



A G E N D A

Meeting of the Scotts Valley City Council

Date: January 21, 2015

Time: 6:00 p.m.

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5602	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted 1-16-15 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org .
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Elected Officials Dene Bustichi, Mayor Donna Lind, Vice Mayor Stephany E. Aguilar, Council Member Randy Johnson, Council Member Jim Reed, Council Member	City Staff Members Steve Ando, City Manager Kirsten Powell, City Attorney Corrie Kates, Community Dev Dir/Deputy City Mgr Scott Hamby, Public Works Director John Weiss, Chief of Police Tracy Ferrara, City Clerk
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Notice regarding City Council Meetings:

The City Council meets regularly on the 1st and 3rd Wednesday of each month at 6:00 pm in the City Hall Council Chambers located at 1 Civic Center Drive, Scotts Valley, CA 95066.

Agenda and Agenda Packet Materials:

The City Council agenda and the complete agenda packet are available for review by 5:00 pm the Friday before the Wednesday 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-12 pm and 1-5 pm. In accordance with AB 1344, such documents will be posted on the City's website at www.scottsvalley.org.

Televised Meetings:

City Council meetings are cablecast "Live" on Community Television of Santa Cruz County on Comcast Channel 25.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

COMMITTEE REPORTS

(Council members are appointed to committees which are either City committees or committees dealing with other jurisdictions. This portion of the agenda allows the committee member to present oral or written reports to the Council regarding their committee assignments. It also allows the Council to make comments and give the committee member direction, as required.)

Interjurisdictional Committees:

✓	Criminal Justice Council	(Lind/Johnson)
✓	Transportation Commission	(Johnson/Lind)
✓	Metro Transit District Board	(Bustichi)
✓	County Integrated Waste Mgmt Local Task Force	(Lind/Hamby)
✓	City/School District Joint Committee	(Reed/Johnson)
✓	AMBAG	(Aguilar/Lind)
✓	LAFCO	(Lind)
✓	City Selection Committee	(Mayor)
✓	League of California Cities Delegate Program	(Aguilar)
✓	Hazardous Materials Advisory Commission	(Ron Whittle)
✓	Cultural Council	(Lind)
✓	Seniors Advisory Council	(Lind)
✓	Santa Margarita Ground Water Basin Advisory Committee	(Lind /Aguilar)
✓	Library Financing Authority/Joint Powers Boards	(Reed/Johnson)

Standing Local Committees:

✓	Traffic Safety Committee	(Lind/Aguilar)
✓	Economic Development	(Johnson/Bustichi)
✓	Affordable Housing	(Aguilar/Bustichi)
✓	Water Subcommittee	(Bustichi/Lind)
✓	Budget Subcommittee	(Mayor/Vice Mayor)
✓	Sign Subcommittee	(Aguilar/Lind)
✓	Green Building Permit Process Subcommittee	(Lind/Reed)
✓	ADA Accessibility Subcommittee	(Aguilar)

Project Specific Committees:

✓	Skypark Subcommittee	(Johnson/Bustichi)
✓	Gateway South Commercial	(Reed/Johnson)
✓	Library Construction Subcommittee	(Bustichi/Reed)
✓	Glenwood Trails Subcommittee	(Aguilar/Reed)

CITY MANAGER REPORT

PUBLIC COMMENT TIME

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

ALTERATIONS TO CONSENT AGENDA

(Council 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 item may do so by raising their hand to be recognized by the Mayor.)

- A. Approve City Council meeting minutes of 12-17-14
- B. Approve check register – 12-22-14
- C. Approve and ratify Council Member Jim Reed's appointment of Marci-Beth Maple to the Parks & Recreation Commission to replace Wendy Brannan

- D. Ratify the attached Agreement for Professional Services between the City of Scotts Valley and Bowman & Williams, designating Joel F. Ricca, RCE 53588, Principal Engineer for Bowman & Williams Consulting Civil Engineers, to perform the duties of Acting City Engineer on behalf of the City

ALTERATIONS TO REGULAR AGENDA

(Council 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 Mayor.)

1. Consider approval of Reimbursement Agreement for Building Inspection, Plan Check, Civil Engineering, and Other Services between the City of Scotts Valley and 1440 DEVCO, LLC and authorize the City Manager to execute the agreement (CityManager/Ando)
2. Consider approval of Resolution No. 1898 preventing U-turns for northbound traffic on Scotts Valley Drive at Oak Creek Boulevard (Public Works/Hamby)

PUBLIC HEARING (To be heard at 6:30 p.m.)

3. Consideration of Urgency Ordinance No. 16.133.2 extending the adopted Urgency Ordinance establishing a temporary moratorium on outdoor storage uses located on Mt. Hermon Road and Scotts Valley Drive, for a one year period, to allow more time to research issues and return to the City Council with recommendations (Planning/Fodge)
 - ➔ Open public hearing
 - ➔ Close public hearing
 - ➔ Approve Ordinance No. 16.133.2
4. *Continued from Regular City Council Meeting of 12-17-14:* Consideration of a Mitigated Negative Declaration and Minor Land Division to divide a vacant 15-acre lot into four lots for future residential construction, and Design Review to create cuts of 2H:1V, allow private access road slopes between 15.1% - 20%, and a private access road width of 20 feet in the Rural Residential (R-R-2.5) zone, Timber Ridge Lane, APN 024-021-26 (Planning/Fodge)
 - ➔ Open public hearing
 - ➔ Close public hearing
 - ➔ Approve Resolution No. 1897
 - ➔ Approve Resolution No. 1897.1

REGULAR AGENDA

(For Regular Agenda items following the public hearing. Regularly scheduled subjects of discussion on the Regular Agenda include:)

5. Future Council agenda items
(This portion of the Regular Agenda allows the Council to determine items to be placed on a future agenda and to choose a date, if so desired.)

CONVENE TO CLOSED SESSION

CLOSED SESSION

SUBJECT:

- (1) Conference with labor negotiator re employee negotiations with SEIU, Mid Management Group, Management Group, Scotts Valley Police Bargaining Unit, Scotts Valley Police Supervisors Association
Legal Authority: Govt Code section 54957.6
Name of Case: N/A
Staff Present: City Manager, City Attorney, Community Development Director/Deputy City Manager, Police Chief
- (2) Conference with legal counsel regarding potential litigation - 1 case.
Legal Authority: Govt Code Section 54956.9b
Staff Present: City Manager, City Attorney, Community Development Director/Deputy City Manager, Public Works Director
- (3) Conference with legal counsel regarding existing litigation.
Legal Authority: Govt Code Section 54956.9a
Name of Case: City of Scotts Valley vs. County of Santa Cruz, et al
Case No. CIV467230 San Mateo County Superior Court and
Case No. A126357 Court of Appeal, First District
Staff Present: City Manager, City Attorney, Community Development Director/Deputy City Manager
- (4) Conference with legal counsel regarding existing litigation.
Legal Authority: Govt Code section 54956.9a
Name of Case: City of Scotts Valley vs. County of Santa Cruz, et al
Case No. CV177221
Staff Present: City Manager, City Attorney, Community Development Director/Deputy City Manager
- (5) Conference with legal counsel regarding real property negotiations.
Legal Authority: Govt Code section 54956.8
APN's: 022-211-36, 022-601-01, 022-721-06
Staff Present: City Manager, City Attorney, Community Development Director/Deputy City Manager

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

ADJOURNMENT

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 City Council 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 City Clerk's office at (831) 440-5602 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk's Office. 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.

