, Landscape Designer, received dated December 6, 2018, and as described in writing on the project's technical reports, which are on file in the Planning Department.
5. Plans submitted for final City Council for review and action shall include a revised landscape plans showing the number, size, location and name of all plants, trees and ground cover materials used.
6. All site improvements shall be in conformance with the plans stamped approved, unless otherwise conditioned in this Exhibit to the satisfaction of the Community Development Director (CDD) and City.
7. Prior to any project approval by the City Council, the applicant shall obtain and record an easement from the neighboring property owner at 25 Blake Lane, APN 022-741-10, that authorizes the placement of the proposed private stormwater drainage line and drop inlet, as shown the project grading plans. The easement shall include a maintenance agreement, and shall be recorded at the Santa Cruz County Records Office.

8. Any future changes to the approved plans that the developer and/or other reviewing agencies initiate and/or propose, shall require prior review and approval by the CDD/City and CDD confirmation regarding the level of environmental review and planning permits. As determined by the CDD, minor changes may be approved by the CDD while major changes may require review and approval by the Planning Commission and/or City Council, paid by the developer.
9. All mitigation measures and monitoring plan included in the Mitigated Negative Declaration are incorporated into these conditions of approval by reference.

Grading

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

Cultural Resources

Archaeological Resources

11. 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.
12. 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.
13. 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.
14. 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.
15. Monitoring may include the periodic sampling and screening of soils in order to better determine if cultural remains are present.
16. 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.

17. If human remains are unexpectedly encountered during project grading the actions required as identified in the previous Conditions shall be implemented to effectively preserve any human remains until the Santa Cruz County Coroner determines the appropriate course of action concerning the treatment and disposition of the human remains pursuant to the California Health and Safety Code Section 7050.5(b).

Paleontological Resources

18. The applicant and construction contractor shall ensure that paleontological resources are not destroyed during project grading.
19. The developer shall submit a copy of a contract with a qualified/registered paleontologist 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.
20. The qualified/registered paleontologist shall monitor all earthwork activity as described in conditions 19-23, below.
21. The applicant/contractor shall provide the project paleontologist with a copy of the final grading plans for review prior to any project grading.
22. Provide for daily monitoring during grading activities by the project paleontologist to determine if paleontological resources are encountered in excavated areas.
23. Allow for the recovery of any discovered paleontological resources according to a recovery plan/methods specified by the project paleontologist, including the donation of the recovered resources to a suitable repository (museum, school, etc.).
24. If recovery occurs, ensure that the project paleontologist prepare a recovery report that details the type of resources recovered and the repository locations where they were taken.
25. Specify in the construction contract with the project grading contractor(s), that grading personnel are to cooperate with and assist the project paleontologist during monitoring and any recovery activities, including assisting with recovery efforts if necessary.

Fences and Walls

26. Perimeter and privacy fences shall be designed and constructed with over-lapping fence boards with no air gaps to reduce noise levels and provide visual privacy on adjacent properties.
27. All fence design details shall be included on plans submitted for building permit and subject to Planning Department approval.

28. Concrete retaining walls shall be designed and constructed incorporate a wood-like exterior texture and include integral “lampblack” pigment in the concrete mix to reduce the visual brightness of a basic concrete mix.

Trees

29. All recommendations in the Arborist Report dated January 16, 2018 are incorporated as conditions of project approval.
30. Landscape plans submitted to the City for site development permits shall include a minimum of eight new trees and the replanted Ponderosa pine. All new tree species shall be selected in consultation with the project arborist, based on the specific tree location, soil type, and water and solar needs
31. The tree replacement plan shall be developed in consultation with the project arborist and include a combination of 15-gallon and 24-inch box trees.
32. No tree removal shall occur until grading/building permit issuance.
33. The project developer shall place a surety bond in an amount equal to the value of the preserved trees as shown in the project Arborist Report. The surety bond shall be deposited with the city prior to issuance of a grading/building permit for the project. The monetary value shall be reviewed and approved by the CDD. If damage occurs to the preserved trees during development and/or construction, funds will be drawn from the deposited amount. Funds remaining in the account will be returned to the developer upon final inspection of the project.
34. Prior to the issuance of any grading or building permits, the project arborist shall inspect tree protection fencing and the completion of pre-construction treatments.
35. The project arborist shall routinely inspect the development site through the term of the project.

Landscaping

36. The landscaping improvements shall be permanently maintained and irrigated.
37. Landscape plans submitted for building permit shall include the name, number, size, and location for all planting materials, trees and ground covers and shall be approved by the Community Development Director prior to issuance of grading or building permit.
38. Plant and tree selections shall be made in consultation with the project arborist and the stormwater/bioretenion design team.

Lighting

39. The final exterior lighting plan shall comply with regional dark sky policies and shall be reviewed and approved by the CDD prior to issuance of building permit.
40. All Exterior lighting shall be designed in consultation with the project biologist and Habitat Conservation Team to minimize impacts to the Mt. Hermon June Beetle.

habitat area.

41. Exterior light levels are to be at the lowest level and carefully controlled for security, aesthetics, safety and identification without interfering with nearby land uses.
42. All exterior building lighting, including balcony lighting, shall be designed to integrate into the building architecture with shielded and recessed light sources with final light fixture approval prior to the issuance of any building or grading permit.

CC&R's and Joint Maintenance

43. CC&R's and any joint maintenance agreements for the ongoing management and maintenance of the site improvements including perimeter fencing, stormwater facilities, joint landscaping, driveway, retaining walls, and other shared facilities, for the project shall be approved by the City and executed by the property owner prior to the approval of the final map. The CC&R's shall be recorded prior to building permit final, or the sale or lease of the first unit or with 30 days of the final map recording, whichever comes first. The property owner shall pay recording costs.
44. In the event that a Blake Lane Road Maintenance Association is formed for the maintenance of Blake Lane the future property owners of subject property shall be required to participate in such association.

Affordable Housing

45. Prior to the issuance of any building or grading permit, the developer shall comply with applicable affordable housing requirements including the payment of in-lieu fees.

Building Department

46. The developer shall obtain any required grading and/or building permit(s) and pay applicable fees.
47. Winter grading shall require prior review and approval by the City.
48. The location of all soil to be exported shall be reviewed and approved by the Building Department prior to issuance of a grading or building permit.
49. The developer shall pay all applicable City development impact fees before grading and/or building permit issuance.
50. The developer shall pay school impact fees to the Scotts Valley Unified School District before building permit issuance.
51. All trades of electrical, plumbing and mechanical will be issued under one building permit for said project (General Contractor permittee).

52. All buildings shall be designed to comply with the current codes in effect at the time of building permit issuance.
53. The building permit plans must comply with the current California Building Code (CBC) for water-conserving fixtures and fittings and with the CA Energy Commission Building Energy Efficiency Standards, which includes energy-saving fixtures and appliances to be used throughout the building.
54. All structures shall comply with the most current California Energy Commission Standards (Title 24).
55. All new construction shall comply with the City's current Green Building Guidelines, which requires various low-impact-development and resource efficient techniques, to the satisfaction of the CDD.
56. Structural calculations, if applicable, shall be submitted and wet-signed by the Engineer of record.
57. Provide names of Special Inspectors with certifications as required.
58. A soils report by a qualified geologic engineer shall be submitted with the application for any building permits.
59. All new utilities shall be installed underground.
60. The developer shall comply with the City's standard erosion control measures. The plans submitted for a building permit must include best management practices (e.g. erosion control practices and procedures) during construction, which include complying with Regional Air Quality Control Board emissions for construction equipment.
61. Site drainage erosion control and foundation plans must be reviewed and approved by a soils engineer.
62. 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.
63. To ensure that City requirements are met, the developer shall specify to the Building Official the off-site disposal location of any exported soil material at a pre-construction meeting or before grading permit issuance. If the disposal site is located outside the City, the site shall be a legal facility such as a licensed landfill or permitted fill site.
64. Developer shall submit a plan showing temporary (during construction) and permanent erosion control measures will need to be submitted to the Regional Water Quality Control Board (RWQCB), the agency that administers NPDES, and the City Building Department for review and approval.

City Public Works Department- Engineering Division

65. 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.
66. All required documents, final or parcel map sheets, covenants, developer and city improvement agreements and bonds, shall be provided to the satisfaction of the Public Works Director/City Engineer prior to the recordation of any final map or application for any building permit. (Applicant should be advised that officials of Santa Cruz County, such as the Auditor-Controller, Recorder and Clerk of the Board have requirements, such as payment of taxes and present title guarantee, which precede recordation of the map.)
67. Engineered Improvement Plans shall be submitted for all on site and off site work and shall be submitted for approval 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 satisfying 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.
68. Pursuant to City Council action on March 3, 2010, the Applicant 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. The findings of the study will determine the amount owed for the Mount Hermon Road traffic mitigations fair share contribution. The Applicant shall conclude this study and pay any associated fees at the time of tentative map submittal.
69. Applicant shall construct street improvements as shown on plans dated December 7, 2018 in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.
70. 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.
71. All work on public utility systems 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.

72. 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.
73. 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".
74. The project shall connect to the sanitary sewer system and existing septic systems, if any, shall be properly abandoned.
75. Applicant shall construct storm drain facilities in conformance with data and analysis in the latest adopted City of Scotts Valley Storm Drain Master Plan and in accordance with the city's SWMP Ordinance No. 184.1.
76. Stormwater Management Plan shall be submitted to the City Engineering Division for review and approval as part of any building and or grading permits issued for development.
77. The Stormwater Management Plan shall be prepared by a registered civil engineer, and 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.
78. The Stormwater Management Plan shall demonstrate that the Development will 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. **(See the Stormwater Technical Guide on the Scotts Valley City website for requirements and formatting under Public Works.)**
79. Impervious area must be shown on coversheet and included in the project's Stormwater management analysis and design.
80. Dedication of land for Park and Recreational Purposes:
Applicant shall comply with Muni Code Chapter 16.35 – Dedication of land for Park and Recreation Purposes. Applicant can find the Code of Ordinance on the City of Scotts Valley Website, under Municipal Code. Any mitigation fees shall be paid prior to issuance of any building and/or grading permit(s).
81. Applicant 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 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.

82. The final map shall be submitted to the City's Public Works Department on an AutoCAD drawing up to version 2004 electronic version prior to recording.
83. Applicant shall submit a completed "segregation of assessment" form for each assessment district in which the subdivision participates.
84. Prior to the filing of the final/parcel map, applicant 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.
85. Pre-Construction Meeting: In order to ensure that project details are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property, with the exception of installation of temporary construction fencing demarcating the disturbance envelope, tree protection fencing, and silt fencing, the developer shall convene a pre-construction meeting on the site. The following parties shall attend: the developer, the grading contractor supervisor, the project architect, the project arborist, the project civil engineer, City of Scotts Valley Planning staff, City Engineer and Building Inspector. The temporary construction fencing demarcating the disturbance envelope, tree protection fencing, and silt fencing will be inspected at that time.
86. 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".
87. Applicant 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.
88. Impervious area must be shown on cover sheet.
89. The applicant shall repair any damage caused to the City streets [or the private roadway] by applicant or its contractors, consultants, and/or employees prior to issuance of a certificate of occupancy. A videotape log, DVD format, clearly showing the existing condition of Blake Lane to the project site shall be presented to the Department of Public Works prior to the start of construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the City prior to issuance of a certificate of occupancy. Damage assessment will be at the sole discretion of the City.

City Public Works Department- Parks & Recreation Division

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

Scott Valley Fire Protection District

91. All development must comply with the California Fire Code as amended by the Scott Valley Fire Protection District.
92. The emergency vehicle turn-around shall be clearly marked with red curbs and no parking signs pursuant to Fire Department standards.

Scott Valley Water District (SVWD)

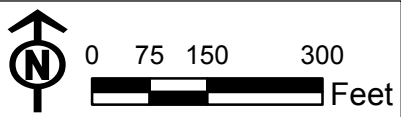
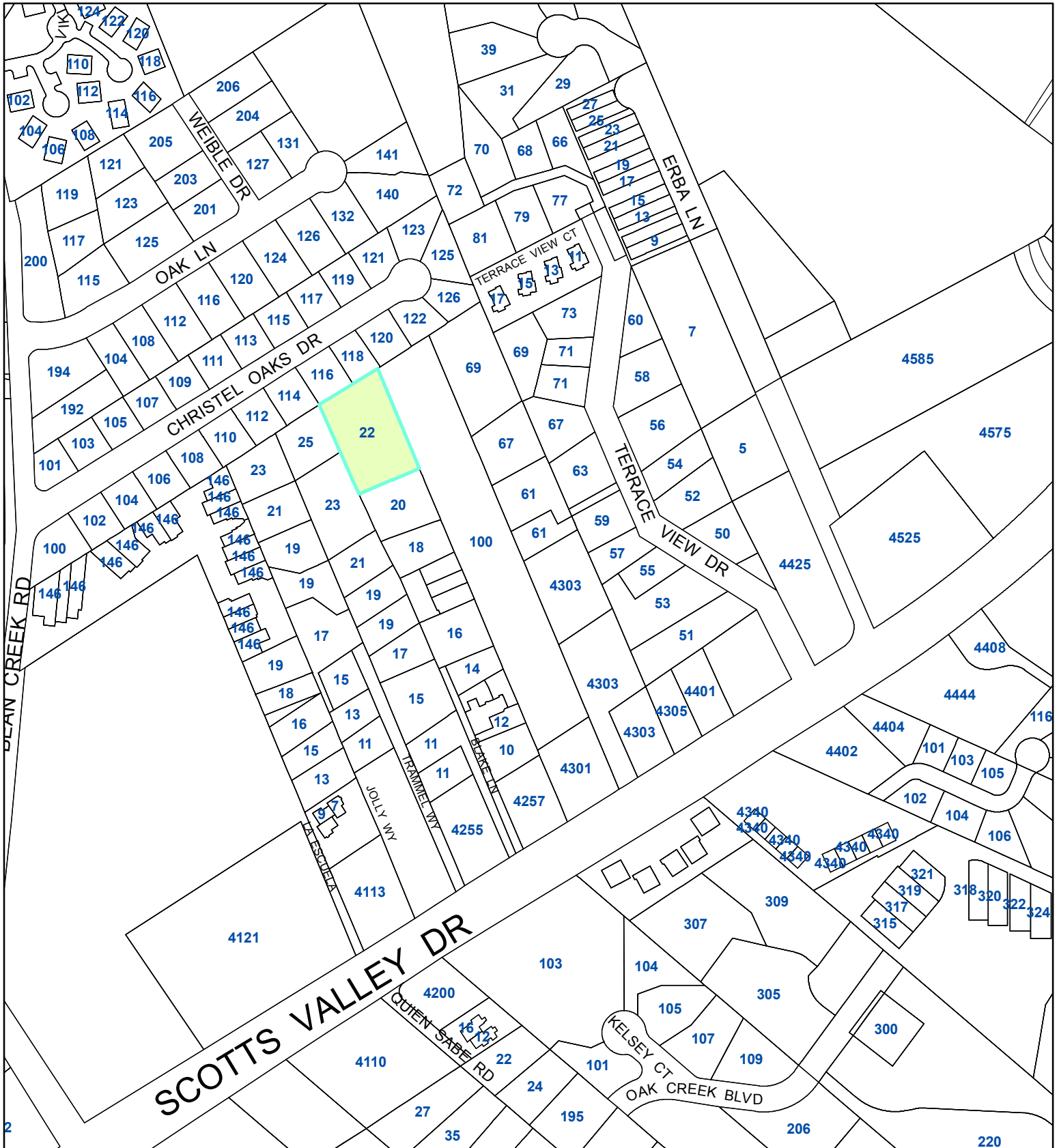
93. Applicant shall complete a Service Application with the Scotts Valley Water District and provide a \$1,000 inspection and review deposit.
94. If the individual fire sprinkler system can be designed to have a demand of 30 GPM or less, the project can use Detail 4A (of the Scotts Valley Water District Water System Standard Specification) for individual water meters. If this is the case, revise sheet C-3 of project plans, which currently references Detail 4 (which requires two box adjacent to each other).
95. There is a proposed new curb adjacent to the existing fire hydrant. Civil plans do not specify if this is a finish curb or raised curb. Per SVWD's standard detail for fire hydrants (Detail 10), there shall be three-feet clear of any obstruction and two-feet of flush conditions around the base of the fire hydrant. Plans submitted for construction shall be revised accordingly.
96. Provide a cross section for the bioretention area adjacent to the District's water main (close to existing fire hydrant). Detail 4, on project plans, sheet C-4, shows six-inches of freeboard, 24-inches of treatments soil and 12-inches of permeable drain rock. If the existing SVWD water main has three-feet of cover, there are concerns of the proximity to the pressurized pipe adjacent to low bearing capacity soil. The cross section shall reflect if the proposed curb extends the full depth of the water main trench.

End of conditions.

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Location Map

ATTACHMENT 2



22 Blake Lane
APN 022-902-16

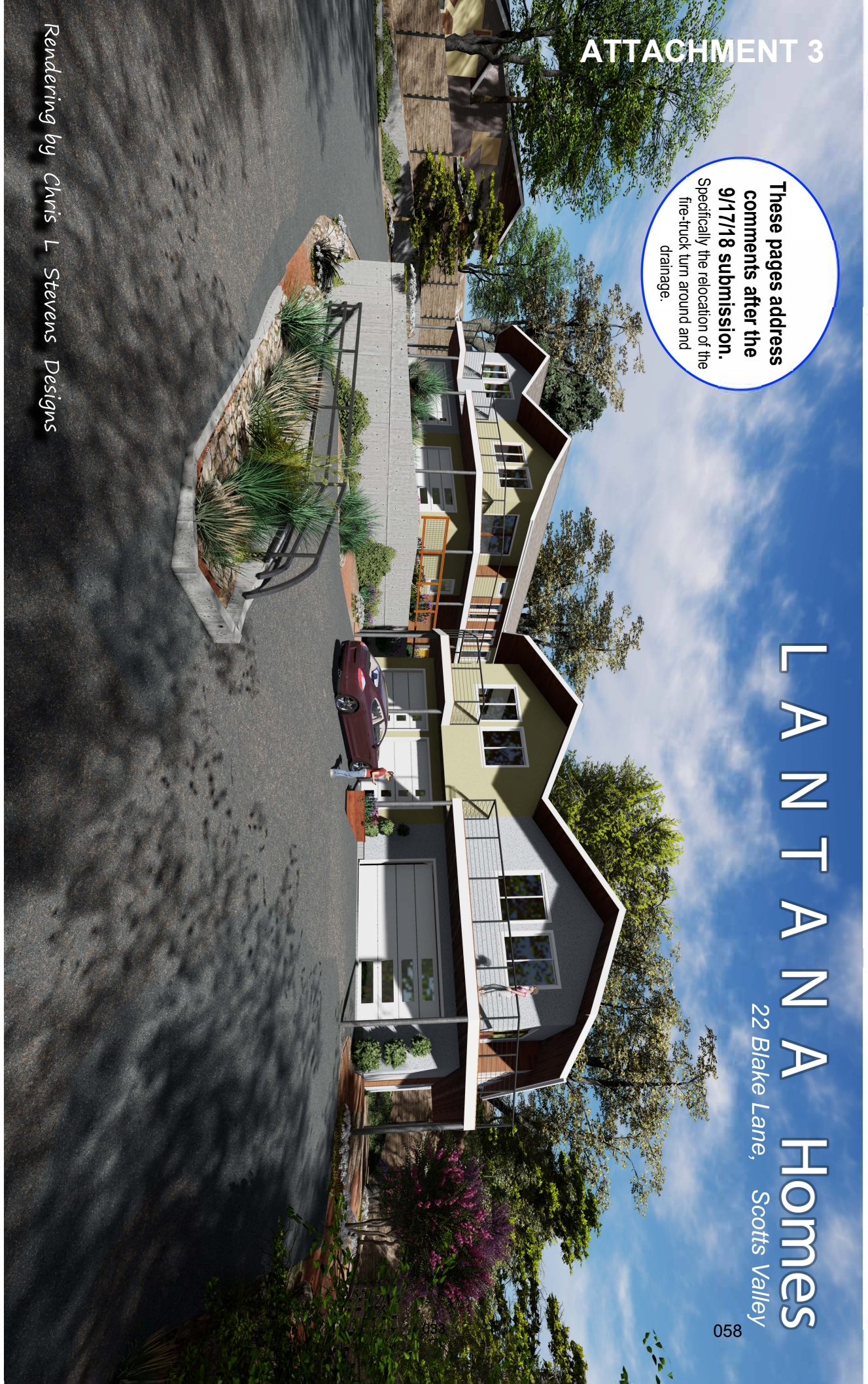
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These pages address comments after the 9/17/18 submission. Specifically the relocation of the fire-truck turn around and drainage.

LANTANA Homes

22 Blake Lane, Scotts Valley

058



Survey - Lantana Homes

RICHARD C. MOE
RUTH N. MOE
CO-TRUSTEES
2006-0016204
A.P.N. 022-902-14
MF condos

BASIS OF BEARINGS: S 36°03'26" E
ESTABLISHED BETWEEN 1/2" PIPES TAGGED "L.S. 2732" FOUND AS NOTED
AT POINTS "A" AND "B" AND AS CALCULATED BASED ON 45-M-6.
CALCULATED COURSE "A" TO "B" BY 45-M-6: S 36°03'26" E, 515.85'
FIELD-MEASURED COURSE BY THIS SURVEY: S 36°03'26" E, 516.04'

RD. 1/2" PIPE, "L.S. 2732," TOP
SLANTING SWLY. USED BASE.
TOP BEARS S 25°54' W, 0.22'

LOT 11

BOARD FENCE

S 23°10'40" E, 171.00'
(S 23°05' E)

CONC. RETAINING WALL

BAF-B-0

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6

FD. 1/2" PIPE, "L.S. 2732," TOP
SLANTING SWLY. USED BASE.
TOP BEARS S 25°54' W. 0.22'

(S 23°05' E, 171')
S 23°10'40" E, 171.00'

RICHARD C. MOE
RUTH N. MOE
CO-TRUSTEES
2006-0018204
A.P.N. 022-802-14

(S 23°10'40" E, 108.40')

• Indicates survey monument found as noted hereon.
○ Indicates nothing found or set.
× Indicates spot elevation of existing surface.
() Indicates record data based on deeds or maps shown.

BASIS OF BEARINGS: S 36°03'26" E
ESTABLISHED BETWEEN 1/2" PIPES TAGGED "L.S. 2732" FOUND AS NOTED
AT POINTS "A" AND "B," AND AS CALCULATED BASED ON 45'-M-6.
CALCULATED COURSE "A" TO "B" BY 45'-M-6: S 36°03'26" E, 515.85'
FIELD-MEASURED COURSE BY THIS SURVEY: S 36°03'26" E, 516.04'

LEGEND

CHRISTEL OAKS SUB'D.
43 - M - 50

N 56°24'20" E, 116.94'
(N 55°30' E, 116.90')

"LANTANA HOMES"
PROJECT SITE

LANTANA LLC
2016-0017575
A.P.N. 022-902-16
22 BLAKE LANE

BASIS OF BEARINGS
S 36°03'26" E, 516.04'
TO A FD. 1/2" PIPE "L.S. 2732"
AS SHOWN ON 45'-M-6 (POINT "B")
NORTH CORNER OF THE NELLE M.
(PATTERSON PARCEL ON 45'-M-6)

PROP. LINE
40.13'

WOOD RET. WALL
N 68°46' E, 115.09' (115.05')
74.96'

WILLIAM C. MEARS
JERILYN MEARS
TRUSTEES
2012-0011435
A.P.N. 022-891-01
20 BLAKE LANE

15.585' R/W
SEE 55-PM-27

FD. 1/2" PIPE "L.S. 2732"
IN CONC. FNC. POST BASE
BEARS N 38°43' E, 0.09'
FROM OCT. 2001 POSITION
POINT "A"

LOCAL ELEVATION REFERENCE
IS THE TOP OF THIS FIRE
HYDRANT FOR ELEV.=622.86'

ANGELO SEGRETO, III
APRIL SEGRETO
2004-0069330
A.P.N. 022-741-10
25 BLAKE LANE

ALEX MORARU
TRUSTEES
2011-0045258
A.P.N. 022-741-09
23 BLAKE LANE

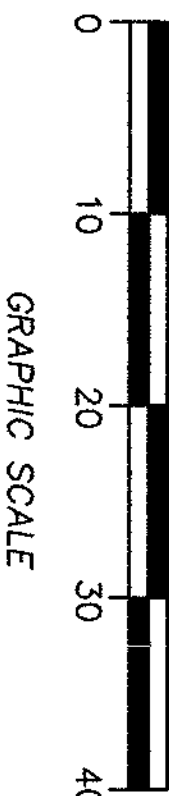
SURVEYOR'S MAP

SHOWING SUPPLEMENTAL INFORMATION FOR
APPLICATIONS EA18-001, PD18-001,
MD18-001, & DR18-001

LOCATED AT 22 BLAKE LANE

WITHIN THE CITY OF
SCOTT'S VALLEY, CALIFORNIA

SCALE: 1"=10'
BY: MICHAEL F. BEAUTZ, C.E.
SEPTEMBER 2018
A.P.N. 022-902-16
SHEET 1 OF 1



BENCH MARK IS A CITY OF SCOTT'S VALLEY STANDARD BRASS
DISK ON TOP OF A FOUR FOOT HIGH BLOCK RETAINING WALL ON
THE SOUTH SIDE OF SCOTT'S VALLEY DRIVE, 52 FEET SOUTHEAST
FROM THE CENTERLINE OF SCOTT'S VALLEY DRIVE AND 38 FEET NORTH-
EAST FROM THE CENTERLINE OF QUIEN SAGE DRIVE. ELEV. = 560.40'.

RICHARD C. MOE
RUTH N. MOE
CO-TRUSTEES
2006-0018204
A.P.N. 022-902-14

LANTANA HOMES

OVERLAY OF FINAL CONDITIONS PLAN FOR 22 BLAKE LANE
ON SURVEY OF 20, 23 AND 25 BLAKE LANE
(S 23°10'40" E, 109.40')

FO. 1/2" PIPE, "L.S. 2732" TOP
STAINING SWLY, USED BASE
TOP BEAMS S 25°54' W, 0.22'

(S 23°05' E, 171')
S 23°10'40" E, 171.00'

CHRISTEL OAKS SUB'D.
4 3 - M - 5 0

JET HOUSE (TRP.)

LOT 9

LOT 11

LOT 10

PARKING SPACE

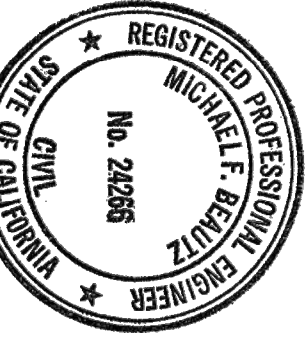
LANTANA, LLC
2016-0017575
A.P.N. 022-902-16

FO. 1/2" PIPE, "L.S. 2732" TOP
STAINING SWLY, USED BASE
TOP BEAMS S 25°54' W, 0.22'

LOCAL ELEVATION REFERENCE
IS THE TOP OF THIS FIRE
HYDRANT FOR ELEV.=602.56'

SURVEYOR'S MAP

SHOWING SUPPLEMENTAL INFORMATION FOR
APPLICATIONS EA18-001, PD18-001,
MLD18-001, & DR18-001
LOCATED AT 22 BLAKE LANE
WITHIN THE CITY OF
SCOTT'S VALLEY, CALIFORNIA
BY: MICHAEL F. BEAUTZ, C.E.
SEPTEMBER 2018
A.P.N. 022-902-16
SHEET 1 OF 1

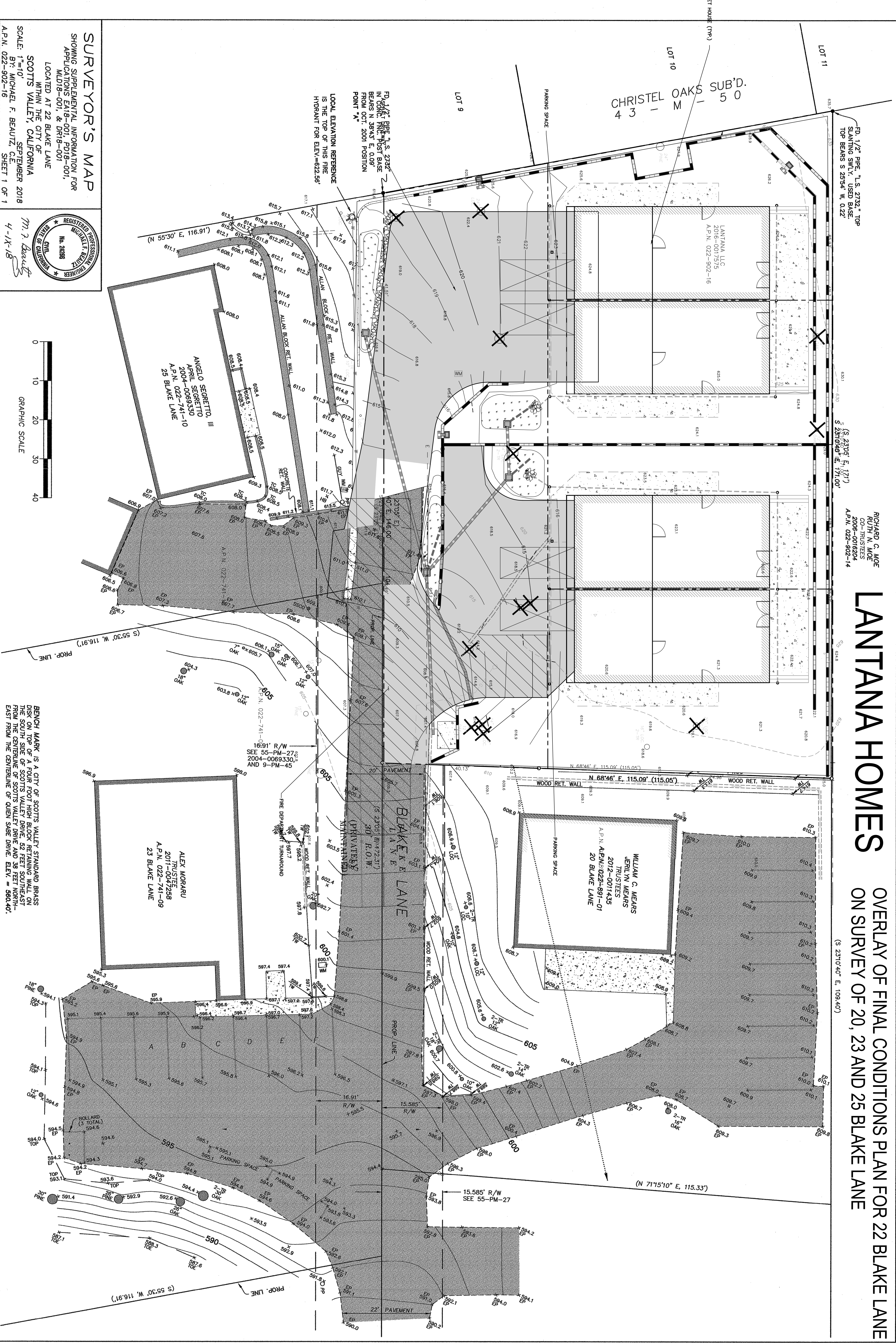


M.F. Beautz

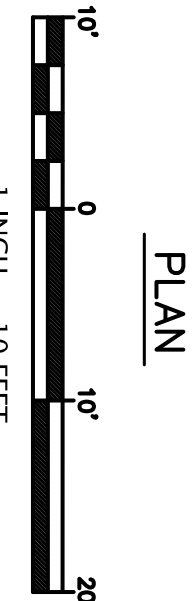


GRAPHIC SCALE

BENCH MARK IS A CITY OF SCOTT'S VALLEY STANDARD BRASS
DISK ON TOP OF A FOUR FOOT HIGH BLOCK RETAINING WALL ON
THE SOUTH SIDE OF SCOTT'S VALLEY DRIVE, 52 FEET SOUTHEAST
FROM THE CENTRELINE OF SCOTT'S VALLEY DRIVE AND 38 FEET NORTH-
EAST FROM THE CENTRELINE OF QUEEN SADE DRIVE. ELEV. = 560.40'.



1. WORK SHALL CONSIST OF ALL CLEANING, GRABBING, STRIPPING, PREPARATION OF LAND TO BE FILLED, EXCAVATION, SPREADING, AND GRADING OF THE FILL. THE GRADING TO BE CONSIDERED NECESSARY TO COMPLETE THE GRADING TO CONFORM TO THE U.S. GRADES, AND SLOPES, AS SHOWN ON THE APPROVED PLANS.
2. ALL GRADING OPERATIONS SHALL CONFORM TO THE U.S. GRADES, AND SLOPES, AS SHOWN ON THE APPROVED PLANS.
3. THE CULTIVARS STANDARD SPECIFICATIONS, AND SHALL ALSO BE DONE IN CONFORMANCE WITH THE REQUIREMENTS OF THE CITY OF SCOTTS VALLEY. THE MOST STRINGENT CRITERIA SHALL PREVAIL.
3. REFERENCE IS MADE TO THE GEOTECHNICAL INVESTIGATIONS BY HARO, KASUNICH AND ASSOCIATES, ENTITLED "GEOTECHNICAL INVESTIGATION OF THE PROPOSED WASTE TREATMENT PLANT, SCOTTS VALLEY, CALIFORNIA," DATED 2007. THE CONTRACTOR SHALL MAKE A THOROUGH REVIEW OF THIS REPORT AND SHALL FOLLOW ALL RECOMMENDATIONS THEREOF. THE CONTRACTOR SHALL CONTACT CROSS CONSULTING FOR ANY CLARIFICATIONS NECESSARY PRIOR TO PROCEEDING WITH THE WORK.
4. THE CONTRACTOR SHALL GRADE TO THE LINE AND ELEVATIONS SHOWN ON THE APPROVED PLANS.
5. THE GEOTECHNICAL ENGINEER SHOULD BE NOTIFIED AT LEAST FOUR (4) DAYS PRIOR TO ANY SITE CLEANING AND GRADING OPERATIONS.
6. WATERED AREAS SHOULD BE SCARIFIED TO A DEPTH OF ABOUT 6" STRIP-CONDITIONED TO BRING THE SOILS WATER CONTENT TO 15% ABOVE THE OPTIMUM, AND COMPACTED TO A DENSITY OF 95% OF THE MAXIMUM DRY DENSITY OF THE SOIL, ACCORDING TO ASTM D1557 (LATEST EDITION), SUBGRADE AND SOIL. APPROXIMATE BASE ROCK FOR PAVEMENTS SHOULD BE COMPACTED TO A MINIMUM OF 95%.
7. ENGINEERED FILL SHOULD BE PLACED IN THIN LIFTS AND EXCEEDING 8" IN LOOSE THICKNESS, MUST BE COMPACTIONED, COMPACTED TO AT LEAST 90% RELATIVE COMPACTION.
8. MATERIAL USED FOR ENGINEERED FILL SHALL MEET THE REQUIREMENTS OF THE APPROVED/NOTED REPORTS BY HARO, KASUNICH AND ASSOCIATES.
9. REPORTED FILL MATERIAL, USED AS ENGINEERED FILL FOR THE GRADING, SHALL BE SUBJECT TO THE REQUIREMENTS OF THE APPROVED/NOTED GEOTECHNICAL INVESTIGATION.
10. ALL FILL MATERIAL SHALL BE APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER PRIOR TO POSITIVE DELIVERY AND PLACEMENT. NO EARTHWORK OPERATIONS SHALL BE PERFORMED WITHOUT THE DIRECT OBSERVATION AND APPROVAL OF THE GEOTECHNICAL ENGINEER.
11. BASE GRADEN WHEN 10' OF FOUNDATIONS SHALL BE SLOPED 1:1. BASE GRADEN WHEN 10' OF FOUNDATIONS SHALL BE SLOPED 1:1. BASE GRADEN WHEN 10' OF FOUNDATIONS SHALL BE SLOPED 1:1.



THE HOME OWNER IS RESPONSIBLE FOR MAINTAINING THE STORM DRAINAGE SYSTEM AND ALL COMPONENTS. EVERY YEAR, PRIOR TO THE WET WEATHER SEASON (OCTOBER 15TH) ALL THE CATCH BASINS AND STORM DRAIN CLEANOUTS SHALL BE INSPECTED AND CLEANED OF ANY DEBRIS, SILT, TRASH AND SEDIMENT.

3. CURTAINS SHALL BE REINFORCED CONCRETE PIPE (RCP), POLYVINYL CHLORIDE (PVC), SDR35, OR HIGH DENSITY POLYETHYLENE (HDPE) AND N12 OR EQUAL, AND SHALL HAVE A SMOOTH INTERIOR CONFORMING TO SECTION E - STORM DRAINAGE FACILITIES OF COUNTY OF SANTA CRUZ DESIGN CRITERIA.
3. JUNCTIONS SHALL BE CURTAIN CONCRETE PRODUCTS OR APPROVED EQUAL WITH SMOOTH CONCRETE BOTTOM.
3. CONNECT ALL DOWNSPOUTS TO PERIMETER STORM DRAIN.

CUT	FILL	NET	CUT
1,800	50	1750	CUT

1. EARTHWORK QUANTITIES ARE APPROXIMATE AND SHALL BE INDEPENDENTLY VERIFIED BY THE CONTRACTOR FOR BIDDING PURPOSES.

2. EARTHWORK VOLUMES FOR RESIDENCE GRADING INCLUDING EXCAVATION TO ROUGH GRADE FOR CONSTRUCTION OF THE PROPOSED RESIDENCE. EARTHWORK VOLUMES REQUIRED TO CONSTRUCT THE FOUNDATIONS HAVE NOT BEEN INCLUDED.

3. EXCESS SOIL SHALL BE HAULED OR PLACED IN A COUNTY-APPROVED LOCATION.

1 REVISED PER CITY COMMENTS SEPTEMBER 2018

PROPOSED CONCRETE PATIO

(E) RETAINING WALL

PROPERTY LINE

BIORETENTION SUB-DRAIN

PROPOSED SETBACK

PROPOSED LIMIT OF GRADING

PROPOSED RETAINING WALL

PROPOSED SWALE

PROPOSED SD

PROPOSED PERIMETER SD

PROPOSED SDOO

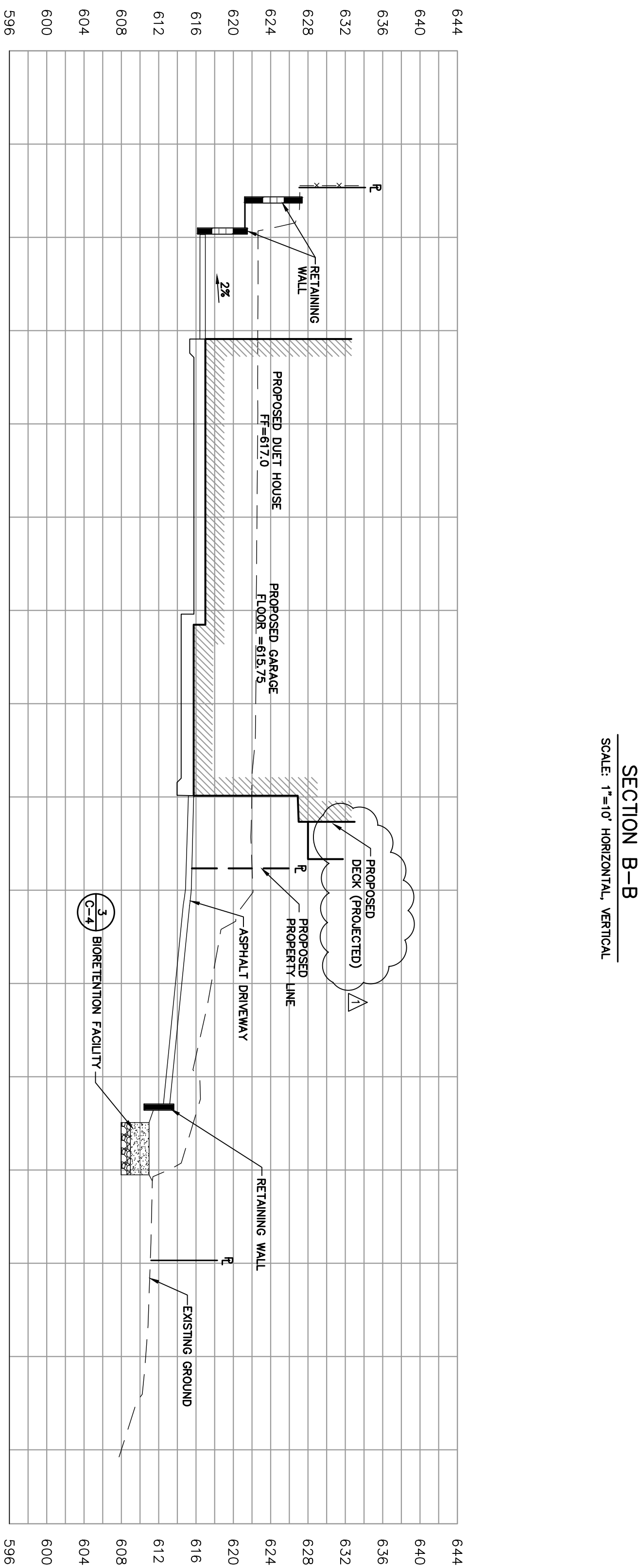
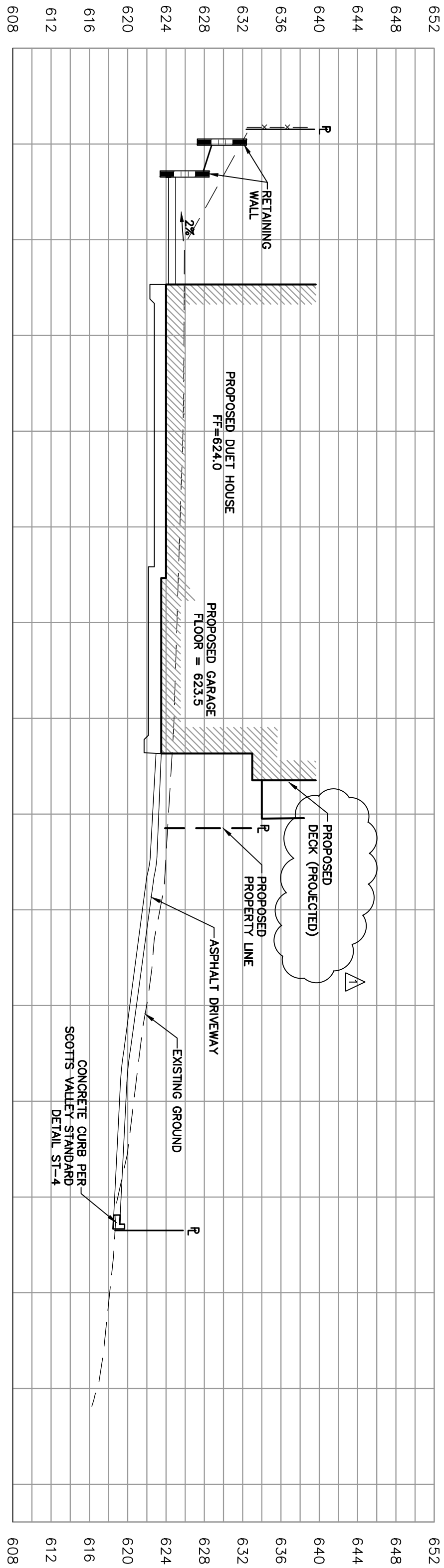
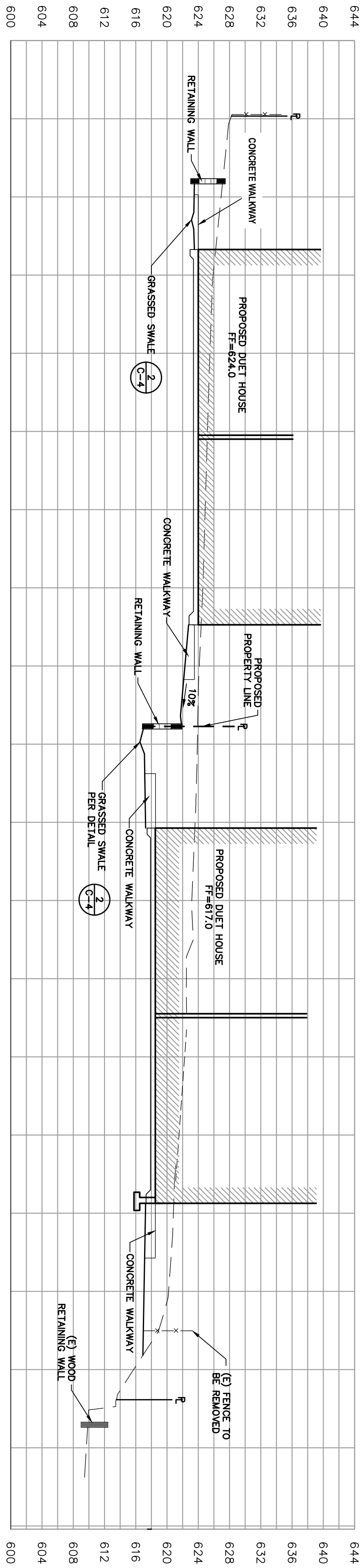
PROPOSED GB

BW	BOTTOM OF WALL
CNST	CONSTRUCT
DIA.	DIAMETER
DTL	DETAILED OUT
DVY	DRIVEWAY
(E)	EXISTING
EOP	END OF PAVEMENT
F	FINISH FLOOR
FF	FINISHED FLOOR
FS	FIRE SERVICE
HP	HIGH POINT
JF	JUNCTION
L	LINEAR FEET
LP	LOW POINT
N.T.S.	NOT TO SCALE
R/W	RETAINING WALL
R/W	RIGHT OF WAY
S	SLOPE
S&D	SEWER DRAIN DISTRICT
SPCO	STORM SEWER CLEANOUT
TYP	TYPICAL
WS	WATER SERVICE

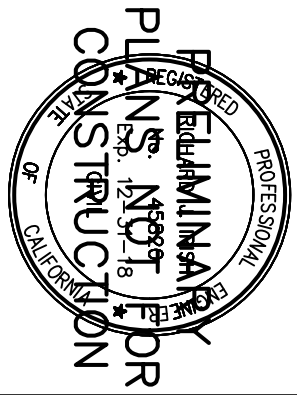
Q



12/5/2018



△	REVISED PER CITY COMMENTS SEPTEMBER 2018



RI

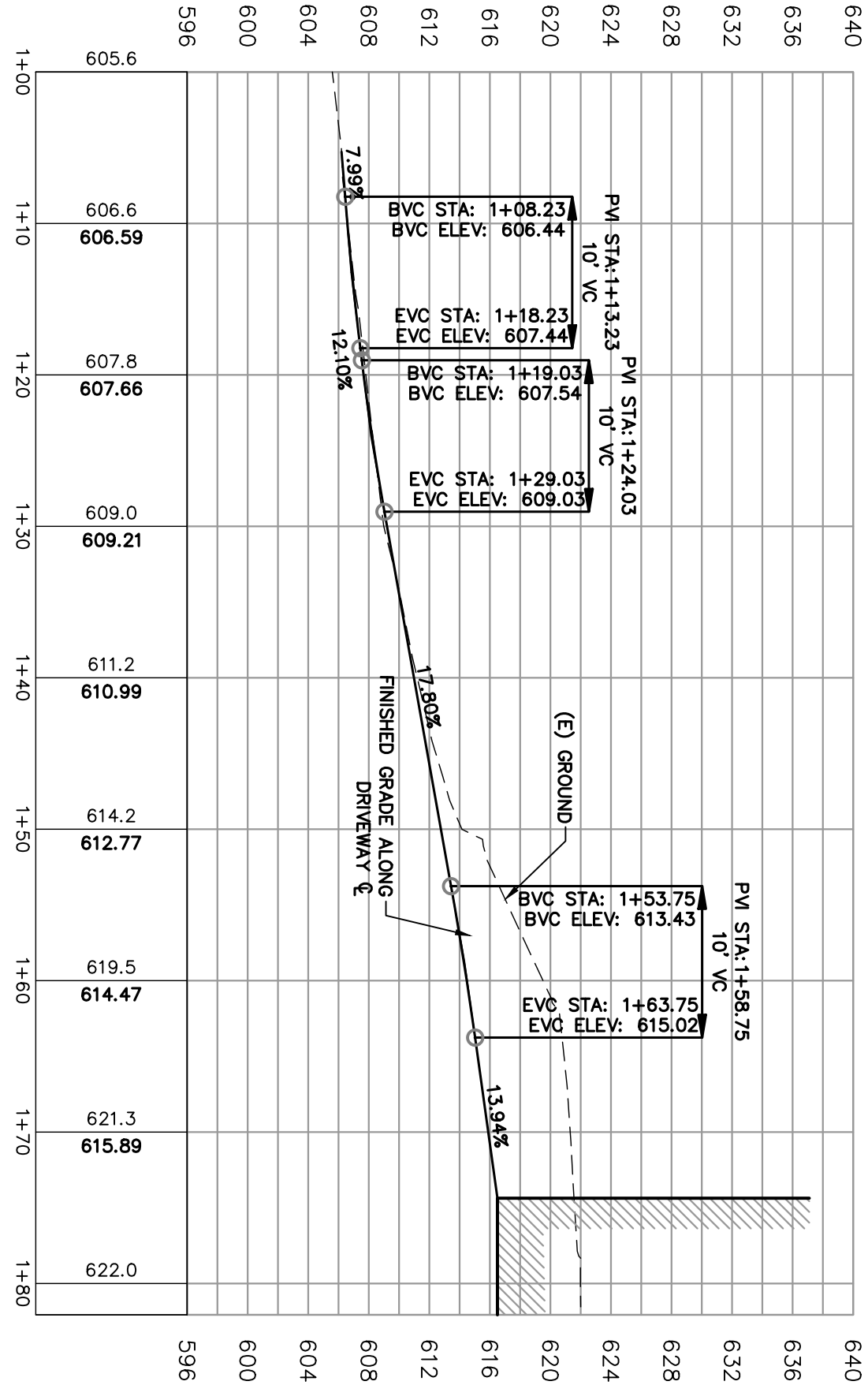
Engineering, Inc.

303 Potrero St., Suite 42-202, Santa Cruz, CA 95060
831-425-3901 www.riengineering.com

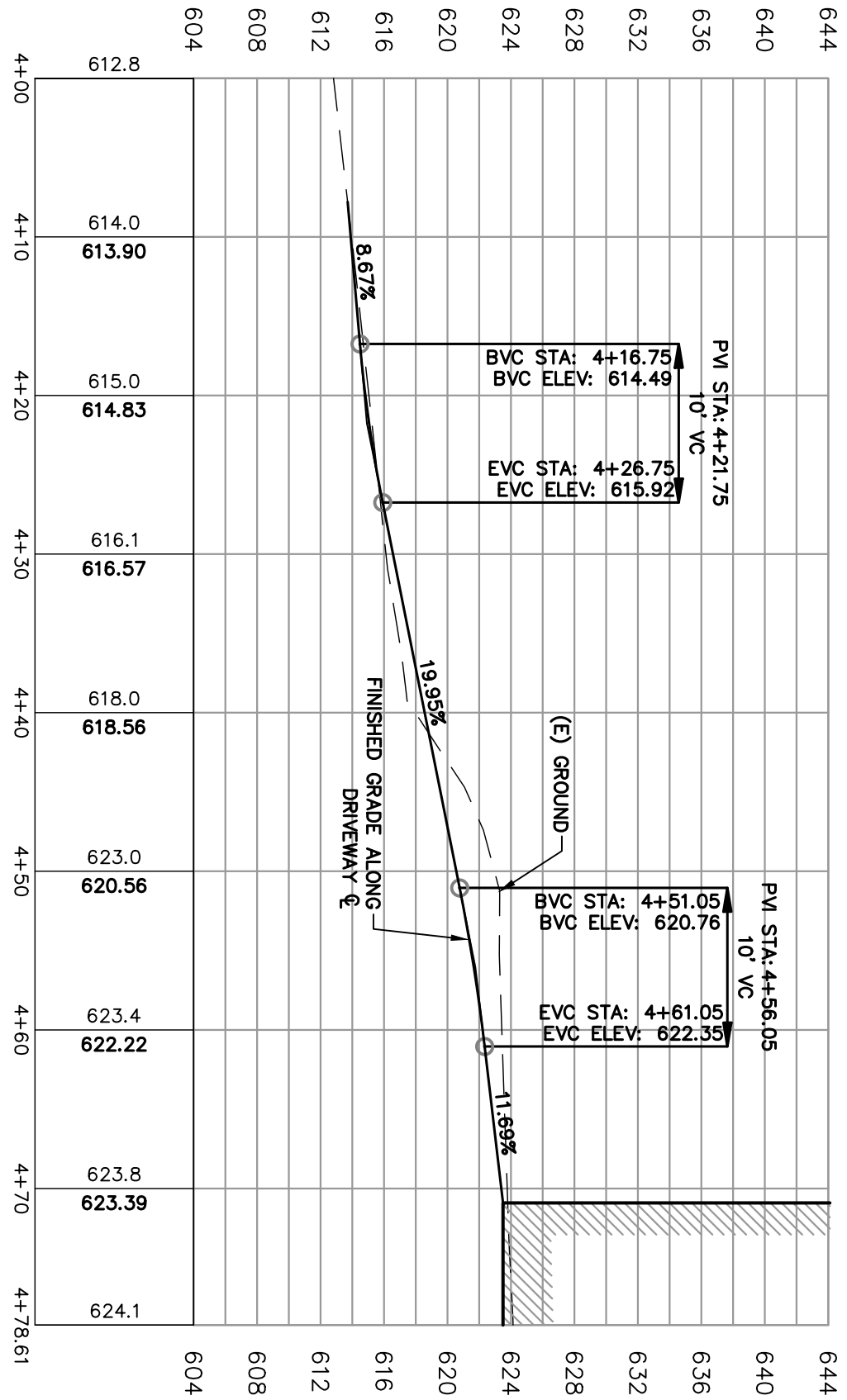
project no.	4 LOT MINOR LAND DIVISION FOR LANTANA, LLC 22 BLAKE LANE SCOTTS VALLEY, CA APN # 022-902-16
date	16-09-7-1
scale	AS SHOWN
dwg name	CIVIL.DWG

PRELIMINARY

C-5

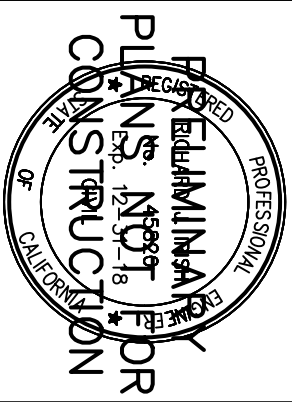


DRIVEWAY 1 @ PROFILE
SCALE: 1"=10' HORIZONTAL, VERTICAL



DRIVEWAY 2 @ PROFILE
SCALE: 1"=10' HORIZONTAL, VERTICAL

△ REVISED PER CITY COMMENTS SEPTEMBER 2018

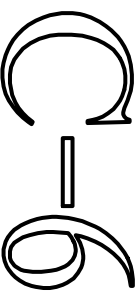


RI Engineering, Inc.

303 Potrero St., Suite 42-202, Santa Cruz, CA 95060
831-425-3901 www.riengineering.com

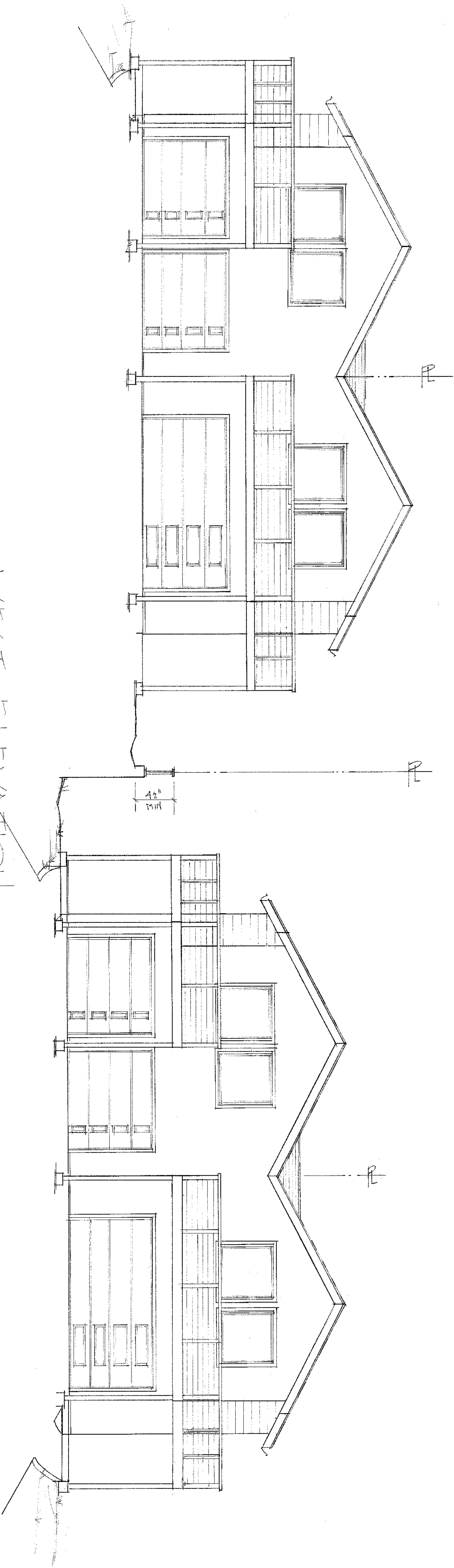
4 LOT MINOR LAND DIVISION FOR LANTANA, LLC 22 BLAKE LANE SCOTT'S VALLEY, CA APN # 022-902-16	PROFILES
project no. 16-097-1	
date DECEMBER 2017	
scale AS SHOWN	
dwg name CIVIL1.DWG	

PRELIMINARY

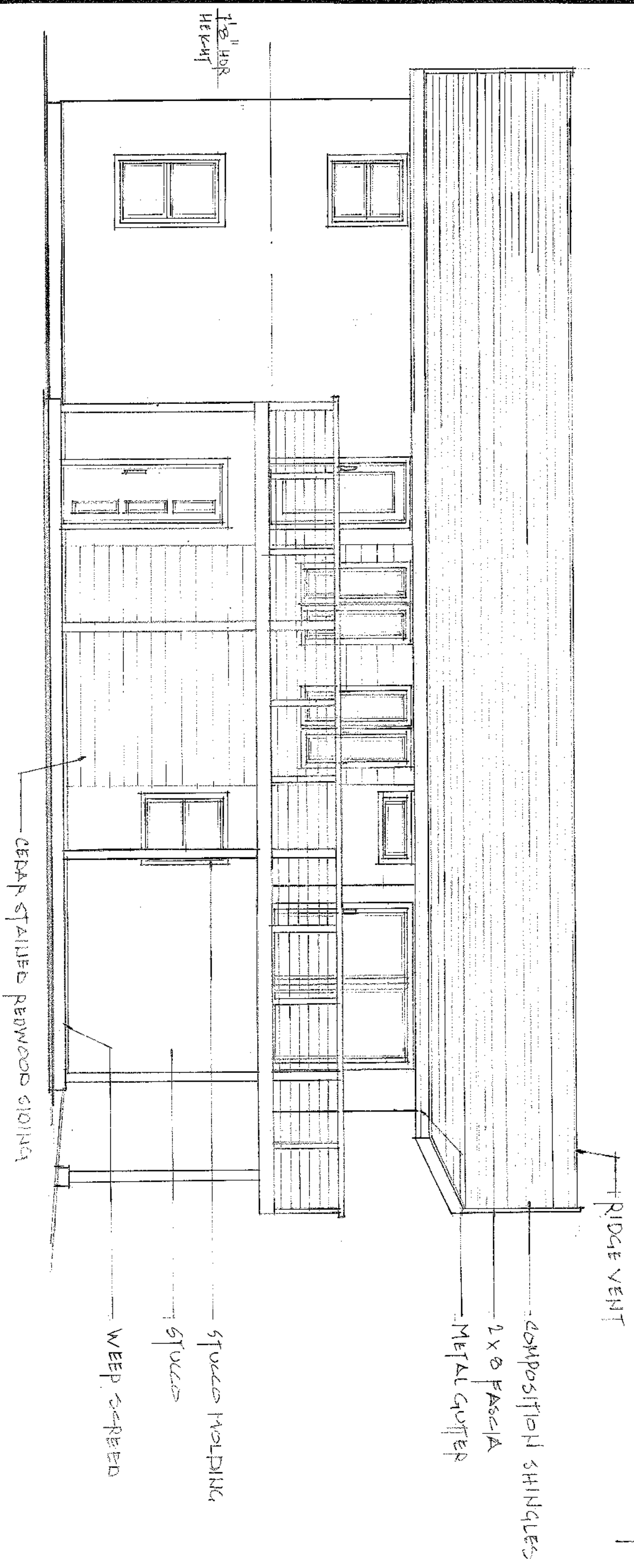


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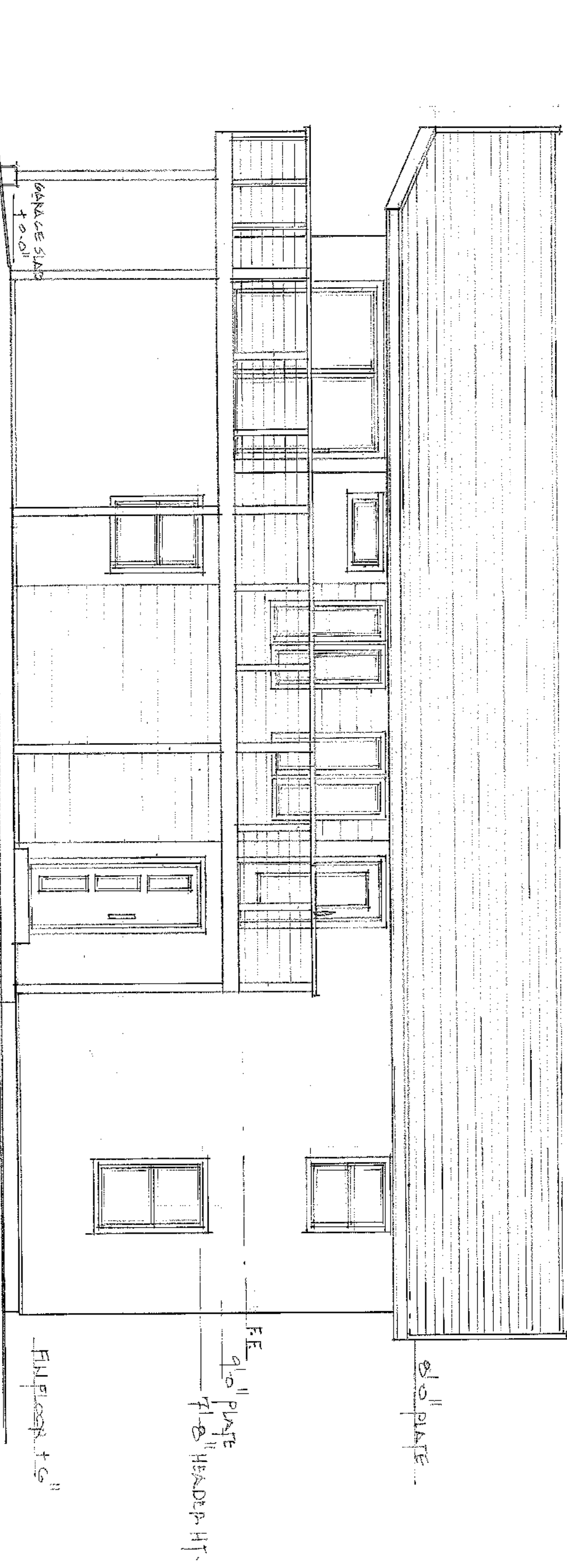




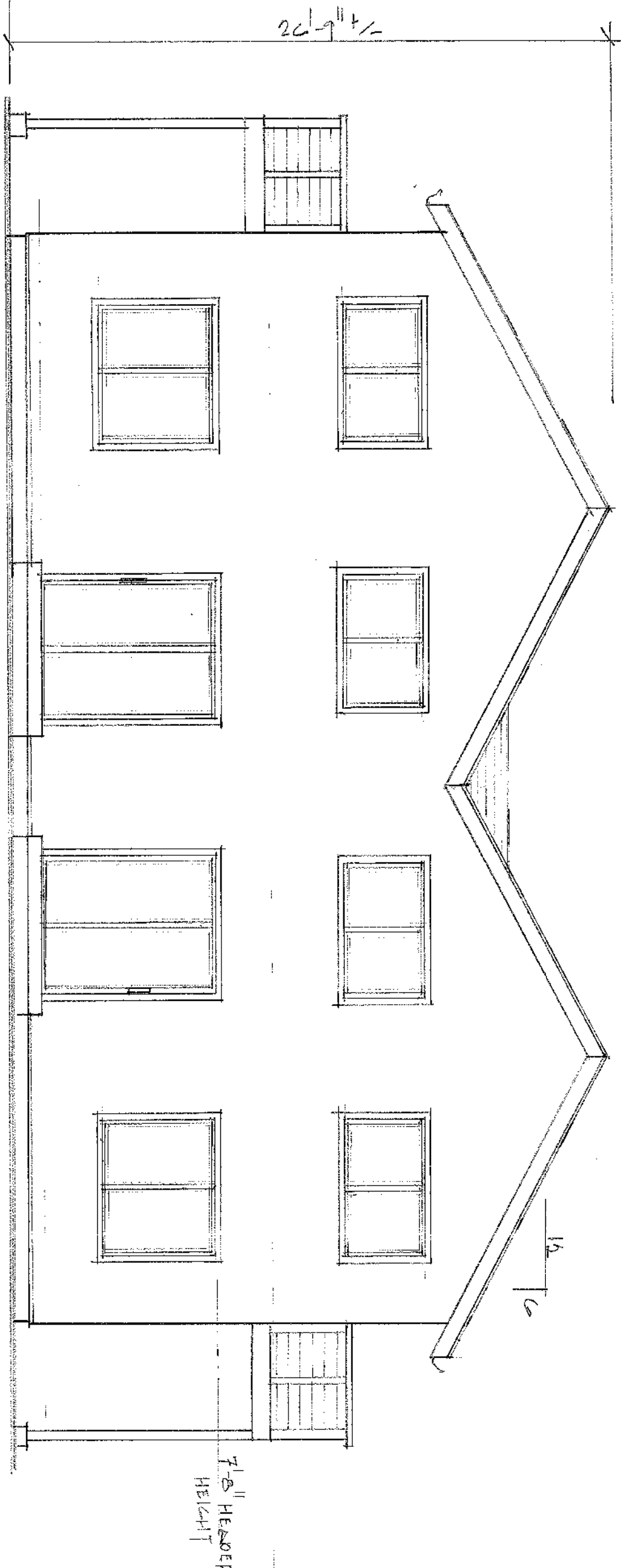
WEST ELEVATION
SCALE: 3/16" = 1'-0"



NORTH ELEVATION
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"

LANTANA HOMES

LANTANA LLC DUPLEX
 Maria Jenson 612.669.0732
 22 Blake Lane Scotts Valley, CA 95066
 A.P.N. 022 - 902 - 16

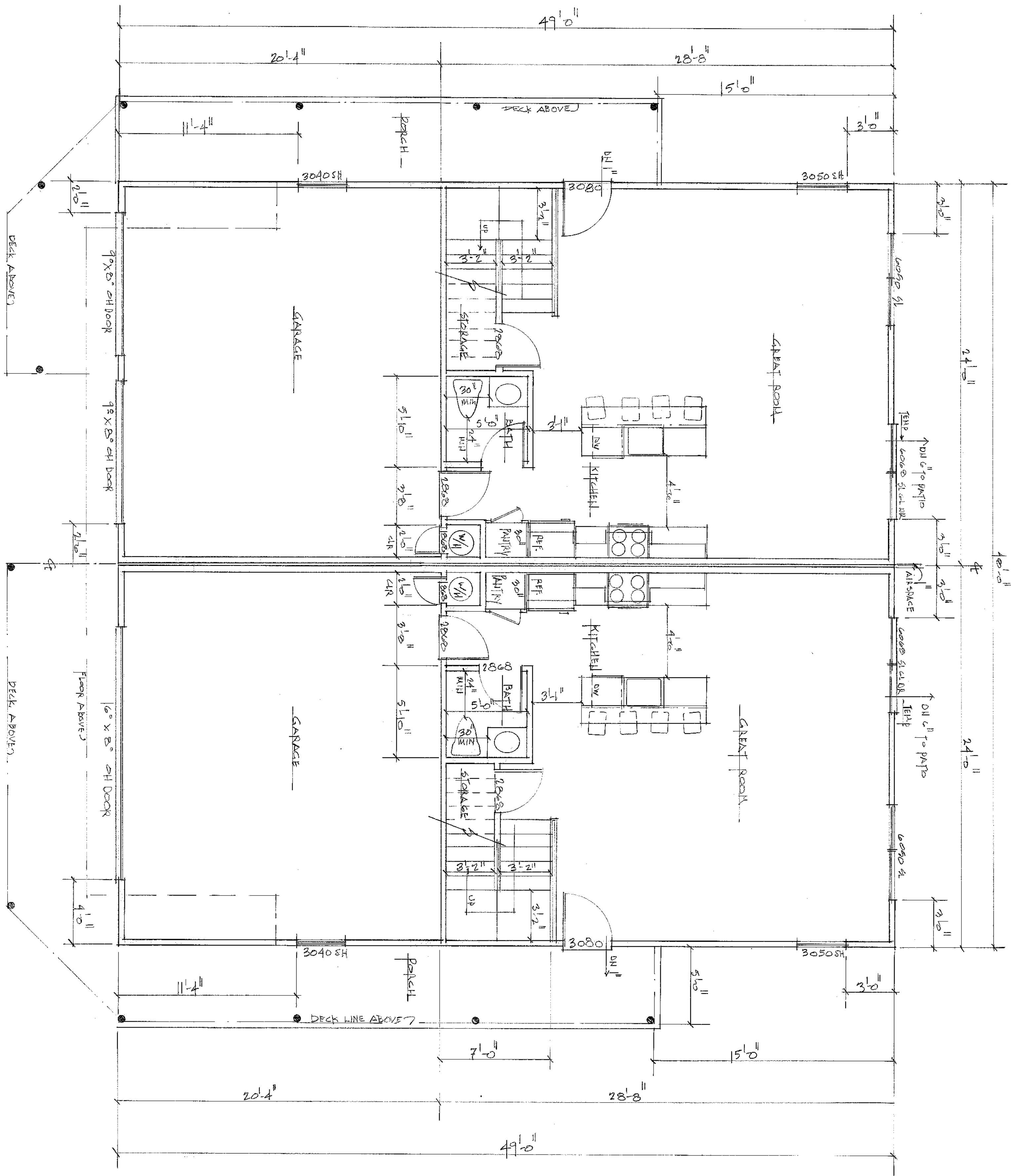
ROBIN ALAGA
 250 Evening Hill Lane Corralitos, CA 95076
 Ph/Fax: (831)724-4994 Cell: (831)419-4919
 rabrownfield@sbcglobal.net

REVISIONS	BY

DATE	CHECKED	DRAWN
11.15.11	ROBIN	ROBIN
SCALE: 3/16" = 1'-0"		
JOB NO. 100-20		
SHEET		
OF SHEETS		

LANTANA HOMES

SQUARE FOOTAGE	
LOWER LEVEL:	687 SQ. FT.
UPPER LEVEL:	1121 SQ. FT.
TOTAL HEATED:	1808 SQ. FT.
GARAGE:	487 SQ. FT.
COVERED PORCH:	170 SQ. FT.
DECK:	275 SQ. FT. / 337 SQ. FT.



LOWER LEVEL PLAN

SCALE: 1/4" = 1'-0"

LANTANA LLC DUPLEX

Maria Jenson 612.669.0732
22 Blake Lane Scotts Valley, CA 95066
A.P.N. 022 - 902 - 16

ROBIN ALAGA

250 Evening Hill Lane Corralitos, CA 95076
Ph/Fax: (831)724-4994 Cell: (831)419-4919
rabrownfield@sbcglobal.net

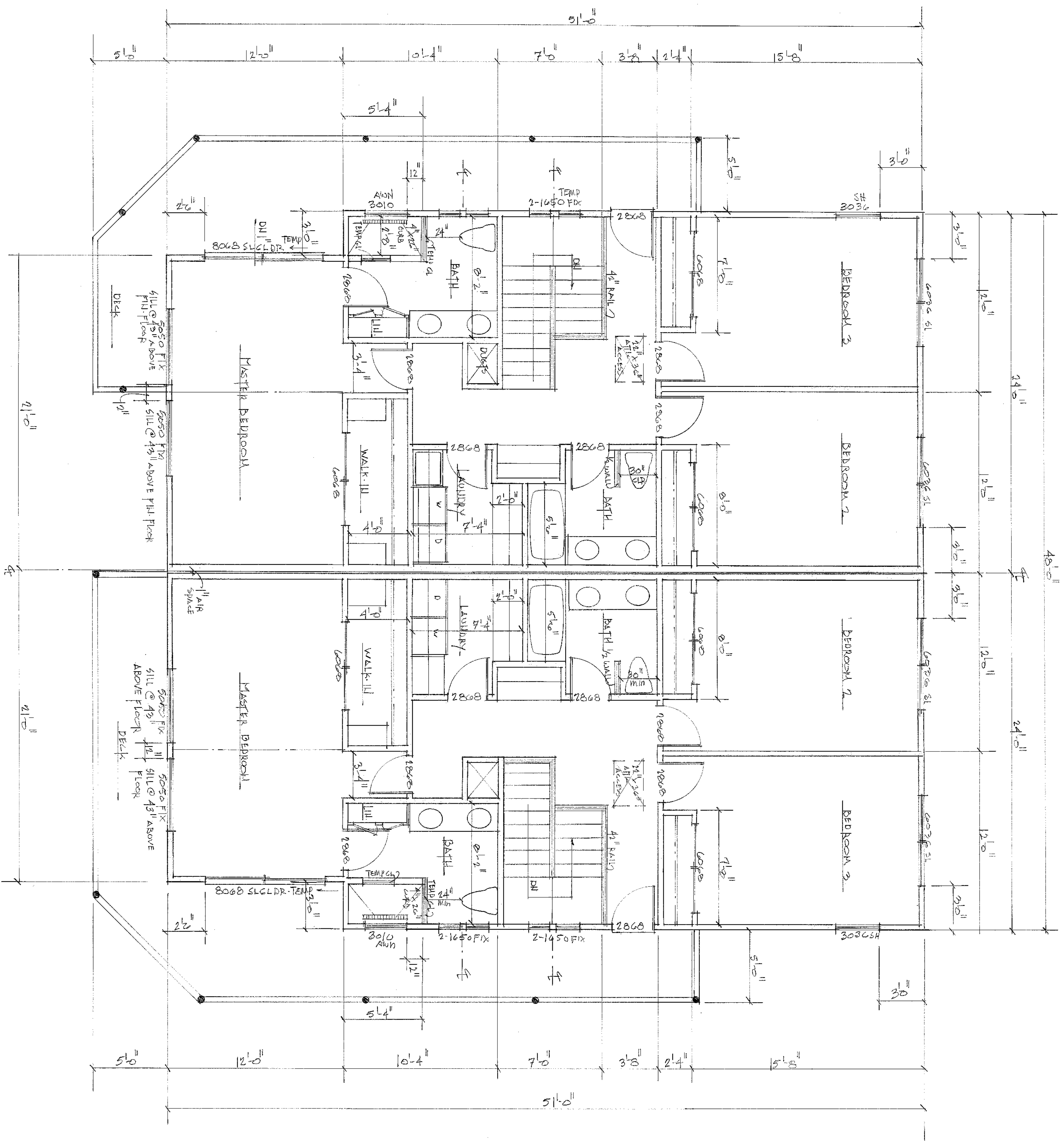
OF
SHEETS

DRAWN	Roblin
CHECKED	
DATE	12-09-07
SCALE	1/4" = 1'-0"
JOB NO.	18-02
SHEET	

REVISIONS

BY

LANTANA HOMES



UPPER LEVEL PLAN

SCALE: 1/4" = 1'-0"

LANTANA LLC DUPLEX

Maria Jenson 612.669.0732
22 Blake Lane Scotts Valley, CA 95066
A.P.N. 022 - 902 - 16

ROBIN ALAGA

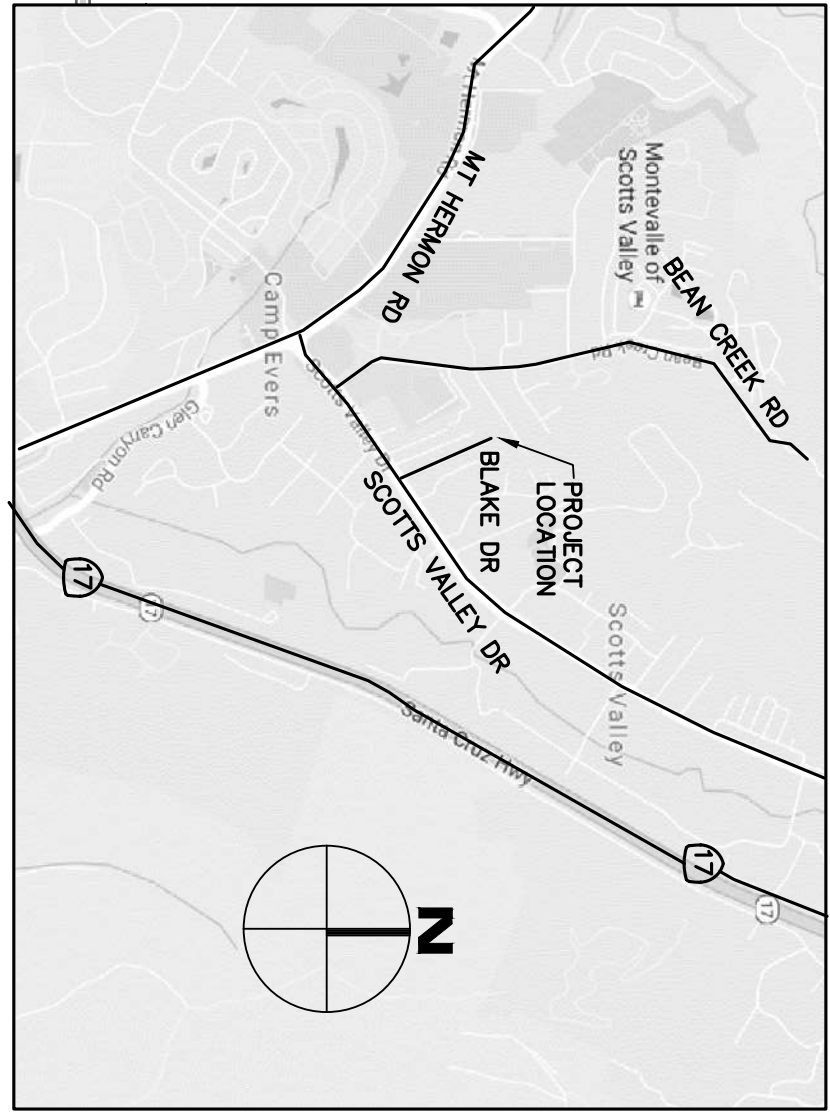
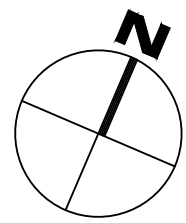
250 Evening Hill Lane Corralitos, CA 95076
Ph/Fax: (831)724-4994 Cell: (831)419-4919
rabrownfield@sbcglobal.net

DATE	12.20.13
SCALE	1/4" = 1'-0"
JOB NO.	18-716
SHEET	
OF SHEETS	3

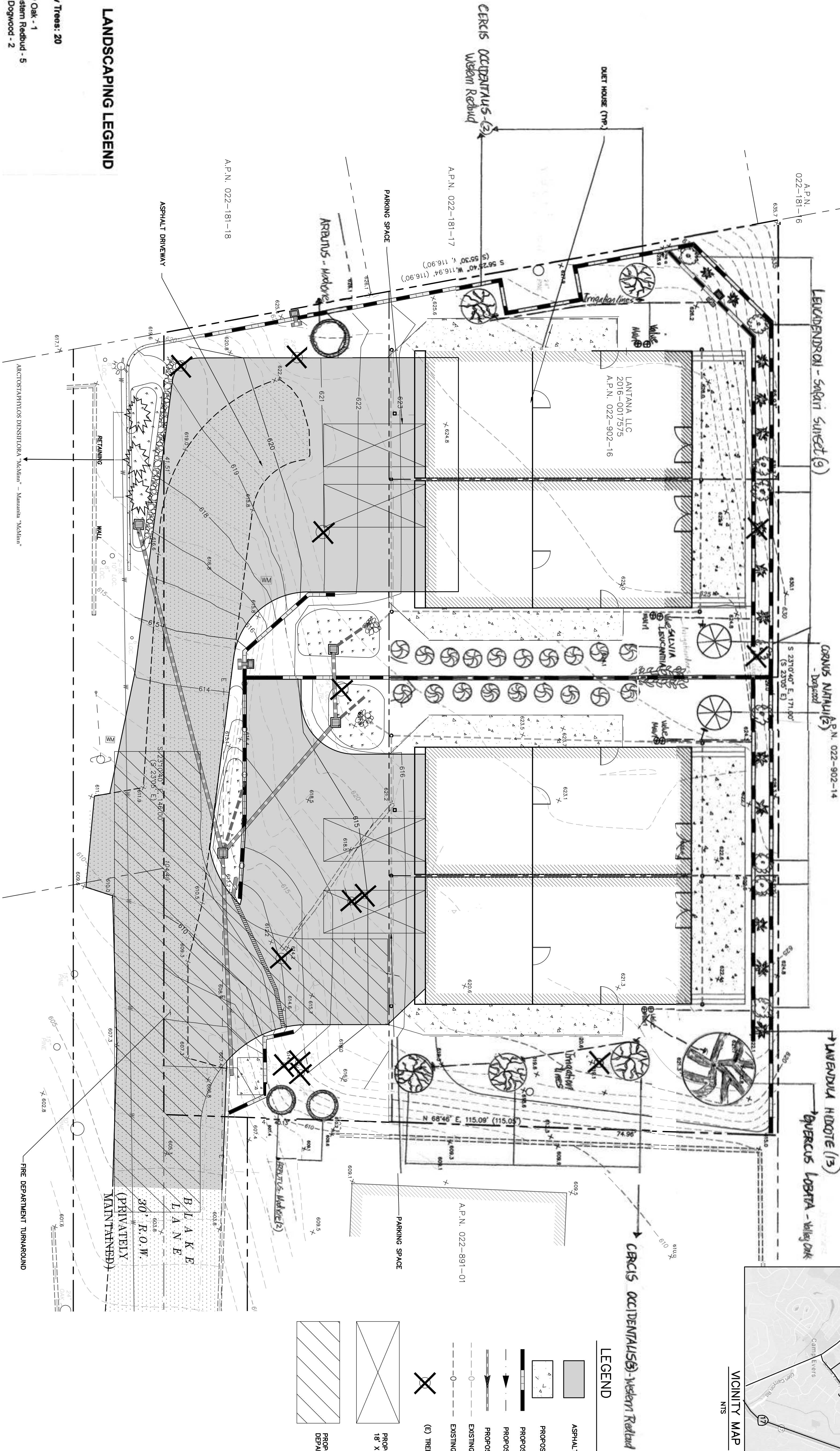
DRAWN	Robin
CHECKED	

REVISIONS	BY

LANTANA HOMES



VICINITY MAP
NTS



LANDSCAPING LEGEND

Total Number of New Trees: 20

- Quercus Lobata - Valley Oak - 1
- Cercis Occidentalis - Western Redbud - 5
- Cornus Nalisii - Pacific Dogwood - 2
- Arbutus - Madrone - 3
- Leucodendron - Safari Sunset - 9

Shrubs and Bushes

- Lavendula Hidcole - Smaller English Lavender - 13
- Salvia Leucantha - Mexican Bush Sage - 15-18

Concrete Wall Climber

- Ficus Pumila - Creeping Fig for concrete walls (or alternative)
- Hydrangea Anomala - Climbing Hydrangea

Bioswale Retention Area

- Juncus Patens - Native Rush - 20-27
- Eschscholzia Californica - California Poppy

All watering by drip irrigation

Tree irrigation as per schedule [GPH-gallons per hour] to get established in the first two years

Quercus Lobata - 3 emitters @ 2GPH

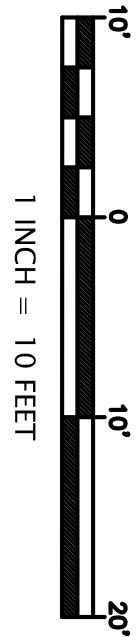
Cercis Occidentalis - 3 emitters @ 2GPH

Cornus Nalisii - 2 emitters @ 2GPH

Leucodendron - 1 emitter @ 1GPH

Lavendula and Salvia - 1 emitter @ 1/2 GPH

Arbutus - to be established on the property as construction commences



PLAN

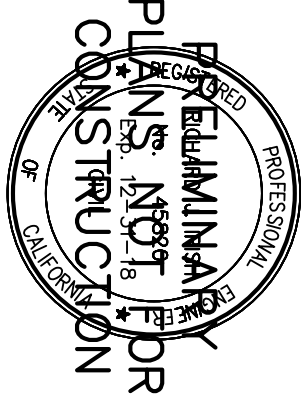
A.P.N. 022-741-10

A.P.N. 022-741-09

A.P.N. 022-891-01

LEGEND

- ASPHALT
- PROPOSED CONCRETE PATIO
- PROPOSED RETAINING WALL
- PROPOSED SWALE
- PROPOSED SO
- EXISTING GRADE MINOR CONTOUR
- EXISTING GRADE MAJOR CONTOUR
- (E) TREE TO BE REMOVED
- PROPOSED PARKING SPACE 18' X 8'
- PROPOSED FIRE DEPARTMENT TURNAROUND



Viji Jaganathan, Landscape Designer
521 San Luis Avenue
Los Altos, CA
650.353.8020

LANDSCAPING PLAN

4 LOT MINOR LAND DIVISION
FOR
LANTANA, LLC
22 BLAKE LANE
SCOTTS VALLEY, CA
APN # 022-902-16

project no.

date
9/16/18

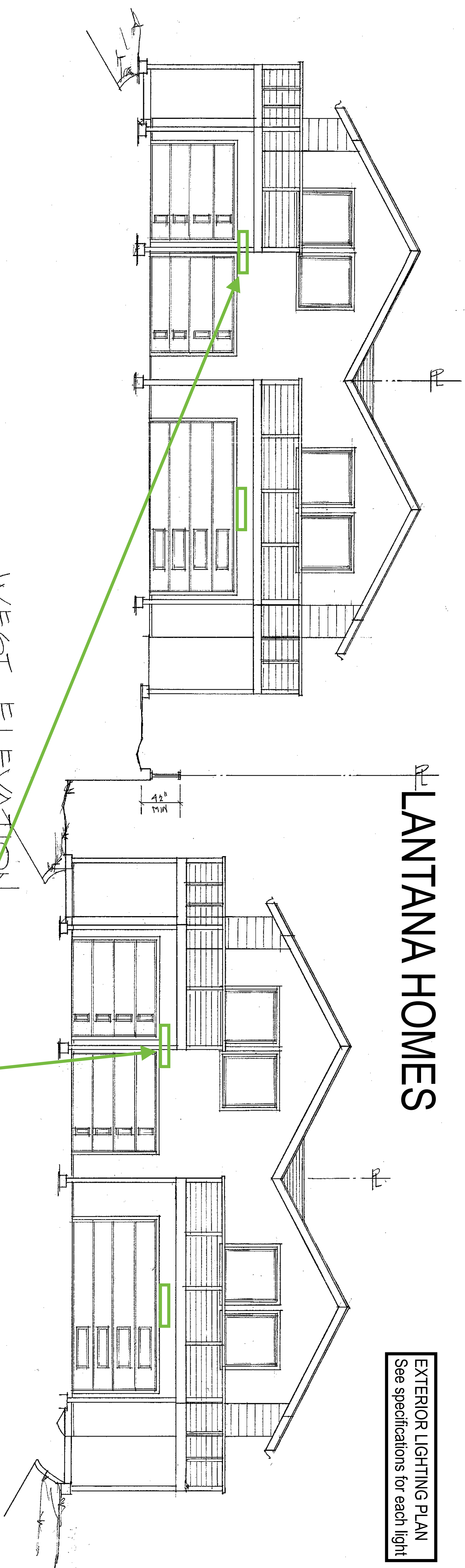
scale
AS SHOWN

dwg name

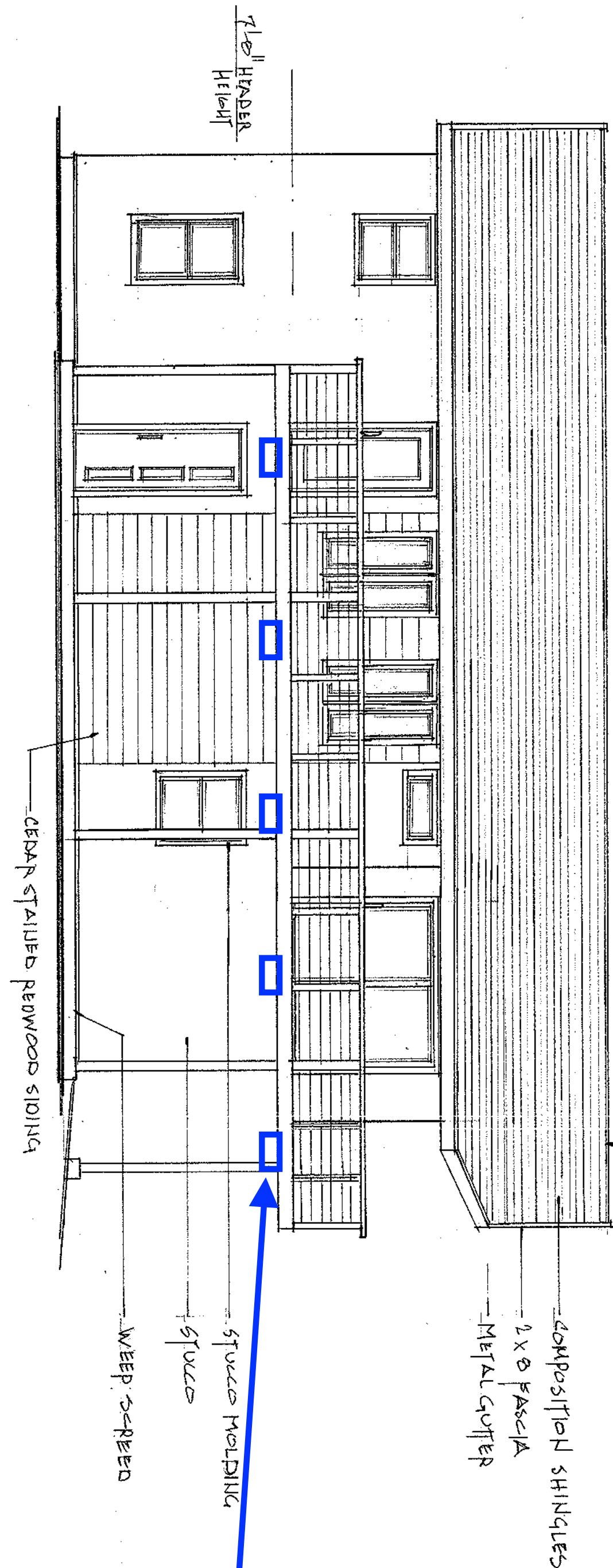
REVISED PER CITY COMMENTS SEPTEMBER 2018