PROCEDURAL INFORMATION FOR THE PUBLIC

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN APPROVAL OF A RESOLUTION:

1. Move the Resolution number for approval.
2. Second the motion.
3. Vote by body, a roll call vote is not required.

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN INTRODUCTION/ADOPTION OF AN ORDINANCE:

1. Move the Ordinance number for introduction (or adoption).
2. Move the Ordinance be introduced by title only and waive the reading of the text.
3. Read the Ordinance title.
4. Second the motion.
5. Vote by body, a roll call vote is not required.

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN PUBLIC COMMENT/PUBLIC HEARINGS:

Unless otherwise determined by the presiding officer of the meeting:

1. Three minutes allowed per individual to speak.
2. Five minutes allowed per individual representing a group of three or more.



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MINUTES

Meeting of the Scotts Valley City Council

Date: December 17, 2014

POSTING:

The agenda was posted on 12-12-14
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Vice Mayor Bustichi
Council Member Aguilar
Council Member Johnson
Council Member Lind

City Manager Ando
City Attorney Powell
Comm Dev Dir/Deputy City Mgr Kates
Public Wks Director Hamby
Police Chief Weiss
City Engineer Yamin
Senior Planner Fodge
City Clerk Ferrara

Absent:

Mayor Reed

**SPECIAL SET MATTER a) Approval of Resolution No. 1892.2 declaring the results of
the consolidated General Municipal Election held on
November 4, 2014**

M/S: Johnson/Lind

***To approve Resolution No. 1892.2 declaring the results of the
consolidated General Municipal Election held on November 4,
2014.***

***Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT:
Reed)***

**b) Swearing in of re-elected City Council Members Reed and
Aguilar**

City Clerk Ferrara administered the Oath of Office to re-elected City
Council Member Aguilar for a 4-year term.

c) Nomination/Motion of Mayor/Chair

M: Johnson

To appoint Vice Mayor Bustichi as Mayor/Chair 2014.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

d) **Nomination/Motion of Vice Mayor/Vice Chair**

M: Johnson

To appoint Council Member Lind as Vice Mayor/Vice Chair 2014.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

The City Council recessed until 6:35 p.m.

COMMITTEE REPORTS

None.

CITY MANAGER REPORT

- Permits were issued for the new hotel on Scotts Valley Drive across from the Woodside Development. Grading is scheduled to commence after January 1.
- Woodside residential subdivision is sold out and the Building Department is issuing the last of the Certificates of Occupancy.
- As you know, the completed commercial building at Woodside is a dentist office. The second commercial building being completed now will be a medical office.
- Two subdivisions previously approved will start construction soon: the Tansey 5-lot subdivision on Scotts Valley Drive; and the 4-lot subdivision on Collado Drive near the golf course.
- With the exception of two downed trees and some minor flooding occurrences, the City fared fairly well in this past week's storm events. This week's storm produced 2.6 inches of rain in Scotts Valley and 13.11 inches for the month of December. That is in addition to the 4 inches we received in November.
- This is Majid's last Council meeting. He will be retiring in a couple of weeks. He has been with the City 22 years. He has our best wishes in his retirement.

PUBLIC COMMENT

Wendy Brannan, SV resident, expressed concerns about the safety of the large oak tree at MacDorsa Park.

ALTERATIONS TO CONSENT AGENDA

CM Aguilar requested that Item's C and D be moved to the regular agenda for discussion.

M/S: Lind/Johnson

To approve the Consent Agenda as amended moving Items C and D to the regular agenda for discussion.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

Consent Agenda:

- A. Approve City Council meeting minutes of 12-3-14
- B. Approve check register – 12-8-14, 11-24-14
- E. Approve award of contract to Kimley-Horn and Associates for the preparation of an Environmental Impact Report (EIR) and Agreement for Professional Services to provide entitlement support services for a proposed 60-unit residential subdivision and up to 130-room hotel site located north of the Enterprise Technology Center along Santa's Village Road, and authorize the City Manager to execute the contract

**ALTERATIONS TO
REGULAR AGENDA**

CM Ando stated that the applicant requested that Item 1 be continued to the next regular City Council meeting on January 21, 2015.

M/S: Lind/Johnson

To approve the Regular Agenda as amended moving Items C and D from the consent agenda to the regular agenda for discussion and continuing Item 1 to the next regular City Council meeting on January 21, 2015.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

REGULAR AGENDA

- 1. **Consider approval of Reimbursement Agreement for Building Inspection, Plan Check, Civil Engineering, and Other Services between the City of Scotts Valley and 1440 DEVCO, LLC and authorize the City Manager to execute the agreement**

Per the applicant's request, this item was continued to the next regular City Council meeting on January 21, 2015.

PUBLIC HEARINGS

- 2. **Consideration of Urgency Ordinance No. 16.133.2 extending the adopted Urgency Ordinance establishing a temporary moratorium on outdoor storage uses located on Mt. Hermon Road and Scotts Valley Drive, for a one year period, to allow more time to research issues and return to the City Council with recommendations**

Mayor Bustichi recused himself from this item due to a conflict of interest.

SP Fodge presented the written staff report and responded to questions from Council.

CA Powell stated that since this item requires a 4/5ths vote, which is not possible due to the absence of CM Reed and Mayor Bustichi recusing himself, it will be necessary to reschedule this item in January.

PUBLIC HEARING OPENED - 6:42 PM

No one came forward.

M/S: Aguilar/Johnson

To reschedule this public hearing to a date in January due to Mayor Bustichi recusing himself, the absence of CM Reed, and the requirement for a 4/5ths vote for approval.

Carried 4/0/1 (AYES: Aguilar, Johnson, Lind; ABSENT: Bustichi, Reed)

3. **Consideration of a Mitigated Negative Declaration and Minor Land Division to divide a vacant 15-acre lot into four lots for future residential construction, and Design Review to create cuts of 2H:1V, allow private access road slopes between 15.1% - 20%, and a private access road width of 20 feet in the Rural Residential (R-R-2.5) zone, Timber Ridge Lane, APN 024-021-26**

SP Fodge presented the written staff report and responded to questions from Council. She stated that staff recommended adding two additional conditions, 53a and 53b as follows:

- "53a. The final map shall show a sewer easement located within the project access road (right-of-way) to provide an opportunity for future project residents to connect to the future sewer connection by Lennar Homes for the approved Polo Ranch 40-lot subdivision.
- 53b. If any work is proposed in the Caltrans right-of-way (Highway 17), the developer shall obtain a prior encroachment permit from Caltrans before any work begins, and shall obtain prior review and approval by the CDD of such work."