LANTANA HOMES

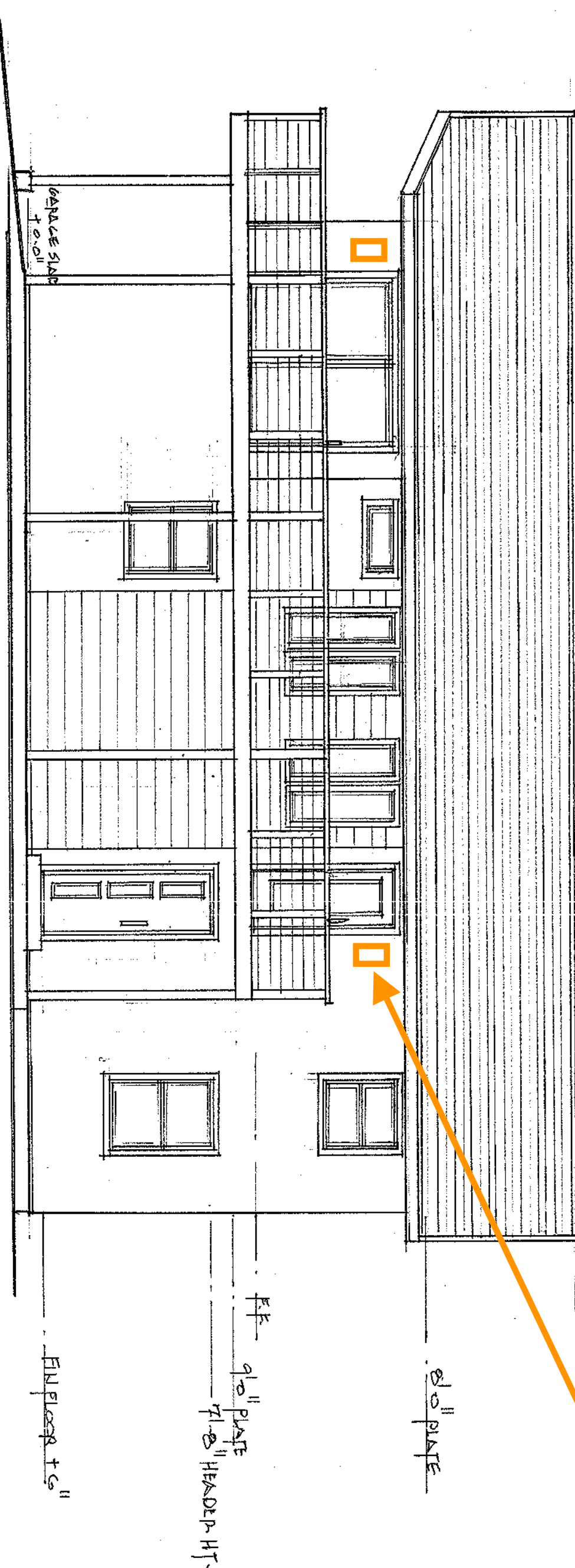
EXTERIOR LIGHTING PLAN
See specifications for each light



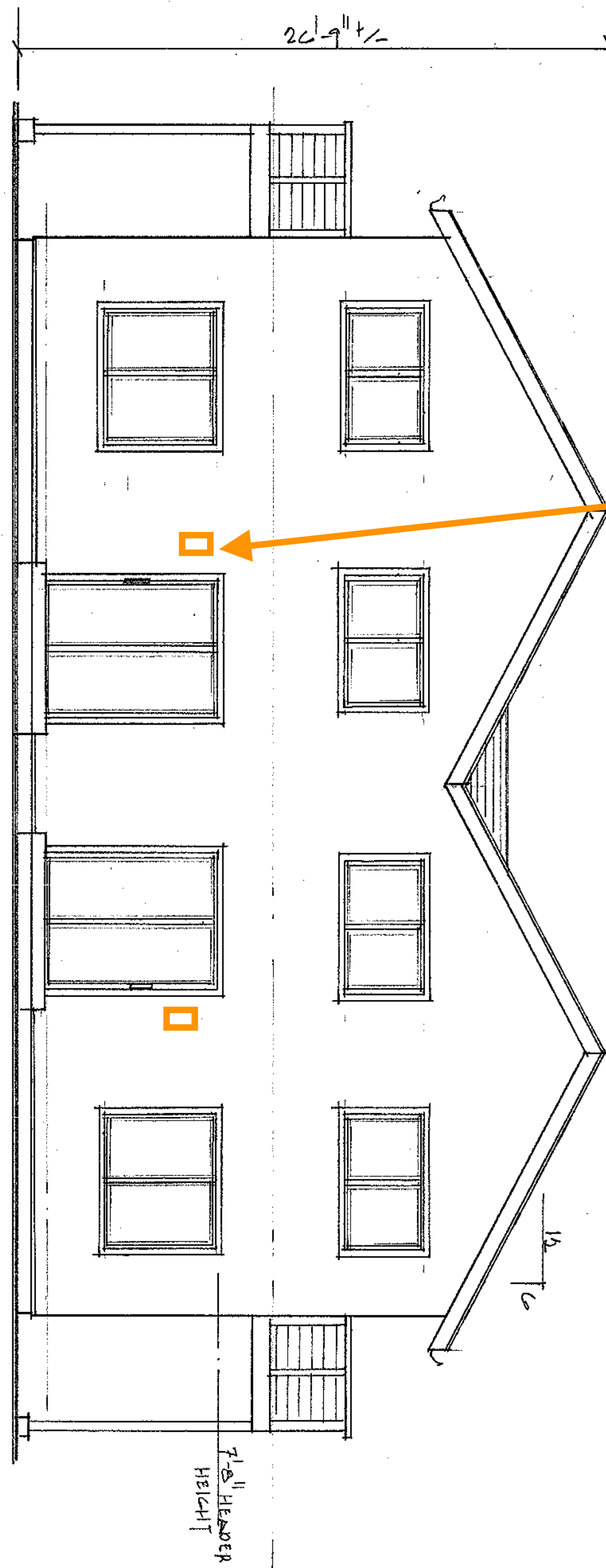
WEST ELEVATION
SCALE: 3/16" = 1'-0"



NORTH ELEVATION
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"

Recessed Can Lights will be placed on the underside of the balcony to light the walkways to the front doors

Motion Security Lights will be placed over garages

LED Sconce lights will be placed next to the Patio Doors and the Doors to the Balcony

LANTANA LLC DUPLEX

Maria Jenson 612.669.0732
22 Blake Lane Scotts Valley, CA 95066
A.P.N. 022 - 902 - 16

ROBIN ALAGA

250 Evening Hill Lane Corralitos, CA 95076
Ph/Fax: (831)724-4994 Cell: (831)419-4919
rabrownfield@sbcglobal.net

REVISIONS	BY

30211	DRAWN
CHECKED	
15 AUGUST 18	DATE
3/16" = 1'-0"	SCALE
2026	JOB NO.
26	SHEET
OF	SHEETS

Retaining Walls and Fences

Fences on perimeter of properties and between properties on the back patios.
Redwood with a cedar stain.



Hog wire fence on top of retaining wall that separates Lots 1&2 from Lots 3&4.
Hog wire will allow for natural vines to grow and provide a green border.



Concrete retaining walls



Color Samples

Each set of duet homes will have one home that is Sage Green Stucco with an Orange door and the other home will be Harbor Grey Stucco with a Yellow door. The remainder of the trim will be white and the garage doors will be white. The roof will be Certainteed Weatherwood. The wood trim under the soffits and along the one side of each of the homes (see architectural elevations) will be cedar.

077

Cedar accent wall and soffits



Harbor Grey Stucco



Sage Green Stucco



Certainteed Weatherwood
roof shingles



RI Engineering, Inc.



**Passenger Car Turning Movement Study
From New Private Driveways to Blake Lane**

For the

4 Lot Minor Land Division

At

**Blake Lane
Santa Cruz County
Scotts Valley, California
APN: 022-902-16**

December 5, 2018

**Prepared For:
Maria Jenson**

**Prepared By:
RI Engineering, Inc.
Project Number 16-097-1**



Report Summary

Owner, Maria Jenson, is proposing a 4 lot minor land division and multi-unit development with two prefabricated duplex structures with at-grade garages off of Blake Lane. A driveway with access to Blake Road is proposed for each of the two prefabricated duplex structures.

The City of Scotts Valley has requested RI Engineering do a turning analysis of passenger vehicles for each of the two parking spots in front of each lot to ensure that a passenger vehicle can back out of each private parking location and access Blake Lane. The online program AutoTurn has been utilized to analyze the turning movement into Blake Lane from all eight (two for each lot) private parking locations.

Design Vehicle

For our analysis, an AASHTO 2004 (US) Passenger design vehicle has been used for design. The design vehicle is a 19' long, and 7' wide passenger car. The dimensions of this design vehicle are slightly larger than a standard passenger vehicle and is being used in this study for conservative analysis.

Analysis

RI Engineering used the program AutoTurn Online to analyze the turning movements. As a basemap for AutoTurn, our AutoCAD design file was attached into AutoTurn. The basemap is to scale and represents the existing and proposed edges of pavement. The design vehicle was modeled to back out of the private parking spot and conduct a 2-point turn out of the private driveway and onto Blake Lane. There are two private parking locations in front of each of the four residences so a turn analysis was modeled for all eight parking locations. It has been determined that the design vehicle can maneuver out of all eight parking locations and safely turn onto Blake Lane.

Attachments

- Passenger Car Design Vehicle Cut Sheet
- Turn Analysis Legend
- Lot 1, spot 1 Turn modeled in AutoTurn
- Lot 1, spot 2 Turn modeled in AutoTurn
- Lot 2, spot 1 Turn modeled in AutoTurn
- Lot 2, spot 2 Turn modeled in AutoTurn
- Lot 3, spot 1 Turn modeled in AutoTurn
- Lot 3, spot 2 Turn modeled in AutoTurn
- Lot 4, spot 1 Turn modeled in AutoTurn
- Lot 4, spot 2 Turn modeled in AutoTurn

4 Lot Minor Land Division– Turning Movement Study
 Blake Lane
 APN 022-092-16

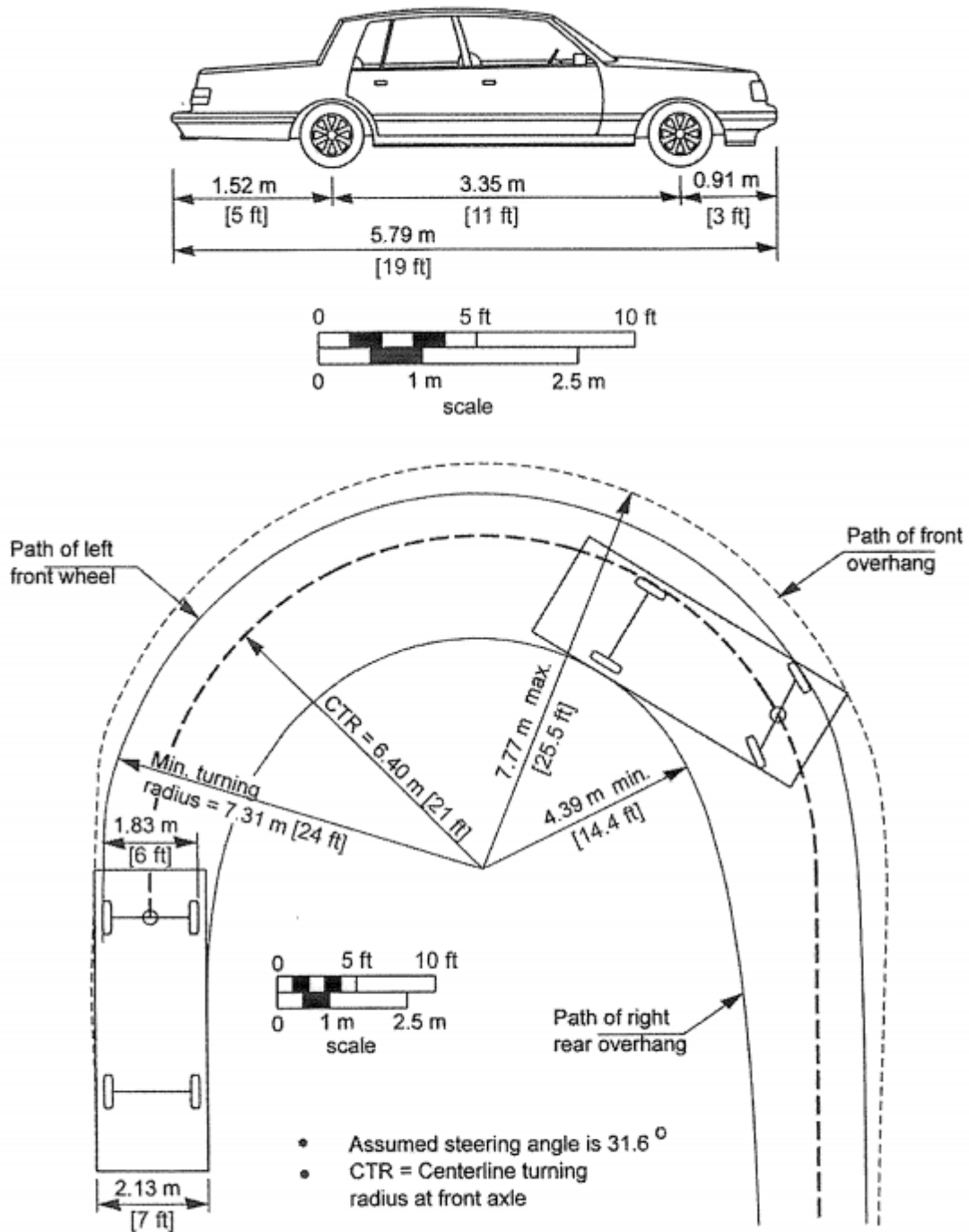
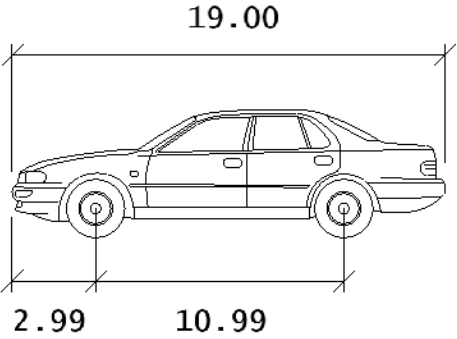


Exhibit 2-3. Minimum Turning Path for Passenger Car (P) Design Vehicle

4 Lot Minor Land Division– Turning Movement Study
 Blake Lane
 APN 022-092-16

Select Current Vehicle

North America : AASHTO 2004 (US) : P
 Units: Feet



19.00
2.99 10.99

Info

Search:

Region	Library	Name	Class	# of Parts
North America	AASHTO 2004 (US)	P	Passenger Vehicle	1

Legend for AutoTurn Drawings

Properties

General
Path
Vehicles
Envelopes

☒ Path

☒ Path Icons

OK
Cancel

Properties

General
Path
Vehicles
Envelopes

☒ Front Tires

☒ Rear Tires

☒ Vehicle Body

☐ Front Clearance

3.28 ft

☐ Rear Clearance

3.28 ft

☐ Body Clearance

3.28 ft

OK
Cancel

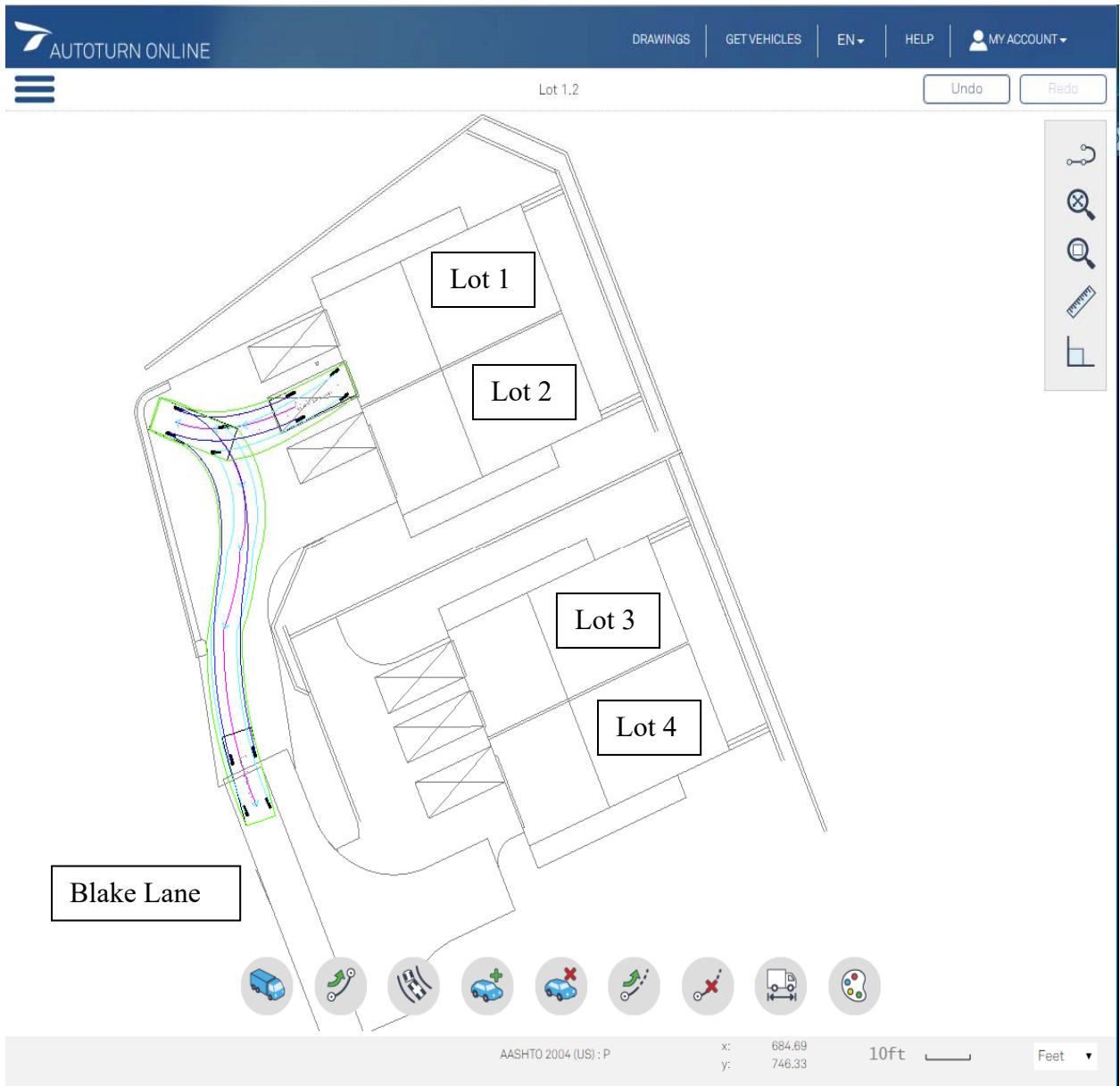
4 Lot Minor Land Division– Turning Movement Study
Blake Lane
APN 022-092-16

Lot 1, spot 1 turning onto Blake Lane



4 Lot Minor Land Division– Turning Movement Study
Blake Lane
APN 022-092-16

Lot 1, spot 2 turning onto Blake Lane



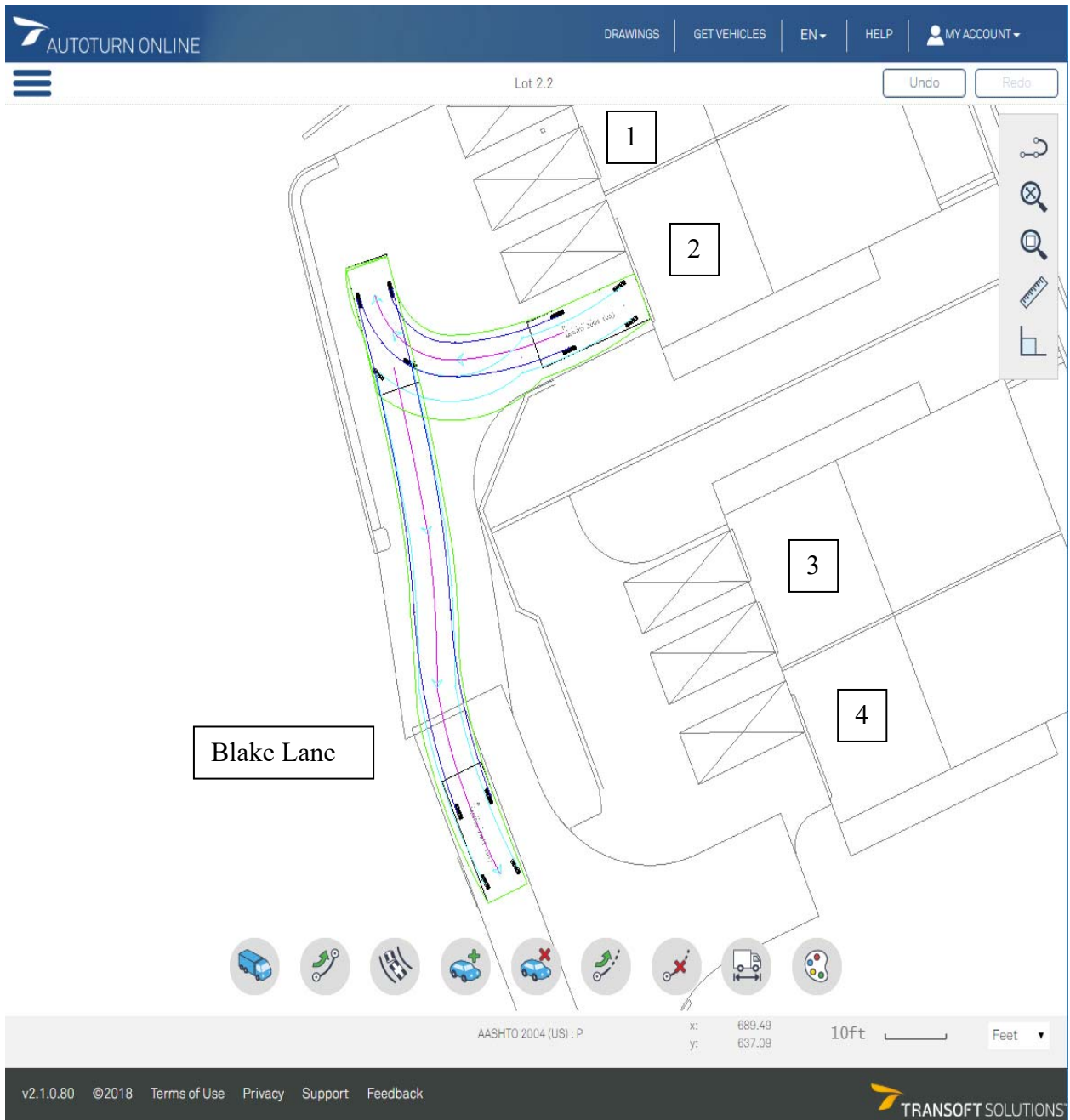
4 Lot Minor Land Division– Turning Movement Study
Blake Lane
APN 022-092-16

Lot 2, spot 1 turning onto Blake Lane



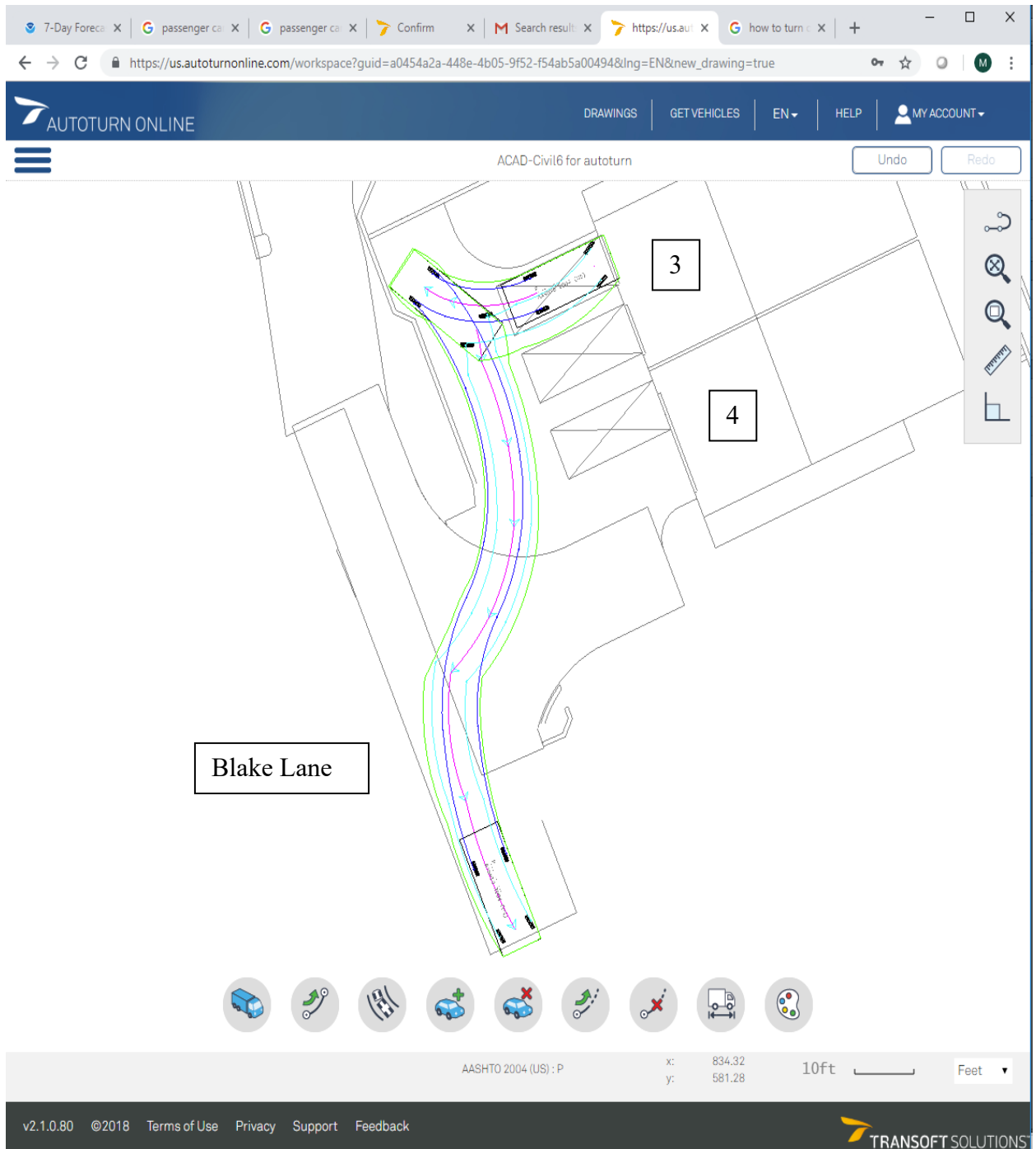
4 Lot Minor Land Division– Turning Movement Study
Blake Lane
APN 022-092-16

Lot 2, spot 2 turning onto Blake Lane



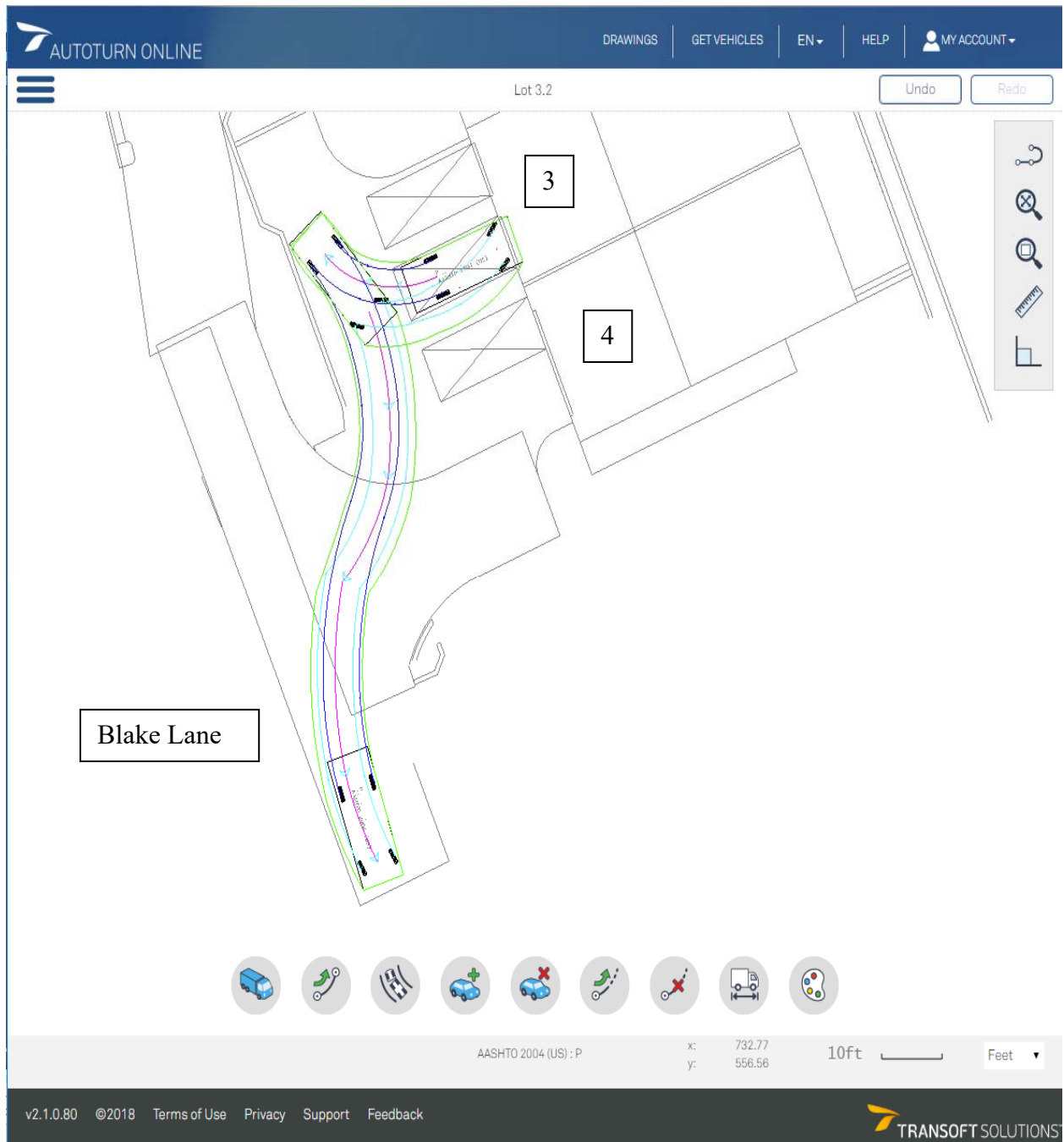
4 Lot Minor Land Division– Turning Movement Study
Blake Lane
APN 022-092-16

Lot 3, spot 1 turning onto Blake Lane



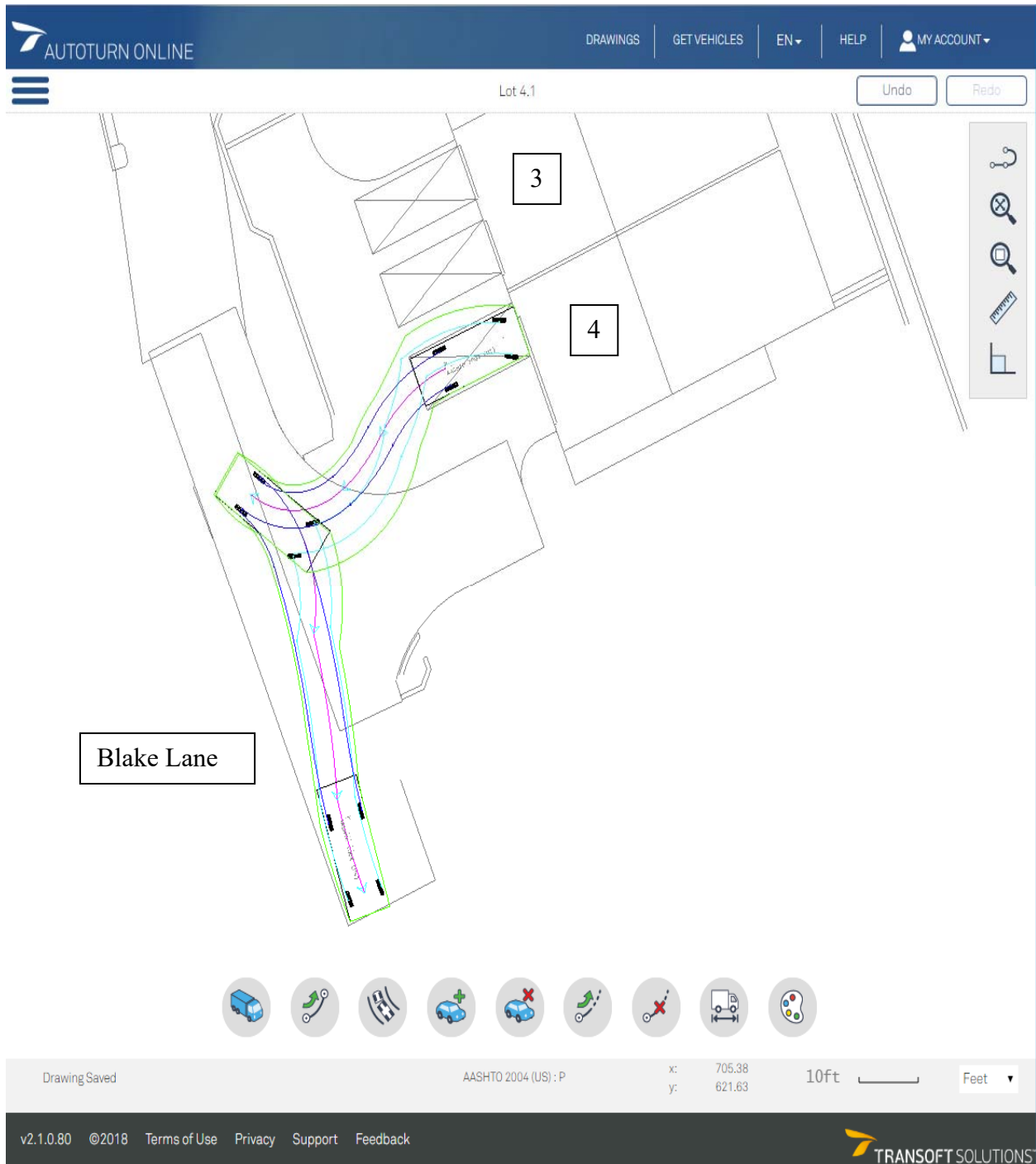
4 Lot Minor Land Division– Turning Movement Study
Blake Lane
APN 022-092-16

Lot 3, spot 2 turning onto Blake Lane



4 Lot Minor Land Division– Turning Movement Study
Blake Lane
APN 022-092-16

Lot 4, spot 1 turning onto Blake Lane



4 Lot Minor Land Division– Turning Movement Study
Blake Lane
APN 022-092-16

Lot 4, spot 2 turning onto Blake Lane



CITY OF SCOTTS VALLEY

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

**INITIAL STUDY
Mitigated Negative Declaration EA18-001**

for

**22 Blake Lane – Four-Lot Residential Subdivision for Lantana Homes
Assessor's Parcel Number 022-902-16**

**Tentative Parcel Map No. MLD18-001
Planned Development No. PD18-001
Design Review No. DR18-001**

Maria Jenson, Lantana, LLC, Applicant

November 8, 2018

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	A. Tentative map, grading, and project plans	
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	C. Geotechnical Report prepared by Haro, Kasunich and Associates, Inc. Dated August 29, 2016	
	D. Stormwater Control Plan prepared by RI Engineering, Revised dated July 18, 2018	
	E. Arborist Report by Ruth Stiles, dated January 16, 2018	

**CITY OF SCOTTS VALLEY
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
INITIAL STUDY**

I. INTRODUCTION

1. Project Address and Title:

22 Blake Lane
Scotts Valley, CA 95066
Assessor Parcel Number 022-902-16
Tentative Map (MLD 18-001); Planned Development (PD18-001);
Design Review (DR18-001)
4-Lot Minor Subdivision at 22 Blake Lane

2. Lead Agency Name and Address:

City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066

3. Contact Person and Phone Number:

Scott Harriman - Contract Planner
Regional Government Services
sharriman@rgs.ca.gov
(650) 587-7300 ext. 66

4. Project Sponsor's Name and Address:

Maria Jenson, Lantana, LLC
18 Morton Way
Palo Alto, CA 94303
(612) 669-0732

5. General Plan Designation and Zoning:

General Plan: High Density Residential (9 - 15 dwelling units/acre)
Zoning: RH, Residential High Density (3,000 sq. ft./dwelling unit)

6. Project Description:

The project proposes to subdivide an existing 18,231 square foot (0.42 acre) parcel of land to establish a four lot minor subdivision with one parcel to be owned in common by the four subdivision property owners. The project includes the construction of two duet-style single family homes (four units total). The subject parcel is currently vacant and previously contained a small single-family dwelling, which has been removed by a previous property owner. Each of the four lots would contain a two-story townhouse unit and private yard space. The common lot provides driveway access to the each unit's two-car garage and stormwater improvements serving the four lots. The residential lots would range in size from 2,701 square feet

to 3,450 square feet. The common lot is 6,328 square feet.

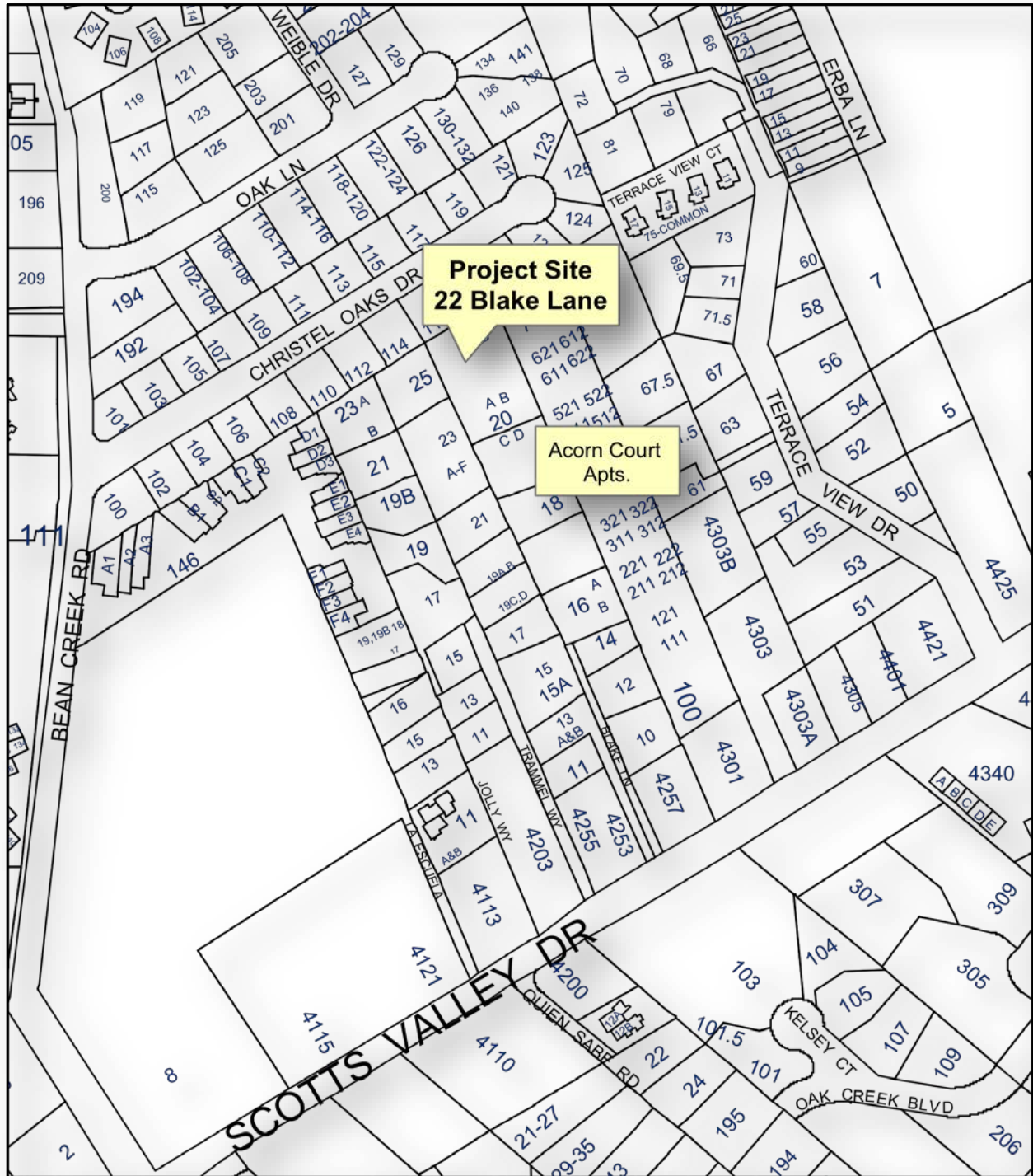
The project site is within the Mount Hermon June Beetle habitat area. A Low-Effect Habitat Conservation Plan (HCP) has been submitted to the U.S. Fish and Wildlife Service for an incidental take permit pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act. The HCP application has been published in the Federal Registry (Docket No. FWS-R8-ES-2018-N022) with the comment period ending November 19, 2018.

City of Scotts Valley project entitlements include Minor Subdivision, Planned Development and Design Review. The project is subject to the California Environmental Quality Act (CEQA). The project entitlements and environmental review will be presented at two public hearings. The Planning Commission and subsequently the City Council will hold public hearings to discuss and act upon the requested entitlements and this environmental review.

Project Location:

The project site is located on the northeast side of Blake Lane at the dead-end of this street (905 feet north from its intersection with Scotts Valley Drive) in the central area of the City of Scotts Valley (See the Location Map on following page). The property is adjacent to multi-family residential uses to the easterly and southerly sides of the site and single-family residential uses on the northerly side. Both multi-family and single-family residential uses occur on the opposite side of Blake Lane from the site.

7. **Location Map:**



Mitigated Negative Declaration Mitigation Measures - Summary

Mitigation Measure Biotic Resources -1a: To compensate for the loss of 14,031 sq. ft. (0.32 acre) of habitat for the federally endangered species, Mt. Hermon June beetle, the project proponent shall purchase 14,031 sq. ft. of conservation credits in the Zayante Sandhills

Mitigation/Conservation Land Bank as specified by the HCP prepared for this project and as approved by the USFWS. The HCP shall be approved and the conservation credits shall be purchased prior to approval and recordation of the final subdivision map.

Mitigation Measure Biotic Resources -1b: To minimize the direct effects of the project on the Mount Hermon June beetle, the project proponent shall comply with all mitigation measures, monitoring and reporting requirements specified in Section 5 of the Low-Effect Habitat Conservation Plan dated October 2016, and any additional requirements as specified in an approved HCP Permit.