PUBLIC HEARING OPENED - 6:52 PM

George Smith, applicant, described his intent for this minor land division.

Neighbor on Timber Ridge, spoke in favor of the project.

PUBLIC HEARING CLOSED - 6:54 PM

CM Johnson stated that without additional information on the property he did not feel comfortable approving the project at this time.

Mayor Bustichi stated that he would like to have additional time to review the property and project before considering approval.

M/S: Lind/Johnson

To continue this item to January 21, 2015 to allow time for further review.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

REGULAR AGENDA

C. Shugart Park Pathway and Footbridges Project:

PWD Hamby presented the written staff report and responded to questions from Council.

CM Aguilar expressed concerns regarding the use of Parks and Recreation Facilities Impact fees for this project as this is a Safe Routes to School project.

Wendy Brannan, SV resident, expressed concerns about this project and the process the project went through for approval.

- (1) **Approve change order No. 1 in the amount of \$27,714.17 for Shugart Park Pathway and Footbridges Project to Monterey Peninsula Engineering (MPE)**

M/S: Johnson/Lind

To approve change order No. 1 in the amount of \$27,714.17 for Shugart Park Pathway and Footbridges Project to Monterey Peninsula Engineering (MPE).

Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

- (2) **Approve the First Amendment to the Contract for Professional Services for the Shugart Park Pathway and Footbridges Project in the amount of \$4,208 to Butano Geotechnical Engineering, Inc., providing geotechnical services**

M/S: Johnson/Lind

To approve the First Amendment to the Contract for Professional Services for the Shugart Park Pathway and Footbridges Project in the amount of \$4,208 to Butano Geotechnical Engineering, Inc., providing geotechnical services.

Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

- (3) **Approve the Third Amendment to the Contract for Professional Services for the Shugart Park Pathway and Footbridges Project in the amount of \$4,500 to Mesiti-Miller Engineering, Inc., providing engineering services**

M/S: Johnson/Lind

To approve the Third Amendment to the Contract for Professional Services for the Shugart Park Pathway and Footbridges Project in the amount of \$4,500 to Mesiti-Miller Engineering, Inc., providing engineering services.

Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

- (4) **Award landscaping contract in the amount of \$21,000 to Stevenson's Landscaping**

M/S: Johnson/Lind

To award landscaping contract in the amount of \$21,000 to Stevenson's Landscaping. Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

D. Vine Hill School Road and Tabor Drive Sidewalk and Bike Lanes Construction Project:

PWD Hamby presented the written staff report and responded to questions from Council.

CM Aguilar expressed concerns regarding the use of Parks and Recreation Facilities Impact Fees for this project and asked if there were any other funds available, such as gas tax monies, and if gas tax monies could be used for this project instead of Parks and Recreation Facilities Impact fees.

CM Ando responded that gas tax monies could be used, however, when staff reviewed the project they determined that it was appropriate to use Parks and Recreation Facilities Impact fees.

Wendy Brannan, SV resident, questioned what Streets and Thoroughfares Impact fees are used for, what the balance of that fund is, and expressed concerns about Parks and Recreation Facilities Impact fees being spent without approval from the Parks & Recreation Commission.

Mayor Bustichi asked the City Attorney if there was a nexus for the use of Parks and Recreation Facilities Impact fees.

CA Powell responded that there is a nexus for the use of Parks and Recreation Facilities Impact fees for this project.

- (1) **Approve balancing change order/change order No. 1, in the amount of \$80,711.97 for Vine Hill School Road Sidewalk and Bike Lane Project with Granite Construction Company**

M/S: Lind/Johnson

To approve balancing change order/change order No. 1, in the amount of \$80,711.97 for Vine Hill School Road Sidewalk and Bike Lane Project with Granite Construction Company.

Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

- (2) **Approve the Second Amendment to the Contract for Professional Services for the Vine Hill School Road and Tabor Drive Sidewalk and Bike Lanes Project in the amount of \$7,390 to Butano Geotechnical Engineering, Inc., providing geotechnical services**

M/S: Lind/Johnson

To approve the Second Amendment to the Contract for Professional Services for the Vine Hill School Road and Tabor Drive Sidewalk and Bike Lanes Project in the amount of \$7,390 to Butano Geotechnical Engineering, Inc., providing geotechnical services. Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

4. Future Council agenda items

Mayor Bustichi requested future agenda items regarding the review and governance of the ADA Subcommittee and the Parks & Recreation Commission, and a review of the City arborist and City archaeologist.

Wendy Brannan requested a report on impact fees as outlined in the City's ordinance for impact fee balances and parameters for spending those funds.

The City Council meeting convened its regular meeting at 7:35 pm to a special meeting of the Scotts Valley City Council.

SPECIAL SET MATTER

1. Consider declaring December 26, 2014 a holiday per Presidential Executive Order

CM Ando presented the written staff report and responded to questions from Council.

M/S: Aguilar/Lind

To approve the declaration of December 26, 2014 as a holiday per Presidential Executive Order.

Motion failed 2/2/1 (AYES: Aguilar, Lind; NOES: Bustichi, Johnson; ABSENT: Reed)

The City Council adjourned its special meeting and reconvened to its regular meeting at 7:40 pm.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 7:40 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54956.9a, the City Council met in closed session to confer with their legal counsel regarding existing litigation: City of Scotts Valley vs. County of Santa Cruz, et al, Case No. CIV467230 San Mateo County Superior Court and Case No. A126357 Court of Appeal, First District.
- (2) Pursuant to Government Code Section 54956.9a, the City Council met in closed session to confer with their legal counsel regarding existing litigation: City of Scotts Valley vs. County of Santa Cruz, et al, Case No. CV177221.
- (3) Pursuant to Government Code Section 54-56.9(d)(2), the City Council met in closed session to confer with their legal counsel regarding threatened litigation.
- (4) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with the legal counsel regarding real property negotiations, APN 024-031-17.

- (5) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with the legal counsel regarding real property negotiations. Location/APN's: The City of Scotts Valley ocean outfall pipeline starting at the City's wastewater facility, APN 021-061-25 and through Hocus Pocus Park, APN 021-061-45 which runs along Whispering Pines Drive, to Estrella Drive, to Lockwood Lane to Graham Hill Road with turnouts located off of Sims Road and Deer Path Road onto APN 060-011-02, the Pasatiempo Golf Club.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 7:55 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Bustichi announced that there was nothing to report.

ADJOURNMENT The meeting adjourned at 7:56 p.m.