Mitigation Measure Biotic Resources -2a: To compensate for the removal of tree 713, the project arborist shall oversee the removal and safe off-site storage of Ponderosa pine during construction, shown as Tree D on project plans, and replanting on the project site during the landscaping phase.

Mitigation Measure Biotic Resources -2b: Landscape plans for the proposed development shall be revised with a minimum of eight replacement trees, selected by the project arborist and the replanted Ponderosa pine, described in mitigation 2a. In addition, the applicant/developer shall pay an in-lieu fee into the City's tree replacement bank as required by the city's Tree Ordinance, for four new trees.

II. ENVIRONMENTAL CHECKLIST

This section includes the CEQA checklist and an expansion of responses made to questions on the CEQA checklist, mitigation measures where necessary to reduce impacts to less than significant levels, and a finding of significance for each potentially adverse impact.

A. AESTHETICS				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Data Sources: 1, 2 & 5

Discussion

The four unit residential project is subject to Design Review through the City of Scotts Valley. The site is located at the end of a private road developed with other single and multifamily homes. The site is not within a scenic corridor or vista and replaces a substandard home previously removed. This will improve the visual character of the site. Any new outdoor lighting can be designed to avoid glares to adjoining properties.

Finding

For the “Aesthetics” category, the thresholds of significance have not been exceeded. There would be no impact on visual resources or aesthetics. Therefore no mitigation is required.

B. AGRICULTURAL RESOURCES:				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
3. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Data Sources: 1&2

Discussion

The project site 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 site is located in a portion of the city zoned for the proposed use. Therefore, no impacts would occur as a result of the project.

Finding

For the “Agricultural” category, the thresholds of significance have not been exceeded. There would be no impact on agricultural resources. Therefore no mitigation is required.

C. AIR QUALITY				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

C. AIR QUALITY				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	■	☐
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	■

Data Sources: 1, 3 & 4

Discussion

Air Quality Plan and Air Quality Standards. The Monterey Bay Air Resources District (MBARD) is responsible for limiting the amount of emissions that can be generated through the basin by various stationary sources. Specific rules and regulations have been adopted in the Air Quality Management Plan of 2012-2015, adopted March 15, 2017, which limit the emissions that can be generated by various uses and/or activities, and identify specific pollution reduction measures which must be implemented in association with various uses and activities. Emission sources subject to these rules are regulated through the MBARD's permitting process. Any emissions sources that would be generated as part of the proposed project would be subject to the MBARD rules and regulations. The proposed development (the point source) does not include any processes or activities that would emit air pollutants. Therefore, the proposed use does not have the potential for significant impacts that would conflict with the Air Quality Management Plan. For non-point source pollutants such as traffic, which is regulated by the State Air Resources Board (ARB), the project will generate emissions from automobiles associated with regular vehicular travel. It is anticipated the project would generate an average of 38-vehicle trips/day, which is the normal trip generation for a residential project of this size. As such, these impacts will not be significant.

Standard conditions of approval to reduce dust generation from project grading and construction to minimal levels 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. Further, any dirt tracked on to Blake Lane 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.

Odor. The proposed project does not have the potential to create objectionable odors.

Finding

Compliance with standard conditions of approval, as monitored through regular and routine City Building and Engineering Department inspections will reduce the impact to less than significant levels.

D. BIOLOGICAL RESOURCES				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
2. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
3. Interfere substantially with the 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?	☐	☐	☐	☒
4. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
5. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Data Sources: 2, 4, 5, 6 & 7

Significant Impacts

Impact Biotic Resources -1: The project will temporarily convert 14,031 square feet of open space habitat on the parcel, during construction, for a federally endangered insect species, Mount Hermon June beetle (*Polyphylla barbata*) to residential development. In addition, project construction activities may result in the accidental death of some individuals of these species. This is a significant biotic impact.

Impact Biotic Resources -2: The project will remove 12 trees that are protected by Section 17.44.080 of the Scotts Valley Municipal Code. These trees include 2 coast live trees (*Quercus agrifolia*) with trunk diameters of 12 inches and 28 inches, and 9 locust trees. This is a significant biotic impact.

Discussion

Adverse Effect on Special Status Species. Some areas of Scotts Valley contain habitat that supports two federally endangered insect species-the Mt. Hermon June beetle (*Polyphylla barbata*) and Zayante band winged grasshopper (*Trimerotropis infantis*) and both species have been observed in the City. A presence-absence survey was conducted on the site in 2002. Five Mt. Hermon June beetles were trapped in the four corners of the parcel and additional individuals were observed in the center of the parcel. Subsequently, an entomological habitat assessment was conducted on this property and a report was prepared by Dr. Jodi McGraw, dated March 15, 2007. The report was updated in October 2016. The updated, October 2016, report is incorporated into this Initial Study as Exhibit B. Two additional federally endangered species that occur with the Mount Hermon June Beetle at other locations, Ben Lomand spineflower (*Chorizanthe pungens*) and Santa Cruz wallflower (*Erysimum teretifolium*). The 2016 assessment concludes that the site characteristics are not conducive to supporting the Zayante band-winged grasshopper or the two other plant species described above. The assessment describes the existing open space areas of the site as potential habitat for the Mt. Hermon June beetle.

The project will remove 14,031 square feet of open space habitat for the Mt. Hermon June beetle during construction by demolition and grading activities. Construction activities also have a potential to accidentally kill one or more of these insect species during grading, road building and subsequent construction of the dwellings. This is a potentially significant short-term biotic impact. After construction, 9,400 sq. ft. will remain permanently removed from open space habitat, as this area will be pavement or buildings. This is a significant long-term biotic impact. These impacts can be mitigated by implementing the two mitigation measures below. Both mitigations are based on a Draft Low-impact Habitat Conservation Plan (HCP) that has been prepared by Dr. Jodi McGraw and submitted to the U.S. Fish and Wildlife Service (USFWS) for review.

Mitigation Measure Biotic Resources -1a: To compensate for the loss of 14,031 sq. ft. (0.32 acre) of habitat for the federally endangered species, Mt. Hermon June beetle, the project proponent shall comply with all requirements as specified by the HCP prepared for this project and as approved by the USFWS. Requirements may include the project proponent to purchase 14,031 sq. ft. of conservation credits in the Zayante Sandhills Mitigation/Conservation Land Bank. The HCP shall be approved and conservation credits, if required, shall be purchased prior to approval and recordation of the final subdivision map.

Mitigation Measure Biotic Resources -1b: To minimize the direct effects of the project on the Mount Hermon June beetle, the project proponent shall comply with all mitigation measures, monitoring and reporting requirements specified in Section 5 of the Low-Effect Habitat Conservation Plan dated October 2016, and any additional requirements as specified in an approved HCP Permit.

Adverse Effect on Wetlands and Interference with Wildlife Movement or Migration. There are no swamps, marshes or other types of wetlands on the site. The project site does not contain any stream channels that provide migratory fish habitat. The site is surrounded by residential development and does not connect to a migratory route for wildlife.

Conflict with Local Policies Protecting Biological Resources. Section 17.44.080 of the Scotts Valley Municipal Code (Tree Preservation Ordinance) restricts the removal of various mature trees, including coast live oak trees (*Quercus agrifolia*) and Ponderosa pines (*Pinus ponderosa*) with trunk diameters of 8 inches or greater and other trees with 8 inch or greater trunk diameters located on a hillside with a slope exceeding 20%. Replacement of removed “protected trees” is required.

The applicant has submitted an arborist report, dated January 16, 2018 (Exhibit E), which evaluates 15 protected trees; 13 on-site and two on adjacent parcels. 11 of the 13 protected trees on site would be directly impacted by the proposed development, including six coast live oak trees and five non-native black locust trees. The arborist report also recommends removal of the other two protected trees on-site due to poor health (Ponderosa pine, Tree 713) and a black locust (Tree 721), which has a severe lean toward an adjacent apartment building. In total, 13 trees on-site would be removed as a result of the project development.

The 24-inch Ponderosa pine (Tree 713) is identified in the arborist report to be in poor health and weak condition. The pine tree is part of a rare coastal California assemblage of Ponderosa pines, which is a native species that typically occurs in the Sierra Nevada region of the state. The City General Plan designates Ponderosa pines as rare. The arborist report does not recommend retention of the pine tree due to its poor health. However, the arborist report identifies a smaller Ponderosa pine located on site (noted as tree D in the arborist report), which while not large enough to be considered protected, is identified in very good health and excellent structure, and has a much better chance at (preservation) success than the larger protected tree (713). The arborist report recommends that Tree D be held at a nursery during construction, and returned to the site for replanting during the landscaping phase.

Compliance with the recommendation of the project arborist regarding preservation of the existing healthy Ponderosa pine tree, Tree D, would reduce the impact of removing the larger weak Ponderosa pine, Tree 713, to less than a significant level. In addition, replanting the existing healthy ponderosa pine would enhance the habitat area for the protected Mount Hermon June beetle as discussed above.

The project arborist has stated that the project site, with the proposed development in place, has the capacity to support approximately nine trees, including the replanted Ponderosa pine. Therefore, a replacement plan of one tree for each tree removed would result in a minimum of eight new trees to be planted on-site and payment by the developer of an in-lieu fee, paid into the City’s tree replacement bank, equal to the cost of four trees. Further, the project landscape plan shall be updated and incorporated into plans submitted to the City for site development permits. The revised landscape plan shall include a minimum of eight new trees and the replanted Ponderosa pine. All new tree species shall be selected by the project arborist, based on the specific tree location, soil

type, and water and solar needs. Implementation of this mitigation will reduce impacts to local biologic resources to less than significant levels.

Mitigation Measure Biotic Resources -2a: To compensate for the removal of tree 713, the project arborist shall oversee the removal and safe off-site storage of Ponderosa pine during construction, shown as Tree D on project plans, and replanting on the project site during the landscaping phase.

Mitigation Measure Biotic Resources -2b: Landscape plans for the proposed development shall be revised with a minimum of eight replacement trees, selected by the project arborist and the replanted Ponderosa pine, described in mitigation 2a. In addition, the applicant/developer shall pay an in-lieu fee into the City's tree replacement bank as required by the city's Tree Ordinance, for four new trees.

Conflict with an Adopted Habit Conservation Plan. The project site is within an interim programmatic habitat conservation plan area, however a four-unit subdivision is not considered an eligible project. As stated above, the project proponent has submitted a Low-Effect HCP prepared for the project site to address impacts to the Mt. Hermon June beetle. Compliance with an approved HCP will reduce impacts to less than significant levels. No further mitigation is required.

Finding

For the "Biological Resources" category, the thresholds of significance have been exceeded or potentially exceeded regarding impacts to a federally listed insect species and city-protected trees. With the implementation of the above mitigation measures all impacts can be reduced or otherwise mitigated to levels of less than significance.

E. CULTURAL RESOURCES				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Data Sources: 1 &, 2

Discussion

The site does not contain any historical resources, however the Scotts Valley General Plan, Archaeological Sensitivity Zones Map, Figure OS-2, depicts the site as being within a HMS Zone, Moderate Sensitivity Zones. Over the years several cultural resource evaluations have been prepared for properties in the general vicinity of the project site with the recommendation that earth moving activities monitored by a qualified archaeologist.

Standard conditions of approval for development require that the applicant and construction contractor ensure that any cultural resource, including archaeological, paleontological, or human remains are not destroyed if accidentally discovered during project grading or other subsurface work.

As part of the standard conditions of approval, 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.

Standard conditions of approval require that the applicant and construction contractor ensure that paleontological resources are not destroyed during project grading, the project proponent will include the following measures:

- a. Provide the project paleontologist with a copy of the final grading plans for review prior to any project grading;

- b. Provide for daily monitoring during grading activities by the project paleontologist to determine if paleontological resources are encountered in excavated areas;
- c. Allow for the recovery of any discovered paleontological resources according to a recovery plan/methods specified by the project paleontologist, including the donation of the recovered resources to a suitable repository (museum, school, etc.);
- d. If recovery occurs, ensure that the project paleontologist prepare a recovery report that details the type of resources recovered and the repository locations where they were taken; and,
- e. Specify in the construction contract with the project grading contractor(s), that grading personnel are to cooperate with and assist the project paleontologist during monitoring and any recovery activities, including assisting with recovery efforts if necessary.

Human remains. A cemetery or known burial site does not exist on the property. If human remains are unexpectedly encountered during project grading, the actions required to mitigate for impacts to cultural resources will be followed. This will effectively preserve any human remains for proper burial.

Finding

For the "Cultural Resources" category, the thresholds of significance have been potentially exceeded regarding impacts to archaeological resources. The mitigation measure stated above will reduce potential impacts to these resources to a level of less than significant.

F. GEOLOGY AND SOILS				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
a. 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? Refer to Division of Mine and Geology Special Publication 42.	☐	☐	☐	☒
b. Strong seismic ground shaking?	☐	☐	☒	☐
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
d. Landslides?	☐	☐	☒	☐
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral	☐	☐	☒	☐

F. GEOLOGY AND SOILS				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
spreading, subsidence, liquefaction or collapse?				
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Data Sources: 1, 2, 4, 5, 10

Discussion

The development and use of 4 townhouse dwellings within a seismically active area will subject the dwellings and their inhabitants to periodic seismic shaking associated with the San Andreas Fault and other active faults within the Monterey Bay Area.

General Plan map S-3 does not designate any portion of the site as having potential for liquefaction. No groundwater was encountered during test borings done as part of the geotechnical investigation. Therefore, it can be concluded that liquefaction should not occur during a seismic event.

Standard conditions of approval require building and grading permits for the project structures designed to Uniform Building Code standards for the design level earthquake for the area. The design details shall be provided on the building plans submitted to the City for a Building Permit for the townhouses. No further mitigation is required.

Erosion. During the construction period, however, grading will occur over at least 95% of the entire 18,231 sq. ft. project parcel as well as 1,360 sq. ft. of the Blake Lane right-of-way beyond the parcel.

Section 15.06.070 of the City's municipal code requires a Grading Permit for all land division projects of 4 lots or more and erosion control plans to be included with grading plans. Therefore, a plan showing temporary (during construction) and permanent erosion control measures is required for City Building Department review.

Standard conditions of approval require that the project proponent have a qualified professional prepare an erosion control plan and submit it to the City Building Department for review and approval as part of the engineered improvement plan for the subdivision. The approved plan shall be implemented with grading of the site. The erosion control measures should be functional prior, during and after construction. Specific measures shall be identified in the project plans and specifications should include the following features: use of silt fencing and straw bales to prevent sediments from leaving the site, erosion control seeding and mulching following construction and other measures as appropriate. No further mitigation is required because the project will comply with adopted City standards through the building and grading permit processes.

Finding

Compliance with standard conditions of approval will reduce all impacts to levels of less than significant.

G. GREENHOUSE GAS EMISSIONS				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Data Sources: 3

Discussion

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 a 4-unit residential use. Locally, the Monterey Bay Air Resources District (MBARD), the County of Santa Cruz, or the City have not yet adopted a significance threshold for GHGs. MBARD is currently in the process of developing threshold standards for evaluating projects under CEQA. Currently, MBARD recommends using a threshold of 2,000 metric tons of CO₂/year for determining if a project GHGs are cumulatively considerable. A four-unit residential project will generate 38 average daily trips for residential use. The GHGs generated from this level of traffic is below 2,000 metric tons. Energy use of the four completed single family homes will be less than similar units constructed in previous years because their construction is required to comply with the energy efficiency standards of the California Building Code. All these factors result in a project that will not significantly contribute to a cumulative GHG impact.

Conflict 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.

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.

H. HAZARDS AND HAZARDOUS MATERIALS				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

H. HAZARDS AND HAZARDOUS MATERIALS				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
8. 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?	☐	☐	☐	☒

Data Sources: 1& 5

Discussion

The project proposes to construct four residential units and associated driveway pavement with these units. These uses do not involve the use or storage of hazardous/combustible materials. Therefore, the risk of accidental explosion and/or release of a hazardous substance is remote.

Residential uses, like that proposed for this project, are not generators of hazardous emissions. During the construction phase of this project dust will be generated and vehicle exhaust will be emitted. Compliance with best management practices through standard conditions of approval will reduce potential impacts to less than significant levels.

To prevent accidental discharge of construction related fuels, lubricants or other contaminants into the right-of-way, the project site or other properties, the project proponent shall have the construction contractor implement the approved erosion control plan and best management practices during the entire time construction activities are occurring. Standard conditions of approval require that a 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:

1. Stationary equipment such as motors, pumps, welding equipment shall be placed over drip pans or other containment apparatus;
2. 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.

3. All activities of Mitigation Measure Air Quality-1 shall be implemented.

No further mitigation is required.

Release of Substances Near Schools. The closest school is the Scotts Valley Middle School located at 8 Bean Creek Road. The school property is located 500 feet southwest of the project site. Another street developed with dwellings is located between Blake Lane and the middle school. Any accidental release of hazardous construction related substances, could not reach the school due to the intervening distance and the numerous barriers formed by dwellings and outdoor yard improvements. However, implementation of Mitigation Measure Hazards-1 will ensure that accidental release of hazardous materials will not occur.

Located on a Hazardous Materials Site. The project property is not included on a list of sites where hazardous materials were previous used or stored.

Public Airport or Private Airstrip. There is no public air port or private airstrip in Scotts Valley or the nearby unincorporated portion of the County

Emergency Response Plan. Blake Lane is not an evacuation route but Scotts Valley Drive, which intersects with Blake Lane, is a primary evacuation route in the City's Emergency Response Plan. However, the project does not propose any changes to the Emergency Response Plan; nor will it generate a level of additional residents that would affect the functioning of Scotts Valley Drive for evacuation purposes.

Wildland Fires. There are no forested open spaces adjoining the site.

Existing Health Hazards. The subject parcel is not identified as a hazardous materials site, based on information provided by the state and county. The subject parcel is located a minimum of 2,860 feet from the closest, known hazardous materials site a propane storage yard at the intersection of Kings Village Drive and Mr. Hermon Road. However, this facility is planning to be relocated to a more distant location within the City.

Finding

For this "Hazards and Hazardous Substances" category, compliance with standard conditions of approval as discussed above will reduce potential impacts to less than insignificant levels.

I. HYDROLOGY AND WATER QUALITY				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
5. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
6. Otherwise substantially degrade water quality?	☐	☐	☐	☒
7. Place 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?	☐	☐	☐	☒
8. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Data Sources: 1, 4, 8 & 10

Discussion

Hydrology & Water Quality: The proposed project would not violate water quality standards or waste discharge requirements. The project site is served by existing connections to water supply by

the Scotts Valley Water District and wastewater conveyance and treatment connections by the City of Scotts Valley. Both utility providers have adequate access to accommodate demand from development on the project site. The project will result in approximately 11,340 square feet (0.26 acres) of impervious surfacing, not currently covered by impervious surfaces within the Santa Margarita aquifer.

The project drainage system is private and will not be maintained by the City. The private drainage system will not function adequately without proper maintenance and funding by project residents. The project proposes, and would require as a standard condition of approval, to establish a Homeowners Association, which establishes joint maintenance and shared financial responsibility for all drainage facilities associated with the four-lot development. Compliance with standard conditions of approval will reduce potential hydrology impacts to less than significant levels.

Water Quality And Waste Discharge Standards. No streams or other water bodies are located on or adjacent to the project site. Groundwater quality is discussed in the following subsection.

Groundwater Supply. The General Plan map OS-5 shows the entire site as within the high protection groundwater recharge zone. General Plan policy OSA-343 requires developers to mitigate for the loss of aquifer recharge areas. Policy OSA-344 requires a recharge plan to be evaluated by a qualified hydrological engineer to mitigate the loss of recharge.

Standard conditions of approval require that the project proponent shall have a detailed hydrological study prepared by a qualified hydrological engineer/geohydrologist showing how recharge or infiltration may occur to mitigate for the loss of 0.26 acre of infiltration area. This study shall be used to design the details/final design for aquifer recharge or infiltration facilities on the site. In addition, the project proponent shall:

- a) Base the detailed plan on the preliminary plan prepared for this project by RI Engineering revised date July 18, 2018;
- b) Include fossil filters or similar contaminant filtering device in the drainage system to ensure that recharged or infiltrated water has acceptable water quality prior to its percolation into the ground;
- c) Include the final design of the recharge or infiltration system as part of the engineered improvement plans submitted with the final subdivision for this project;
- d) Install the recharge or infiltration system as approved by City Public Works and Planning staffs as part on the on-site subdivision improvements;
- e) Submit a homeowner's maintenance agreement for perpetual maintenance of the drainage facilities, including the recharge or infiltration system, as specified in Mitigation Measure Hydrology and Water Quality-3, to City Planning staff and the City Attorney for review and approval prior to approval of the final subdivision map.

The site is served by the Scotts Valley Water District, which has adopted an impact fee to fund aquifer replenishment projects. Standard conditions of approval require payment of this fee to mitigate the cumulative impact of new homes procuring water from the public water system.

Alteration of Drainage Patterns and Erosion. Standard conditions of approval require compliance with the City’s storm water regulations, which specifies that a development shall not increase the rate (cubic feet per second) or velocity (feet per second) of storm runoff to any off-site drainage areas beyond the pre-project rate and velocity of runoff. A preliminary engineered drainage plan has been prepared for the project, which includes capturing and treating site runoff in bioretention swales and an underground storage pipe. Drainage from the subsurface pipes will be conveyed to the aquifer recharge or infiltration facility described above. All of these improvements are on the proposed within the development site.

Standard conditions of approval require that these facilities are maintained by the homeowners through a shared maintenance and homeowners funding agreement, which shall be submitted to the City Attorney and Planning staff for review and approval prior to approval and recordation of the final subdivision map that includes the following:

- a. Adequate funding by each homeowner on an equal basis for the regular maintenance of the drainage (and recharge or infiltration) improvements not owned by the City.
- b. Regular monitoring inspection by qualified professionals (e.g. civil engineer) to assess the functional capability of the drainage (and recharge or infiltration) improvements and provides recommendations for repairs and maintenance. This monitoring should occur at least annually in the spring or summer.
- c. Regular maintenance of the drainage facilities, including the devices used to filter contaminants (oil, grease and silt) from captured runoff, by a qualified professional in accordance with the recommendations of the monitoring inspections.
- d. Submittal of annual maintenance and monitoring reports to the City that describes the type of maintenance activities that occurred over the past year to ensure the drainage system and aquifer recharge or infiltration system are functioning adequately.

Runoff Exceeding Storm Drain Capacity. The project will be conditioned to require that the construction of storm drain facilities be in conformance with the City of Scotts Valley Storm Drain Master Plan, as required by the City Public Works Department.

Otherwise Degrade Water Quality. Surface water quality is discussed under “Water Quality And Waste Discharge Standards” subsection above. Groundwater quality is discussed under the “Groundwater Supply” subsection.

Floodplain and Housing. The project site not within a floodplain.

Flow Impedance in a Floodplain. The project site not within a floodplain.

Dam or Levee Failure. No dam or levee exists within the area.

Sieche, Tsunami and Mudflow Related Hazards. The site is not located on or near the ocean or a lake where a tsunami or sieche could occur. No natural surface drainage courses are near the property. Therefore there is no potential for a mudflow to affect or be affected by the project.

Finding

For this "Hydrology and Water Resources" category, compliance with standard conditions of approval will reduce impacts to less than significant levels.

J. LAND USE AND PLANNING				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Physically divide an established community?	☐	☐	☐	☒
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Data Sources: 1, 2 & 5

Discussion

Divide a Community. The 18,231 square foot project property is located at the central area of the Scotts Valley city limits. It is surrounding by urban residential development and therefore constitutes an urban infill project. No community will be physically divided by the project.

Conflict with Plans. The General Plan designates the property as "High Density Residential" land use with a density range of 9–15 dwelling units/acre and a zoning of "RH" (Residential High Density) with a density range of 3,000 sq. ft./dwelling. The four-unit project will result in a residential density equal to 9.5 dwellings units/acre consistent with the General Plan and the zoning designations.

Conflict with Conservation Plans. As discussed in the "Biological Resources" section above, a Draft Low-Effect HCP has been prepared for the project site and submitted for review by the USFWS as part of this project. An approved HCP is required prior to any development of the site.

Finding

The proposed project for a residential subdivision, including common open space is consistent with surrounding land uses and the land use designation of the City's General Plan. For this "Land Use" category, the project would have no impacts and therefore no mitigation is required.

K. MINERAL RESOURCES				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Data Sources: 1 & 5

Discussion

Loss of Mineral Resource and Mineral Designation on the General Plan. The site has not been used for mining in the past. The Scotts Valley General Plan does not designate the site for mineral resource extraction. General Plan Figure OS-4, indicates that the site is in an area where mineral resources have not been determined.

Finding

For this "Mineral Resources" category, the project would have no impact and therefore no mitigation is required.

L. NOISE				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
2. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

L. NOISE				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
6. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Data Sources: 1, 2, 4 & 5

Discussion

Exposure to Noise Levels Exceeding Standards. The Noise Element of the Scotts Valley General Plan utilizes the 24 hour average day-night noise level (DNL) for defining community noise impacts. The maximum standard is 60 decibels (dB) DNL of exterior noise and 45 dB DNL for interior noise. The project site is located on a dead-end local street and is surrounded by other residential uses. There are no proximate uses that generate substantial noise that would affect the project site. The noise levels in the neighborhood comply with the General Plan noise standards.

Generate a Permanent Increase in Ambient Noise. The placement of 4 total dwellings (3 more than previously existing) on this property will not generate substantially greater human activity than previously occurring on the site. However, the residential activities that are expected to occur will be the same as those occurring at the existing residential neighborhood adjoining the southern edge of the property. This impact will be less than significant.

Generate a Temporary Increase in Ambient Noise. The grading and construction activities to build project improvements and dwellings will include large vehicles, heavy machinery and power tools; all of which will generate substantial noise that will travel beyond the boundaries of the property. Various residential uses surround the site including single and multi-family residential buildings. All surrounding properties will be potentially affected by this new source of noise. This is a temporary impact that will be limited to the construction phase of the project. This impact cannot be avoided but it can be minimized to reduce its affect to neighboring inhabitants to acceptable levels.

Standard conditions of approval require all contractors to limit their work to 8:00 A.M. to 6:00 P.M. on weekdays; 9:00 A.M. to 5:00 P.M. on Saturdays and no construction on Sundays as required by Section 17.46.160 of the Scotts Valley Municipal Code. If gasoline generators are used, they shall be contained in an enclosure that prevents their noise from being heard at properties south of the project site.

Further, to ensure any unanticipated construction noise problems are resolved immediately, conditions of approval require that the project proponent shall post the name and phone number of the construction disturbance coordinator on a sign that is easily readable from Blake Lane. The coordinator shall be the person responsible for receiving and resolving citizen complaints and inquiries about excessive noise generation. The coordinator shall be available to receive calls and respond to them each day grading and construction is occurring.

Located near an Airport or Private Airstrip. The project site is not located near an airport or a private airstrip.

Finding

As discussed above, the proposed project would exceed noise thresholds, but only during the construction phase. Standard conditions of approval reduce noise related impacts to a level of insignificance.

M. POPULATION AND HOUSING				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Data Sources: 1& 4

Discussion

Population Growth. The project will provide four (three net new) dwellings. Project plans show these dwellings will have two bedrooms. This will generate a maximum population increase of about nine persons and a total maximum population on the site of 12 persons if each unit was occupied by three people. This is not a significant increase in the population of the City.

Displace Existing People or Housing. The dwelling previously existing on site has been removed as part of a previous development proposal in 2008. No existing housing units or persons are displaced as a result of this proposal.

Finding

The amount of growth generated by this project will be minimal and anticipated by the General Plan. There is no potential for displacing housing or people either directly or indirectly. For this "Population and Housing" category, the project will have either a less than significant impact or no impact and therefore no mitigation is required.

N. PUBLIC SERVICES				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1. Fire protection?	☐	☐	■	☐
2. Police protection?	☐	☐	■	☐
3. Schools?	☐	☐	■	☐
4. Parks?	☐	☐	■	☐
5. Other Public Facilities?	☐	☐	☐	■

Data Sources: 1, 4, 5 & 10

Discussion

Fire Services. The Scotts Valley Fire Protection District has reviewed the project and has requested that an adequate fire truck turn-around be provided to serve the development. The project proposes an on-site emergency vehicle turn-around and improving the segment of Blake Lane bordering the parcel to provide a minimum pavement width of 20-feet.

Police Services. The project will add new residents to the City who will occasionally need police services, but this additional service will not generate a demand beyond what the police department can accommodate. The Scotts Valley Police Department has reviewed the project and determined that it is in compliance with City police protection regulations.

Schools. The project will add new residents to the City, some of which may have children that will be students at schools within the Scotts Valley School District. However, these additional students will not generate educational demands beyond what the schools can accommodate.

Parks. The project will add new residents to the City who will occasionally utilize City parks and recreational programs, but this additional use will not generate a demand beyond what the City Parks Department can accommodate. This issue is also discussed in the following section.

Other Public Facilities. The project does not have the potential to affect other public facilities, in excess of that previously considered by the General Plan.

Finding

The project's generated need for additional services are negligible. For this "Public Service" category, the project's effects are limited to less than significant impacts and therefore no mitigation is required.

O. RECREATION				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Data Sources: 1, 5 & 10

Discussion

Increased Use of Parks. Scotts Valley has a total of seven parks, ranging in size from a 0.5 acre to 7.5 acres. Recreational facilities and activities are also available at local schools, the Vine Hill Recreation Center, and the Scotts Valley Senior Center. The additional population generated by 3 new dwellings will be negligible compared to the existing user population of these facilities.

New Facilities that Could Affect the Environment. The project does not include recreational facilities. Due to the negligible population increase generated by the project, there will not be a need to construct or expand new City recreational facilities. The builders of the dwelling units will pay into a City parks impact fee fund at time of Building Permit issuance for their share of cumulative recreational needs.

Finding

For this "Recreation" category, the project would not have any significant impacts and therefore no mitigation is required.

P. TRANSPORTATION AND TRAFFIC				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
2. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
5. Result in inadequate emergency access?	☐	☐	☒	☐
6. Result in inadequate parking capacity?	☐	☐	☐	☒
7. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Data Sources: 1, 2, 4, 9 & 10

Discussion

Increase in Traffic. The four-unit project is anticipated to generate an average of 38.28 trips/day (ADT) based on 9.57 ADT/dwelling. This traffic level is not substantial. The local street, Blake Lane, and its intersection with Scotts Valley Drive have adequate capacity to handle this minor increase in traffic. Most traffic to and from the site will also travel through the Scotts Valley Dr./Mt. Hermon Rd./Whispering Pines intersection. This intersection is signal controlled, operates at a Level of Service D during both peak hours and has adequate capacity to accommodate traffic generated by the project.

Level of Service. The project's contribution to City intersection traffic and peak hour traffic on Blake Lane and its intersections with Scotts Valley Drive will be less than significant.

Change in Traffic Patterns. Project traffic will follow the same traffic patterns as occur presently on Blake Lane and connecting streets. No impact is anticipated.

Traffic Hazards. The sight distance at the Blake Ln./Scotts Valley Dr. intersection is over 750 feet and is adequate for traffic speeds over 60 MPH. The speed limit on Scotts Valley Drive is 35 MPH.

Blake Lane is accessed only from Scotts Valley Drive, a four lane north-south arterial, which has a concrete and landscaping median barrier at the Blake Lane/Scotts Valley Drive intersection. Therefore, all vehicle movements out from Blake Lane are right turns to travel south. For northbound travel, motorists must perform a U-turn at the first opening in median barrier at the Scotts Valley Drive/Quien Sabe Road intersection. Motorists traveling north on Scotts Valley Drive wishing to enter Blake Lane must travel to median breaks north of Blake Lane and perform a U-turn to access southbound lanes of Scotts Valley Drive. Project traffic will not significantly impact intersections on U-turn areas on the street.

Emergency Access. The project is located at the terminus of a private dead-end street, Blake Lane. Shared vehicular access on Blake lane occurs through a series of private easements. At present, roadway improvements on Blake Lane are not standard and in varying states of pavement conditions. Curb, gutter and sidewalks are not present. The project will construct roadway improvements along the project sites frontage and will construct a new emergency vehicle "hammer head" on project site. As discussed in the "Public Services" section, the new roadway improvements will be constructed to Fire District standards and the segment of Blake Lane adjoining the site will be improved to provide adequate emergency access and a vehicle turn-around area, both of which are presently lacking in current roadway conditions.

Each of the four residential units will have a two-car garage with additional visitor parking in driveways. Parking that extends into the emergency vehicle turn-around area would result in a non-functional turn-around during the time that such parking occurred. To avoid obstructing the emergency vehicle turn-around area with parked vehicles, conditions of project approval require that the turnaround area shall be signed to state "no parking within emergency vehicle lane" and the concrete curb on both sides of the turn-around area shall be painted red to identify it as a circulation area where no parking is allowed. These features shall be shown on the final engineered improvement plans and shall be installed before final building inspection and clearance for occupancy.

Parking Capacity. The City's Parking Ordinance (Municipal Code Chapter 17.44) requires two covered on-site parking spaces for each single-family dwelling and one uncovered parking space. The project would provide a two-car garage for each unit and a minimum of one additional uncovered parking space in each of the four driveways in compliance with the City's parking standards.

Alternative Transportation Policies. The project is located on a private dead-end street, which is not a designated bus or bike route. General Plan Policy CP-201 requires new projects to provide bus transportation facilities where feasible. In this case, the dead-end street would not accommodate public buses or add to the city's bike system. Therefore, alternative transportation improvements would not be feasible or required as part of this project.

Q. UTILITIES AND SERVICE SYSTEMS				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
3. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	☐	☐	☐	☒
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
5. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
7. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Data Sources: 1 & 10

Discussion

The proposed project does not have the potential to affect utility services, in excess of that previously considered by the General Plan. The Scotts Valley Water District has reviewed the application and has determined that existing water resources will support the proposed

development. The Wastewater Department has reviewed the proposed development and has determined that the existing wastewater treatment facilities will support the proposed development. The project will not generate solid waste in excess of that typically generated by four single-family homes.

Finding

For this "Utility and Service Systems" category, the project would have no impacts and therefore no mitigation is required.

R. MANDATORY FINDINGS OF SIGNIFICANCE				
Will the proposed project result in the following environmental effects?	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
3. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

The project will generate potentially significant impacts in the area of biological resources. The potential to significantly degrade the quality of the environment, including effects on animals or protected trees can be reduced or otherwise mitigated to levels of less than significant with the mitigation measures provided in this Initial Study.

III. DETERMINATION

Mitigated Negative Declaration:

On the basis of this initial evaluation, I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case as:

- a) All potentially significant effects have been avoided or mitigated, including revisions or mitigation measures that are imposed upon the proposed project;
- b) The above discussions do not identify any substantial adverse impacts to people as a result of the proposed project; and,
- c) This determination reflects the independent judgment of the City.

Scott Harriman, Contract Planner, City of Scotts Valley	11/08/2018 Date

IV. DATA SOURCES

1. City of Scotts Valley, General Plan 1994
2. City of Scotts Valley, Municipal Code
3. Monterey Bay Air Resources District, CEQA Air Quality Guidelines, 2000
4. Project plans, prepared by RI Engineering, Inc., dated September 2018; and Robin Alaga, Designer, dated August 15, 2018
5. Draft Habitat Conservation Plan prepared by Dr. Jodi McGraw, dated March, 2018
6. Tree Resource Evaluation Report prepared by Ruth Stiles, Horticultural Consultant, dated January 16, 2018
7. Geotechnical Report prepared by RI Engineering, Inc. dated September 2018
8. Comments from public agency representatives at the City's Project Review Committee meeting on February 19, 2018 and associated project review comment sheets

V. EXHIBITS

- A. Tentative map, grading and project plans, received date September 17, 2018
- B. Low-Effect Habitat Conservation Plan by Dr. Jodi McGraw, dated October 16, 2016
- C. Geotechnical Report prepared by Haro, Kasunich and Associates, dated August 29, 2016
- D. Stormwater Control Plan prepared by RI Engineering, revise dated July 18, 2018
- E. Arborist Report by Ruth Stiles, dated January 16, 2018

**Low-Effect Habitat Conservation Plan for the
Mount Hermon June Beetle at 22 Blake Lane (APN: 022-172-47)
Scotts Valley, Santa Cruz County, California**

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Executive Summary

Executive Summary

Lantana, LLC is seeking an incidental take permit, under Section 10(a)(1)(B) of the Federal Endangered Species Act, to cover take of the Mount Hermon June beetle (*Polyphylla barbata*) associated with their proposed construction of two, duet homes within previously developed parcel located at 22 Blake Lane (APN: 022-172-47), in the City of Scotts Valley in Santa Cruz County, central coastal California.

A five-year permit term is requested to address incidental impacts to the federally endangered Mount Hermon June beetle associated with project construction. The impacts of the project are anticipated to include permanent impacts to Mount Hermon June beetles potentially living within the 14,031 ft² (0.32 acre) portion of the total 16,731 sf (0.384 acre) disturbance envelope that is not currently covered by existing improvements, which cover 2,700 ft² (0.06 acre). These impacts will result from demolition and grading of the site in preparation for construction as well as subsequent excavation to install improvements including retaining walls.

Of the 14,031 ft² (0.322 acre) area of habitat to be impacted by the project, 9,400 ft² (0.216 acre) will be permanently impacted through construction of the two, duet homes and associated hardscapes, which include patios, walkways, retaining walls, and a paved driveway. The remaining 4,631 ft² (0.106 acre) will be impacted through grading or excavation, which remove establish plant cover, but will be landscaped using elements designed to promote rather than deter use of habitat by Mount Hermon June beetle, such that the impacts on habitat are regarded as temporary.

The Mount Hermon June beetle is a fossorial insect that lives in Zayante soils, which support unique communities known as the Zayante (or Santa Cruz) Sandhills (Sandhills). Although several other special-status plants and animals are known to occur within the Sandhills, only the Mount Hermon June beetle will be impacted by this project. Due to the project's small size and occurrence within an area of high-density residential development that is of marginal long-term conservation value, the project is not anticipated to significantly impact persistence or recovery of the Mount Hermon June beetle.

This plan's conservation strategy includes the following measures designed to minimize the project's impacts on the Mount Hermon June beetle:

1. Locating the project on an already developed parcel already where habitat is more degraded relative to intact habitat;
2. Avoiding the flight season, if possible, and using plastic sheeting or other soil-covering material to prevent Mount Hermon June beetles from burrowing into exposed soil in the construction site when/if soil disturbing activities must occur between May and August;

3. Having a qualified biologist translocate any larval beetles unearthed during construction activities to a portion of the project site outside of the impact area that supports intact vegetation;
4. Minimizing hardscaping associated with the project, and using native Sandhills plants and non-invasive ornamental plants in landscape areas;
5. Minimizing removal of native trees on the site, including the ponderosa pines and coast live oaks; and
6. Revegetating areas of temporary habitat disturbance with native and non-invasive ornamental plants that do not degrade Mount Hermon June beetle habitat.

In addition, the applicant will mitigate the permanent impacts Mount Hermon June beetles potentially living in the 14,031 ft² (0.322 acre) disturbance envelope not currently covered by impervious surfaces, and the permanent and temporary loss of habitat resulting from the project, through off-site mitigation at a ratio of 1:1. To accomplish this, a total of 14,031 ft² of conservation credits will be purchased from the Zayante Sandhills Conservation Bank—a conservation bank that conserves, manages, and monitors high quality Sandhills habitat preserves that have high conservation value for the Mount Hermon June beetle and other Sandhills species. The conservation credits will be purchased following receipt of the incidental take permit and prior to the inception of any project activities that would cause take, including soil disturbance.

The applicant will fund all elements of the proposed conservation strategy. A receipt for the purchase of conservation credits, which will provide proof of the compensatory mitigation, will be provided to the U.S. Fish and Wildlife Service following issuance of the incidental take permit, and prior to conducting any activities that would cause take. A qualified biologist will periodically monitor project construction and upon completion of the project, conduct compliance monitoring and biological effects monitoring to evaluate success toward the biological goals and objectives, adherence to the proposed minimization measures, and the effects of the project on Mount Hermon June beetle individuals and habitat. Results of this monitoring will be provided to the U.S. Fish and Wildlife Service in annual project reports.

Section 1

Introduction and Background

1.1 Overview and Background

This Habitat Conservation Plan (HCP) for proposed construction of two duet homes at 22 Blake Lane, a 0.42-acre home site in the City of Scotts Valley, Santa Cruz County, California, has been prepared pursuant to the requirements of Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, as amended (Act). The HCP is intended to provide the basis for issuance of a Section 10(a)(1)(B) permit to Lantana, LLC, the proposed developer, to authorize incidental take of the Mount Hermon June beetle (*Polyphylla barbata*), a federally-listed endangered species, that may result from redevelopment of the parcel. In October 2016, a qualified biologist determined that the project site contains Zayante soils, and therefore supports habitat for the federally endangered insect (Appendix A; McGraw 2016). A prior survey identified Mount Hermon June beetles emerging from the site (BUGGY 2004).

1.2 Permit Holder/Permit Duration

Lantana, LLC requests an incidental take permit to cover take of Mount Hermon June beetle for five years commencing on the date of permit approval. Project construction is anticipated to require less than one year. However, seasonal limitations on development may delay project inception following permit issuance. For this reason, a five-year permit duration is requested to ensure that the covered activities will be implemented during the term of the permit.

1.3 Permit Boundary/Covered lands

A permit is requested to authorize the incidental take of Mount Hermon June beetles within the project area on the 0.42-acre property (APN: 022-172-47), located at 22 Blake Lane in the City of Scotts Valley, Santa Cruz County, central coastal California (Figure 1). The project site is located within the Felton 7.5" United States Geological Survey (USGS) topographic quadrangle, in Township 10S and Range 2W of the Mount Diablo Meridian.

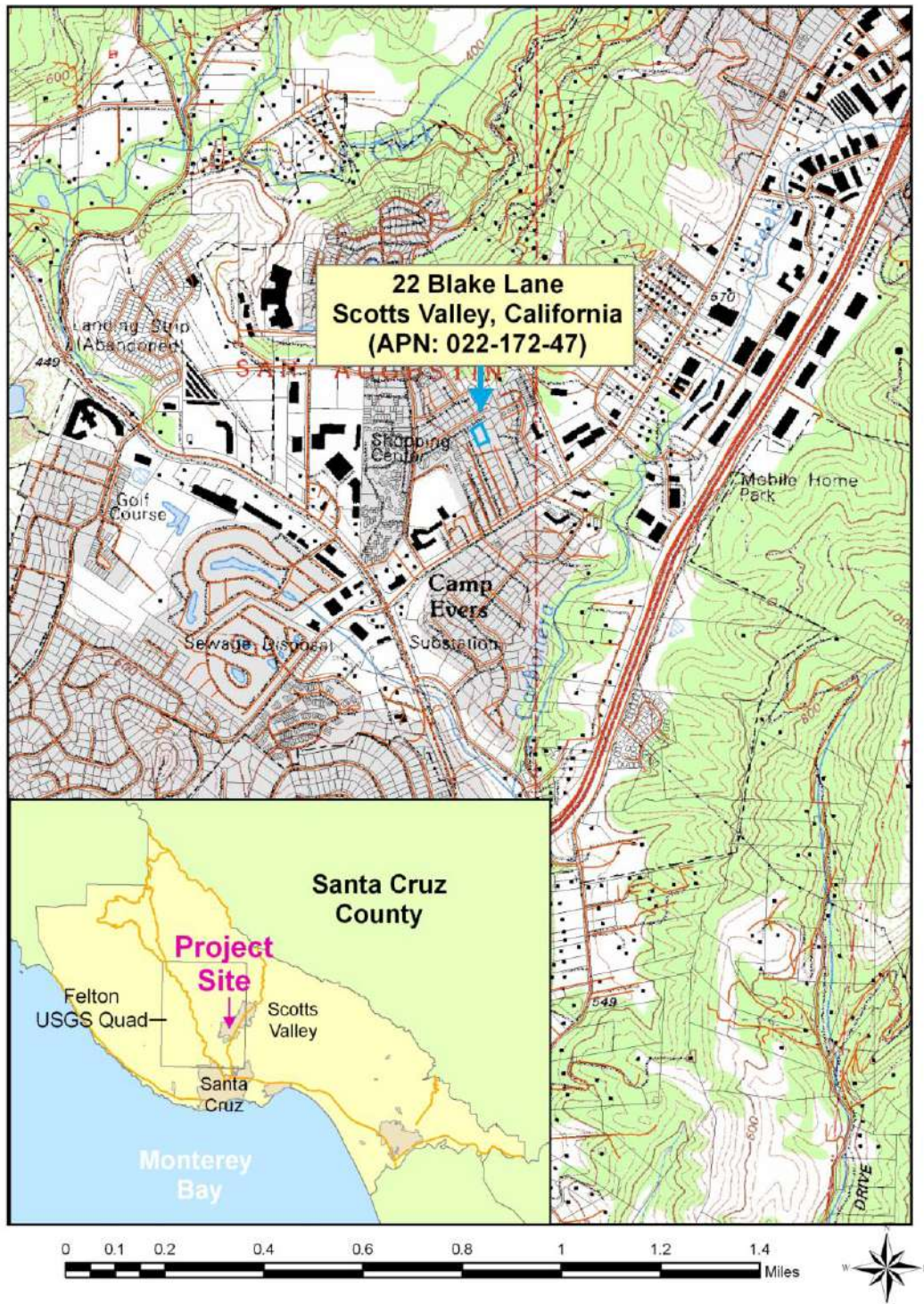


Figure 1: Location of proposed project site at 22 Blake Lane in the City of Scotts Valley, in Santa Cruz County, central coastal California. The project site is located within the Felton US Geological Survey Quadrangle. Map prepared by Jodi M. McGraw.