Approved: _____
Dene Bustichi, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
	000182 A SIGN ASAP	103211	12/22/14	26.10
	003123 A T &T	103212	12/22/14	360.87
	001840 A TOOL SHED, INC.	103213	12/22/14	165.00
	000452 A.L. LEASE CO., INC	103214	12/22/14	388.13
	003342 ACCENT CLEAN & SWEEP INC	103215	12/22/14	8,868.75
	001097 ACORN COURT APARTMENTS	103216	12/22/14	3,523.52
	002066 AC3	103217	12/22/14	1,000.00
	003258 ADEPT MOBILE MECHANIC	103218	12/22/14	1,075.82
	001405 AFLAC-FLEX ONE	103219	12/22/14	2,786.21
	001219 ALHAMBRA	103220	12/22/14	129.46
	000881 ALVAREZ INDUSTRIES INC.	103221	12/22/14	2,299.00
	000620 ALVAREZ/TONY	103222	12/22/14	20.00
	003149 AQUATIC BIOASSAY &	103223	12/22/14	3,475.00
	001009 ARD/KRISTIN	103224	12/22/14	30.00
	001670 AT &T	103225	12/22/14	179.55
	000097 AT&T	103226	12/22/14	9.02
	001427 AT&T MOBILITY	103227	12/22/14	67.36
	002011 B & B SMALL ENGINE	103228	12/22/14	259.03
	000205 BACK TO EDEN INC	103229	12/22/14	950.00
	.14833 BARGETTO/SHARON	103230	12/22/14	100.00
	000614 BATTERIES PLUS	103231	12/22/14	54.54
	001373 BAY TREE, LLC	103232	12/22/14	3,620.38
	001822 BC LABORATORIES INC.	103233	12/22/14	384.00
	001593 BENEDICT DDS/NANETTE	103234	12/22/14	283.20
	003260 BILES DDS MA/DAVID	103235	12/22/14	720.00
	.14841 BOEWER/GEORGIANA	103236	12/22/14	100.00
	000500 BOLANOS/DORENE	103237	12/22/14	20.00
	000437 BRASS KEY LOCKSMITH	103238	12/22/14	32.49
	000018 BRINK'S TROPHY SHOPPE	103239	12/22/14	324.08
	001566 BUSINESS WITH PLEASURE	103240	12/22/14	1,005.60
	001017 C.W.E.A.	103241	12/22/14	156.00
	001017 C.W.E.A.	103242	12/22/14	89.00
	003088 CALIFORNIA COAST UNIFORM	103243	12/22/14	434.89
	001385 CALIFORNIA PUBLIC EMPLOY	103244	12/22/14	117,743.23
	003174 CAPITAL ONE COMMERCIAL	103245	12/22/14	792.91
	003211 CARNU DDS/OANA	103246	12/22/14	65.30
	000773 CENTRAL COAST LANDSCAPE	103247	12/22/14	383.00
	000235 CIVIL CONSULTANTS GROUP	103248	12/22/14	2,475.00
	001051 COASTAL EVERGREEN CORP	103249	12/22/14	4,530.00
	000453 COLE-PARMER INSTRUMENT C	103250	12/22/14	734.81
	001906 COSTCO MEMBERSHIP	103251	12/22/14	275.00
	001843 CRUZ BROTHERS LOCATORS	103252	12/22/14	290.00
	.14848 CRUZ/BERTHA	103253	12/22/14	200.00
	000037 CRYSTAL SPRINGS WATER CO	103254	12/22/14	62.65
	001773 CVS PHARMACY	103255	12/22/14	134.81
	000206 DAN'S UPHOLSTERY	103256	12/22/14	1,300.00
	.14843 DEFE/MEL	103257	12/22/14	147.00
	001627 DITTRICH DDS/RUDOLPH	103258	12/22/14	227.60

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
002060	DUKE'S ROOT CONTROL INC	103259	12/22/14	4,593.46
000426	ENTENMANN-ROVIN CO	103260	12/22/14	189.20
.14838	ERBA LANE HOMEOWNERS ASS	103261	12/22/14	50.00
.14828	ESPINOLA/JOSEPH	103262	12/22/14	100.00
.14827	ESPOSITO/MARK	103263	12/22/14	100.00
000054	EWING IRRIGATION PRODUCT	103264	12/22/14	406.39
000202	FEDERAL EXPRESS	103265	12/22/14	22.56
000582	FERRARA/TRACY A.	103266	12/22/14	124.57
.14850	FIORITA/MEREDITH	103267	12/22/14	247.50
000375	FIRST ALARM SECURITY & P	103268	12/22/14	330.00
003154	FLANNERY/MARLENE	103269	12/22/14	79.83
.14832	FRAKES/CHARLES	103270	12/22/14	150.00
.14849	GAMEZ-YNIGUEZ/REGINA	103271	12/22/14	200.00
.14851	GAZELY/MARY	103272	12/22/14	90.00
001042	GOLDEN GATE PETROLEUM	103273	12/22/14	6,941.47
001657	GOLDEN GATE TRUCK CENTER	103274	12/22/14	274.78
001828	GONZALES/GABE	103275	12/22/14	1,320.00
000895	GRANITE CONSTRUCTION CO	103276	12/22/14	426.23
000262	GRANITE ROCK COMPANY	103277	12/22/14	99.83
001131	GRUBER DDS/MICHAEL	103278	12/22/14	19.40
.14845	HERNANDEZ/JULIO	103279	12/22/14	200.00
000615	HOHMANN/PATRICK J.	103280	12/22/14	20.00
.14826	HOMAN/JOSH	103281	12/22/14	48.00
.14852	HOUMANN/MARYLYNNE	103282	12/22/14	39.08
001856	HUB INTERNATIONAL	103283	12/22/14	384.12
000588	INTERNET CONNECTION/THE	103284	12/22/14	77.88
001903	JONES/KIMARIE	103285	12/22/14	20.00
.14825	JORDAN/GENEVIEVE	103286	12/22/14	100.00
.14824	KATHRYN SMITH FLOWERS	103287	12/22/14	33.71
003393	KAY PARK REC GROUP	103288	12/22/14	808.00
003267	KEEFFE/LAUREL	103289	12/22/14	300.00
.14836	KENNY/CAROLYN	103290	12/22/14	100.00
003292	KIMLEY-HORN & ASSOCIATES	103291	12/22/14	19,821.00
001660	KING/KATI	103292	12/22/14	31.29
000066	KING'S PAINT & PAPER	103293	12/22/14	230.55
.14853	KRAKOWSKY/ZENA	103294	12/22/14	50.00
.14829	LANG/BRUCE	103295	12/22/14	100.00
001333	LARA/ JESUS D	103296	12/22/14	92.01
001673	LINCOLN FINANCIAL GROUP	103297	12/22/14	1,031.45
000284	LOGAN & POWELL, LLP	103298	12/22/14	24,298.75
003321	LOPEZ/RENE	103299	12/22/14	20.00
000618	MANDEGO, INC.	103300	12/22/14	1,323.60
000200	MANPOWER INC.	103301	12/22/14	3,225.96
001591	MARKELL/ROD	103302	12/22/14	1,974.00
.14830	MAYKRANTZ/MARK	103303	12/22/14	100.00
.14835	MC DANIEL/KATHERINE	103304	12/22/14	100.00
.14837	MCMURRAY/ROSEMARY	103305	12/22/14	50.00
000195	MESITI-MILLER ENGINEERIN	103306	12/22/14	1,906.00