1.4 Species to be Covered by Permit

The following species is referred to as a "covered species" related to the Incidental Take Permit if it is issued.

<u>Covered Species</u>	<u>Federal Status/State Status</u>
Mount Hermon June beetle (<i>Polyphylla barbata</i>)	Federally Endangered

The following additional federally endangered species that occur with the Mount Hermon June beetle at other locations will not be addressed in this HCP or covered under the requested Incidental Take Permit as they do not occur at the project site due to a lack of suitable habitat (McGraw 2016; Appendix A):

<u>Additional Species</u>	<u>Federal Status/State Status</u>
Zayante band-winged grasshopper (<i>Trimerotropis infantilis</i>)	Federally Endangered
Ben Lomond spineflower (<i>Chorizanthe pungens</i> var. <i>hartwegiana</i>)	Federally Endangered
Santa Cruz (Ben Lomond) wallflower (<i>Erysimum teretifolium</i>)	Federally Endangered/ CA State Endangered

1.5 Regulatory Framework

1.5.1 Federal Endangered Species Act

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the U.S. Fish and Wildlife Service (Service) as an intentional or negligent act or omission that creates the likelihood of injury to listed species by annoying them to such an extent as to significantly disrupt

normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Pursuant to section 11(a) and (b) of the Act, any person who knowingly violates section 9 of the Act or any permit, certificate, or regulation related to section 9, may be subject to civil penalties of up to \$25,000 for each violation or criminal penalties up to \$50,000 and/or imprisonment of up to one year.

Individuals and State and local agencies proposing an action that is expected to result in the incidental take of federally listed species are encouraged to apply for an incidental take permit under section 10(a)(1)(B) of the Act to be in compliance with the law. Such permits are issued by the Service when take is not the intention of and is incidental to otherwise legal activities. An application for an incidental take permit must be accompanied by a HCP. The regulatory standard under section 10 of the Act is that the effects of authorized incidental take must be minimized and mitigated to the maximum extent practicable. Under Act section 10, a proposed project also must not appreciably reduce the likelihood of the survival and recovery of the species in the wild, and adequate funding for a plan to minimize and mitigate impacts must be ensured.

Section 7 of the Act requires Federal agencies to ensure that their actions, including issuing permits, do not jeopardize the continued existence of listed species or destroy or adversely modify listed species' critical habitat. "Jeopardize the continued existence of..." pursuant to 50 CFR 402.2, means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. Issuance of an incidental take permit under section 10(a)(1)(B) of the Act by the Service is a Federal action subject to section 7 of the Act. As a Federal agency issuing a discretionary permit, the Service is required to consult with itself (i.e., conduct an internal consultation). Delivery of the HCP and a section 10(a)(1)(B) permit application initiates the section 7 consultation process within the Service.

The requirements of section 7 and section 10 substantially overlap. Elements unique to section 7 include analyses of impacts on designated critical habitat, analyses of impacts on listed plant species, if any, and analyses of indirect and cumulative impacts on listed species. Cumulative effects are effects of future State, tribal, local or private actions that are reasonably certain to occur in the action area, pursuant to section 7(a)(2) of the Act. The action area is defined by the influence of direct and indirect impacts of covered activities. The action area may or may not be solely contained within the HCP boundary. These additional analyses are included in this HCP to meet the requirements of section 7 and to assist the Service with its internal consultation.

1.5.2 The Section 10(a)(1)(B) Process - Habitat Conservation Plan Requirements and Guidelines

The Section 10(a)(1)(B) process for obtaining an incidental take permit has three primary phases: (1) the HCP development phase; (2) the formal permit application processing phase; and (3) the post-issuance phase.

During the HCP development phase, the project applicant prepares a plan that integrates the proposed project or activity with the protection of listed species. An HCP submitted in support of an incidental take permit application must include the following information:

- impacts likely to result from the proposed taking of the species for which permit coverage is requested;
- measures that will be implemented to monitor, minimize, and mitigate impacts; funding that will be made available to undertake such measures; and procedures to deal with unforeseen circumstances;
- alternative actions considered that would not result in take; and
- additional measures USFWS may require as necessary or appropriate for purposes of the plan.

The HCP development phase concludes and the permit processing phase begins when a complete application package is submitted to the appropriate permit-issuing office. A complete application package consists of: 1) an HCP, 2) an Implementing Agreement (IA), 3) a permit application, and 4) a \$100 fee from the applicant. An implementing agreement is not required for an HCP that qualifies as a low-effect HCP. The Service prepares an Intra-Service Section 7 Biological Opinion; and also prepares a Set of Findings, which evaluates the Section 10(a)(1)(B) permit application in the context of permit issuance criteria (see below). An Environmental Action Statement, Environmental Assessment, or Environmental Impact Statement serves as the Service's record of compliance with the National Environmental Policy Act (NEPA). The Service must publish a Notice of Availability of the HCP package in the Federal Register to allow for public comment. The draft NEPA document, HCP, and IA (if applicable) are made available for public review during this 30-day to 90-day comment period. A Section 10(a)(1)(B) incidental take permit is granted upon a determination by that all requirements for permit issuance have been met. Statutory and regulatory criteria for issuance of the permit, pursuant to section 10(a)(2)(b) of the Act and 50 CFR 17.22 (b)(2) and 17.32 (b)(2) specify that:

- the taking will be incidental;
- the impacts of incidental take will be minimized and mitigated to the maximum extent practicable;

- adequate funding for the HCP and procedures to handle unforeseen circumstances will be provided;
- the taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild;
- the applicant will provide additional measures that the Service requires as being necessary or appropriate; and
- the Service has received assurances, as may be required, that the HCP will be implemented.

During the post-issuance phase, the Permittee and other responsible entities implement the HCP, and USFWS monitors the Permittee's compliance with the HCP as well as the long-term progress and success of the HCP. The public is notified of permit issuance by means of the Federal Register.

1.5.3 National Environmental Policy Act

The purpose of the National Environmental Policy Act (NEPA) is two-fold: to ensure that Federal agencies examine environmental impacts of their actions (in this case deciding whether to issue an incidental take permit) and to utilize public participation. NEPA serves as an analytical tool on direct, indirect, and cumulative impacts of the proposed project alternatives to help the Service decide whether to issue an incidental take permit (ITP or section 10(a)(1)(B) permit). NEPA analysis must be done by the Service for each HCP as part of the incidental take permit application process.

1.5.4 National Historic Preservation Act

All Federal agencies are required to examine the cultural impacts of their actions (e.g. issuance of a permit). This may require consultation with the State Historic Preservation Office (SHPO) and appropriate American Indian tribes. All incidental take permit applicants are requested to submit a Request for Cultural Resources Compliance form to the Service. To complete compliance, the applicants may be required to contract for cultural resource surveys and possibly mitigation.

1.5.5 California Endangered Species Act (CESA)

The California Endangered Species Act (CESA) provides for the designation of native species or subspecies of fish, wildlife, and plants as endangered or threatened (CESA Section 2062-2067). The Mount Hermon June beetle is not listed under CESA. Therefore, this HCP will not further address CESA permitting requirements.

1.5.6 California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) (Pub. Res. Code §21000 seq.) requires state and local governmental agencies to complete an environmental review of discretionary projects that could impact environmental resources. CEQA differs from NEPA in that it requires that significant environmental impacts of proposed projects be reduced to a less-than significant level through adoption of feasible avoidance, minimization, or mitigation measures unless overriding considerations are identified and documented.

1.5.7 City of Scotts Valley Tree Ordinance

In February 2002, the City of Scotts Valley updated an ordinance regarding tree protection regulations (City of Scotts Valley 2002). The purpose of the ordinance is to protect significant trees which are a valued resource to the community of Scotts Valley. Determination of which trees receive protection is based on 1) location, 2) size, 3) requirements of permits approved by the Planning Department or Planning Commission, and 4) status as a “heritage tree.” For example, the City’s tree ordinance may protect some ponderosa pine trees that are designated heritage trees, grow near roadways, grow on slopes, or are large in size.

Section 2

Project Description/Activities Covered by Permit

2.1 Project Description

This proposed project will construct two, duet homes and associated infrastructure on a 0.42-acre parcel located at 22 Blake Lane, in the City of Scotts Valley, which is in central Santa Cruz County, California (APN: 022-172-47). A duet house is where two houses share a wall (i.e., are connected) as in a duplex home, yet are separated by a parcel line, that runs down the center of the shared wall such that each house occurs on its own legal parcel. The parcel will be subdivided such that two, duet homes or four homes with four parcels, will be created.

The parcel previously featured a single-family home and associated improvements, including several sheds, paved walkways, and a driveway. Despite the pre-existing development, Mount Hermon June beetles were observed throughout the parcel during surveys conducted in June 2002 (BUGGY 2004).

2.2 Activities Covered by Permit

An incidental take permit is requested to cover impacts to the Mount Hermon June beetle that will result from construction of the homes and associated improvements to the parcel, which will include:

- grading and excavation of the site;
- installation of the two, duet homes, which are prefabricated structures that will be assembled on site; and
- installation of patios, paved walkways, retaining walls, and the circular driveway; and
- installation of landscaping which will be designed to promote Mount Hermon June beetle (Section 5.2.2).

Table 1: Size of proposed residential development project components.

Project Component	Area	
	square feet	Acres
Houses	4,800	0.110
Retaining Wall	300	0.007
Hardscapes (driveway, walkways, patios, porches, etc.)	7,000	0.161
Additional Landscaping ¹	1,731	0.040
Total¹	13,831	0.318

¹ Total area of project components does not include adjacent disturbance areas which are identified in Table 3.

Construction would begin with grading and excavation of the site, which is anticipated to require approximately five days. This may entail removal of up to three locust trees adjacent to the driveway.

Once the site is leveled, construction will begin immediately with installation of the foundations, which is anticipated to require approximately two weeks. The pre-fabricated houses would subsequently be installed over a period of two days, followed by approximately 10 days of work to connect the buildings and install their utilities.

Work to install the patios, driveway, retaining walls, and decks would require approximately 20 days; landscaping will require five days and may occur concurrently with the hardscaping. In total, construction at the site is likely to only require six months, though project delays could result in an extended period of construction and thus take.

A more detailed description of the covered activities is provided in Section 4.1, which also assess their direct and indirect impacts on the covered species.

Section 3

Environmental Setting/Biological Resources

3.1 Environmental Setting

3.1.1 Climate

Located in central Santa Cruz County, the project area experiences a Mediterranean climate, characterized by cool, wet winters and hot, dry summers. Summer temperatures range from 45°F to 95°F, with an average of 68°F. Winter temperatures range from 36°F to 65°F, with an average of 51°F.

Annual precipitation is 44 inches, with most falling as rain. The rainy season is from October to May, with the majority of the rainfall occurring between December and March.

3.1.2 Topography/Geology

The project site is located in a valley at an elevation of 633 feet above sea level. The soil in the area of the proposed project is a light brown, loose sand soil characteristic of the Zayante series (McGraw 2016; Appendix A), which is an excessively well drained, low nutrient soil derived from the weathering of marine sediments and sandstones of the Santa Margarita Formation (U.S. Department of Agriculture 1980).

3.1.3 Hydrology/Streams, Rivers, Drainages

The project site is located within the San Lorenzo River Watershed. Carbonera Creek, a tributary to the San Lorenzo River that runs through Scotts Valley, is located 0.3 mile southeast of the project site.

The project area is within upland habitat and not within a flood zone or alluvial fan.

3.1.4 Existing Land Use

The proposed project will occur on a 0.42-acre home site located within a high-density residential development within the City of Scotts Valley. Developed beginning in the mid-1900s, this area consists of a mix of single-family and multifamily homes. Of the 637 parcels located within a 109-acre area around the project parcel, the median parcel size is 0.09 acres, and 97% of the parcels are already developed (USFWS et al. 2011).

The proposed project parcel is surrounded on three sides by developed parcels less than 0.5 acres (Figure 2). The nearest patch of intact Sandhills habitat is located 0.5 miles north of the proposed project site, between Bean Creek and Bean Creek Road (McGraw 2004b; Figure 2).

3.2 Covered Species

3.2.1 Mount Hermon June beetle (*Polyphylla barbata*)

Status and Distribution

The Mount Hermon June beetle is a member of the family Scarabaeidae (Insecta: Coleoptera; Figure 3). The Mount Hermon June beetle was listed as federally endangered on January 24, 1997 (USFWS 1997). Critical habitat has not been designated for this species.

The Mount Hermon June beetle occurs in association with Zayante sand soil in central Santa Cruz County. Outcroppings of Zayante soils support a unique ecosystem known as the Zayante (or Santa Cruz) Sandhills (Sandhills). Within the Sandhills, the Mount Hermon June beetle has been recorded from approximately 150 locations in the vicinity of Mount Hermon, Felton, Ben Lomond, Zayante, Scotts Valley, and Bonny Doon (Arnold 2004, USFWS et al. 2011).

While the entire known range of the Mount Hermon June beetle encompasses 10,000 acres, suitable habitat for the endangered insect is only known to occur within approximately 2,800 acres (McGraw 2004b) of that area. The amount of habitat which is presently occupied by the Mount Hermon June beetle is unknown.

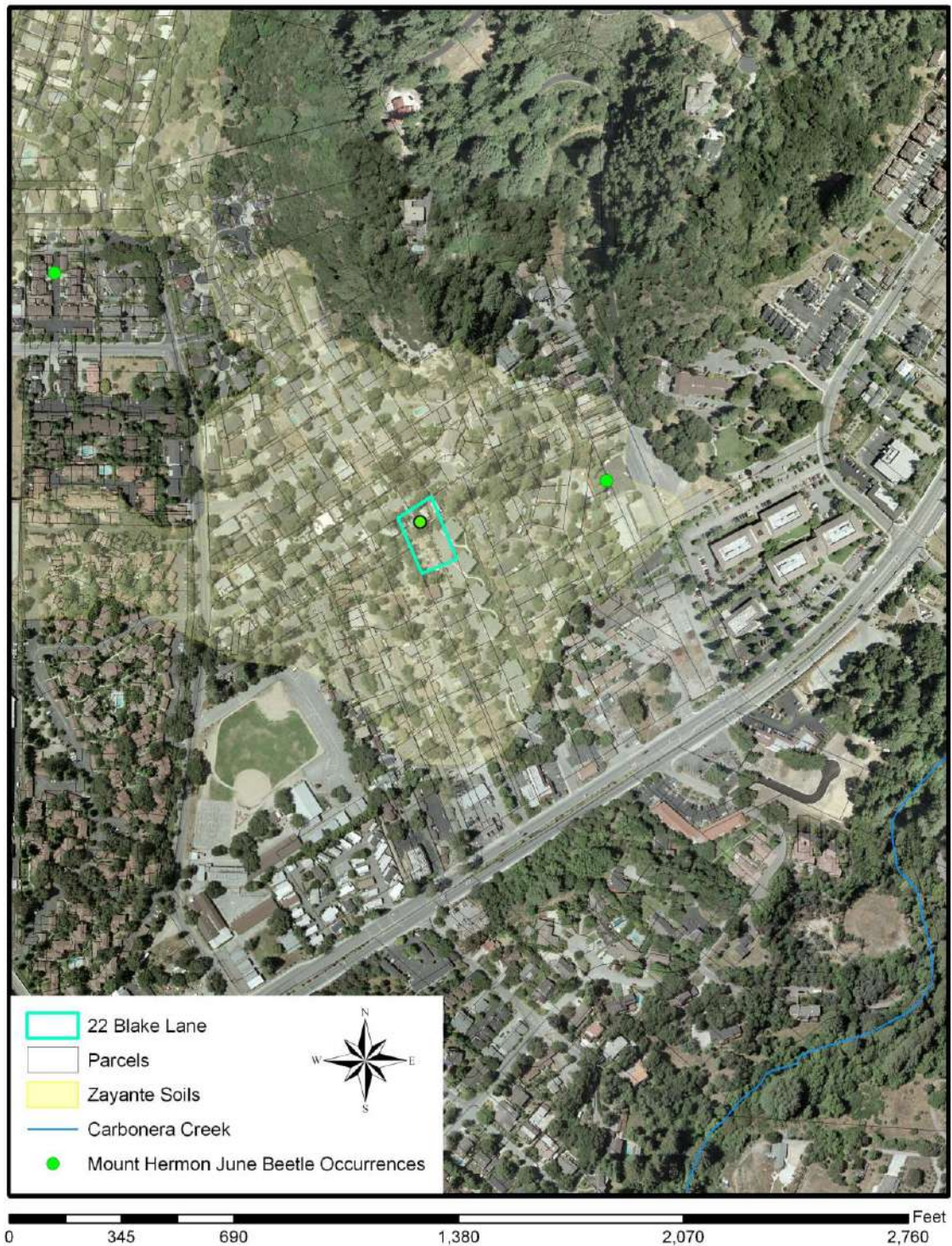


Figure 2: Location of proposed project site at 22 Blake Lane within the City of Scotts Valley, showing known occurrences of the Mount Hermon June beetle and (BUGGY 2004). Map prepared by Jodi M. McGraw.

Habitat Characteristics

The Mount Hermon June beetle occurs in the various plant assemblages or communities of the Sandhills, including those broadly categorized as coast range ponderosa pine forest and northern maritime chaparral. The endangered beetle has also been observed in areas where native Sandhills plant species have been removed, including those that are disturbed through development or feature ornamental or other non-native plant species (Arnold 2004). Mount Hermon June beetle also inhabits ecotones between Sandhills communities and non-Sandhills vegetation, including coast live oak woodland and mixed evergreen forests (J. McGraw pers. obs.).

Occurrences within the Project Area

In June 2002, a presence/absence survey documented the occurrence of Mount Hermon June beetles within the project parcel. Mount Hermon June beetles are also known to occur on sites located 450 feet east 1,360 feet northwest, 1,810 feet southwest, and 2,600 feet north of the project parcel (BUGGY 2004; Figure 2).

The project parcel supports habitat suitable for Mount Hermon June beetle except where the ground was covered by impermeable surfaces including the house, sheds, and retaining wall. The remainder of the parcel contains degraded habitat for the Mount Hermon June beetle. Approximately 3,000 ft² consists of an unpaved driveway and parking area which completely lack plants. Much of the remainder of the parcel supports landscaping with plant species that are not native to the Sandhills. The exception is the narrow strip (approximately 10 feet wide) along the northern and eastern parcel border, which features native trees including ponderosa pine (*Pinus ponderosa*) and coast live oak (*Quercus agrifolia*).

Life History

The Mount Hermon June beetle is univoltine (i.e., has only one generation per year). The majority of the life cycle of the Mount Hermon June beetle occurs beneath the soil surface. Though little research has been conducted on below-ground stages of the life cycle of the Mount Hermon June beetle (e.g., eggs, larvae, pupae, and portions of the adult stage), information can be cautiously inferred from other species of *Polyphylla* that are well-studied, including the ten-lined June beetle (*Polyphylla decemlineata*).

The life cycle of the Mount Hermon June beetle is estimated to require two to three years. After mating during the summer, adult females lay eggs beneath the soil surface on, or in close proximity to, host plant roots. Eggs hatch into larvae that feed on roots of host plants. As the larvae grow, they molt from first to second, and finally third instars.

Third instar larvae pupate below the soil surface, and eventually male and female adults emerge from pupae. Adult emergence and seasonal activity often begins in May and continues through about mid-August (activity period). However, seasonal activity may vary from year to year depending on weather conditions (Arnold 2004).

Mount Hermon June beetles are polyphagous, or generalist feeders. Frass pellets of *Polyphylla* larva obtained from Mount Hermon June beetle mating locations contained tissue from flowering plants, ferns, and fungi (Hill and O'Malley 2009).

During the summer, adult Mount Hermon June beetles are active between approximately 7:00 p.m. and 10:00 p.m., with peak activity usually between 8:45 p.m. and 9:30 p.m. At dusk, adult males emerge from the soil, fly up through herbs and shrubs, and then fly low to the ground in search of flightless females, which emerge from the soil but remain on the surface of the ground and can be found by males which sense their pheromones. After mating occurs on the soil surface, females burrow underground where they presumably lay eggs.

A seasonal capture-recapture study suggested that adult males live no longer than eight days and that most males have home ranges of less than a few acres (Arnold 2001). The maximum dispersal distance documented for adult male Mount Hermon June beetles is 923 feet (Arnold 2000). Similar data on lifespan and dispersal of females are lacking at this time because they are so infrequently observed.

The Mount Hermon June beetle can be distinguished from three congeners (species of the same genus) which also occur in central Santa Cruz County by the presence of relatively dense, long, erect hairs that are scattered over the elytra (leathery forewings), and short erect hairs on the pygidium (last abdominal segment) (Young 1967,1988). Adult males are typically 20 millimeters (mm) long and 9.7 mm wide, while the slightly larger females are approximately 22 mm long and 12 mm wide (Hill and O'Malley 2009).



Figure 3: Mount Hermon June beetle adult male (left) and larva (right). Photographs by Jodi McGraw.

3.3 Other Sandhills Endangered Species in Region

The Sandhills communities support other special-status plant and animal species (Table 2), including three other federally endangered species.

The project parcel does not feature habitat for the Zayante band-winged grasshopper, Ben Lomond wallflower, and Ben Lomond spineflower (McGraw 2016; Appendix A). The Zayante band-winged grasshopper occurs in Sandhills habitat characterized by loose sand soil that is covered with sparse herbaceous plant cover, with low tree canopy and thus high-light conditions (Chu 2002, Arnold 2004). The proposed project site contains a relatively dense canopy of locust (*Robinia* sp.), which create low-light conditions that are not conducive to the Zayante band-winged grasshopper. In addition, herbaceous plant cover within the site is limited. The nearest known location of the endangered grasshopper is located 1.2 miles west of the proposed project site at the Hanson Quarry (McGraw 2016; Appendix A).

Ben Lomond spineflower, Ben Lomond wallflower, and silverleaf manzanita were not observed at the site during recent surveys. These species are likely excluded from the site historic land uses including vegetation clearing and landscaping, and ongoing soil disturbance associated with use of the parcel as a home site; in addition, the tree canopy may limit these shade-intolerant species. Though the Ben Lomond buckwheat can occur under lower-light conditions, it similarly was not observed on the proposed project site, likely due to human disturbance.

Table 2: Occurrence of special status species within the Santa Cruz Sandhills.

Common Name	Scientific Name	Status	Within Site
Mount Hermon June beetle	<i>Polyphylla barbata</i>	Federally Endangered	Present
Zayante band-winged grasshopper	<i>Trimerotropis infantilis</i>	Federally Endangered	No suitable habitat present
Ben Lomond spineflower	<i>Chorizanthe pungens</i> var. <i>hartwegiana</i>	Federally Endangered; CRPR 1B.1 (most rare, threatened, or endangered)	Absent
Santa Cruz wallflower	<i>Erysimum teretifolium</i>	Federally Endangered; California Endangered; CRPR 1B.1	Absent
silverleaf manzanita	<i>Arctostaphylos silvicola</i>	CRPR 1B.2	Absent
Ben Lomond buckwheat	<i>Eriogonum nudum</i> var. <i>decurrens</i>	CRPR 1B.1	Absent

¹ California Native Plant Society *Inventory of Rare and Endangered Plants of California* (CNPS 2016)

Section 4

Potential Biological Impacts/Take Assessment

4.1 Direct and Indirect Impacts

4.1.1 Direct Impacts

The proposed project has the potential to directly negatively impact Mount Hermon June beetle by causing mortality of individuals which likely occur in areas lacking impervious surface within the project footprint, and by causing permanent and temporary loss of habitat.

Impacts to Individuals

Grading and excavation to level the project site and install improvements will disturb the soil within an estimated 14,031 sf (0.322 acres). An estimated five-foot wide strip of habitat along the northern and southern border of the property, and a two-foot string along the eastern border, which collectively total 1,500 sf (0.034 acres) will not be disturbed through project improvements. The remaining 16,731 sf (0.384 acres) of the 18,231 sf (0.419 acre) parcel will be disturbed. Of this area, 2,700 ft² (0.062 acre) does not constitute habitat for the Mount Hermon June beetle, and instead featured impermeable surfaces associated with prior development (Table 3). As a result, this proposed project could kill the fossorial larva of the Mount Hermon June beetles living within the 14,031 (0.322 acre) of open soil within the proposed project parcel through the process of grading the site in preparation for building.

Permanent Habitat Loss

This project will permanently remove 9,400 ft² (0.216 acre) of habitat for the Mount Hermon June beetle. The homes, driveways, walkways, porches, decks, and retaining walls will cover a total of 12,100 ft² (0.278 acre), of which 2,700 ft² (0.062 acre) does not constitute habitat for the Mount Hermon June beetle, and instead consists of existing impermeable surfaces associated with prior development (Table 3); as a result, the permanent habitat lost resulting from this project would be 9,400 ft² (0.216 acre).

The 9,400 ft² (0.216 acre) of habitat to be permanently covered as part of this project is highly degraded. An estimated 2,500 ft² has been historically as driveway and parking area. Though this area is not paved, and thus could be used by emerging Mount Hermon June beetles, their

Table 3: Size (square feet) of temporary and permanent impacts to Mount Hermon June beetle habitat resulting from components of the proposed project. The habitat disturbed is the total disturbance envelope minus the area of non-habitat (e.g. existing impervious surfaces) within the project's total disturbance envelope. Habitat area disturbed that will ultimately be covered by impervious surfaces constitute permanent habitat removal, while adjacent areas of soil disturbance are temporary.

Column Identifier	Project Area (Square feet)			Habitat Disturbed (square feet)			
	1	2	3	4	5	6	7
			Total Disturbance Envelope (1+2)	Non-Habitat within Disturbance Envelope	Total (3-4)	Temporary	Permanent (5-6)
Project Component	Footprint	Adjacent Disturbance					
Homes	4,800	1,200	6,000	1,173	4,827	1,200	3,627
Retaining Walls	300	1,200	1,500	80	1,420	1,200	220
Hardscapes	7,000	500	7,500	1,447	6,053	500	5,553
Additional Landscaping Areas	1,731	0	1,731	0	1,731	1,731	0
Total	13,831	2,900	16,731	2,700	14,031	4,631	9,400

abundance in this area is likely very low, owing to the low plant cover and the occurrence of scattered rock on the soil surface. Much of the uncovered portion of the parcel that is not driven over regularly consists of sparse, non-native plants including locust (*Robinia* sp.).

The northern and eastern perimeters of the parcel support a large ponderosa pine (DBH= approx. 24') as well as several mature coast live oaks. These trees are located immediately adjacent to an existing fence and many are anticipated to be retained during the development. Construction of the adjacent retaining wall may impact roots and ultimately cause mortality.

Temporary Habitat Loss

Of the 14,031 ft² (0.322 acre) of habitat impacts, 4,631 ft² (0.106 acre) will be temporary. These areas will be subject to soil disturbing activities, including vegetation removal, grading, excavation, and compaction, but they will not be permanently covered with impervious surfaces. Instead, these open space areas will be landscaped with native and non-invasive ornamental plant species. Landscaping elements that deter use of habitat by Mount Hermon June beetles including turf grass, mulch, aggregate, and weed matting, as well as other elements that could constrain emergence of adult beetles, will be avoided. The CC & Rs recorded for the property will preclude use of these elements on the property. As a result, habitat loss within 4,631 ft² (0.106 acre) of the proposed project parcel will be temporary.

4.2.2 Indirect Effects

Indirect impacts are those effects caused by covered activities that may occur at a different time or in a different place than the direct impacts. The project could indirectly affect Mount Hermon June beetles through the installation of new outdoor lighting, which can reduce reproductive success of the species. Adult male beetles are attracted to lights and may remain on them, rather than searching for females, during the breeding season. Lights installed in the proposed project parcel could attract beetles from adjacent parcels. To minimize the likelihood of these impacts, lights installed on the outside of the houses will utilize LED bulbs, which emit light in wavelengths that are less attractive to nocturnal insects than other bulbs. The lights will be outfitted with motion detectors that enable them to just turn on when needed. They will also be installed so that they illuminate the designated area (e.g. driveway).

The proposed project has the potential to affect male Mount Hermon June beetles that might disperse into the project area from adjacent parcels and then burrow into open soil during construction, perhaps being killed by construction activities before they re-emerge. To avoid this impact, any exposed soil that was previously covered by impervious surfaces (Table 3) will be covered before 7 p.m. each night with plastic sheeting to preclude dispersing males from burrowing into soil within the project area and being impacted by ongoing construction.

4.2 Anticipated Take of Covered Species

The proposed project could cause mortality of Mount Hermon June beetles that might occur within the 14,031 ft² (0.322 acre) of soil that is not currently covered by impervious surfaces and that will be disturbed during grading to construct the houses and associated improvements. Of this area, 9,400 ft² (0.216 acre) would be permanently covered with impervious surfaces and thus unavailable to Mount Hermon June beetles, thus representing permanent habitat loss. The remaining 4,631 ft² (0.106 acre) will feature open soil following construction, and will be landscaped using materials designed to promote use by Mount Hermon June beetles; as a result, this area represents temporary habitat loss.

4.3 Effects on Critical Habitat (if applicable)

Critical habitat has not been designated for the Mount Hermon June beetle. In designating critical habitat for the Zayante band-winged grasshopper, the Service included 10,560 acres of land in central Santa Cruz County. This area represents the boundaries of the known distribution of the endangered insect. The primary constituent elements of critical habitat for the Zayante band-winged grasshopper are the presence of Zayante soils, the occurrence of Zayante Sandhills habitat and the associated plant species, and certain microhabitat conditions, including areas that receive large amounts of sunlight, widely scattered tree and shrub cover, bare or sparsely vegetated ground, and loose sand (USFWS 2001).

This proposed project occurs within the boundaries of the Zayante band-winged grasshopper critical habitat designation. However, because the site is well-shaded by exotic and native trees and thus receives minimal direct sunlight and lacks herbaceous plant species, the site does not contain the primary constituent elements for the Zayante band-winged grasshopper. Therefore, the proposed project activities would not impact the endangered insect's critical habitat.

4.4 Anticipated Impacts of the Taking

Neither the mortality of Mount Hermon June beetles potentially occupying the 14,031 ft² of intact soil proposed to be disturbed during project destruction, nor the permanent removal of 9,400 ft² of habitat due to the construction of the houses and associated improvements, are anticipated to affect persistence of the Mount Hermon June beetle in the Scotts Valley region or throughout the species' range. The project impacts are extremely unlikely to influence successful recovery of the endangered species. This assessment is made based on several factors including:

1. The small area of habitat that will be removed;
2. The degraded nature of the habitat that will be lost; and
3. The high-density residential development surrounding the project area.

Within this residential area within the City of Scotts Valley, the Mount Hermon June beetle population faces numerous threats from on-going activities associated with existing residential development, including but not limited to: irrigation, installation of non-native landscaping, fire suppression, night lighting, existing buildings, walls, fences and swimming pools, native plant removal, and digging by pets (USFWS et al. 2011).

As a result of historic residential development, the Mount Hermon June beetle population within this area is likely unnaturally small and as a result, may be susceptible to extirpation from random genetic, demographic, or environmental events. The small size of the project parcel, as well as the low number of undeveloped parcels within the neighborhood, greatly limits opportunities for permanent conservation through acquisition or conservation easements. Given the ongoing threats and lack of conservation opportunities for Mount Hermon June beetle, remaining habitat in the project area and vicinity is considered degraded and suboptimal (USFWS et al. 2011).

Habitat within this Scotts Valley residential neighborhood could provide some long-term conservation value for Mount Hermon June Beetle. Though degraded, fragmented, and reduced in size, the habitat may support persisting populations of the endangered insect. The Mount Hermon June Beetle lives 99% of its life belowground. Therefore, it is possible that development, at least at the current level, might not cause extirpation (population extinction). Indeed, the fact that Mount Hermon June Beetles, which have a two-to-three-year life cycle, still inhabits this area that began to be developed several decades ago, suggests that populations could persist here despite the current level of development.

4.5 Cumulative Impacts

In contrast with the analysis of cumulative impacts under section 7, section 10 of the Act and HCPs analyze cumulative impacts as incremental impacts of the action on the environment when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. The geographic area for analysis should be defined by the manifestation of direct or indirect impacts as a result of covered activities. Cumulative impacts under section 10 of the Act can result from individually minor but collectively significant actions taking place over a period of time.

The impacts of this project on the persistence of the endangered Mount Hermon June beetle are low, owing not only to the small size of the project, but also its occurrence in an already developed and therefore both degraded and fragmented habitat area. Redevelopment to increase the number of units on small parcels such as this will continue to reduce the amount of open sand habitat available for the species. It is possible that, over time, this development will result in the extirpation of the Mount Hermon June beetle from this developed area. Such infill development is unlikely to impact populations that persist at presumably higher densities within the intact habitat that is being protected to the west of this project (Figure 2; McGraw 2004b). As a result, the cumulative impacts of this project on the persistence of the Mount Hermon June beetle are anticipated to be very small.

Section 5

Conservation Program/Measures to Minimize and Mitigate for Impacts

5.1 Biological Goals and Objectives

Section 10(a)(2)(A) of the Act requires that an HCP specify the measures that the permittee will take to minimize and mitigate to the maximum extent practicable the impacts of the taking of any federally listed animal species as a result of activities addressed by the plan.

As part of the “Five Point” Policy adopted by the Services in 2000, HCPs must establish biological goals and objectives (65 *Federal Register* 35242, June 1, 2000). The purpose of the biological goals is to ensure that the operating conservation program in the HCP is consistent with the conservation and recovery goals established for the species. The goals are also intended to provide to the applicant an understanding of why these actions are necessary.

These goals were developed based upon the species’ biology, threats to the species, the potential effects of the Covered Activities, and the scope of the HCP.

Goal 1: Avoid and minimize take of the Mount Hermon June beetle within the project site.

Objective 1.1: Conduct the project in an area of degraded habitat for the Mount Hermon June beetle.

Objective 1.2: During any portion of construction occurring during the flight season of the Mount Hermon June beetle, use plastic to cover exposed soil in areas that previously were covered with impervious surfaces to prevent dispersing males from burrowing into these areas and being impacted by construction

Objective 1.3: Landscape with native Sandhills plants and non-invasive ornamental plant species, and avoid landscaping with turf grass, weed matting, aggregate, and mulch.

Objective 1.4: Minimize night lighting during the flight season of the Mount Hermon June beetle.

Objective 1.5: Minimize loss of native trees including ponderosa pine and coast live oak.

Goal 2: Protect habitat for the Mount Hermon June beetle at an off-site location of high long-term conservation value to the species.

Objective 2.1: Provide funds to protect, manage, and monitor habitat for the Mount Hermon June beetle at a conservation bank.

5.2 Avoidance, Minimization, and Mitigation Measures

Section 10 of the Act requires that all applicants submit HCPs that “minimize and mitigate” the impacts of take authorized by an incidental take permit, and that issuance of the permit will not “appreciably reduce the likelihood of the survival and recovery of the species in the wild.” In general, HCPs should include mitigation programs that are based on sound biological rationale, practicable, and commensurate with the impacts of the project on species for which take is requested. Additionally, the Service encourages applicants to develop HCPs that contribute to the recovery of a listed species. If the proposed project is expected to result in permanent habitat loss, then the mitigation strategy must include compensatory mitigation consisting of the permanent preservation of suitable habitat or similar measures.

In accordance with these guidelines and the requirements of the Endangered Species Act, the Conservation Program of this HCP is intended to achieve its biological goals and objectives and to ensure and that the impacts of Covered Activities on the Mount Hermon June beetle are minimized and mitigated to the maximum extent practicable.

5.2.1 Measures to Minimize Impacts

The following measures are designed to minimize the direct effects of the covered activities on the Mount Hermon June beetle by reducing incidental take of individuals and the degradation of habitat adjacent to the project area and existing development.

5.2.1.1: Locate project on and adjacent to current development.

The project will occur in an already-developed parcel. New buildings will be constructed either on areas that either do not provide habitat due to prior development, or that have highly degraded habitat as a result of chronic soil disturbance and removal of native plant species associated with long-term use of the project parcel as a home site.

5.2.1.2: Fence the perimeter of the project footprint to prevent inadvertent impacts to adjacent habitat.

Prior to initiation of ground-disturbing activities, the perimeter of the project footprint will be fenced using orange construction fencing, in order to ensure that all ground-disturbance is confined to the impact area. The site will be monitored to ensure that the fence remains intact and that crews are limiting project activities to the project disturbance envelope.

5.2.1.3: If ground disturbing activities are conducted during the flight season of the adult Mount Hermon June beetle, plastic will be placed over exposed soil each night, to avoid impacts to dispersing males.

Adult male Mount Hermon June beetles actively search for mates and breed during the evenings for approximately 12-14 weeks primarily between May 15 and August 15. During this period, males and females may burrow into duff and soils at relatively shallow depths for protection during the daytime hours.

To minimize impacts of construction on dispersing beetles, every attempt will be made to conduct soil-disturbing aspects of the project outside of the adult flight season. If construction occurs during any part of the flight season, plastic will be used to cover open soil that was previously covered with impervious surfaces each night by 7 p.m. to prevent adult males from burrowing into the area and later being impacted by subsequent soil disturbance (digging, grading, or covering).

5.2.1.4: The area of temporary habitat disturbance will be revegetated with native and non-invasive ornamental plants, and no additional landscaping elements that degrade Mount Hermon June beetle habitat will be installed as part of this project.

Adult Mount Hermon June beetles emerge from under the soil surface to attract and locate mates. Turf grass, dense ground cover plants (e.g., ivy), weed matting, aggregate, and mulch can degrade habitat for this endangered insect, and will not be used in this project. Instead, the open space areas will be planted with native and non-invasive ornamental plant species; soil amendments and surface treatments will be limited to that which is necessary to promote growth of plants that are adapted to sandy, droughty, low nutrient soils. The CC & Rs recorded for the property will preclude use of landscape elements that deter use by Mount Hermon June beetle.

5.2.1.5: Any potential larva or adult of the Mount Hermon June beetle (Figure 3) encountered in an area to be impacted by Covered Activities will be relocated in the intact habitat on the perimeter of the parcel, which will not be disturbed, and re-buried at the approximate depth at which it was unearthed. If the Mount Hermon June beetle is found on the soil surface, then it will be relocated to this area and left on the soil surface in a location protected by vegetation.

A biologist approved by the US Fish and Wildlife Service will periodically monitor activities when Mount Hermon June beetles could be encountered (e.g., excavation). In addition, the Service-approved biologist will conduct a training for work crews that implement soil-disturbing activities, to facilitate their efforts to detect Mount Hermon June beetles in each of three life stages (larva, pupa, and adult). Crews who encounter potential Mount Hermon June beetles will stop work in

the area and call the biologist, who will relocate the endangered insect out of harm's way. This measure will minimize take of the Mount Hermon June beetle by reducing the number of larvae, pupae, and adults that could be injured or killed as a result of project-related activities.

5.2.1.6: Avoid outdoor lighting.

Adult Mount Hermon June beetles are distracted by light during the night, which can disrupt breeding activity. To minimize this impact, outdoor lights will feature LED bulbs, which emit light in wavelengths that are less attractive to nocturnal insects. Outdoor lights will be focused on the areas they need to illuminate (e.g. driveways and walkways) and feature motion detection devices that enable the light to be present only when needed.

5.2.2 Measure to Mitigate Unavoidable Impacts

The proposed project will cause mortality to Mount Hermon June beetles within 14,031 ft² (0.322 acres) of potential habitat within the 18,231-ft² (0.419-acre) parcel. The remaining 2,700 ft² is covered by existing impervious surfaces and therefore does not constitute habitat.

To mitigate these impacts, the applicant will secure 14,031 square-foot conservation credits at the Zayante Sandhills Conservation Bank. The conservation credits will be purchased following receipt of the incidental take permit and prior to the inception of any project activities that would cause take, including soil disturbance.

The 1:1 ratio of impacts to mitigation is appropriate, given that the habitat impacted is highly degraded due to historical residential uses, and the habitat to protected and managed by the Zayante Sandhills Conservation Bank is of exceptionally high conservation value for the Mount Hermon June beetle.

The Zayante Sandhills Conservation Bank was established to provide mitigation for impacts to Mount Hermon June beetle and other special-status Sandhills species that might result from development projects, such as this project. Presently, the Zayante Sandhills Conservation Bank is selling credits for the Ben Lomond Sandhills Preserve, a 23-acre Sandhills preserve located in Ben Lomond, California, approximately 3.2 miles northwest of the project site (Figure 4).

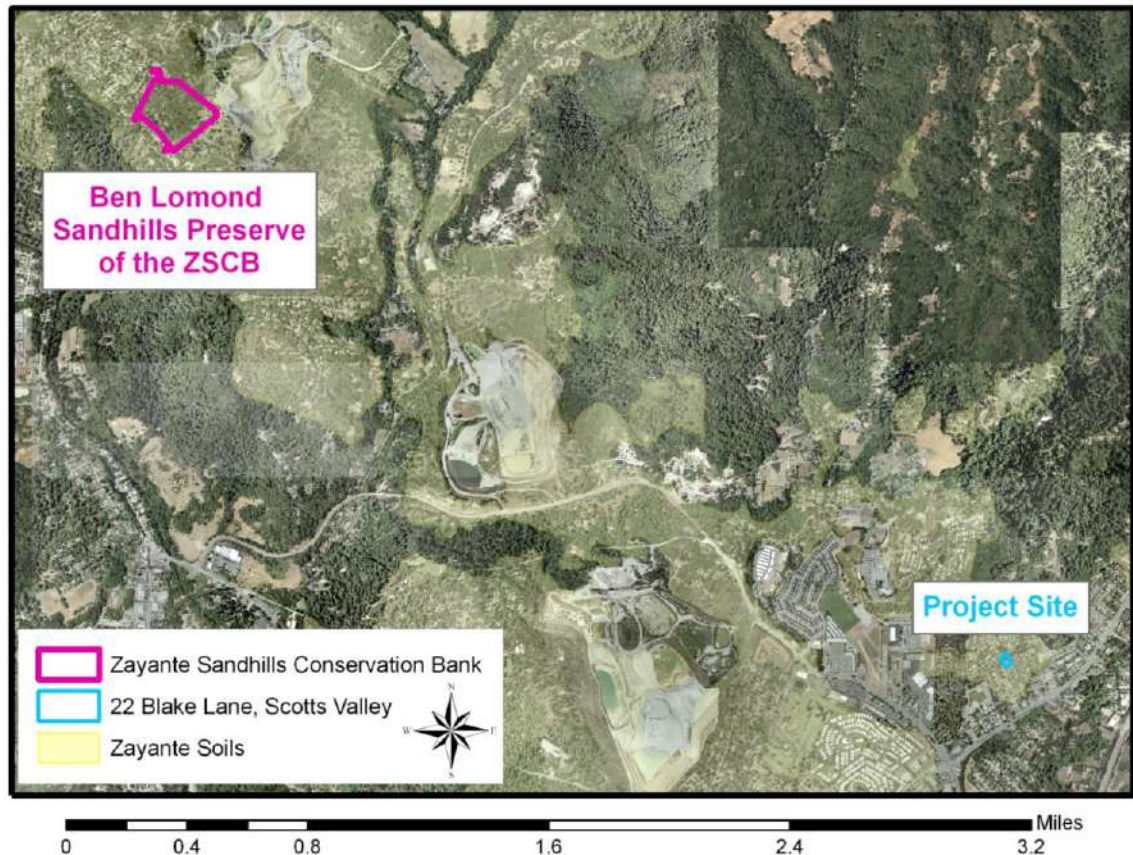


Figure 4: Location of the proposed project site at 22 Blake Lane, Scotts Valley, California, with respect to the Ben Lomond Sandhills Preserve of the Zayante Sandhills Conservation Bank: the location of the off-site mitigation proposed in this plan. Map prepared by Jodi McGraw.

5.4 Monitoring

Monitoring tracks compliance with the terms and conditions of the HCP and permit. Biological effectiveness monitoring will be conducted at the Zayante Sandhills Conservation Bank Preserves, where the mitigation for the project's impacts on Mount Hermon June beetle will occur. This monitoring will be the responsibility of the bank operator.

Construction and compliance monitoring to track the permit holder's compliance with the requirements specified in the HCP and permit, while effects monitoring will be used to document the project's impacts on the covered species. A biologist approved by the US Fish and Wildlife Service will conduct the following monitoring activities.

5.4.1 Construction and Compliance Monitoring

Pre-construction Orientation: Prior to construction, the biologist will conduct a construction crew training, in which individuals involved in construction will be provided a brief presentation about the biology of the Mount Hermon June beetle, and will be shown pictures of both adults and larva, to aid their identification during construction (Section 5.2.1.5).

Construction Monitoring: The biologist will conduct regular inspections of the project site during initial grading and excavation to salvage and relocate any larva, ensure the exclusionary fence remains intact, and ensure that the plastic is being used to cover areas of open soil nightly during the flight season to prevent Mount Hermon June beetles entering the soil and later being impacted.

The permit holder shall allow representatives from the Service access to the project site to monitoring compliance with the terms and conditions of the HCP, and the effects of the project.

5.4.2 Effects Monitoring

To quantify the incidental take, the biologist will calculate the area of soil disturbance and thus incidental take, and count the number of larval and adult Mount Hermon June beetles that were found and removed during the construction monitoring.

5.6 Reporting

A qualified biologist will submit a report to the US Fish and Wildlife Service in order to document the status of the project. The report will include:

1. A brief summary of project activities accomplished during the reporting year (e.g. this includes development/construction activities, and other covered activities)
2. Effects monitoring results describing the amount of incidental take, in terms of number of Mount Hermon June beetle adults and larva observed and the area of soil disturbed.
3. Construction and compliance monitoring results
4. Brief description of the aspects of the conservation strategy implemented
5. Description of any changed or unforeseen circumstances that occurred and how they were dealt with
6. Funding expenditures, balance, and accrual
7. Description of any minor or major amendments.

The report will be submitted to the Service by January 31 of each year of the project.

Section 6

Plan Implementation

6.1 Plan Implementation

The project will be implemented by the applicants, Lantana, LLC, and their contractors. Precise timing of the project will depend on the timing of the incidental take permit and efforts will be made to minimize ground disturbing activities during the flight season (Section 5.2.1).

6.2 Changed Circumstances

6.2.1 Summary of Circumstances

Section 10 regulations (69 *Federal Register* 71723, December 10, 2004 as codified in 50 Code of Federal Regulations (C.F.R.), Sections 17.22(b)(2) and 17.32(b)(2)) require that an HCP specify the procedures to be used for dealing with changed and unforeseen circumstances that may arise during the implementation of the HCP. In addition, the HCP No Surprises Rule [50 CFR 17.22 (b)(5) and 17.32 (b)(5)] describes the obligations of the permittee and the Service. The purpose of the No Surprises Rule is to provide assurance to the non-Federal landowners participating in habitat conservation planning under the ESA that no additional land restrictions or financial compensation will be required for species adequately covered by a properly implemented HCP, in light of unforeseen circumstances, without the consent of the permittee.

Changed circumstances are defined in 50 CFR 17.3 as changes in circumstances affecting a species or geographic area covered by an HCP that can reasonably be anticipated by plan developers and the Service and for which contingency plans can be prepared (e.g., the new listing of species, a fire, or other natural catastrophic event in areas prone to such event). If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and these additional measures were already provided for in the plan's operating conservation program (e.g., the conservation management activities or mitigation measures expressly agreed to in the HCP), then the permittee will implement those measures as specified in the plan. However, if additional conservation management and mitigation measures are deemed necessary to respond to changed circumstances and such measures were not provided for in the plan's operating conservation program, the Service will not require these additional measures absent the consent of the permittee, provided that the HCP is being "properly implement" (properly implemented means the commitments and the provisions of the HCP and the IA have been or are fully implemented).

Foreseeable changed circumstances within the project area of this HCP include:

- the new listing of a species; and
- the discovery of the Zayante band-winged grasshopper, Santa Cruz wallflower, or Ben Lomond spineflower at the project site.

6.2.2 Newly listed species

If a new species that is not covered by the HCP but that may be affected by activities covered by the HCP is listed under the Federal ESA during the term of the section 10 permit, the section 10 permit will be reevaluated by the Service and the HCP covered activities may be modified, as necessary, to ensure that the activities covered under the HCP are not likely to jeopardize or result in the take of the newly listed species or adverse modification of any newly designated critical habitat. The applicant, Lantana, LLC, shall implement the modifications to the HCP covered activities identified by the Service as necessary to avoid the likelihood of jeopardy to or take of the newly listed species or adverse modification of newly designated critical habitat. The property owners shall continue to implement such modifications until such time as the Permittee has applied for and the Service has approved an amendment of the Section 10(a)(1)(B) permit, in accordance with applicable statutory and regulatory requirements, to cover the newly listed species or until the Service notifies representatives of Lantana, LLC in writing that the modifications to the HCP covered activities are no longer required to avoid the likelihood of jeopardy of the newly listed species or adverse modification of newly designated critical habitat.

The occurrence of a newly listed species at the project site during the course of the requested 5-year permit is highly unlikely due to the small size of the project site, the degraded nature of the habitat, which is already developed, and the short duration of the permit.

6.2.3 Discovery of other currently listed species at the project site

In the event that one or more other already listed endangered species are found at the site, the applicant will cease project activities that would likely result in incidental take of newly-discovered listed species, and apply for a permit amendment. It is unlikely that other listed species will be discovered at the project site, due to the degraded nature of the habitat, the distance to nearest other populations, and the short duration of the project permit, among other factors.

6.4 Amendments

6.4.1 Minor Amendments

Minor amendments are changes that do not affect the scope of the HCP's impact and conservation strategy, change amount of take, add new species, and change significantly the boundaries of the HCP. Examples of minor amendments include correction of spelling errors or minor corrections in boundary descriptions. The minor amendment process is accomplished through an exchange of letters between the permit holder and the Service's Field Office.

6.4.2 Major Amendments

Major amendments to the HCP and permit are changes that do affect the scope of the HCP and conservation strategy, increase the amount of take, add new species, and change significantly the boundaries of the HCP. Major amendments often require amendments to the Service's decision documents, including the NEPA document, the biological opinion, and findings and recommendations document. Major amendments will often require additional public review and comment.

6.5 Suspension/Revocation

The Service may suspend or revoke their respective permits if fails to implement the HCP in accordance with the terms and conditions of the permits or if suspension or revocation is otherwise required by law. Suspension or revocation of the Section 10(a)(1)(B) permit, in whole or in part, by the Service shall be in accordance with 50 CFR 13.27-29, 17.32 (b)(8).

6.6 Permit Renewal

The applicant requests a 5-year permit, to ensure that the covered activities can be completed prior to permit expiration.

Upon expiration, the Section 10(a)(1)(B) permit may be renewed without the issuance of a new permit, provided that the permit is renewable, and that biological circumstances and other pertinent factors affecting covered species are not significantly different than those described in the original HCP. To renew the permit, the property owners shall submit to the Service, in writing:

- a request to renew the permit; reference to the original permit number;
- certification that all statements and information provided in the original HCP and permit application, together with any approved HCP amendments, are still true

and correct, and inclusion of a list of changes;

- a description of any take that has occurred under the existing permit; and
- a description of any portions of the project still to be completed, if applicable, or what activities under the original permit the renewal is intended to cover.

If the Service concurs with the information provided in the request, it shall renew the permit consistent with permit renewal procedures required by Federal regulation (50 CFR 13.22). If the applicants file a renewal request and the request is on file with the issuing Service office at least 30 days prior to the permits expiration, the permit shall remain valid while the renewal is being processed, provided the existing permit is renewable. However, the applicant may not take listed species beyond the quantity authorized by the original permit. If the applicant fails to file a renewal request within 30 days prior to permit expiration, the permit shall become invalid upon expiration. The applicant and the mitigation bank operator must have complied with all annual reporting requirements to qualify for a permit renewal.

6.7 Permit Transfer

If the proposed permit holders, Lantana, LLC, transfer the property to another party during the period of the permit and that party agrees to implement the project and comply with the terms of the HCP, the permit can be transferred to the new party.

In the event of sale or transfer of ownership of the property during the life of the permit, a new permit application, permit fee, and an Assumption Agreement will be submitted to the Service by the new owner(s). The new owner(s) will commit to all requirements regarding the take authorization and mitigation obligations of this HCP unless otherwise specified in the Assumption Agreement and agreed to in advance with the Service.

Section 7 Funding

7.1 Costs of HCP Implementation

The estimated costs to implement the conservation strategy described in this plan are listed in Table 4.

7.2 Funding Source(s), Mechanism, and Management

The applicant will provide all funds required to implement the conservation strategy (Table 4). The applicant understands that failure to provide adequate funding and consequent failure to implement the terms of this HCP in full could result in temporary permit suspension or permit revocation.

The conservation credits, which provide the compensation in this conservation strategy and represent the bulk of the costs of its implementation, will be purchased in advance of project implementation. A copy of the receipt documenting the sale will be provided as proof to the Service upon project permitting and prior to implementation of the project. The applicant will fund all other costs associated with implementing the terms of the HCP as needed.

Table 4: Estimated costs to implement the conservation strategy described in this plan.

Element	Strategy	Units Type	Costs (\$)		
			Number	Per Unit	Total
Minimization Measure 5.2.1.2	Fence the perimeter of the project footprint to prevent inadvertent impacts to adjacent habitat.	Rolls of Construction/ESA Fencing	5	65	325
Minimization Measure 5.2.1.3	Cover open soil in previously impervious portion(s) of project area with tarps to prevent burrowing during flight season	plastic sheeting (20' x 100')	8	94	752
Compensation	Purchase 14,031 square foot conservation credits at the Zayante Sandhills Conservation Bank	conservation credits	14,031	8.44	118,422
Compliance Monitoring	Hire biologist to conduct pre-construction training and compliance monitoring	labor hours	40	115	4,600
Effects Monitoring	Hire biologist to conduct biological effects monitoring	labor hours	8	115	920
Reporting	Hire biologist to complete annual project reports to USFWS	labor hours	16	115	1,840
Total					126,859

Section 8 Alternatives

8.1 Summary

Section 10(a)(2)(A)(iii) of the Endangered Species Act of 1973, as amended, [and 50 CFR 17.22(b)(1)(iii) and 17.32(b)(1)(iii)] requires that alternatives to the taking of species be considered and reasons why such alternatives are not implemented be discussed.

8.2 No Action Alternative

Under the No Action Alternative, the proposed project parcel would not be redeveloped to create six condominiums in a site currently supporting a single family residence, and an incidental take permit would not be requested or issued. The applicant would not be able to increase the value of the property or provide additional housing to the community. The exposed soil within the parcel would remain as degraded habitat for the Mount Hermon June beetle.

Under the No Action Alternative, the conservation measures proposed in this HCP would not be implemented, and the 14,031 ft² of conservation credits would not be protected at the Zayante Sandhills Conservation Bank. This would reduce funds available for preservation, management, and monitoring of the high-quality preserve established to protect the Mount Hermon June beetle. Because the benefits of the HCP conservation measures outweigh the impacts of the project on the Mount Hermon June beetle, the No Action alternative has been rejected.

8.3 Alternative 2: Redesign Project (Reduce Take)

Under this alternative, the development would be limited to one duet home located in a single building, rather two homes in two buildings. The single building would be sited in the location of the prior residential structures on the southern half of the parcel, and the current driveway and parking area on the northern portion of the parcel would not be altered. This would reduce the area of impervious surfaces and thus permanent habitat loss by an estimated 6,900 ft²: half of the homes, hardscapes, and driveway. Though some grading in the northern portion would likely still be required for construction of the homes and retaining walls, such that not all impacts to Mount Hermon June beetle could be avoided in the northern half of the property.

Given the small size of the area on site that would be protected and its degraded nature, it is not clear whether Mount Hermon June beetle would persist within the project parcel if this alternative project were implemented. This redesign would decrease the value of the property relative to the proposed action, and thus the ability of the applicant to fund the conservation strategy, which is designed to have a net benefit to the Mount Hermon June beetle by preserving high quality habitat to replace the degraded habitat within the project site. For these reasons, this redesign alternative has been rejected.

8.3 Alternative 3: Proposed Action (Permit Issuance)

Under the proposed action alternative, Lantana, LLC would construct two duet homes and associated improvements as described in Section 2 of this plan. The proposed action will require the issuance of a Section 10(a)(1)(B) permit in order that the project be implemented in compliance with the federal Endangered Species Act. The project will result in the impact to Mount Hermon June beetle within the 14,031 ft² of open soil to be graded in preparation for construction, and cause the permanent loss of 9,400 ft² of degraded habitat where impervious surfaces will be installed over currently open habitat.

However, the conservation measures proposed in the HCP would provide greater conservation benefit to the Mount Hermon June beetle than the No Action alternative. Specifically, under the Proposed Action, the applicants will secure 14,031 square-foot conservation credits in the Zayante Sandhills Conservation Bank, thus ensuring the preservation, management, and monitoring of Mount Hermon June beetle habitat in a relatively large, contiguous, and high-quality habitat preserve, in perpetuity. The Proposed Action thus provides greater conservation benefits than the No Action and Redesigned Project alternative, while best meeting the needs of the applicant. Therefore, the Proposed Action is the preferred alternative.

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Appendix A

Habitat Assessment of the Project Parcel



Jodi McGraw Consulting
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phone/fax: (831) 768-6988
jodi@jodimcgrawconsulting.com

October 7, 2016

Maria Jenson
Lantana, LLC
18 Morton Way
Palo Alto, CA 94303

RE: Biotic Assessment of 22 Blake Lane, Scotts Valley, CA (APN 022-172-47)

Dear Ms. Jenson:

I am writing to provide you with results of the habitat assessment that I conducted on October 3, 2016 on a 0.42-acre home site¹ located at 22 Blake Lane in the City of Scotts Valley, California (APN 022-172-47). Where relevant, this assessment also integrates results of a habitat assessment that I conducted on this parcel in 2006 for a prior landowner (McGraw 2006).

Purpose

I understand you are seeking to redevelop the property to feature two, duet homes and associated infrastructure including decks and a driveway.

The purpose of my assessment was to evaluate whether the parcel supports habitat for, or occurrences of, special status plants and animals including: Ben Lomond spineflower (*Chorizanthe pungens* var. *pungens*), Santa Cruz wallflower (*Erysimum teretifolium*), silverleaf manzanita (*Arctostaphylos silvicola*), Ben Lomond buckwheat (*Eriogonum nudum* var. *decurrens*), Mount Hermon June Beetle (*Polyphylla barbata*) or the Zayante Band-Winged Grasshopper (*Trimerotropis infantilis*). These species occur within Sandhills communities found on Zayante coarse sand soil in central Santa Cruz County (McGraw 2004).

Existing Development and Land Use

At the time of my assessment, the site featured remnant elements of a prior single-family house that was located in the southern portion of the parcel, but was demolished in August 2016. These include an unpaved but graveled loop driveway, retaining walls on the eastern and western borders, and a ponderosa pine tree in a ringed landscape bed.

Soils

As mapped by the Soil Conservation Service, the 0.42-acre parcel contains Zayante soils, which are poorly developed, deep, coarse, sand soils derived from the weathering of uplifted marine sediments

¹ The Santa Cruz County Assessor's parcel database indicates that the parcel is 0.52-acres; however, this appears to be in error as the southern portion of the parcel boundary features the buildings located on the adjacent parcel to the south. The 0.42-acre size is what you reported to me as the actual parcel area.

and sandstones (USDA 1980). My examination of the soils on the central and northern portions of the parcel revealed the occurrence of light grey brown, loose sand soil characteristic of the Zayante series. This soil type supports endemic Sandhills communities and species within Scotts Valley and central Santa Cruz County.

Native vegetation on the site has been greatly altered as a result of historic land use. The northern and eastern perimeters of the parcel feature mature Ponderosa pines (*Pinus ponderosa*) and coast live oak (*Quercus agrifolia*)—two tree species that are native to the sandhills communities in the region. The western border features several ornamental, deciduous trees that appear to be *Robinia* species, as well as a planted yucca (*Yucca* sp.).

Special-Status Plants

I did not observe any special-status plants during my assessment this week, nor were any observed during a prior assessment in August 2006. Ben Lomond spineflower, Ben Lomond wallflower, and silverleaf manzanita are likely excluded from the site due to low light conditions, historic landscaping, and persistent soil disturbance associated with use of the parcel as a homesite. Though the Ben Lomond buckwheat can occur under lower-light conditions, it similarly was not observed on the proposed project site.

Special-Status Animals

The project parcel does not feature suitable habitat for the Zayante band-winged grasshopper, which occurs in Sandhills habitat characterized by loose sand soil that is covered with sparse herbaceous plant cover, with low tree canopy and thus high light conditions (Chu 2002, Arnold 2004a). The proposed project site contains a relatively dense canopy of trees that create low light conditions that are not conducive to the Zayante band-winged grasshopper, which is also not typically observed in residentially developed areas.

The property provides suitable, albeit degraded, habitat for the Mount Hermon June beetle—a largely fossorial insect that feeds on plant roots and associated mycorrhizae, and then emerges as an adult in late spring and summer in order to mate. Mount Hermon June beetle occurs in areas with Zayante soils that feature a variety of vegetation, including areas that have been landscaped and feature ornamental vegetation.

In June 2002, a presence/absence survey documented the occurrence of Mount Hermon June beetles within the project parcel. A total of five Mount Hermon June beetles were trapped within four black light traps located in the four corners of the project parcel, and individuals of the species were also observed emerging within the center of the project parcel. Mount Hermon June beetles are also known to occur on sites located 450 feet east, 1,360 feet northwest, 1,810 feet southwest, and 2,600 feet north of the project parcel (BUGGY 2004).

Based on these observations of habitat and individuals within the property, it is likely that the proposed redevelopment project would negatively impact Mount Hermon June beetle by removing habitat and/or causing mortality of individuals living below the soil surface.

Implications

The Mount Hermon June beetle has been listed by the United States Fish and Wildlife Service (USFWS) as a Federally Endangered Species under the federal Endangered Species Act (ESA). The ESA makes it illegal to 'take' (kill, harm, harass, etc.) endangered species such as the MHJB. However, the USFWS can permit take of MHJB that occurs incidentally during the course of otherwise lawful projects, such as development, but issuing what is known as an 'incidental take permit' (ITP).

In order to receive an incidental take permit, project proponents must complete a Habitat Conservation Plan (HCP), which outlines how they will mitigate the project's negative effects on the endangered species. Mitigation can and should include steps to avoid, minimize, and repair impacts at the project site, as well as efforts to compensate for them by benefiting similar habitat elsewhere.

The US Fish and Wildlife Service, City of Scotts Valley, and County of Santa Cruz developed an Interim Programmatic HCP (IPHCP) for the Mount Hermon June beetle and Ben Lomond spineflower (USFWS et al. 2011). To be eligible for take coverage under this existing HCP, projects must be residential in nature, occur on a parcel of less than 1.5 acres, be located within one of the IPHCP Project Units, and impact no more than 15,000 square feet (USFWS et al. 2011). Although the subject parcel is within one of the IPHCP Project Units, and is less than 1.5 acres in size, the proposed development activities do not meet the IPHCP eligibility criteria, which do not allow subdivision.

Therefore, to receive an ITP, you will need to submit an HCP for your own project. Projects that are deemed to have minimal impacts on the endangered species, environment in general, and public health and safety, such as yours, can receive an ITP through completion of a Low-Effect HCP, which requires fewer documents be prepared by the applicant and is designed to reduce both the costs and time required to obtain an ITP.

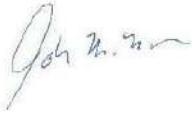
This information is provided to aid evaluation of the parcel and not to regulate its use. I recommend that you or others interested in developing the parcel contact the City of Scotts Valley and the U.S. Fish and Wildlife Service to discuss the project and permitting requirements. The following is some contact information you might find helpful.

Contact information for agency representatives knowledgeable about regulations influencing development of Sandhills habitat

U.S. Fish and Wildlife Service	City of Scotts Valley
Chad Mitcham	Taylor Bateman
Biologist	Acting Community Development Director
US Fish and Wildlife Service	City of Scotts Valley
2493 Portola Road, Suite B	One Civic Center Drive
Ventura, CA 93003	Scotts Valley, CA 95066
(831) 768-7794	(831) 440-5633
Chad_Mitcham@fws.gov	tbateman@scottsvally.org

Please do not hesitate to contact me if you have any questions regarding the habitat assessment, or processes for obtaining an incidental take permit to cover your project.

Sincerely,



Jodi M. McGraw

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Project No. SC11097
29 August 2016

MS. MARIA JENSON
Lantana, L.L.C.
18 Morton Way
Palo Alto, California 94303

Subject: Report Update

Reference: Two Multi-Unit Building Project
22 Blake Lane
Scotts Valley, California

Dear Ms. Jenson:

At your request, we have reviewed two prior geotechnical related reports for the reference property APN 022-902-16 located 22 Blake Lane in Scotts Valley, California. The project though remains as a multi-unit development, it has changed in the number of units, now two duplex structures with at-grade garages. The Units setting are depicted on an overlay upon the Surveyor's Map, Figure 3 in Appendix A.

Historical Geotechnical Information

Two technical reports of the property for different project concepts were reviewed and are as follows:

1. Haro, Kasunich and Associates, Inc., Geotechnical Investigation Report, Single Family Residence, dated August 2001.
2. Haro, Kasunich and Associates, Inc., Geotechnical Investigation Report for Multi-Unit Single Family Project, dated September 2007.

Project and Site Description

Figure 3, the Surveyor's Map with building overlay depicts two structures on the western half of the property. Conceptually, access is from Blake Lane via a driveway leading up to the garage(s) landing area.

Though architectural renderings are not available at this time, our understanding is the units are to be two-story wood frame structures at-grade. No basements are being proposed.

The site was occupied by a single family residence and small sheds that recently were demolished and removed from the site. A rock retaining wall along the driveway supports a bank cut. There is a tire faced cut bank on the second driveway to the north. To the southeastern corner of the property there is a short failing concrete retaining wall. A water

meter lies within the cut bank of the second driveway. The western, southern and eastern perimeters of the property are shown to range in slope from 30 to over 40 percent. Two Photos are attached that depict existing surficial site conditions.

Subsurface Conditions

On the basis of the prior field explorations, the site is overlain by loose soil and unclassified man-made fill ranging from 1 to 3 feet. The greater fill is greatest along the western and southern perimeter of the property. It has been noted the property was graded likely as part of the existing single family residence development. At the north-eastern corner of the property there are several mounds 3 to 4 feet high. Underlying these man-made fill and loose in-situ soil is medium dense to very dense Santa Margarita Sandstone. The Santa Margarita Sandstone is generally a friable slightly cemented silty sand to fine to medium grain sand with a small percentage of fines. We note, along the perimeter the outboard slopes are composed of loose earth materials in the order of 9 feet.

No mention of ground water was indicated to have been encountered within the depths explored.

Seismic Coefficient

The coordinates for evaluation of the seismic coefficient were taken from approximately the middle of the property:

Longitude: -122.02187; Latitude: 37.04814

The coordinates were obtained using Google Earth mapping and were used as inputs in the Java Ground Motion Parameters Calculator created by USGS to determine the ground motion associated with the maximum considered earthquake (MCE) and SM the reduced ground motion for design SD. The results are as follows:

Site Class: C

$SM_s = 1.538g$
 $SM_1 = 0.798g$
 $SD_s = 1.026g$
 $SD_1 = 0.532g$

A minimum considered earthquake geometric mean (MCE_G) peak ground acceleration (PGA) was estimated using the Figure 22 – 7 of the ASCE Standard 7 -10. The mapped PGA was determined to be 0.582g and for the selected Site Class (C), the site coefficient F_{PGA} is 1.0. The MCE_G peak ground acceleration adjusted for Site Class effects is:
 $PGA_M = F_{PGA}, PGA, \text{ or } PGA_M = 1.0 * 0.582g = 0.582g.$

Onsite Storm Water Retention

Under the previous proposed project (2007), HKA did not recommend on-site storm water retention for this property. The reasons behind this recommendation are size of the parcel and the potential of perched water moving laterally and downslope to the adjoining development and bank (south) that could result in bank instability and moisture problems of the structures surrounding and down grade of this project. As an alternative, we recommended onsite storm water detention system that meters the collected water at a predevelopment runoff rate onto Blake Lane.

Design Considerations for Site Grading

Given the loose soil conditions encountered, the building envelopes plus at least 5 feet beyond should be subexcavated. Given the proposed building locations, the depth of excavation may be less than what was recommended in the 2007 report. We recommend that when the site is cleared of existing soil mounds and the building corners of the southern Unit are located, additional test borings be drilled to determine the thickness of loose soil.

In regard to the driveway/garage landing area and other flat work, the subexcavation could be reduced to 2 feet acting only to support the pavement/flatwork. Note, any underlying loose soils could compress (settle) over time. On the basis of the current soil characterization taking into account the 2 foot soil modification, the potential settlement may be in the order of 1-inch or less.

The findings of the HKA 2007 report were used for this update report and the recommendations herein this update report. We refer you to the September 2007 (Project No. SC9489) report attached under Appendix B for geotechnical design criteria and, foundation and grading recommendations. In regard to subexcavation if the additional exploration is performed to define the subsurface earth materials and their consistency, the amount of excavation conceivably can be reduced. Otherwise the more stringent recommendations of the 2007 report applies.

The recommendations and design criteria of the HKA 2007 report should be followed by the designers. As stated above the additional opportunity to perform further exploratory borings at the southern building corner locations will allow us to compare subsurface conditions with those of the prior studies.

Our experience and that of our profession clearly indicate that the risk of costly design, construction, and maintenance problems can be significantly lowered by retaining the design geotechnical engineering firm to review the project, plans and specifications and provide geotechnical-related observation and testing services during construction. We will be glad to discuss these additional services with you as the project design progresses.

Ms. Maria Jenson
Project No. SC11097
22 Blake Lane
29 August 2016
Page 4

We appreciate this opportunity to be of service. If you have any questions, please call our office.

Respectfully Submitted,

HARO, KASUNICH AND ASSOCIATES, INC.



Joseph A. Haro, P. E.
C.E. 28506

JAH/sr
Attachments
Copies: 3 to Addressee + electronic copy

APPENDIX A

Site Vicinity Map (Figure 1)

Regional Geologic Map (Figure 2)

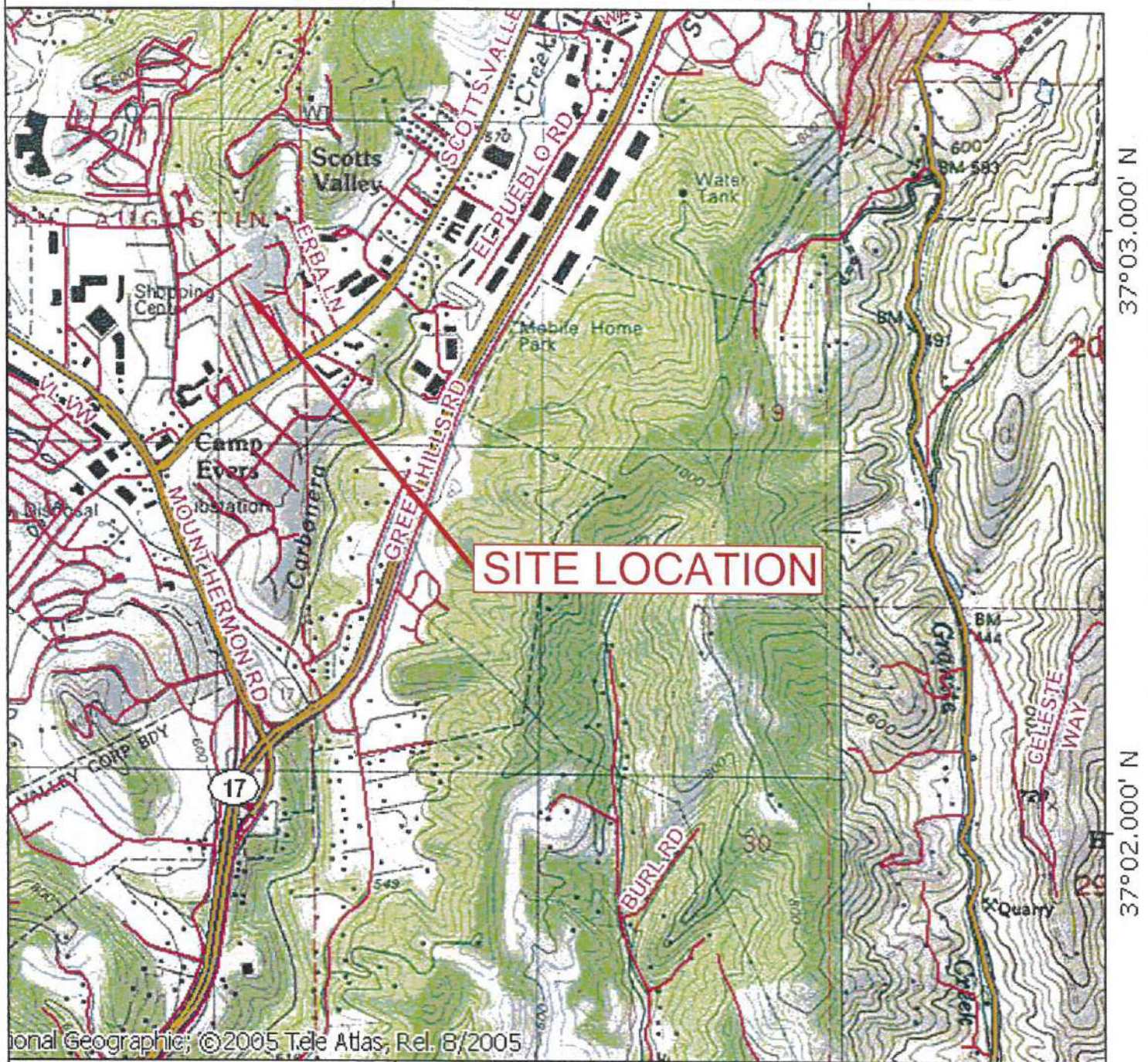
Site Plan Showing Proposed Improvements (Figure 3)

Site Photos on 24 August 2016 (Figure 4)

Site Photos on 24 August 2016 (Figure 5)

122°01.000' W

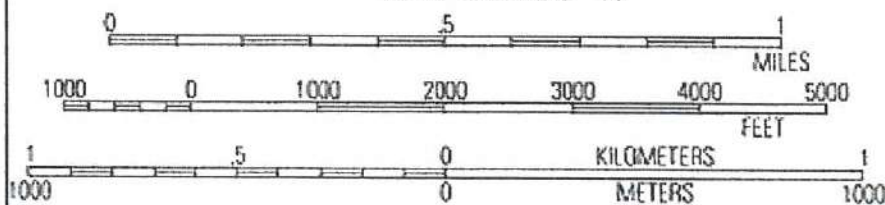
WGS84 122°00.000' W



National Geographic; ©2005 Tele Atlas, Rel. 8/2005

122°01.000' W

WGS84 122°00.000' W



TN ↑ MN
14½°

04/06/10

SITE VICINITY MAP

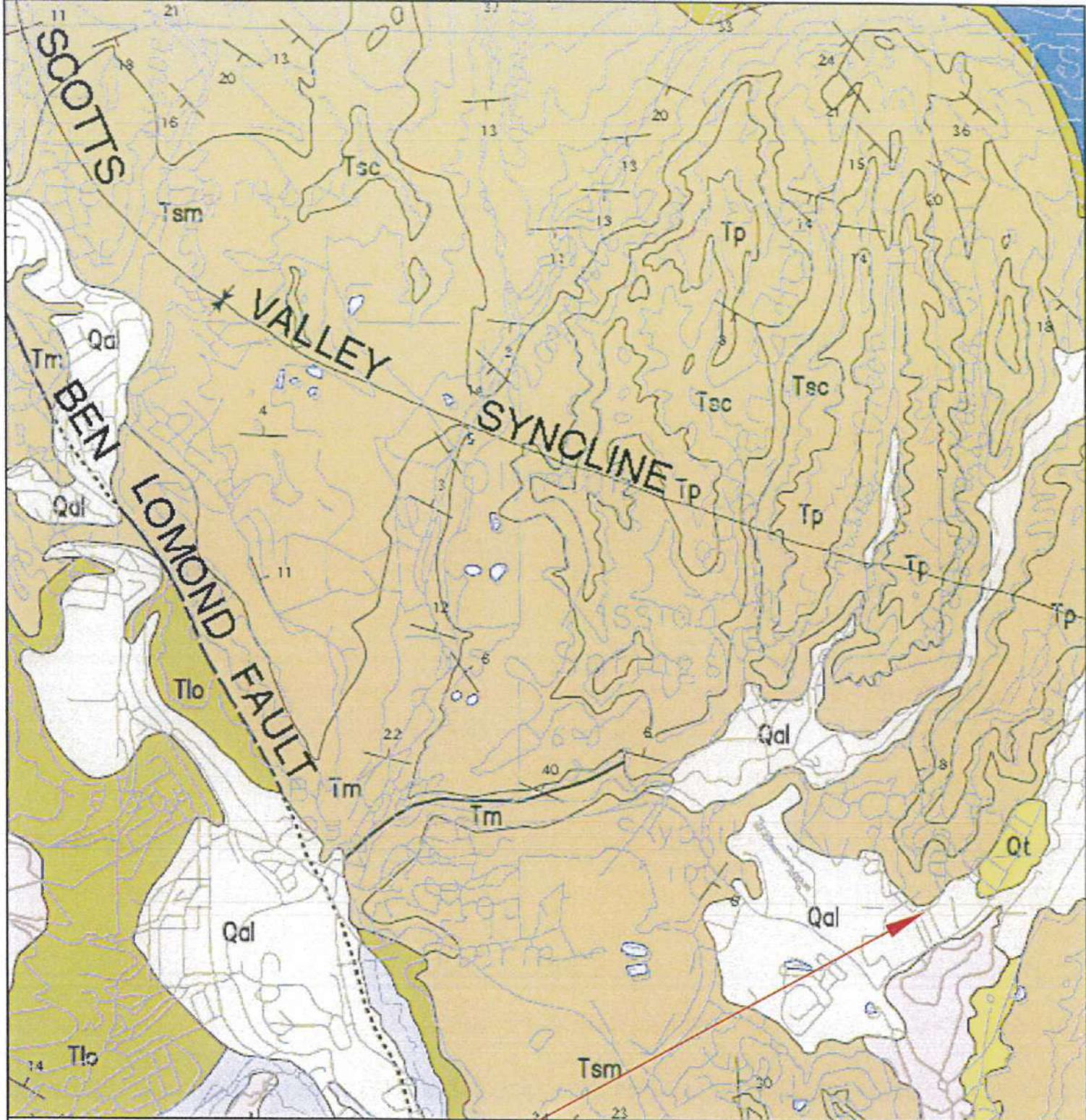
APN 022-902-16
22 Blake Lane, Scotts Valley
Santa Cruz County, California

SCALE: AS SHOWN
DRAWN BY: JD
DATE: August 2016
REVISED:
JOB NO: SC11097

HARO, KASUNICH & ASSOCIATES, INC.
GEOTECHNICAL AND COASTAL ENGINEERS
116 E. LAKE AVENUE, WATSONVILLE, CA 95076
(831) 722-4175

FIGURE NO. 1

179 SHEET NO.



SITE LOCATION

GEOLOGIC MAP OF SANTA CRUZ COUNTY, CALIFORNIA

Compiled by
Earl E. Brabb

Digital Database Prepared by S. Graham, C. Weirworth, D. Knifong, R. Graymer and J. Blissenbach
1997

KEY:

FROM:

- Qal Alluvial deposits, undifferentiated (Holocene)—Unconsolidated, heterogeneous, moderately sorted silt and sand containing discontinuous lenses of clay and silty clay. Locally includes large amounts of gravel. May include deposits equivalent to both younger (Qyt) and older (Qol) flood-plain deposits in areas where these were not differentiated. Thickness highly variable; may be more than 100 ft thick near coast
- Tsm Santa Margarita Sandstone (upper Miocene)—Very thick bedded to massive thickly crossbedded yellowish-gray to white friable granular medium-to fine-grained arkosic sandstone; locally calcareous and locally bituminous. Thickness 430 ft along Scotts Valley syndine (Clark, 1981, p. 25)
- Tm Monterey Formation (middle Miocene)—Medium-to thick-bedded and laminated olive-gray to light-gray semisiliceous organic mudstone and sandy siltstone. Includes a few thick dolomite interbeds. Thickness about 2,675 ft on north limb of Scotts Valley syndine (Clark, 1981, p. 21)

155



REGIONAL GEOLOGIC MAP

APN 022-902-16

22 Blake Lane, Scotts Valley
Santa Cruz County, California

SCALE: AS SHOWN

DRAWN BY: JD

DATE: August 2016

REVISED:

JOB NO. SC11097

HARO, KASUNICH & ASSOCIATES, INC.

GEOTECHNICAL AND COASTAL ENGINEERS

116 E. LAKE AVENUE, WATSONVILLE, CA 95076
(831) 722-4175

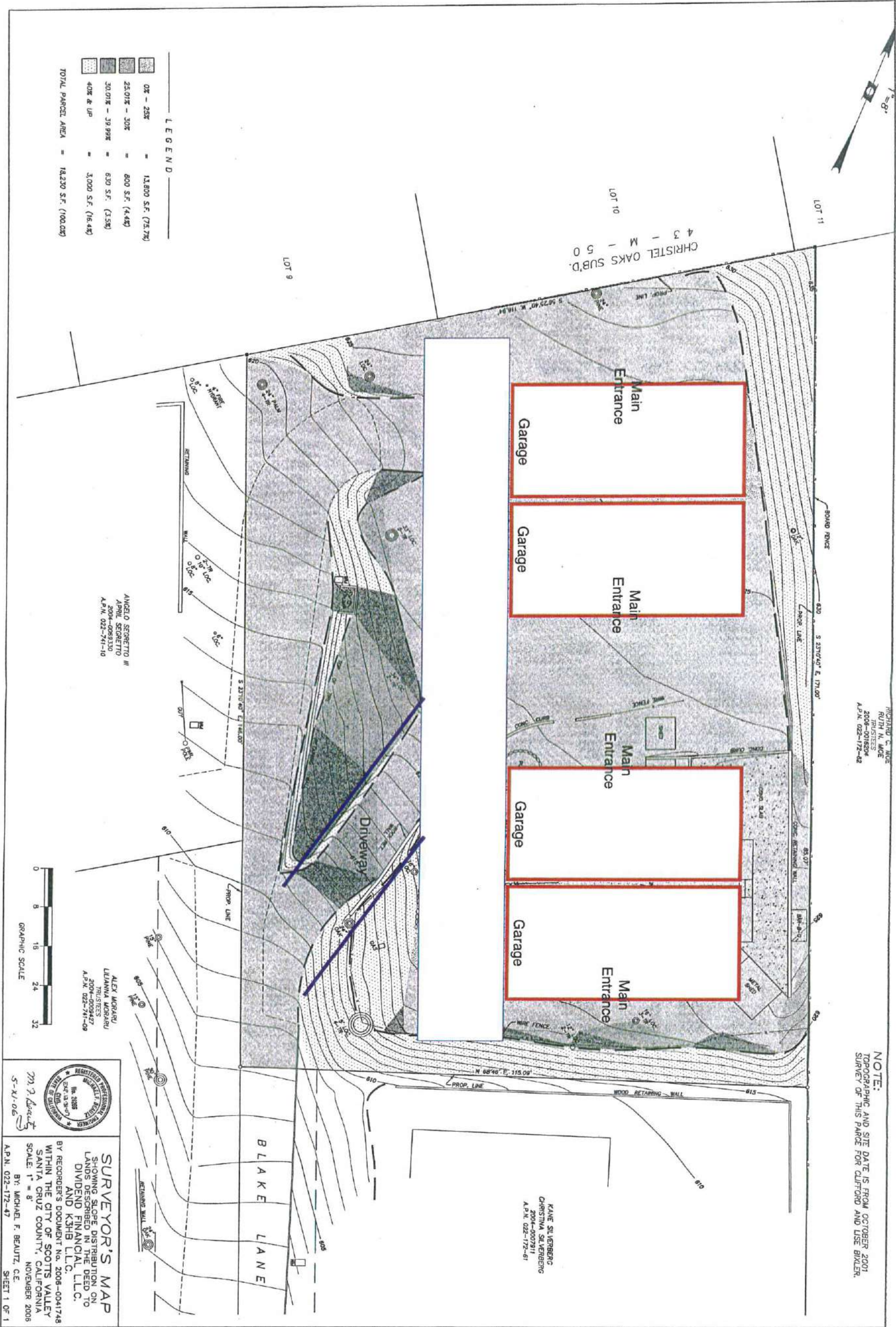
FIGURE NO.2

180

SHEET NO.

MICHAEL C. MAZE
REGISTERED LAND SURVEYOR
2006-0016206
A.P.N. 022-172-42

NOTE:
TOPOGRAPHIC AND SITE DATE IS FROM OCTOBER 2001
SURVEY OF THIS PARCE FOR CLIFFORD AND LUSE BIXLER.





SITE PHOTOS ON 24 AUGUST 2016

APN 022-902-16

22 Blake Lane, Scotts Valley

Santa Cruz County, California

SCALE: NO SCALE

DRAWN BY: JD

DATE: August 2016

REVISED:

JOB NO. SC11097

HARO, KASUNICH & ASSOCIATES, INC.
 GEOTECHNICAL AND COASTAL ENGINEERS
 116 E. LAKE AVENUE, WATSONVILLE, CA 95070
 (831) 722-4176

FIGURE NO.4

SHEET NO.



SITE PHOTOS ON 24 AUGUST 2016

APN 022-902-16
22 Blake Lane, Scotts Valley
Santa Cruz County, California

SCALE: AS SHOWN
DRAWN BY: JD
DATE: August 2016
REVISED:
JOB NO. SC11097

HARO, KASUNICH & ASSOCIATES, INC.
GEOTECHNICAL AND COASTAL ENGINEERS
116 E LAKE AVENUE, WATSONVILLE, CA 95076
(831) 722-4175

FIGURE NO. 5

183

SHEET NO.

APPENDIX B

HKA Report Dated Sept. 2007 (Project No. SC9489)

GEOTECHNICAL INVESTIGATION

for

Multi-Unit Single Family

APN 022-172-47

22 Blake Lane

Scotts Valley, California

Prepared For

Jim Sisk

Santa Cruz, California

Prepared By

HARO, KASUNICH AND ASSOCIATES, INC.

Geotechnical & Coastal Engineers

Project No. SC9489

September 2007

MR. JIM SISK
230 Villa Mar Vista
Santa Cruz, California 95060

Subject: Geotechnical Investigation

Reference: Two Multi, Single-Family Unit Structures
APN 022-172-47
22 Blake Lane
Scotts Valley, California

Dear Mr. Sisk:

In accordance with your authorization, we have performed a Geotechnical Investigation for the referenced project in Scotts Valley, California.

The results of our investigation indicate the proposed construction of two multi, single-family unit's structures on the parcel is feasible from a geotechnical standpoint provided the geotechnical criteria and recommendations presented in this report are closely followed during project design and construction.

Conventional spread footing foundation systems are recommended for the dwellings provided all of the loose soil and unclassified fill below building footprints are redensified as engineered fill.

The accompanying report presents our conclusions and recommendations, as well as the results of the geotechnical investigation on which they are based.

If you have questions concerning this report, please contact our office.

Very truly yours,

HARO, KASUNICH AND ASSOCIATES, INC.

Vicki Odello
C.E. 52651

Moses E. Cuprill
Staff Engineer

MC/dk

Copies: 5 to Addressee

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GEOTECHNICAL INVESTIGATION

Introduction

This report presents the results of our Geotechnical Investigation for a multi-unit residential type project located at 22 Blake Lane in Scotts Valley, California. The project will consist of the construction of two multi unit buildings with a total of six single family dwellings. An existing residence, which is presently located on the southeastern side of the parcel is to be demolished. An access driveway to the proposed dwellings will be constructed off Blake Lane.

A Preliminary Development Plan for the project, not dated was prepared by Thatcher and Thompson Architects. Our Boring Site Plan, Figure 2, is based on a copy of the Preliminary Plan.

Purpose and Scope

The purpose of our investigation was to explore and evaluate the soil conditions at the site. We have provided geotechnical criteria and recommendations for design and construction of the proposed project. The specific scope of our services was as follows:

1. Review the available data in our files pertinent to the site.
2. Explore the subsurface conditions at the site with three (3) exploratory borings from 6 ½ to 21 ½ feet deep.

3. Perform laboratory testing of select samples to evaluate pertinent soil engineering properties.
4. Engineering analysis and evaluation of the resulting field data. Based on our findings, we developed geotechnical design criteria and recommendations for site grading, building foundations, slabs-on-grade, retaining walls, site drainage and erosion control.
5. Present the results of our investigation in a report.

Site Location and Conditions

The proposed project is constructed upon an existing graded bench. This bench lies above Blake Lane some 5 to 10 feet. The ascending bank is lined with a tire erosion retention-type structure. The 0.4 (+/-) acre parcel generally slopes to the southeast. Slope gradients range from near flat to over 50 percent in the cut banks.