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
	003171 MICHALAK/GENE	103307	12/22/14	110.00
	001926 MICROTECH SCIENTIFIC	103308	12/22/14	236.60
	001964 MILROY/JUSTIN	103309	12/22/14	713.60
	003394 MITY-LITE	103310	12/22/14	14,528.24
	000967 MONTEREY BAY SYSTEMS	103311	12/22/14	1,296.95
	001418 MONTEREY REGIONAL	103312	12/22/14	6,304.20
	001575 MULLIGAN/MARY	103313	12/22/14	175.00
	000939 NATIONAL COMTEL NETWORK	103314	12/22/14	49.58
	000088 NORTH BAY FORD-LINCOLN-	103315	12/22/14	1,040.22
	001872 NORTH CENTRAL LABORATORI	103316	12/22/14	1,049.44
	001988 O'REILLY AUTOMOTIVE, INC	103317	12/22/14	373.45
	001615 OLIN CORP-CHLOR ALKALI	103318	12/22/14	2,260.91
	000089 OLIVE SPRINGS QUARRY INC	103319	12/22/14	462.13
	001802 ONTRAC	103320	12/22/14	38.10
	000101 PACIFIC GAS & ELECTRIC C	103321	12/22/14	127.34
	000101 PACIFIC GAS & ELECTRIC C	103322	12/22/14	61.21
	001955 PACIFIC TRUCK PARTS, INC	103323	12/22/14	500.00
	000098 PALACE ART & OFFICE	103324	12/22/14	4,777.14
	002063 PATEL-CROSKREY/DARSHANA	103325	12/22/14	306.57
	.14839 PECK/GAVIN	103326	12/22/14	100.00
	.14844 PEDERSON/DAVID	103327	12/22/14	50.00
	003328 PETERSON TRUCKS, INC	103328	12/22/14	891.00
	000100 PETTY CASH - R. LIEB	103329	12/22/14	224.33
	001857 PHOENIX GROUP	103330	12/22/14	204.90
	001876 POLITO/BRANDON	103331	12/22/14	126.00
	003323 POMPETTE/NICOLE	103332	12/22/14	20.00
	001233 PORTER DDS MS/BRENT J	103333	12/22/14	124.00
	.14834 PRAMSTALLER/DENNIS	103334	12/22/14	136.00
	.14840 QUINTO/DANIEL	103335	12/22/14	100.00
	.14842 ROBBINS/KATE	103336	12/22/14	75.00
	003020 ROGER'S REFRIGERATION, I	103337	12/22/14	94.00
	003137 RUIZ/JIM	103338	12/22/14	250.00
	001118 RUTHERFORD/JAYSON	103339	12/22/14	126.00
	001022 S.B.R.P.S.T.C.	103340	12/22/14	110.00
	001894 S.V. WATER DISTRICT - BU	103341	12/22/14	429.17
	000201 SAFETY-KLEEN CORP	103342	12/22/14	833.88
	000135 SAN LORENZO VALLEY WATER	103343	12/22/14	27.60
	.14831 SANDERS/CLAIRE	103344	12/22/14	100.00
	001533 SANTA CRUZ COUNTY BANK	103345	12/22/14	4,079.71
	001946 SANTA CRUZ COUNTY LAW	103346	12/22/14	50.00
	000127 SANTA CRUZ SENTINEL	103347	12/22/14	120.00
	003116 SARKISSIAN/NORA	103348	12/22/14	77.00
	000130 SCOTTS VALLEY FIRE DISTR	103349	12/22/14	6,939.18
	000131 SCOTTS VALLEY MEDICAL	103350	12/22/14	220.00
	000133 SCOTTS VALLEY SPRINKLER	103351	12/22/14	67.11
	003085 SHRED-IT USA INC	103352	12/22/14	68.62
	003395 SILICON VALLEY MONTEREY	103353	12/22/14	395.00
	000405 SILVERSTEIN/THOMAS	103354	12/22/14	1,008.50

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	001535 SKIP'S TIRE & AUTO CENTE	103355	12/22/14	90.98	
	000141 SNAP-ON TOOLS CORPORATIO	103356	12/22/14	295.58	
	002053 STEPFORD	103357	12/22/14	5,977.23	
	001844 STERLING WATER TECHNOLOG	103358	12/22/14	8,668.87	
	.14846 STUBBE/KOH	103359	12/22/14	25.00	
	001589 TELECOMMUNICATIONS	103360	12/22/14	18,759.30	
	001933 THURINGER/JOE	103361	12/22/14	20.00	
	002064 TRUCK SERVICES	103362	12/22/14	480.00	
	001497 TURF & INDUSTRIAL EQUIP.	103363	12/22/14	1,288.96	
	001803 VARGAS ACADEMY OF	103364	12/22/14	714.00	
	001106 VERIZON WIRELESS	103365	12/22/14	855.11	
	003145 WAGE WORKS	103366	12/22/14	88.00	
	.14854 WILKE/SHEILA	103367	12/22/14	90.00	
	003008 WILLIAMS/JESSE	103368	12/22/14	551.72	
	000376 WILSON, INC./GEO. H.	103369	12/22/14	4,221.00	
	003166 WISDOM/ANGIE	103370	12/22/14	813.14	
	001784 WRA	103371	12/22/14	183.97	
	000838 YAMIN/MAJID	103372	12/22/14	962.00	
	001370 ZELLER APPRAISAL SERVICE	103373	12/22/14	4,500.00	
	002021 ZOOM	103374	12/22/14	337.24	
	GENERAL CHECKING ACCOUNT			334,928.71	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
12/22/2014 11:47:13
GL540R-V07.24 PAGE 5

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				334,928.71

RECORDS PRINTED - 000321

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
12/22/2014 11:47:13
GL060S-V07.24 RECAPPAGE

Check Register

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL	157,301.90
002	RECYCLING/ENVIRONMENTAL	8,868.75
004	RECREATION	17,695.75
010	WASTEWATER OPERATIONS	49,196.66
011	TERTIARY TREATMENT PLANT	4,643.10
019	AFFORDABLE HOUSING	6,474.00
023	SVRDA SUCCESSOR AGENCY	21,456.65
025	GENERAL TRUST	24.00
028	SENIOR CENTER	4,719.01
035	GREEN BUILDING FUNDING	2,378.52
050	PINEWOOD EST LNDSCP MAINT DT	410.60
077	SKYPARK MAINT ASSESS DIST	950.00
112	DENTAL INS INTERNAL SERV	3,085.10
123	COMMUNITY FACILITY CENTER	16,957.92
150	GENERAL CAPITAL IMPROVEMENTS	22,007.45
306	SUPPL LAW ENFORCEMENT SRVS	18,759.30
TOTAL ALL FUNDS		334,928.71

BANK RECAP:

BANK	NAME	DISBURSEMENTS
BA	GENERAL CHECKING ACCOUNT	334,928.71
TOTAL ALL BANKS		334,928.71

City of Scotts Valley

INTEROFFICE MEMORANDUM

DATE: January 21, 2015
TO: Honorable Mayor and City Council
FROM: Tracy A. Ferrara, City Clerk
SUBJECT: APPOINTMENT TO PARKS & RECREATION COMMISSION

Summary of Issue:

Council Member Reed has requested the appointment of Marci-Beth Maple to the Parks & Recreation Commission to replace Wendy Brannan.