Vegetation on the site consists of sparse growth of mature oak trees, and fruit trees. A portion of the property around the existing house has a lawn and garden.

Project Description

The proposed project will include the construction of multi-unit residences and access driveway. We understand the garages will be daylight basements with access from a proposed access driveway that will be cut in between the multi-unit dwellings. Foundations

will generally consist of shallow conventional spread footing supported by either medium dense sand or engineered fill compacted to 95 percent relative compaction.

Field Exploration

Subsurface conditions were investigated 14 June 2007. The approximate location of the test borings are indicated on the Boring Site Plan, (See Figure 2 in the Appendix). The test borings were advanced with 5 inch diameter continuous flight auger equipment mounted on a truck and portable access drilling equipment (Boring 3). The soils encountered in the borings were continuously logged in the field and described in accordance with the Unified Soil Classification System (ASTM D2488, Visual-Manual Procedure). The Logs of Test Borings are included as part of the Appendix.

Representative soil samples were obtained from the exploratory borings at selected depths, or at major strata changes. These samples were recovered using the 3.0 inch outside diameter (O.D.) California Sampler (L) or the 2.0 inch O.D. Standard Terzaghi Sampler (T).

The penetration resistance blow counts noted on the boring logs were obtained as the sampler was dynamically driven into the in-situ soil. The process was performed by dropping a 140-pound hammer a 30-inch free fall distance and driving the sampler 6 to 18 inches and recording the number of blows for each 6-inch penetration interval. The blows recorded on the boring logs represent the accumulated number of blows that were required

to drive the sampler the last 12 inches. The Boring Logs denote subsurface conditions at the locations and time observed, and it is not warranted that they are representative of subsurface conditions at other locations or times.

Laboratory Testing

The laboratory testing program was directed toward a quantitative and qualitative evaluation of the physical and engineering properties of the soil at the site influenced by the anticipated foundation construction and project development.

The natural moisture contents were determined on selected samples and are recorded on the boring logs at the appropriate depths. Since water has a significant influence on soil, the natural moisture content provides a rough indicator of the soil's compressibility, strength, and potential expansion characteristics. Four grain size analysis tests were performed to aid in soil classification.

The strength parameters of the underlying earth materials were determined from field test values derived from penetration resistance of the in situ soils. On this basis, an average effective soil strength was used for our analysis.

Subsurface Conditions

During the field investigation, we encountered loose soils and unclassified fill over medium dense to very dense Santa Margarita Sandstone. The depth of the loose soil and

unclassified fill varied across the existing graded pad with as much as 9 feet along the outboard sides of the property and as little as 1 foot on the inboard side. It will be assumed that all unclassified fill along the outboard sides of the property are sliver fills without keys and benches. The unclassified fills are believed to be silty sand, most likely derived from on-site soils during the grading operations.

Detailed descriptions of the materials encountered in the exploratory borings are presented on the Logs of Test Borings in the Appendix. It should be noted that these descriptions and related information depict subsurface conditions only at the specific locations indicated on the Boring Site Plan and on the particular day noted on the logs. Subsurface conditions at other locations may differ from the conditions observed at these locations. Also, the passage of time may yield a change in the subsurface conditions at the explored locations due to environmental changes.

Site Geology

A review of the Preliminary Geologic Map of Santa Cruz County and our interpretation of the soil encountered in our exploratory test borings indicate Qcl: Colluvium over Tsm: Santa Margarita sandstone. Colluvial deposits are common in the hillside areas, especially in topographic swales. These deposits are up to tens of meters wide, hundreds of meters long, and are as much as 7 meters thick. Colluvium consists of a variable mixture of unconsolidated, heterogeneous deposits of moderately to poorly sorted silt, sand, and gravel, deposited by slope wash and mass movement. Some deposits have undergone

minor fluvial reworking. Locally they include numerous landslides and small alluvial fans; contacts with alluvial deposits are generally gradational. Dating of the colluvium in the study area has yielded five ^{14}C ages ranging from 1,880 to 7,780 yr B.P. (Rogers E. Johnson & Associates, 1985; Rosenberg and Clark, 1994). The Santa Margarita Sandstone is composed of very thick bedded to massive thickly cross-bedded yellowish-gray to white friable granular medium to fine-grained arkosic sandstone. The unit is locally calcareous and locally bituminous. The unit thickness is typically 430 feet along Scotts Valley syncline (Clark, 1981, p.25).

The loose silty and poorly sorted sand from the surface to depths of 1 to 9 feet appeared to be colluvial deposits likely from erosional slope wash of local hillside areas containing Santa Margarita sandstone. Some of the loose soils particularly in the upper 3 feet along the outboard sides of the graded pad are likely unclassified fill comprised of the colluvial deposits. Below the loose zone we encountered medium dense to very dense silty and poorly sorted sand we interpret as Santa Margarita Sandstone.

Groundwater

Free groundwater was not encountered in any borings. It should be noted that groundwater levels may fluctuate due to variations in rainfall or other factors not evident during our investigation.

Seismicity

The following is a general discussion of seismic considerations affecting the project area. Detailed study of seismicity and geologic hazards is beyond the scope of this report. A review of the Active Fault Near-Source zones published by the California Department of Conservation Division of Mines and Geology indicates earthquake faults in the vicinity of the proposed project include the active San Andreas Fault (Type A) and the potentially active Zayante Fault (Type B), located 11.7 miles and 6.2 miles from the project site, respectively.

The San Andreas Fault is a major fault zone of active displacement which extends from the Gulf of California to the vicinity of Point Arena, where the fault leaves the California coastline. Between these points, the fault is about 700 miles long. The fault zone is a break or series of breaks along the earth's crust, where shearing movement has taken place. This fault movement is primarily horizontal.

Historically, the San Andreas Fault has been the site of large earthquakes. The largest earthquake in Northern California in the last 50 years was the great San Francisco earthquake on 18 April 1906 (Magnitude 8.3+ on the Richter scale). The major Loma Prieta earthquake on 17 October 1989 (M7.1) was the second largest earthquake in Northern California last century. Both of these earthquakes are considered to have been caused by movement on the San Andreas Fault and caused significant damage in the San Francisco Bay area and Santa Cruz County. The San Andreas Fault has a high potential

for surface rupture, with a reoccurrence interval of 50 to 1,000 years (Hall and Others, 1974). The Working Group on California Earthquakes, 1990, estimates there is a 67 percent chance a large magnitude earthquake (7.0 or greater) will be experienced in the Bay Area within the next 30 years.

Potential seismic hazards include surface ground rupture, liquefaction, landsliding and strong seismic shaking. Since no known faults cross the project site, the potential for surface ground rupture is low. Because groundwater was not encountered in any of our borings, the potential for seismic induced liquefaction at the site is considered low. The potential for landsliding at the level site is very low.

There is a high potential for strong seismic shaking at the site. However, experience following the Loma Prieta earthquake indicates that the quality of construction is a primary factor affecting the amount of earthquake damage sustained by wood frame residential structures. Most structural damage caused by the Loma Prieta earthquake was sustained in homes where the foundations were not adequately embedded into firm materials, where the wood frame was not well braced for lateral shear and/or where the wood frame was not securely tied to the building foundations. Conversely, where wood frame structures were supported on foundations embedded into firm material, well-braced for lateral shear and securely tied to the foundation, structural damage was generally minor. Even in areas quite close to the epicenter, where homes sustained very strong to severe ground shaking, well constructed homes experienced little damage.

Based on these considerations, the risk of substantial structural damage from earthquakes appears relatively low for well-built homes which incorporate lateral shear bracing and modern building code requirements into their design and construction. Structures designed in conformance with the most current Uniform Building Code (UBC) seismic design standards should perform well during strong seismic shaking.

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

The results of our investigation indicate that the proposed development is feasible from a geotechnical standpoint provided the criteria and recommendations presented in this report are followed during design and construction of the project.

Geotechnical considerations at the referenced site include the loose condition and compressible nature of the near surface soil (about 1 to 9 feet deep), the potential for strong seismic shaking, and providing adequate site drainage.

During the field investigation, we encountered about up to 9 feet of loose soils and unclassified fill along the outboard side of the existing graded pad. The amount of loose soil decreased to 1 foot along the inboard side of the graded pad. The loose soil and unclassified fill encountered are inadequate for foundation support in their present condition. Below the loose soils we encountered medium dense to very dense poorly sorted sands adequate for foundation support.

To reduce the potential for settlement and provide uniform bearing support for the proposed new dwellings and flatwork, we recommend the loose soil and unclassified fill below the dwelling building pads be removed and redensified as engineered fill compacted to a minimum of 95 percent relative compaction, about up to 9 feet below original grade.

Grading for basement garages may cut out a significant amount of the loose soil. Based on a finished floor elevation of 615 feet we anticipate the redensified zone to extend 5 feet below the bottom of the footings along the outboard sides of the existing graded pad. The redensified zone should taper down to 24 inches approximately mid-way to the inboard side. We anticipate that half to two-thirds the way to the inboard side of the graded pad footing can be embedded into medium dense native sands.

Provided the soil below the bottom of footings, slabs and pavements is redensified as recommended or embedded into medium dense native sands conventional spread footing foundations are recommended for the new dwellings.

The zone of redensified soil should extend 5 feet beyond building footprints and 3 feet beyond exterior slabs and pavements.

The geotechnical engineer or representative should be present during grading to confirm anticipated conditions and provide observation and testing services to allow us to provide an opinion concerning the geotechnical aspects of the project. If unforeseen conditions are observed, supplemental recommendations may be presented.

The project site will most likely experience strong seismic shaking in the design life of the commercial structures. We recommend the buildings be designed and constructed in conformance with the most recent Uniform Building Code (UBC) seismic design standards.

Site drainage is important to the long term performance of the project. There should be a minimum of 2 percent slope away from foundations so that water does not pond adjacent to footings.

The following recommendations should be used as guidelines for preparing project plans and specifications:

Site Grading

1. The geotechnical engineer should be notified at least four (4) working days prior to any site clearing or grading operation so that the work in the field can be coordinated with the grading contractor and arrangements for testing and observation services can be made. The recommendations of this report are based on the assumption that the geotechnical engineer will perform the required testing and observation services during grading and construction. It is the owner's responsibility to make the necessary arrangements for these required services.
2. Where referenced in this report, Percent Relative Compaction and Optimum Moisture Content shall be based on ASTM Test Designation D1557-01.

3. Areas to be graded should be cleared of all obstructions including loose fill, building foundations, trees not designated to remain, or other unsuitable material. Existing depressions or voids created during site clearing should be backfilled with engineered fill.
4. Cleared areas should then be stripped of organic-laden topsoil. Stripping depth should be from 4 to 6 inches. Actual depth of stripping should be determined in the field by the geotechnical engineer. Strippings should be wasted off-site or stockpiled for use in landscape areas if desired.
5. After the site has been cleared and stripped, loose soil within the dwelling building pads, slab and pavement areas should be excavated and redensified as engineered fill compacted to a minimum 95 percent relative compaction. In basement areas, we estimate the top 3 to 5 feet of soil on the building pads will need to be redensified from the outboard sides to approximately midway across the graded pad (deeper in non-basement areas nearer to outboard edge).
6. The excavation should extend a minimum of 5 feet beyond the building perimeters and 3 feet beyond flatwork.
7. The maximum differential fill thickness beneath footings across the building should be 5 feet. Footings may need to be deepened to accommodate this.

8. In areas to receive engineered fill, the exposed subgrade should be scarified 8 inches, moisture conditioned to slightly above optimum water content, and compacted to the requirements for engineered fill. Fill layers can then be compacted in thin lifts to meet proposed finished subgrade elevations.

9. The material to be used for engineered fill should be free from organic matter and other deleterious materials. Most of the on-site soils appear suitable for use as engineered fill. Import fill materials should not contain rocks or lumps larger than 4 inches in greatest dimension, with no more than 15 percent being larger than 2.5 inches. The import fill should be predominantly granular and have a plasticity index of 15 or less. Import fill materials should be tested by the geotechnical engineer prior to delivery at the site.

10. The grading contractor may encounter compaction difficulty (i.e. pumping action and/or the bringing of free water to the surface) in subgrade preparation in the upper surface silty sands, if grading is performed during or shortly after the inclement weather season. If compaction cannot be achieved after adjusting the soil moisture content, it may be necessary to stabilize the subgrade soil with angular crushed rock. The bridging material should be a coarse granular mixture of rock having a maximum size of about 3 inches. It is anticipated that quarry run or crusher run materials will be satisfactory. The material should be well graded between the largest and smallest particle size, with no more than 12 percent passing the # 200 sieve.

11. Engineered fill should be placed in thin lifts not to exceed 8 inches in loose thickness, moisture conditioned, and compacted to a minimum of 95 percent relative compaction. The aggregate base below pavements should likewise be compacted to 95 percent relative compaction.

12. We estimate shrinkage factors of 20 to 25 percent for the on-site materials when used in engineered fills.

Fill Slopes

13. Fill slopes are anticipated along the outboard side of the existing graded pad. These fills are anticipated to be less than 10 feet in height. Compacted fill slopes should be constructed at a slope inclination not steeper than 3:1 horizontal to vertical. Fill slopes with these recommended gradients may require periodic maintenance to remove minor soil sloughing.

14. All fill slopes with gradients in excess of 5:1 (horizontal to vertical) must be adequately keyed and benched into competent material. The toe key should be at least 8 feet wide and should extend at least 2 feet into medium dense sand or Santa Margarita Sandstone. The bottom of the toe key should be sloped downward at about 2 percent toward the back of the key.

15. There should be a minimum of 5 feet horizontal separation between the bottom of all footing elements and the base of a cut slope. Also, there should be at least 10 horizontal feet between the bottom of foundations and the daylight of the adjacent slope.

16. In order to maintain stable slopes at the recommended gradients, it is important that seepage forces and accompanying hydrostatic pressure be relieved by adequate drainage. Adequate backdrains in keyways and benches should be provided. The locations of backdrains and outlets will be determined by the geotechnical engineer in the field during grading.

17. Following grading, exposed soil should be planted as soon as possible with erosion-resistant vegetation.

18. After the earthwork operations have been completed and the geotechnical engineer has finished his observation of the work, no further earthwork operations shall be performed without the direct observation and approval of the geotechnical engineer.

Utility Trenches

19. Trenches must be properly shored and braced during construction or laid back at an appropriate angle to prevent sloughing and caving at sidewalls. The project plans and specifications should direct the attention of the contractor to all CAL OSHA and local safety requirements and codes dealing with excavations and trenches.

20. Utility trenches that are parallel to the sides of buildings should be placed so that they do not extend below an imaginary line sloping down and away at a 2:1 (horizontal to vertical) slope from the bottom outside edge of all footings. The structural design professional should coordinate this requirement with the utility layout plans for the project
21. Trenches should be backfilled with granular-type material and uniformly compacted by mechanical means to the relative compaction as required by county specifications, but not less than 95 percent. The relative compaction will be based on the maximum dry density obtained from a laboratory compaction curve run in accordance with ASTM Procedure #D1557-01.
22. We strongly recommend placing a three-foot (3') concrete plug in each trench where it passes under the exterior foundations. Care should be taken not to damage utility lines.
23. Trenches should be capped with 1.5 feet of relatively impermeable soil.

UBC Design Criteria

24. Based on standard penetration test (SPT) data obtained from our borings and our observations of the native subsurface soil conditions, we have classified the site soil profile as Soil Type S_D as defined in Table 16-J of the 1997 UBC. The following table indicates the 1997 UBC Seismic Coefficients appropriate for this site. These are minimum values;

the project designer or structural designer may utilize more conservative values at his or her discretion.

FAULT NAME	DISTANCE TO SITE	R.I. (yr)	Mmax (Mw)	SLIP RATE (mm/yr)	UBC FAULT TYPE	Na	Nv	Ca	Cv
San Andreas	11.7 km 7.2 miles	400	7.9	241	A	1.0	1.13	0.44	0.72
Sargent	12.3 km 7.6 miles	N/A	6.8	3.0	B	1.0	1.00	0.44	0.64
Zayante/ Vergeles	6.2 km 3.9 miles	10,000	6.8	0.1	B	1.0	1.15	0.44	0.74

Conventional Spread Footing Foundations

25. Provided the building pads are prepared in accordance with our recommendations, the proposed dwellings may be supported on conventional spread footing foundations embedded into engineered fill compacted to 95 percent relative compaction or medium dense to very dense Sands where encountered. Refer to Grading Section of this report regarding removal of up to approximately 9 feet of old loose soil and fill.

26. One story footings should be founded a minimum of 12 inches below the lowest adjacent grade and 15 inches wide. Two-story footing should be a minimum of 18 inches deep and 15 inches wide. Actual footing depths should be determined in accordance with anticipated use and applicable design standards. The continuous footings should have a

minimum of four (4) No. 4 reinforcement bars, two in the bottom and two in the top. Continuous footings should be reinforced as required by the structural designer based on the actual loads transmitted to the foundation.

27. Footings may need to be deepened to accommodate at least 10 horizontal feet between the base of the footing and the daylight of the adjacent slope.

28. Footings may need to be deepened to accommodate a maximum engineered fill differential beneath footings across the structures of 5 feet.

29. Foundations designed in accordance with the above may be designed for an allowable soil bearing pressure of 2,000 psf for dead plus live loads. This value may be increased by one-third to include short-term seismic and wind loads.

30. Lateral load resistance for structures supported on spread footings may be developed in friction between the foundation bottom and the supporting subgrade. A friction coefficient of 0.32 is considered applicable.

31. Footings located adjacent to other footings or utility trenches should have their bearing surfaces founded below an imaginary 2:1 plane projected upward from the bottom edge of the adjacent footings or utility trenches.

32. Total and differential settlements under the proposed light building loads are anticipated to be less than 1 inch and ½ inch respectively.

33. All footing excavations should be thoroughly cleaned and observed by the geotechnical engineer prior to placing forms and steel. Observation of foundation excavations allows anticipated soil conditions to be correlated to those inferred from our investigation and to verify that the footings are in accordance with our recommendations

Retaining Wall Lateral Pressures

34. Retaining walls should be designed to resist both lateral earth pressures and any additional surcharge loads. For design of fully drained retaining walls up to 10 feet high, the following design criteria may be used:

- A. Active earth pressure on fully drained walls allowed to yield (½ percent of wall height) is that exerted by an equivalent fluid weighing 36 pcf for a level backslope gradient; and 55 pcf for a 3:1 (horizontal to vertical) backslope gradient.
- B. Where walls are restrained from moving at the top, as in the case for basement walls, design for a uniform rectangular distribution equivalent to 25H psf per foot of wall height for a level backslope, and 38H psf per foot of wall height for a 3:1 backslope (where H is the height of the wall).
- C. For passive resistance of wall keys use 300 pcf for level front slopes and 150 pcf for 3:1 (horizontal to vertical) front slope gradients. Friction and passive

resistance may not be used together in design of a wall key.

- D. In addition, the walls should be designed for any adjacent live or dead loads which will exert a force on the wall (garage and/or auto traffic).
- E. Retaining walls used as interior living space should be thoroughly waterproofed.

35. For seismic design of interior retaining walls, a dynamic surcharge load equal to $10H$ psf, where H is the height of the wall, should be added to the above active lateral earth pressures.

36. Fully drained walls should be backfilled with drainage materials consisting of Class 1, Type A permeable material complying with Section 68-1.025 of Caltrans Standard Specifications, latest edition.

37. The drainage material should be at least 12 inches thick. The drains should extend from the base of the walls to within 12 inches of the top of the backfill. A perforated, rigid pipe should be placed (holes down) about 4 inches above the bottom of the wall and be tied to a suitable drain outlet. The base of the drain should be made impermeable. Wall backdrains should be capped at the surface with clayey material to prevent infiltration of surface runoff into the backdrains. A layer of filter fabric (Mirafi 140N or equivalent) should separate the subdrain material from the overlying soil cap.

Concrete Slabs-on-Grade

38. Building floor slabs and exterior slabs should be constructed on properly water conditioned and compacted soil subgrades. Soil subgrades should be prepared and compacted as recommended in the section entitled "Site Grading". Soil moisture should be consistently maintained at 4 to 5 percent over optimum until the slab is poured. If the subgrade is allowed to dry out, it should be adequately pre-moistened for at least 48 hours prior to pouring concrete.

39. Slab reinforcing should be provided in accordance with the anticipated use and loading of the slab, however we recommend a minimum reinforcement of #4 bars spaced 16 inches on-center in both directions. The steel reinforcement should be held firmly in the vertical center of the slab during placement and finishing of the concrete with pre-cast concrete dobies.

40. Where floor dampness must be minimized or where floor coverings will be installed, concrete slabs-on-grade should be constructed on a capillary break layer at least 6 inches thick, covered with a membrane vapor retarder. Capillary break material should be free-draining, clean gravel or rock, such as 3/4-inch gravel. The gravel should be washed to remove fines and dust prior to placement on the slab subgrade. The vapor retarder should be a high quality membrane at least 10 mil in thickness. A layer of sand about 2 inches thick should be placed between the vapor retarder and the floor slab to protect the

membrane and to aid in curing concrete. The sand should be lightly moistened prior to placing concrete. Refer to flooring manufacturer waterproofing suggestions.

41. Exterior concrete slabs-on-grade should be founded on firm, well-compacted ground as delineated above. Reinforcing should be provided in accordance with the anticipated use and loading of the slab. The reinforcement should not be tied to the building foundations. These exterior slabs can be expected to suffer some cracking and movement. However, thickened exterior edges, a well-prepared subgrade including pre-moistening prior to pouring concrete, adequately spaced expansion joints, and good workmanship should minimize cracking and movement.

Surface Drainage

42. Proper control of surface drainage will be essential to the project. Runoff will be increased due to the increase of impermeable surfaces such as roofs and paved areas.

43. The site should be graded to promote positive runoff towards an approved discharge point offsite in a way so as not to cause erosion.

44. All exposed soil should be landscaped and permanently protected against erosion as soon as possible after grading.

45. We recommend that full gutters be used along all roof down eaves to collect storm

runoff water and channel it through closed rigid conduits to a suitable discharge point away from all structural improvements.

46. Surface runoff should **not** be allowed to flow onto graded or natural slopes. Consideration should be given to catch basins, berms, concrete v-ditches, or drainage swales at the top of all slopes to intercept runoff and direct it to a suitable discharge point.

47. Surface drainage should include provisions for positive gradients so that surface runoff is not permitted to pond adjacent to foundations and on pavements. Surface drainage should be directed away from the building foundations, on a minimum gradient of 2 percent for a distance of at least 5 feet to an adequate discharge point. Concentrations of surface water runoff should be handled by providing necessary structures, such as paved ditches, catch basins, etc.

48. Irrigation activities at the site should be done in a controlled and reasonable manner. Planter areas should not be sited adjacent to walls; otherwise, measures should be implemented to contain irrigation water and prevent it from seeping into walls and under foundations.

49. The migration of water or spread of extensive root systems below foundations, slabs, or pavements may cause undesirable differential movements and subsequent damage to these structures. Landscaping should be planned accordingly.

50. Drainage patterns approved at the time of fine grading should be maintained throughout the life of proposed structures.

Pavement Sections

51. In addition to pavements being supported on engineered fill or firm native as per the grading section of this report, to have the selected pavement sections perform to their greatest efficiency, it is important that the following items be considered:

- A. Scarify and moisture condition the top eight inches (8") of subgrade and compact to a minimum relative compaction of 95 percent, at a moisture content which is about 4 percent above laboratory optimum value.
- B. Provide sufficient gradient to prevent ponding of water.
- C. Use only quality materials of the type and thickness (minimum) specified. All baserock (R=78 minimum) must meet CALTRANS Standard Specifications for Class 2 Untreated Aggregate Base (Section 26). All subbase (R=50 minimum) must meet CALTRANS Standard Specifications for Class 2 Untreated Aggregate Subbase, (Section 25).
- D. Compact the baserock and subbase uniformly to a minimum relative compaction of 95 percent.

- E. Place the asphaltic concrete only during periods of fair weather when the free air temperature is within prescribed limits.
- F. Maintenance should be undertaken on a routine basis.

Plan Review, Construction Observation and Testing

52. Haro, Kasunich and Associates must be provided an opportunity to review project plans prior to construction to evaluate if our recommendations have been properly interpreted and implemented. We should also provide foundation excavation observations and earthwork observations and testing during construction. This allows us to confirm anticipated soil conditions and evaluate conformance with our recommendations and project plans. If we do not review the plans or provide observation and testing services during the earthwork phase of the project, we assume no responsibility for misinterpretation of our recommendations.

LIMITATIONS AND UNIFORMITY OF CONDITIONS

1. The recommendations of this report are based upon the assumption that the soil conditions do not deviate from those disclosed in the borings. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that planned at the time, our firm should be notified so that supplemental recommendations can be given.
2. This report is issued with the understanding that it is the responsibility of the owner, or his representative, to ensure that the information and recommendations contained herein are called to the attention of the Architects and Engineers for the project and incorporated into the plans, and that the necessary steps are taken to ensure that the Contractors and Subcontractors carry out such recommendations in the field. The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. No other warranty expressed or implied is made.
3. The findings of this report are valid as of the present date. However, changes in the conditions of a property can occur with the passage of time, whether they be due to natural processes or to the works of man, on this or adjacent properties. In addition, changes in applicable or appropriate standards occur whether they result from legislation or the broadening of knowledge. Accordingly, the findings of this report may be invalidated, wholly or partially, by changes outside our control. Therefore, this report should not be relied upon after a period of three years without being reviewed by a geotechnical engineer.

APPENDIX A

Site Vicinity Map

Boring Site Plan

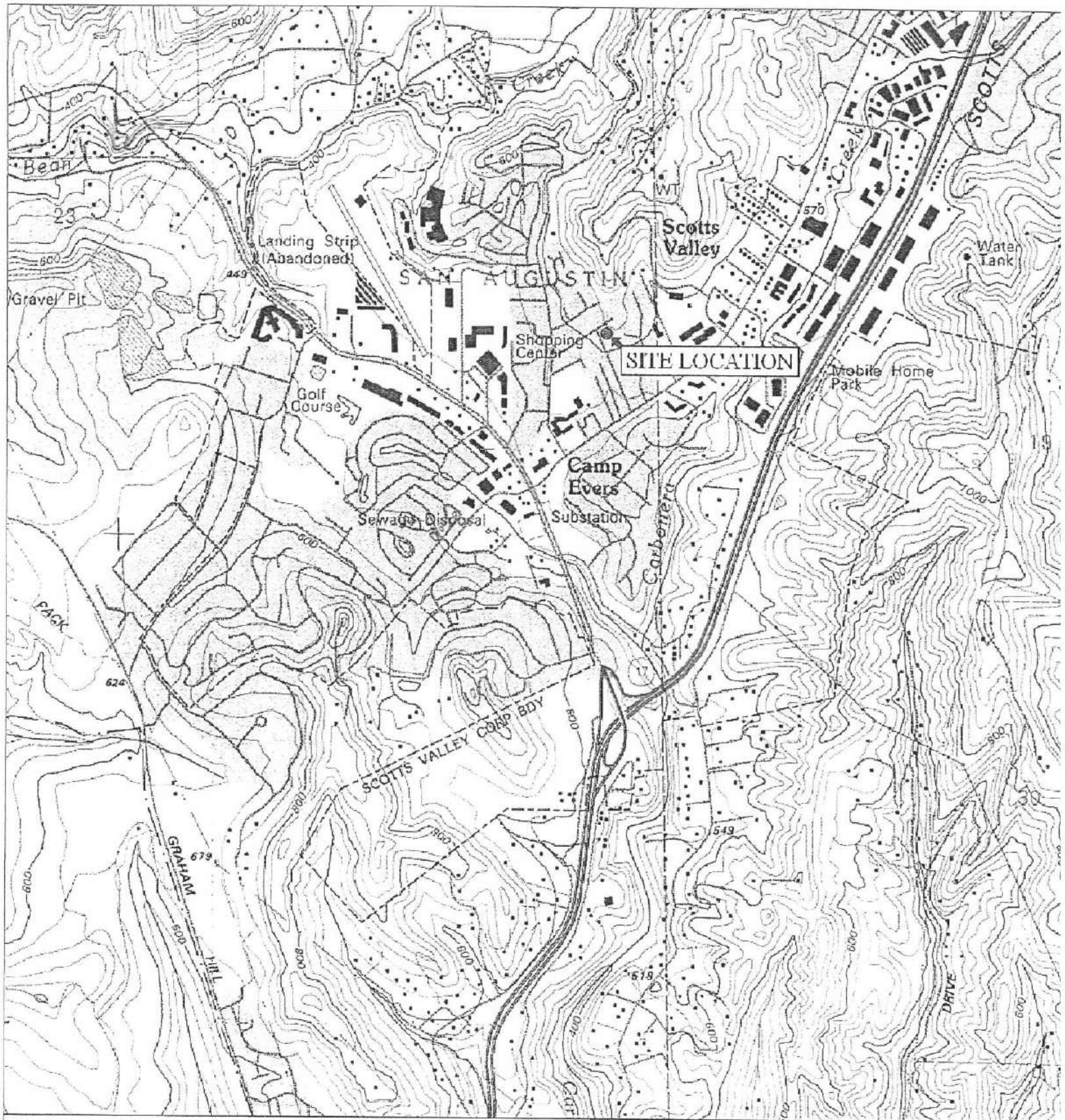
Key to Logs

Log of Test Boring

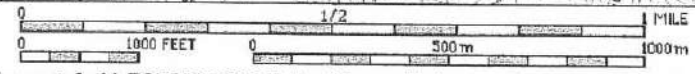
Grain Size Analysis

Cross Section A-A'

Cross Section B-B'



IN * MN
15°



Map created with TOPO!® ©2003 National Geographic (www.nationalgeographic.com/topo)

SITE VICINITY MAP

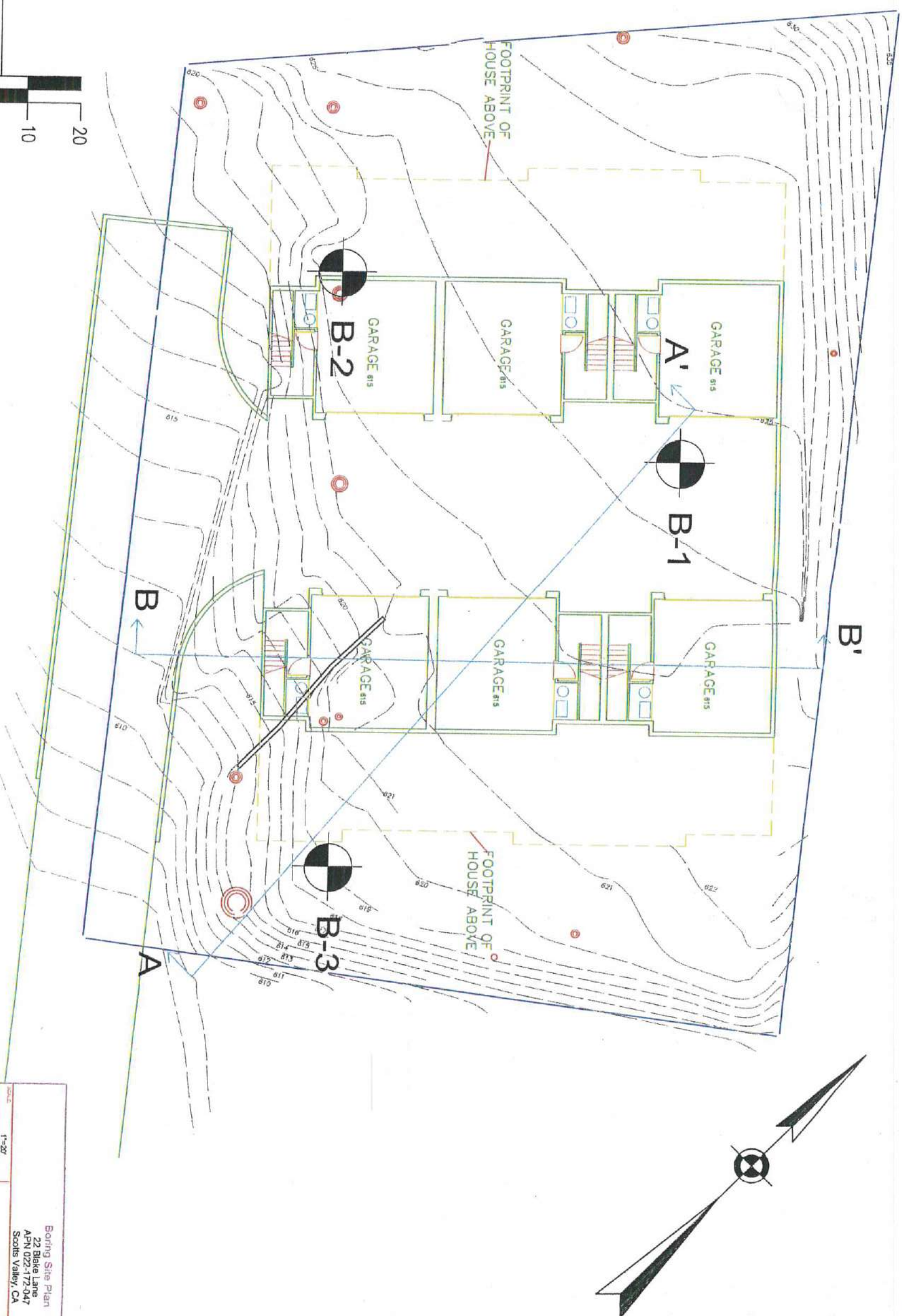
22 Blake Lane
APN 022-172-047
Scotts Valley, California

SCALE:	As Shown
DRAWN BY:	MC
DATE:	16 August 2007
REVISED:	
FILE NO.:	SC9489

HARO, KASUNICH & ASSOCIATES, INC.
GEOTECHNICAL AND COASTAL ENGINEERS
116 E. LAKE AVENUE, WATSONVILLE, CA 95076
(831) 722-4175

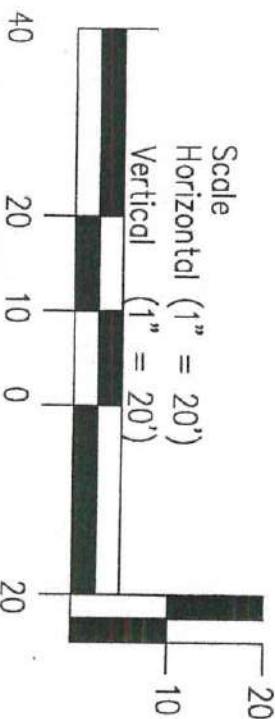
FIGURE NO. 1

216



SCALE	1"=20'
DRAWN BY	MC
DATE	16 August 2007
PROJECT	HARO, KASUNICH & ASSOCIATES, INC. GEOTECHNICAL AND COASTAL ENGINEERS 118 E. LAKE AVENUE, WATSONVILLE, CA 95075 (831) 724-4175
JOB NO.	SC9489

FIGURE NO. 2



PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS
COARSE GRAINED SOILS MORE THAN HALF OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	GRAVELS MORE THAN HALF OF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN GRAVELS (LESS THAN 5% FINES)	GW	Well graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly graded gravels or gravel-sand mixtures, little or no fines.
		GRAVEL WITH FINES	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS (LESS THAN 5% FINES)	SW	Well graded sands, gravelly sands, little or no fines
			SP	Poorly graded sands or gravelly sands, little or no fines
		SANDS WITH FINES	SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS MORE THAN HALF OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	SILTS AND CLAYS LIQUID LIMIT IS LESS THAN 50%	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.	
		CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.	
		OL	Organic silts and organic silty clays of low plasticity.	
	SILTS AND CLAYS LIQUID LIMIT IS GREATER THAN 50%	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.	
		CH	Inorganic clays of high plasticity, fat clays.	
		OH	Organic clays of medium to high plasticity, organic silts.	
		HIGHLY ORGANIC SOILS		Pt

GRAIN SIZES

U.S. STANDARD SERIES SIEVE

CLEAR SQUARE SIEVE OPENINGS

200

40

10

4

3/4"

3"

12"

SILTS AND CLAYS	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		

RELATIVE DENSITY

CONSISTENCY

SAMPLING METHOD

H.O.

SANDS AND GRAVELS	BLOWS PER FOOT*	SILTS AND CLAYS	STRENGTH (TSF)**	BLOWS PER FOOT*	STANDARD PENETRATION TEST	T	MODIFIED CALIFORNIA	L or M	PITCHER BARREL	P	SHELBY TUBE	S	BULK	B	Final	Initial	Water level designation
VERY LOOSE	0 - 4	VERY SOFT	0 - 1/4	0 - 2		☒											
LOOSE	4 - 10	SOFT	1/4 - 1/2	2 - 4													
MEDIUM DENSE	10 - 30	FIRM	1/2 - 1	4 - 8													
DENSE	30 - 50	STIFF	1 - 2	8 - 16													
VERY DENSE	OVER 50	VERY STIFF	2 - 4	16 - 32													
		HARD	OVER 4	OVER 32													

*Number of blows of 140 lb hammer falling 30 inches to drive a 2" O.D. (1 3/4" I.D.) split spoon sampler (ASTM D-1586)

**[Unconfined compressive strength in tons/ft²] as determined by laboratory testing or approximated by the Standard Penetration Test (ASTM D-1586), pocket penetrometer, torvane, or visual observation.

Haro Kasunich & Associates

KEY TO LOGS

22 Blake Lane
APN 022-172-047

Project No.
SC9489
August 2007

Figure
No.3

LOGGED BY MC DATE DRILLED June 14, 2007 BORING DIAMETER 4" BORING NO. B-1

Depth, ft.	Sample No. and type	Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 350 ft - lbs.	Qu - t.s.f. Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
0			Brown Silty SAND, fine grain, dry, loose	SM					
1-1	(T)		Yellow/white clean SAND, fine to medium grain, medium dense to dense	SP	29			2.2	% Passing #200 Sieve = 3.5
5	1-2	(T)	Very dense		50/6"			3.2	
			Boring terminated at 6.5 feet						
10									
15									
20									
25									
30									
35									

HARO, KASUNICH AND ASSOCIATES, INC.

BY: dk

FIGURE NO. 1

LOGGED BY MC DATE DRILLED June 14, 2007 BORING DIAMETER 4" BORING NO. B-2

SuperLog CivilTech Software, USA www.civiltech.com File: C:\Superlog4\HKALOGS\SC9489.log Date: 6/21/2007

Depth, ft.	Sample No. and type	Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 350 ft - lbs.	Qu - t.s.f. Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
0			Brown Silty SAND fine grain, dry, loose	SM					
2-1 (T)					5			3.6	% Passing #200 Sieve = 6.2
5			Tan/yellow SAND, fine grain, damp, loose	SP	7			4.6	% Passing #200 Sieve = 5.2
2-2 (T)									
10			Dense, damp, weakly cemented		35			5.3	
2-3 (T)									
15			Very dense, moderately cemented Sandstone		50/6"			5.1	
2-4 (T)									
20			Yellow-white cemented SAND fine-medium grain, damp, very dense		50/5"			5.6	
2-5 (T)			Boring terminated at 21.5 feet						
25									
30									
35									

HARO, KASUNICH AND ASSOCIATES, INC.

BY: dk

FIGURE NO. 2

LOGGED BY MC DATE DRILLED June 14, 2007 BORING DIAMETER 4" BORING NO. B-3

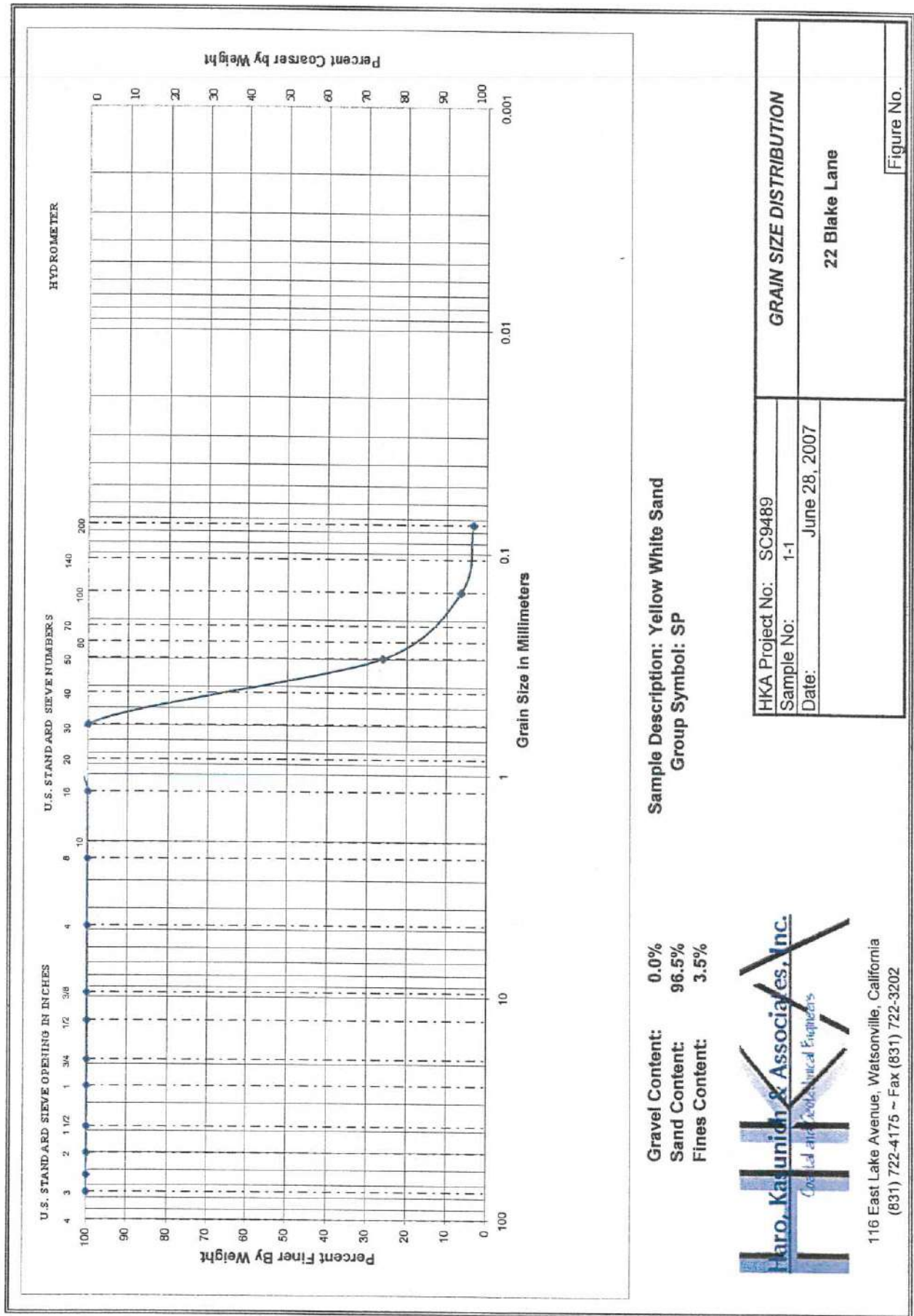
SuperLog CivilTech Software, USA www.civiltech.com File: C:\Superlog4\HAROKALOGS\SC9489.log Date: 8/21/2007

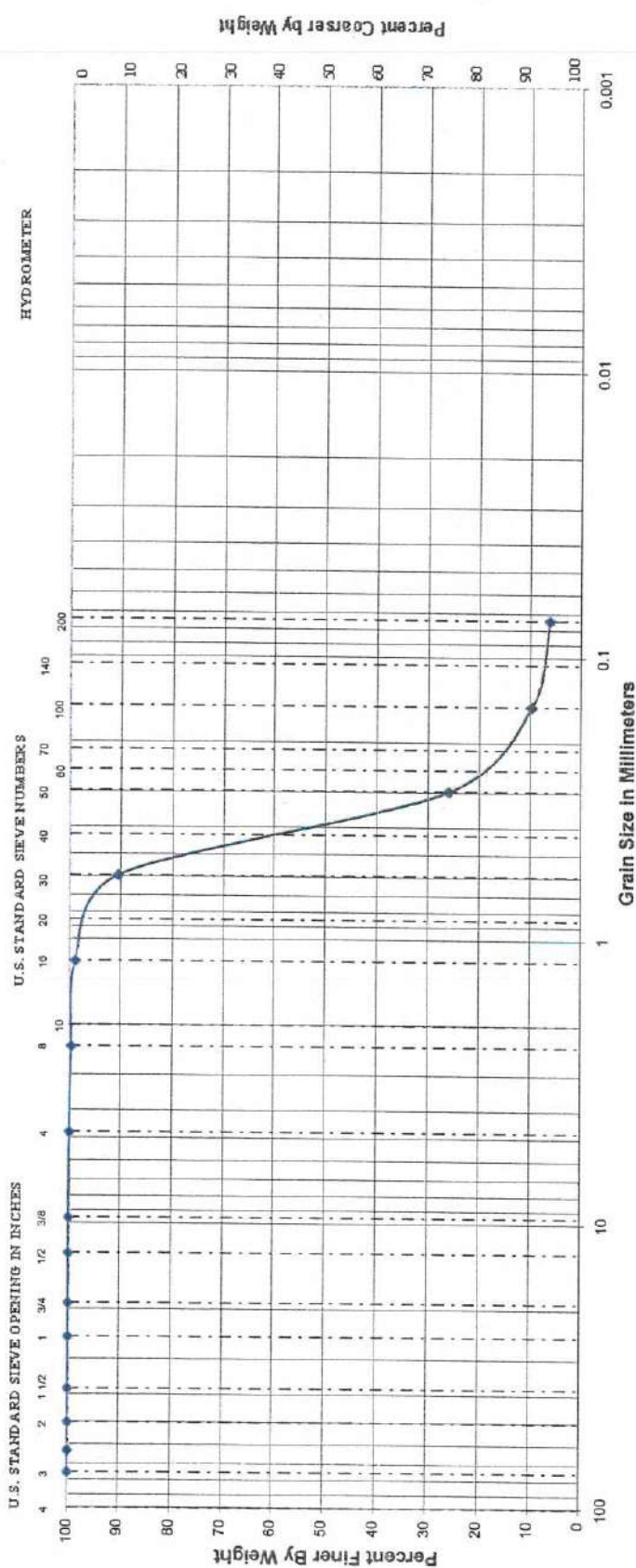
Depth, ft.	Sample No. and type	Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 350 ft - lbs.	Qu - t.s.f. Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
0			Brown Silty SAND, fine grain, dry, loose	SM					
3-1 (T)			Tan fine to medium SAND, damp-moist, loose	SP	4			6.4	
5			Brown fine SAND, dry, loose		6			3.4	% Passing #200 Sieve = 5.6
3-3 (T)			Yellow/white fine-medium grain SAND, medium dense		19			3.6	
3-4 (T)			Moist, dense		37			7.0	
			Boring terminated at 13.5 feet						
15									
20									
25									
30									
35									

HARO, KASUNICH AND ASSOCIATES, INC.