Fiscal Impact:

None.

Staff Recommendation:

Council's approval of this item on the Consent Agenda will ratify the appointment.

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CITY OF SCOTTS VALLEY

**APPLICATION FOR APPOINTMENT TO
CITY COMMISSION, COMMITTEE OR BOARD**

This application should be completed and returned to the City Clerk by any person desiring appointment to a City Commission, Committee or Board. A separate application must be submitted for each advisory body to which you seek appointment.

I would like to be appointed to serve on the: Parks and Recreation Commission

NAME: Marci-Beth Maple

DATE: January 15, 2015

HOME ADDRESS: Scotts Valley, CA. 95066

TELEPHONE: 831-461-1768

(Residence)

TELEPHONE: 831-588-0830

(Business)

Email: marcibeth@gmail.com

How long have you lived in the City of Scotts Valley? 12 years

Occupation: Associate Director

Employer: Redwood Christian Park

Briefly describe your interests, education, and/or experience as they relate to this position.

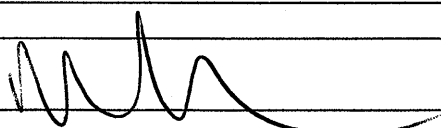
Thanks to a career in camping and much experience with recreation programs, site planning and management of recreational space on a professional level, I am delighted to serve my city as a member of this commission. As a member of the community with children attending Scotts Valley Schools, I have worked over the last five years with the Vine Hill Parent Teacher Association in leading our fundraising efforts, and recently worked as a key member of the Yes On A campaign.

Explain how you believe you can contribute toward the effectiveness of this position.

As an involved member of the Scotts Valley education community, I believe that my collaborative work style and genuine desire to make our City the best place to raise a family will be an asset to the commission at large. I also love to connect people—when we can work together to make events and programs truly remarkable that's about as good as it gets!

Other cultural or civic activities:

I am actively engaged as a volunteer at Vine Hill Elementary School, and also work as a kid's program host at Vintage Faith Church. As per the time of year and activities of my kids, I am also on the sidelines of baseball, football and basketball games.

Date of Application: January 15, 2015 Signature: 

(OVER>>>>)

I learned about this vacancy via: Newspaper ☐ Posting ☐ Friend ☐ Television ☐ Other ☒

Resumes should be filed with the City Clerk's Office, One Civic Center Drive, Scotts Valley, CA 95066, (fax 831-438-2793). Candidates with resumes on file will be considered by the City Council when openings occur. Thank you for your interest.

NOTE: If you are appointed to a City commission or board, you may be required to file a Statement of Economic Interests (Form 700) with the City as a prerequisite of your appointment. This filing identifies any financial interests you may have within the City of Scotts Valley only and if any conflict of interest may exist.

Presented to Council on: January 21, 2015

CITY OF SCOTTS VALLEY CITY COUNCIL STAFF REPORT

DATE: January 21, 2015

TO: Honorable Mayor and City Council

FROM: Scott Hamby, Public Works Director

SUBJECT: AGREEMENT WITH BOWMAN & WILLIAMS TO ACT AS CITY ENGINEER

SUMMARY OF ISSUE:

The recent retirement of the City Engineer created the immediate need for the City to assign a Professional Engineer to act as the City Engineer. As the City has an existing agreement with Bowman & Williams Consulting to perform civil engineering services on an as needed basis, staff worked with the City Manager and City Attorney in developing an agreement with Bowman & Williams to act as City Engineer.

The attached agreement officially designates Joel F. Ricca, RCE 53588, Principal Engineer for Bowman & Williams Consulting Civil Engineers, to perform the duties of Acting City Engineer and sign official documents on behalf of the City.

Due to the immediate need to designate a City Engineer and the extended duration between City Council meetings because of the holidays, the attached agreement was executed on January 8, 2015, by the City Manager. Staff recommends that City Council ratify the attached agreement.

FISCAL IMPACT:

To be paid from Engineering Department budget in the General Fund or from specific project funds (i.e. grants or Gas Tax), if applicable.

STAFF RECOMMENDATION:

Ratify the attached Professional Services Agreement designating Joel F. Ricca, RCE 53588, Principal Engineer for Bowman & Williams Consulting Civil Engineers, to perform the duties of Acting City Engineer on behalf of the City.

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CITY OF SCOTTS VALLEY AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement for Professional Services ("Agreement") is made and entered into as of January 8, 2015, by and between the City of Scotts Valley, a municipal corporation, hereinafter referred to as "CITY", and Bowman and Williams hereinafter referred to as "CONSULTANT".

RECITALS

- A. CITY desires to retain Consultant for certain professional services as set forth in this Agreement.
- B. CONSULTANT is specially trained, experienced and competent to perform the special services which will be required by this Agreement.
- C. CONSULTANT possesses the skill, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

NOW, THEREFORE, in consideration of the recitals and the mutual promises contained herein, CITY and CONSULTANT agree as follows:

AGREEMENT

- 1. **Employment of CONSULTANT:** CITY agrees to, and hereby does, retain and employ CONSULTANT to perform the professional services as outlined in the Scope of Work attached hereto and incorporated herein as Exhibit "A". CONSULTANT'S work product shall be performed pursuant to generally accepted standards of practice in effect at the time of performance.
- 2. **Responsible Personnel:** CITY has relied upon the professional training and ability of CONSULTANT to perform the services hereunder as a material inducement to enter into this Agreement. Primary personnel responsible for the completion of the work described in this Agreement shall be Joel Ricca, RCE, whose address is 1011 Cedar Street, Santa Cruz, CA 95060; telephone: (831) 426-3560; fax: (831) 426-9182.
- 3. **Scope of Work:** CONSULTANT shall perform the services as specified in Exhibit A in a professional manner.
- 4. **Time of Performance:** The services of CONSULTANT are to commence upon execution of this Agreement and shall continue until all authorized work is approved by the CITY. Time is of the essence in the performance of this Agreement. No waiver by either party hereto of the nonperformance or any breach of any term, provision, or condition of this Agreement, or any default hereunder shall be considered to be or operate as a waiver of any subsequent nonperformance, breach or default.
- 5. **Compensation:** CONSULTANT shall accept compensation for services performed as set forth in Section 3 in an amount computed in accordance with Exhibit B.