BY: dk

FIGURE NO. 3





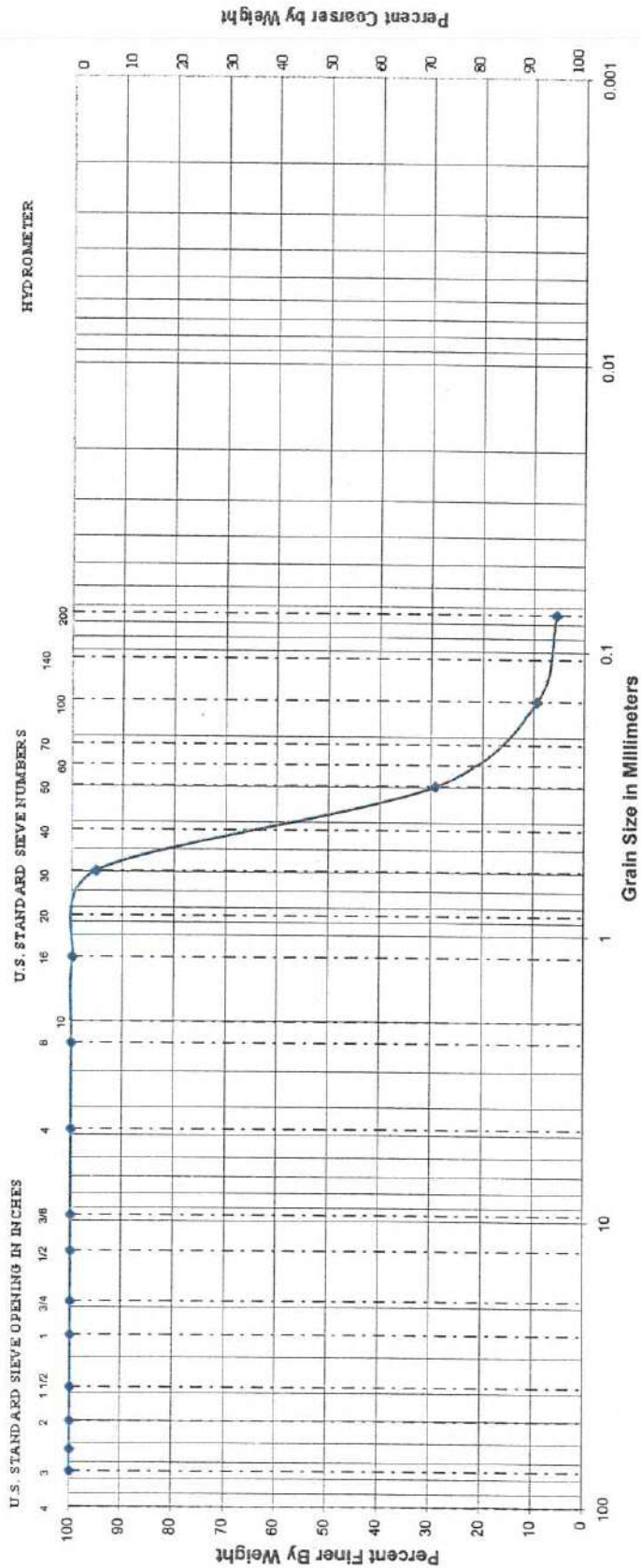
Gravel Content: 0.1%
 Sand Content: 93.7%
 Fines Content: 6.2%

Sample Description: Brown Silty Fine Sand w/organics
 Group Symbol: SM



116 East Lake Avenue, Watsonville, California
 (831) 722-4175 ~ Fax (831) 722-3202

HKA Project No: SC9489	GRAIN SIZE DISTRIBUTION	
Sample No: 2-1		
Date: June 28, 2007		
22 Blake Lane		
Figure No.		



Sample Description: Brown Fine Sand
Group Symbol: SP

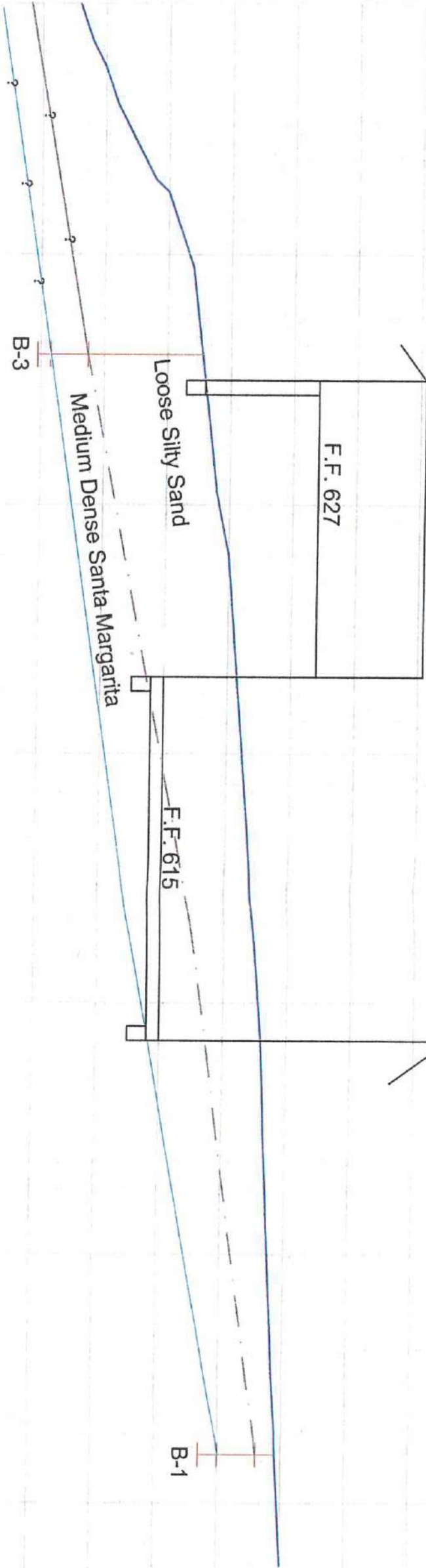
Gravel Content: 0.0%
Sand Content: 94.4%
Fines Content: 5.6%



116 East Lake Avenue, Watsonville, California
(831) 722-4175 ~ Fax (831) 722-3202

HKA Project No: SC9489	GRAIN SIZE DISTRIBUTION	
Sample No: 3-2		
Date: June 28, 2007		
22 Blake Lane		
Figure No.		

Proposed Multi Unit Dwelling

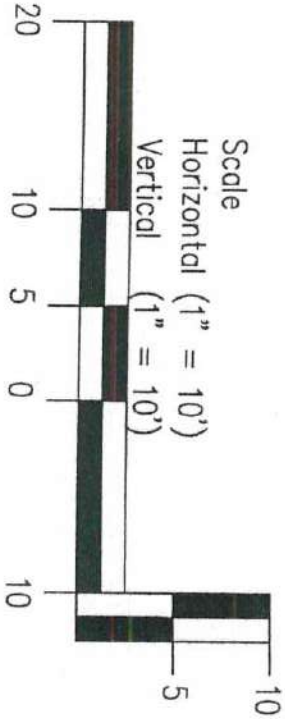


A

Legend

- Bottom of Loose Silty Sand Strata
- Bottom of Medium Dense Santa Margarita
- Where Uncertain

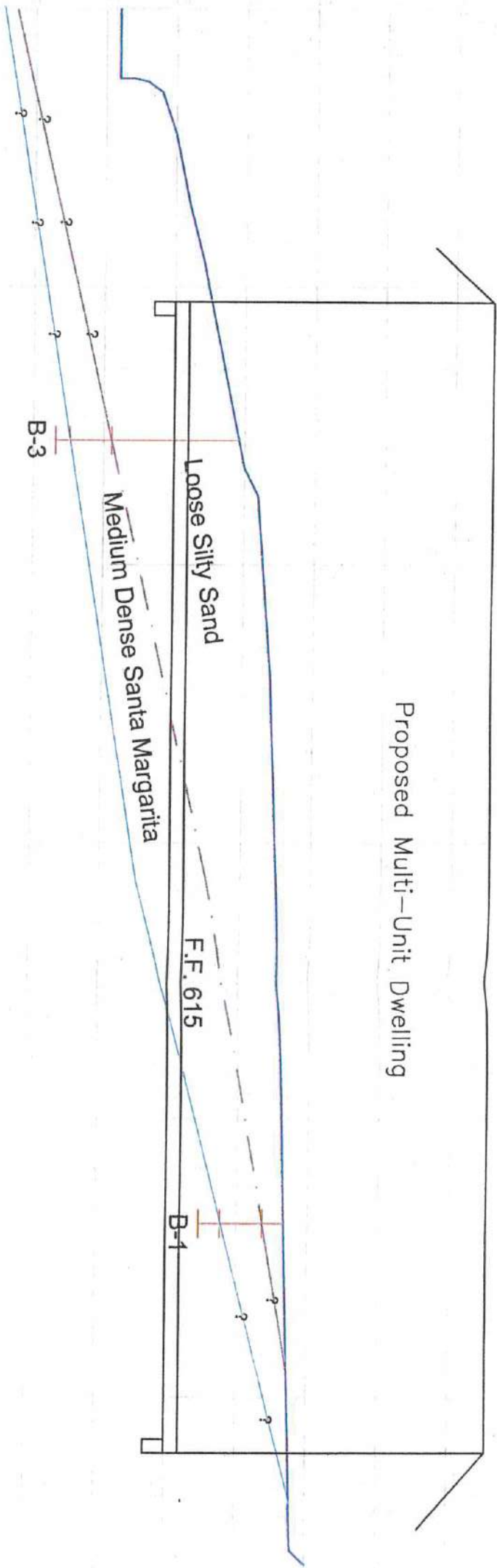
Section A-A' 1" = 10'



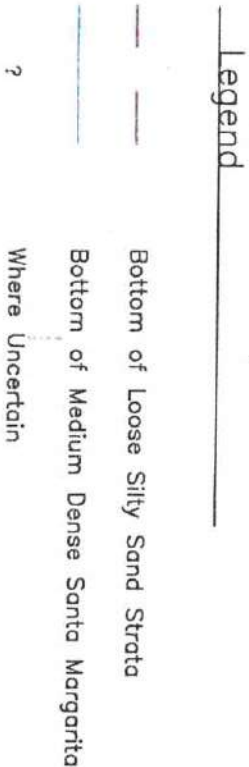
A'

Cross Section A-A'	
22 Blake Lane	
Scotts Valley, California	
SCALE	1" = 10'
DESIGNED BY	MC
DATE	August 2006
PROJECT	HARO, KASUNICH & ASSOCIATES, INC.
NO. 30	GEOTECHNICAL AND COASTAL ENGINEERS
NO. 489	118 E. LAKE AVENUE, WATSONVILLE, CA 95076
(831) 722-4175	

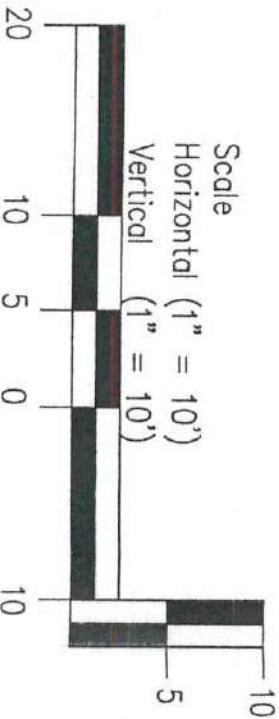
FIGURE NO. 11



B



Section B
1" = 10'



B'

Cross Section B 22 Blake Lane Scotts Valley, California	
Scale 1"=10'	HARO, KASUNICH & ASSOCIATES, INC. GEOTECHNICAL AND COASTAL ENGINEERS 115 E LAKE AVENUE, WATSONVILLE, CA 95076 (831) 722-4175
Drawn by MC	
Date 16 August 2007	
Job No. SC9488	
FIGURE NO. 12	
Sheet No.	

Stormwater Control Plan
for
BLAKE LANE MLD

12/23/2016

Revised July 18, 2018

Lantana LLC
Maria Jenson
18 Morton Way
Palo Alto, CA 94303
(612) 669-0732

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Attachments

Post Development Drainage Map

Stormwater Control Measures Sizing Calculator

Web Soil Survey Hydraulic Soil Group

Appendices

This Stormwater Control Plan was prepared using the template dated 18 February 2014 [draft].

I. Project Data

Table 1. Project Data

Project Name/Number	Blake Lane MLD
Application Submittal Date	TBD
Project Location	22 Blake Lane Scotts Valley, CA
Project Phase No.	NA
Project Type and Description	Division of a single parcel to 4 plus a common remainder lot. Construction of two duet houses with a 0 setback between the shared walls of the houses. Construction of an asphalt driveway and retaining walls.
Total Project Site Area (acres)	0.419 Acres
Total New Impervious Surface Area	8,133 SF
Total Replaced Impervious Surface Area	1,161 SF
Total Pre-Project Impervious Surface Area	1,545 SF
Total Post-Project Impervious Surface Area	9,294 SF
Net Impervious Area	9,294 SF
Watershed Management Zone(s)	9
Design Storm Frequency and Depth	NA
Urban Sustainability Area	NA

II. Setting

II.A. Project Location and Description

The site is located at the end of Blake Lane in Scotts Valley. The project proposes to subdivide a 0.4 Acre parcel into four single family home parcels with a common remainder lot for access and drainage improvements. The parcel is zoned R-H (Residential High Density). One exterior parking space is required for each lot to be created.

II.B. Existing Site Features and Conditions

The parcel is rectangular and slopes from the northwest corner to the southeast corner. A portion of the site's natural drainage flow is to sheet to the neighboring property to the south. The majority of the site's drainage flows to the existing drainage path of Blake Lane. There was previously a single family residence on the property. Grading for the previous property involved raising the eastern side

with unclassified fill material. This project will remove the previous fill and replace it with engineered fill. The surface of the site is mostly bare soil. There is an existing asphalt driveway leading up to the site.

II.C. Opportunities and Constraints for Stormwater Control

Opportunities: The site is naturally sloped towards the access road. The natural soil is well draining sand which will allow for percolation beneath the biofiltration facilities. Site retaining walls act as natural drainage channels for a grass lined swale to act as a BMP.

Constraints: No public storm drain system to outlet to. Site grades will require retaining walls and will need to be outlet in a controlled manner.

III. Low Impact Development Design Strategies

III.A. Optimization of Site Layout

III.A.1. Limitation of development envelope

Grading of the proposed driveways has controlled much of the design factors on the site. Maximum allowable slopes have been designed and drainage requirements have been retrofit to the driveways.

III.A.2. Preservation of natural drainage features

There are no established drainage ways on this site. The basic pattern of sheet flow to the roadside drainage of Blake Lane has been preserved.

III.A.3. Setbacks from creeks, wetlands, and riparian habitats

N/A. site retaining walls were designed to minimize impacts to a Ponderosa Pine tree on the property line.

III.A.4. Minimization of imperviousness

The steep grades of the driveway has created the requirement that the driveway be constructed of asphalt or concrete. The current design proposes asphalt. There is no extensive impervious area beyond the driveway and the house.

III.A.5. Use of drainage as a design element

For the water quality treatment requirement, bio-filtration facilities are specified. They will be incorporated into the site as a landscape feature.

III.B. Use of Permeable Pavements

N/A

III.C. Dispersal of Runoff to Pervious Areas

All proposed roof drainage is hard piped to bio-filtration facilities. All asphalt parking areas are drained to a bio-filtration facility.

III.D. Stormwater Control Measures

Bio-filtration facilities located on parcels 2 and 3 and in the common driveway at the bottom of the retaining wall. All are sized according to their tributary drainage area.

IV. Documentation of Drainage Design

IV.A. Descriptions of each Drainage Management Area

IV.A.1. Table 2. Drainage Management Areas

DMA Name	Surface Type	Area (square feet)
DMA 1	Roof	2,104 SF
DMA 2	Roof	2,104 SF
DMA 3	Parking/Driveway	5,086 SF

IV.A.2. Drainage Management Area Descriptions

DMA 1, totaling 2,104 square feet, drains the duet house located on Parcels 1 and 2. DMA 1 drains to SCM 1. Biofiltration system located on Parcel 2.

DMA 2, totaling 2,104 square feet, drains the duet house located on Parcels 3 and 4. DMA 2 drains to SCM 2. Biofiltration system located on Parcel 3.

DMA 3, totaling 5,086 square feet, drains Parking areas for all four parcels. DMA 3 drains to SCM 3. SCM 3 is a biofiltration system located next to the access driveway for Parcels 1 and 2.

Tabulation and Sizing Calculations

IV.A.3. Table 3. Information Summary for LID Facility Design

Total Project Area (Square Feet)	18,231
Design Storm Depth	N/A
Applicable Requirements	Tier 2

IV.A.4. Self-Treating Areas

All remaining land on the parcel is to be landscaped and quantified as self-treating.

IV.A.5. Table 4. Areas Draining to Bioretention Facilities (Tier 2 Projects)

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					SCM-1		
1	2104	Roof	1.0	2104	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				2104	0.04	84	110

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					SCM-2		
2	2104	Roof	1.0	2104	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
Total>				2104	0.04	84	95

DMA Name	DMA Area (square feet)	Post-project surface type	DMA Runoff factor	DMA Area × runoff factor	SCM Name		
					SCM-3		
3.a	2708	AC	1.0	2708	SCM Sizing factor	Minimum SCM Size	Proposed SCM Size
3.b	2378	AC	1.0	2378			
Total>				5086	0.04	203	210

V. Source Control Measures

V.A. Site activities and potential sources of pollutants

V.B. Table 5. Source Control Measures

Potential source of runoff pollutants	Permanent source control BMPs	Operational source control BMPs
Storm drain inlets	Marked "No dumping flows to bay"	Maintenance of marking
Interior Parking	Plans state that interior drains will be plumbed to sanitary sewer.	

V.C. Features, Materials, and Methods of Construction of Source Control BMPs

VI. Stormwater Facility Maintenance

VI.A. Ownership and Responsibility for Maintenance in Perpetuity

"The applicant accepts responsibility for the operation and maintenance of stormwater treatment and flow control facilities for the life of the project. Any future change or alteration, or the failure to maintain any feature described herein can result in penalties including but not limited to fines, property liens, and other actions for enforcement of a civil judgment."

VI.B. Table 6. Operation and Maintenance Schedule

ITEM	INTERVAL	INSPECTION	REPAIR
GRASS LINED SWALES	ANNUAL	1. OBSTRUCTIVE VEGETATION 2. ACCUMULATION OF TRASH AND DEBRIS	1. REPAIR STRUCTURAL DEFICIENCIES 2. REMOVE TRASH AND DEBRIS
INLETS	ANNUAL	1. "NO DUMING..." MARKING 2. ACCUMULATED TRASH AND DEBRIS 3. ACCUMULATED SEDIMENT	1. REPLACE/CLEAN MARKINGS 2. REMOVE TRASH AND DEBRIS 3 REMOVE SEDIMENT

BIO-RETENTION FACILITIES	ANNUAL	1. ACCUMULATED TRASH OR DEBRIS 2. EXCESSIVE/ INVASE PLANTS 3. CLOGGED SUBDRAIN	1. REMOVE TRASH 2. REMOVE/MOW AND REPLACE PLANTS 3. CLEAN THROUGH OVERFLOW STRUCTURE.

VII. Construction Checklist

Table 7 Construction Plan C.3 Checklist

Stormwater Control Page #	Plan BMP Description	See Plan Sheet #s
4 OF 6	Grass lined swale	C-1
4 OF 6	Bioretention facilities	C-1

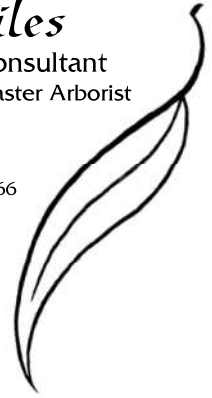
VIII. Certifications

The preliminary design of stormwater treatment facilities and other stormwater pollution control measures in this plan are in accordance with the current edition of the Santa Barbara County Project Clean Water's Stormwater Technical Guide.

Ruth Stiles

Horticultural Consultant
Board Certified Master Arborist
#WE-6613B

372 Hacienda Drive
Scotts Valley, CA 95066
ruth@treestyles.com
831.479.7960



Arborist's Report
22 Blake Lane, Scotts Valley, CA
APN 022-172-47

Prepared for Maria Jenson, Lantana LLC
January 16, 2018

Summary

Lantana LLC and T. Miller Construction are proposing to build two duplexes at 22 Blake Lane, Scotts Valley, CA. The site is in the Santa Cruz Sandhills and it is possible that there are protected species present. The exceedingly sandy soil presents challenges for the growth of plants.

I have inventoried 15 trees on the site. Thirteen of those trees are in direct contact with the proposed development and are proposed for removal. One black locust (*Robinia pseudoacacia*) is scheduled for retention, but is not a good candidate due to a substantial lean and support roots would be damaged by the grading.

There is a weak ponderosa pine (*Pinus ponderosa*) on the north-west property line. This tree is proposed to be retained. However, roots would be cut very close to the tree, compromising its health and stability and making it unlikely that the tree would live long. I recommend removal of this tree too.

There is a young ponderosa pine sapling in the central area of the property. This is not a designated protected tree. I propose that this tree be held in a nursery during construction, and returned to the site during the landscaping phase. This would have a much better chance of success than the weak pine on the northwest property line.

I have included tree protection specifications for use if any of the existing trees are retained.

I have made suggestions for types of trees that could be successful in these challenging conditions. The exact species should be selected during the development of the landscape plan.

Introduction

Background

Lantana LLC is proposing to build two duplexes at 22 Blake Lane, Scotts Valley, CA (APN 022-172-47) in conjunction with T. Miller Construction. Ms. Maria Jensen asked me to prepare an arborist's report as part of their submittal to the city.

Assignment

My assignment is to document the trees on the site and evaluate their suitability for preservation. I am to make recommendations for tree removal as needed, and to recommend techniques to reduce the effects of construction on the trees that are retained.

Limitations

At this time, I am only offering general recommendations for replacement trees. Final selection can be done during the landscape design phase. Detailed landscape maintenance guidelines are recommended due to the difficult growing conditions on this site, but are not a part of this report.

If there is a need for tree appraisal, I am available to add it to this report.

No tree risk assessments were performed.

This report is based on site visits to the property in November of 2016 and January of 2018, and preliminary civil engineering plans by R.I. Engineering, Inc, dated December 2017. I confirmed and updated the tree details found on those plans. I added tree locations along the back fence and the small ponderosa pine. I am not a surveyor, locations should be confirmed in the field.

Observations

The Site

The site is at the dead end of Blake Lane, a private street. There is a steep driveway to reach the flattened central area of the property. A residence was previously at this site, and there are still some retaining walls and other remaining improvements.

The area is within the Santa Cruz Sandhills, and sensitive species may inhabit the property. More detailed information can be found in the Habitat Conservation Plan developed for this property by Jodi McGraw, dated October 2016.

As the name implies, the soil is exceptionally sandy, with very little silt, clay or organic matter. Consequently, the soil has very limited fertility or water holding capacity. Plant growth will be slow, and some plants will die unless special attention is given to plant selection, installation, and follow-up care.

The Trees

I evaluated all the trees on the property greater than five inches in diameter at 54 inches above grade (diameter at breast height or DBH). Numbered aluminum tags were attached to the trunks of the trees. Thirteen of the fifteen trees on the site are "protected trees" under Scotts Valley's regulations. A detailed listing of all the trees is in Appendix A.



There is an informal row of trees along the back property line (northeast side). They appear to be natural seedling oaks and root sprouts from the locusts. These trees were, or are, supported by retaining walls. Now that some walls have fallen or been removed, many of these trees have slumped to the southwest and root systems have been exposed.

There are seven black locust trees on the property and a myriad of suckers grow from the roots, appearing far from the original trees. The suckers have grown aggressively and have abundant sharp thorns.

Adjacent Trees

There is a large Monterey cypress tree (*Hesperocyparis macrocarpa*) about three feet from the northwest property line. The branches extend approximately 30 feet over the subject property.

Just to the northeast of the northern corner of the property is a very old coast live oak. Its exposed roots reach under the fence and onto the subject property. The tree is in very poor condition, with decaying branches and a root infected with fungus (possibly *Oxyporus latemarginatus*).

There are several deciduous landscape trees a few feet on the opposite side of the northeast fence line. At least one tree has exposed structural roots growing on the subject property.

Discussion

Thirteen of the existing trees are in direct conflict with the proposed development plans. Lantana LLC has proposed that two trees be retained. Those trees are Tree 713; a 24-inch diameter ponderosa pine, and Tree 721, a multi-trunk black locust.

Black Locust Trees

Black locust trees are famous for their ability to grow on inhospitable sites, but they are also known for their penchant for aggressive growth. New trees sprout prolifically from their widespread roots. Their sharp thorns can injure passers-by and unwary arborists.

Black locust trees have brittle wood that frequently leads to branch failures. Oddly, the seasoned wood is famous for its strength and resistance to decay. Black locusts frequently have poor structure and weak branch attachments, leading to even more breakage.

Tree 721 is a triple-trunk black locust that leans toward the southwest. Part of the tree is starting to get close to the adjacent apartment building. The tree shows only a slight bit of upright growth, leading me to conclude that there is active or recent movement. Given the severity of the lean, the apartments nearby, and the extent of the proposed grading (which would damage anchoring roots), I believe that this is a poor candidate for retention and should be removed.

Ponderosa Pines

Ponderosa pines are very important trees in the sandhills, and are often linked to the rare Mount Hermon June beetle (*Polyphylla barbata*). Thus, there is a strong desire to protect the tree.

In Santa Cruz County, ponderosa pines are generally confined to the sandhills, though they are widespread in other parts of the state. Some authors have proposed that the Santa Cruz ponderosa pines are a separate species (*P. benthamiana*) or a separate subspecies (*P. ponderosa* subsp. *benthamiana*), but that has not received wide acceptance. Still, they are an isolated population, with genetic adaptation to the sandhills.



Tree 713 is a struggling ponderosa pine. The tree's foliage is extremely thin, with scattered dead and dying branches. When I examined the subject tree, I saw evidence of Western gall rust (*Endocronartium harknessii*) and possibly pitch canker (*Fusarium circinatum*). This tree is not strong enough to be a good candidate for retention. I expect it would decline severely once construction starts, and die within a few years.

Even if the tree were strong and healthy, the construction impacts on the tree would be severe. For optimal protection, there would be no construction within 24 feet of the trunk. However, the Limit of Grading line is just three to four feet away. With this amount of root loss, the tree would have difficulty accessing sufficient water and nutrients. In addition, the extreme root loss could also seriously destabilize the tree.

While I recommend removal of this tree, if it is to be retained, tree protection measures must be adhered to strictly.

If the tree dies or is removed, there may be some benefit to the June beetle if the stump is retained. In a report dated September 21, 2007, Certified Arborist Christine-Sara Bosinger writes:

"I recommend that the tree is removed but that the stump of the tree is left at a height of 12". This will preserve the habitat of the June Beetle, which makes its home at the base of Ponderosas."

There is a healthy young ponderosa pine that has the potential to grow into a strong replacement tree if treated carefully. I will discuss this tree in the following section.

Recommendations

Replacement trees

I recommend that tree selection be a part of the overall landscape plan, rather than done far in advance. That way, the best tree can be chosen for each individual planting site, rather than be jammed in because they were specified early in the process. In addition, trees can be selected based on what is currently available in the trade.

If there are not enough good locations for replacement trees, I recommend that funds be contributed to the City's tree replacement fund.

I recommend that replacement trees be 24" or 36" box size. Normally, I recommend smaller trees for their greater vigor and adaptability, but in this case the harsh site requires more established trees.

Oaks, pines and ceanothus are not suitable for this site unless can be proven that they are grown from seed collected from trees in the sandhills. The pollen from non-local trees can contaminate the gene pool of the highly specialized trees found in the sandhills, making future generations of weak and poorly adapted. The California Native Plant Society discusses this issue in detail in their Policies, Positions and Guidelines. (www.cnps.org/cnps/archive/landscaping.pdf and www.cnps.org/cnps/archive/trees.pdf).

Due to the sandy soils that are deficient in nutrients and don't retain water, new trees (and other plants) should be chosen carefully. All replacement trees must be highly drought tolerant. Trees that produce their own nitrogen (nitrogen-fixing) are good choices, although trees with low nutrient demands would work well too.



Nitrogen-fixing trees include those in the pea family, such as locusts, honeylocusts, silk trees, and red-buds. Alders also fix nitrogen, but use too much water for this site. Many acacias have an undeserved bad reputation, most are both drought tolerant and nitrogen-fixing. Acacias include beautiful non-invasive varieties, as well as the despised invasive species. Care shall be taken to avoid planting *any* invasive species.

Some trees thrive in low nutrient soils and are also drought tolerant. Some examples are banksia, leucadendron, grevillea, and California pepper tree.

The trees mentioned above are just examples, they should not be taken as specific suggestions.

Preservation of the small pine tree

The small ponderosa pine tree (Tree D) in the central part of the property (photo xxx) would make an excellent replacement tree. It is young, healthy, and is genetically adapted to the local conditions. In five or ten years it would probably outgrow the existing pine tree on the site.

Before any site work starts, this tree shall be transplanted into a 36" box (or larger) and moved to an off-site nursery. This work shall be done by a professional tree moving company or native plant nursery approved by the project arborist. The tree shall be maintained and protected during the construction period.

The tree shall be returned to the site and replanted during the landscaping phase of the project.

Tree Protection for Adjacent Trees

Tree roots don't respect property lines. Roots from several adjacent trees are exposed on the subject property, and it can be assumed that many more lie underground.

Construction is very near some of the property lines and will impact the neighboring trees. Good tree protection measures can reduce those impacts, but some impacts are inevitable. Tree decline or death could occur. Representatives of Lantana LLC may want to talk with adjacent property owners and give them suggestions about how they can protect the health of their trees.

Before grading begins, tree roots shall be cut along the Limits of Grading line on the northeast and northwest sides of the property. (See Appendix xxx). This is only necessary within 30 feet of a tree to be preserved (on either side of the fence). See Section 4 below for more details.

The cypress tree (Tree A) near the northwest property line overhangs the property by approximately 30 feet. Clearance pruning may be needed. If required, it shall be done by an International Society of Arboriculture (ISA) Certified Arborist under the direction of the project arborist. Under no circumstances shall unqualified persons do *any* pruning on the site.

Tree B is a very old, and very weak, coast live oak next to the northern corner of the property. Tree protection fencing and chips shall be installed as in Section 3 below. Still that may not be enough protection for this elderly tree.

There are several landscape trees on the other side of the northeast fence. The one near Tree 717 has large roots on the project site, and might not survive construction. Other adjacent trees may be impacted in lesser ways.



Tree Protection (if Trees 713 or 721 are retained)

Due to the concerns mentioned above, I do not recommend that any of the existing trees be retained, except for transplanted ponderosa pine. However, if trees are retained, I recommend the following protections.

1. Starting now

1.1 Broadcast SuperTurf 25-5-5 fertilizer (or approved equivalent) at half the package rate under the canopy of the pines, spreading out to 1.5 times the diameter of the canopy. Do not work into the soil or apply into drilled holes. If rain doesn't occur within 48 hours, water the trees as described below. Repeat at the beginning and the end of the rainy season until construction begins. SuperTurf is available at Ewing Irrigation.

2. Starting this spring

2.1 Water the pine trees (Trees 713 and D) monthly, and the locust (Tree 721) every other month, starting in May. Halt the watering at the end of October, or after the first inch of rain has fallen, whichever comes first. The entire area under the tree's canopy shall be watered, starting one foot from the base of the trunk. The watering shall continue to 1.5 times the diameter of the canopy. Each irrigation shall reach a depth of 12" minimum. Black "ooze hoses" work well for this. Hoses shall be placed no more than 24" apart. A soil sampling tube is an excellent tool to check the soil moisture, but lacking that, a narrow trenching shovel would work.

3. Before any site work begins

3.1 Before construction begins, the project arborist shall meet with all subcontractors doing any demolition, excavation or trenching.

3.2 Install 6' chain link tree protection fencing with 8' posts driven 2' into the ground in locations specified on the site plan. Attach laminated "warning" sign every 20 feet on each tree's fence.

3.3 Apply arborist's chips to the area within the tree protection fencing. Chips shall be 8" deep minimum and shall be kept 12" from the base of the tree trunks. Chips are available from most arborists, and they are often delivered free of charge. It is recommended that chips be free of poison oak and acacia seeds. Recent research shows that eucalyptus chips pose no problems to nearby plants, but seeds will sometimes sprout.

4. Prior to excavation

4.1 Water as described above 7 - 10 days before root cutting.

4.2 Hand dig a trench at the "Limit of Grading" line. Cut roots cleanly using saws or loppers. No striking tools shall be used for cutting roots. (No axes, pulaskis, picks, pry bars, etc.).

4.3 Any roots that are accidentally ripped, split or fractured shall be recut cleanly.

4.4 Protect the cut roots by refilling the trench immediately, covering with steel plates, or covering with several layers of wet burlap. Burlap must be kept wet; this may require several applications of water each day, including weekends.

4.5 If any additional roots are encountered during excavation they shall be cut and protected as noted above.



4.6 After root cutting, trees shall be watered every week as noted above. Only the area inside the zone where the roots were cut needs to be watered. Be careful to keep water 12 inches away from the trunks of the trees. Water weekly throughout the first summer after the roots are cut. Continue watering until the fall rains reliably keep the soil moist. Supplement with additional watering if the rains stop during the winter.

5. During construction

5.1 The Project Arborist shall make periodic visits to the site to observe construction.

5.2 The tree protection zones shall not be disturbed. Fences shall not be moved or removed. Permission to enter the protected area must be obtained from the project arborist.

5.3 No trenching, storage of materials, or other activities shall be permitted within the tree protection zone.

5.4 Waste water shall be disposed of in the designated area. All subcontractors and concrete truck drivers shall be informed of this location.

5.5 Consult with the project arborist immediately if the trees show signs of decline.

6. After construction

6.1 Continue watering the trees weekly until the fall rains reliably keep the soil moist. Supplement with additional watering if the rains stop during the winter. The second summer after construction, start watering in spring before the soil dries out completely. Continue watering the trees monthly for two additional summers (for a total of three summers).

6.2 Remove excess chips so that they are 3-4" deep.

7. Landscaping

7.1 A surprising amount of damage can be done to trees by well-intentioned landscaping. Root protection must continue while the landscape is installed.

7.2 The landscape designer and landscape contractor shall meet with the Project Arborist and be given a copy of these recommendations.

7.3 Minimize digging. Don't plant close to the trees.

7.4 Do not till for new landscaping; the majority of the tree's roots are in the top twelve inches of soil.

7.5 Avoid digging irrigation trenches; use drip or micro-spray tubing if possible. If spray irrigation is necessary, bury pipe only a few inches deep (if permitted by code). Route pipe radially or weave it below the roots.

7.6 Allow the natural duff layer to rebuild. Remove big sticks, but allow shed leaves to remain.



Conclusions

The success of any tree protection program depends on the implementation of the recommended protections. Neither the ponderosa pine, nor the black locust (Tree 721) are good candidates for retention. However, a young ponderosa pine could be preserved off site and would make an excellent replacement tree. If the trees are retained, it is mandatory that the tree protection recommendations be enforced rigorously to give the trees the best chance of long-term survival.

Respectfully submitted,



Ruth Stiles
Board Certified Master Arborist #WE-6613B

Appendixes:

- A - Inventory sheet
- B – Tree locations
- C - Photographs
- D - Arborist's disclosure
- E – Tree protection warning sign

Appendix A - Tree Inventory

Project: 22 Blake Lane, Scotts Valley									
Number	Species	Common Name	DBH	P*	Est. Height	Dia. Drip/line	Health	Structure	Notes
712	<i>Robinia pseudoacacia</i>	Black locust	22"	yes	60'	45'	Good	Fair	Large wound - historic, single leader with major side branch.
713	<i>Pinus ponderosa</i>	Ponderosa pine	24"	yes	55'	45'	Poor	Good	Thin canopy, dieback - pitch canker?, deadwood, western gall rust, tagged #6 (or 9) from previous inventory
A	<i>Cupressus macrocarpa</i>	Monterey cypre	est. 30"	adjacent	50'	70'	Good	Fair	Located 3' on far side of fence, overhangs subject property. Extensive roots likely on subject property
B	<i>Quercus agrifolia</i>	Coast live oak	est. 24"	adjacent	15'	40'	Poor	Fair	Located just on the far side of the fence. Major roots reach onto subject property, erosion has exposed them. Root fungus on one root, possibly <i>Oxyporus latemarginatus</i> . Large deadwood
714	<i>Quercus agrifolia</i>	Coast live oak	14"	yes	25'	20'	Good	Fair	Leaning
715	<i>Quercus agrifolia</i>	Coast live oak	7", 3"	yes	25'	15'	Good	Fair	Small secondary trunk
716	<i>Quercus agrifolia</i>	Coast live oak	13", 10"	yes	15'	25'	Good	Poor	Severe lean, large branches removed, severe erosion around roots
717	<i>Quercus agrifolia</i>	Coast live oak	13"	yes	20'	15'	Good	Very Good	Measured below branch split
718	<i>Robinia pseudoacacia</i>	Black locust	5", 5"	no	35'	10'	Good	Fair	Root sprouts
719	<i>Quercus agrifolia</i>	Coast live oak	9", 8", 7", 7", 3"	yes	30'	20'	Good	Fair	Multi-trunk, largest and smallest trunk sizes were estimated. Roots are mostly contained in old retaining wall. Could be retained if new walls start 4.5' from fence
720	<i>Robinia pseudoacacia</i>	Black locust	15", 12"	yes	55'	35'	Good	Fair	One trunk leaning toward future buildings
721	<i>Robinia pseudoacacia</i>	Black locust	10", 8", 5"	yes	50'	35'	Good	Poor	Leaning, could hit apartment building
722	(tree removed)								
723	(tree removed)								
724	<i>Quercus agrifolia</i>	Coast live oak	27"	yes	30'	30'	Excellent	Fair	Leaning toward road. Trunk base buried.
725	<i>Robinia pseudoacacia</i>	Black locust	20", 15"	yes	55'	40'	Good	Poor	Both trunks have increasing lean
726	<i>Robinia pseudoacacia</i>	Black locust	19", 16"	yes	50'	40'	Good	Fair	deadwood, leaning trunk
727	<i>Robinia pseudoacacia</i>	Black locust	33" @ 24" high	yes	55'	30'	Good	Fair	5 major trunks, deadwood
C	<i>Yucca elephantipes</i>	Giant Yucca	multi-trunk	no	25'	10'	Good	Good	7 major trunks; 2" to 5", not a protected plant
D	<i>Pinus ponderosa</i>	Ponderosa pine	3"	no	18'	8'	Very Good	Excellent	Small tree in planter area. Transplant and protect in nursery until construction is complete.
P* - Protected under Scotts Valley regulations									

Appendix C - Photographs



Photos 1 and 2: The Site





Photos 3 and 4: Tree 721 - Leaning black locust





Photos 5 and 6: Ponderosa pine - Tree 713





Photo 7: The young ponderosa pine



Photo 8: The adjacent cypress tree

Appendix D - Arborist's Disclosure

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to structural failure of a tree or anticipate extreme weather events that could contribute to failure. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.



Warning

Tree Protection Zone No Entry

**Fence is not to be disturbed without approval from
project arborist
Ruth Stiles, BCMA - (831) 239-3382**

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NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
 1550 Harbor Blvd., Suite 100
 West Sacramento, CA 95691
 Phone (916) 373-3710



November 27, 2018

Taylor Bateman
 City of Scotts Valley
 One Civic Center Drive
 Scotts Valley, CA 95066

Also sent via e-mail: sharriman@rgs.ca.gov

Re: SCH# 2018112030, 22 Blake Lane – Lantana Homes Four-Lot Residential Subdivision Project, City of Scotts Valley; Santa Cruz County, California

Dear Mr. Bateman:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration (MND) prepared for the project referenced above. The review included the Introduction and Project Description; and the Environmental Checklist, section E, Cultural Resources prepared by the City of Scotts Valley. We have the following concerns:

1. There is no Tribal Cultural Resources section or subsection in the Initial Study / Environmental Checklist as per California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/cega/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf> and questions of significance for Tribal Cultural Resources are not addressed.
2. There is no documentation of **government-to-government consultation by the lead agency** under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes. Outreach from consultants during assessments does not constitute government-to-government consultation.
3. In Section E, the subsection for Human Remains states that "the actions to mitigate for impacts to cultural resources will be followed". There are no mitigation measures for cultural resources and the standard conditions outlined in the document for Cultural Resources do not address human remains. Please refer to Health and Safety Code section 7050.5 and Public Resources Code 5097.98 for the process to handle inadvertent finds of human remains.
4. A current cultural resources assessment for the property APE is not included in the document.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3714 if you have any questions.

Sincerely,

Gayle Totton, B.S., M.A., Ph.D.
 Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

ADDITIONAL INFORMATION

The California Environmental Quality Act (CEQA)¹, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.² If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.³ In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).⁴ **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"⁵, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."⁶ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.⁷ Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966⁸ may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Pertinent Statutory Information:

Under AB 52:

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.⁹ and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).¹⁰

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.¹¹

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.

¹ Pub. Resources Code § 21000 et seq.

² Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

³ Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

⁴ Government Code 65352.3

⁵ Pub. Resources Code § 21074

⁶ Pub. Resources Code § 21084.2

⁷ Pub. Resources Code § 21084.3 (a)

⁸ 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

⁹ Pub. Resources Code § 21080.3.1, subds. (d) and (e)

¹⁰ Pub. Resources Code § 21080.3.1 (b)

¹¹ Pub. Resources Code § 21080.3.2 (a)

c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.¹²

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.¹³

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.¹⁴

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.¹⁵

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.¹⁶

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).¹⁷

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.¹⁸

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**¹⁹
- There is no Statutory Time Limit on Tribal Consultation under the law.

¹² Pub. Resources Code § 21080.3.2 (a)

¹³ Pub. Resources Code § 21082.3 (c)(1)

¹⁴ Pub. Resources Code § 21082.3 (b)

¹⁵ Pub. Resources Code § 21080.3.2 (b)

¹⁶ Pub. Resources Code § 21082.3 (a)

¹⁷ Pub. Resources Code § 21082.3 (e)

¹⁸ Pub. Resources Code § 21082.3 (d)

¹⁹ (Gov. Code § 65352.3 (a)(2)).

- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,²⁰ the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.²¹
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
 - o The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - o Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.²²

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:
 - o A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - o A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
 - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - o If part or the entire APE has been previously surveyed for cultural resources.
 - o If any known cultural resources have been already been recorded on or adjacent to the APE.
 - o If the probability is low, moderate, or high that cultural resources are located in the APE.
 - o If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - o The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - o The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- o Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- o Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
- o Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- o Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.²³
- o Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.²⁴

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- o Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.²⁵ In areas of identified

²⁰ pursuant to Gov. Code section 65040.2,

²¹ (Gov. Code § 65352.3 (b)).

²² (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

²³ (Civ. Code § 815.3 (c)).

²⁴ (Pub. Resources Code § 5097.991).

²⁵ per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

- o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.