Payments to CONSULTANT shall be made upon invoices submitted by CONSULTANT to CITY for review and approval. Invoices will be paid by CITY within a reasonable time after said approved invoices are received.

6. **Indemnity:** CONSULTANT shall hold harmless, indemnify and defend CITY, its elective and appointive boards, commissions, officers, agents, servants, volunteers, and employees from and against any and all claims, costs, damages, liability, losses, or suits (including court costs and attorney fees) for personal injury (including death), property damage and any other damages of any sort whatsoever, arising out of, or alleged to have arisen out of, the willful or negligent acts, errors, or omissions of CONSULTANT or CONSULTANT'S contractors, subcontractors, agents, or employees in the performance of this Agreement. This indemnity shall not apply to a) claims brought by CONSULTANT for default of this Agreement, or (b) claims brought by CITY or any third party where the underlying injury or damage is finally determined by a court of competent jurisdiction to arise solely from the negligent or willful misconduct of CITY.

CITY shall hold harmless and indemnify CONSULTANT from any damage which may be caused to the CITY's computer network system.

7. **Termination:** This Agreement may be terminated by the CITY immediately for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, CONSULTANT shall be entitled to compensation for services performed up to the effective date of termination.

CONSULTANT shall accept, for itself, as full payment for services rendered and all work to be done and performed hereunder and in complete satisfaction of all claims against CITY by reason of voluntary abandonment or suspension of work or termination of the Agreement, the sum determined on an hourly basis in accordance with the provisions of this Agreement, or any modification or amendment thereto, plus all direct expenses incurred, including those expenses incurred which are directly attributable to the incomplete portion of the work which could not be canceled.

In the event of termination, CONSULTANT shall deliver as a condition to the payment of the compensation provided for above, or otherwise make available to CITY, all research data, reports, estimates, summaries, and other such information and materials as may have been accumulated by CONSULTANT in performing this Agreement, whether completed or in process in accordance with Section 8 of this Agreement.

8. **Documents:** Notes, studies, charts, computations, electronic files, and other data and information obtained by CONSULTANT for this project shall, upon receipt of payment for services rendered, be made available to CITY by CONSULTANT at CITY'S request and shall become the property of CITY. In the event CITY alters the document, CITY agrees CONSULTANT shall have no responsibility whatsoever for any claim arising out of, or alleged to have arisen out of, use of the altered document,

All plans, studies, documents, charts, computations, and electronic files prepared by and for CONSULTANT, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the

property of the CITY upon payment to CONSULTANT for such work, and the CITY shall have the sole right to use such materials in its discretion without further compensation to CONSULTANT or to any other party. CONSULTANT shall, at CONSULTANT'S expense, provide such reports, plans, studies, documents and other writings to CITY upon written request.

9. **Independent Contractor:** CONTRACTOR is an independent contractor retained by CITY to perform the work described herein. ALL personnel employed by CONSULTANT are not and shall not be deemed to be employees of CITY. CONSULTANT shall obtain no rights to retirement benefits or other benefits which accrue to CITY'S employees, and CONSULTANT hereby expressly waives any claim it may have to such rights. CONSULTANT shall comply with all state and federal laws pertaining to employment and compensation of its employees and its agents, including the provision of Workers' Compensation.

10. **Licenses:** CONSULTANT represents and warrants to CITY that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of CONSULTANT to practice its profession. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of CONSULTANT to practice its profession. Consultant shall maintain a City of Scotts Valley business license.

11. **Assignment:** The parties recognize that a substantial inducement to CITY for entering into this Agreement is the professional reputation, experience and competence of CONSULTANT. Assignments of any or all rights, duties or obligations of the CONSULTANT under this Agreement will be permitted only with the express consent of the CITY. CONSULTANT shall not subcontract any portion of the work to be performed under this Agreement without the written authorization of the CITY. If the CITY consents to such subcontract, CONSULTANT shall be fully responsible to CITY for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between CITY and subcontractor nor shall it create any obligation on the part of the CITY to pay or to see to the payment of any monies due to any such contractor other than as otherwise required by law.

12. **Binding on Successors:** This Agreement is binding on the heirs, successors and assigns of the parties hereto.

13. **Amendment:** This Agreement may be amended, modified or changed by the parties, provided that said Agreement, modification or change is in writing and approved by the authorized representative of the parties.

14. **Applicable Law and Attorney's Fees:** This Agreement shall be construed and enforced in accordance with the laws of the State of California, and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Santa Cruz. Should any legal action be brought by a party for breach of this Agreement or to enforce any provision of the Agreement, the prevailing party of such action shall be entitled to recover its reasonable litigation expenses, including attorney fees.

15. **Entire Agreement:** This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements or understandings, Whether oral or written, between or among the parties relating to the subject matter of this Agreement which are not fully expressed herein. The drafting and negotiation of this Agreement have been participated in by each of the parties and/or their counsel, and for all purposes this Agreement shall be deemed to have been drafted jointly by all parties.

16. **Waiver:** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this agreement.

17. **Severability:** If any term or portion of this Agreement shall be held by a court of competent jurisdiction to be invalid, illegal, or otherwise unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.

WITNESS WHEREOF this Agreement is executed by CITY and by CONSULTANT on this 8th day of January, 2015, at Scotts Valley, California.

CONSULTANT:

CITY OF SCOTTS VALLEY:

Joel Ricca, President

Stephen H. Ando, City Manager

APPROVED AS TO FORM:

ATTEST:

Kirsten M. Powell, City Attorney

Tracy Ferrara, City Clerk

EXHIBIT A SCOPE OF WORK

The services to be provided include:

A. Acting City Engineer:

1. This covers a wide range of engineering activities, including street improvements, wastewater systems, structures, storm drainage, and other improvements.
2. The work could range from preliminary design and cost estimating to detailed plans and specifications.
3. Where appropriate, financing programs, including assessment districts, will be analyzed for construction of improvements and continuing maintenance. The analysis will include evaluation of the projected assessment costs and annual assessment payments. If assessment districts are to be used, the required Engineer's Report, Boundary Map and Assessment Diagram would be prepared. The CITY and CONSULTANT would work closely to provide the engineering requirements with the City staff and Bond Counsel.
4. As Acting City Engineer, CONSULTANT may sign official documents on behalf of CITY.
5. Joel F. Ricca, RCE 53588, Principal Engineer for Bowman & Williams will perform the duties of Acting City Engineer for the duration of this Agreement.

B. Inspection:

1. Provide field inspection for construction by contractors in accordance with project plans and specifications.
2. Inspections will include photographic records of the work and daily inspection reports.
3. Review of work and payment requests and making recommendations for payment to the City Manager and other staff members.
4. Report to the City Manager on work progress for each contract and be available to report to the City Council if necessary.

C. Design:

1. Preparation of preliminary design studies, engineers reports and cost estimates.
2. Submit recommendations for budgeting.
3. Complete construction plans and specifications, and bid documents.
4. Projects would include street improvements, storm drainage, wastewater collection, treatment and reuse, and other City related facilities.

- D. **Surveys:**
1. Provide surveys for design and construction.
 2. Provide for aerial surveys as required.
- E. **Testing:**
1. Through one or more geotechnical engineers, provide for testing to conform with project specifications.
 2. Testing work would be coordinated with inspection work.
 3. For wastewater facilities, pressure test the constructed facilities. Field testing will be done by sub-consultants as approved by the City.
 4. When necessary, require replacement of facilities that do not meet specifications.
- F. **Plan Checking (Public and Private Construction):**
1. Review plans prepared for public construction for conformance with design standards and any specific Federal or State requirements.
 2. Review plans for private developments for conformance with the City of Scotts Valley Standards, Conditions of Approval, and engineering design standards.
 3. Review private development plans for impact on existing utility and storm drain systems and recommend conditions of approval to mitigate these impacts.
 4. Review Tract Maps for survey requirements in conformance with City Conditions of Approval, Ordinances, and the Subdivision Map Act.
- G. **Project Management and Scheduling:**
1. Review EIR's (Environmental Impact Reports) for engineering, traffic and utility concerns.
 2. Assist in filing Federal or State Grant applications.
 3. Provide assistance as requested for specific projects.
 4. Maintain budgets for engineering services.
 5. Communications consisting of FAX, E-Mail, overnight deliveries, etc.
 6. Maintain appropriate engineering and public works files for the City.
- H. **Bid Preparation and Cost Estimating:**
1. Prepare Bid Documents, Plans, and Specification.
 2. Prepare Notice to Contractors.
 3. Distribute plans and specifications.
 4. Prepare cost estimates for all projects based on construction experience and site conditions.
 5. Review bids received.
 6. Submit recommendations for award of contracts.

I. **Sub-Consultants:**

1. When the services of other consultants or experts are required, such as architectural, soils, geotechnical, aerial photogrammetry, field testing, electrical or other engineering and public works services, Bowman & Williams will obtain proposals for said work and arrange for these services on a sub consultant basis, up to a maximum cost of \$25,000 with approval of the City Administrator. The fee for these services will be 5% based on the consultant's invoice.
If the sub-consultant costs exceed \$25,000, then approval of the City Council will be required or a separate contract arranged directly with the City.

J. **Hourly Charge Rates:**

1. The attached Hourly Charge Rates (Resolution Exhibit B) will be used in the provision of the above engineering services. These fees may be adjusted periodically based on the adjusted change of the Consumer Price Index and/or proposed new fee schedule as submitted by the Consultant. Any new fee schedule will be subject to review and approval by the City Council. Any specialized fee that is not listed on the attached Fee Schedule shall be subject to negotiation and agreement between the parties.

EXHIBIT B HOURLY CHARGE RATES

OFFICE AND PROFESSIONAL

Court Appearance & Preparation	\$325.00
Principal Engineer (licensed)	\$180.00
Associate Engineer (licensed)	\$165.00
Assistant Engineer	\$150.00
Engineering Assistant	\$120.00
Licensed Surveyor	\$180.00
Surveyor LSIT	\$145.00
Survey Coordinator LSIT2	\$155.00
Pavement Management Technician	\$125.00
Construction Manager	\$115.00
Technical Drafter	\$105.00
Drafter	\$88.00
Administrative Assistant	\$85.00

FIELD SURVEY CREW:

Construction Survey's 4 hour min.

(One Man) Robotic Instrument or GPS & Operator	\$220.00
Survey Crew (<i>Prevailing Wage Rate</i>)	\$240.00
Three man Survey Crew	\$285.00

25% Surcharge is applied to hourly rates for overtime to meet Clients Schedule or Saturday work.

33% Surcharge is applied to hourly rates for Sunday and Holiday work.

EXPENSES

Sub-Consultant Charges x 1.05

Fees advance on behalf of Client x 1.25

Survey equipment, vehicle, stakes and mileage (*within 50 miles*) included in hourly rate

MISCELLANEOUS

Vellum or Bond Copy CADD Plot for counter requests 24 x 36	\$ 8.00ea
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Vellum or Bond Copy CADD Plot for Active Projects 24 x 36	\$ 4.00ea
Mylar Copy CADD Plot 24 x 36	\$15.00ea
Color Copy CADD Plot 24 x 36	\$30.00ea
CD/DVD	\$25.00

ELECTRONIC FILE CHARGES

AT COST

File Conversion	At cost
Email CADD File	At cost
Research Archive Files	At cost
Electronic File Transfer	At cost

*All electronic files will need to have a "Agreement & Release of Liability" signed and pre-paid before files can be released for, for clients without a current agreement.

*Retainer fee will be required for non-established Clients.

City of Scotts Valley INTEROFFICE MEMORANDUM

DATE: January 21, 2015

TO: Honorable Mayor and City Council

FROM: Steve Ando, City Manager

SUBJECT: **Consideration of Approval of Reimbursement Agreement for Building Inspection, Plan Check, Civil Engineering, and Other Services between the City of Scotts Valley and 1440 DEVCO, LLC**

SUMMARY OF ISSUE

At the October 15, 2014 City Council, the Council approved the educational facility project located at the former Bethany University site. This project is in need of dedicated building inspection, plan check for both the Building and Civil engineering components, and other services that the current City staffing levels cannot provide. 1440 DEVCO, LLC is willing to pay for these services up-front and is requesting to be reimbursed later once the campus starts remitting transient occupancy tax (TOT) to the City.

1440 DEVCO, LLC has provided a projection of the room revenues and TOT. The conservative full year calculation is approximately \$350,000 of TOT based on occupancy of between 20% and 25%, and the optimistic projection is \$443,000 of TOT based on occupancy of 30%. An average of these two projections is approximately \$400,000.

Scott Kriens of 1440 has requested a 100% payback through reimbursement of 100% of the TOT revenues until the costs are fully repaid. Based on the average of the projections prepared by 1440 it is anticipated that full reimbursement could be covered in approximately six months. The City would then retain 100% of the TOT.

The services to be provided involve the following. One to three person(s) as needed to provide dedicated engineering and building plan check, permit processing, and inspection services. These persons will be hired and managed by the City and provided through contract services.

Some of the terms of the agreement are as follows:

- Guaranteed full time dedicated personnel to facilitate plan check and inspection services for the duration of the project construction (Phase I)
- Additional personnel will be hired by and managed by the City.
- Deposits of \$50,000 will be made by 1440 whenever deposits on hand go below \$5,000.
- Full reimbursement of costs through reimbursement of 100% of TOT from this project.

FISCAL IMPACT

1440 DEVCO, LLC will pay for the services up front. Cost is estimated to be \$200,000. After the campus is operational and remitting TOT, the City would reimburse all or a portion of TOT to 1440 DEVCO, LLC until the total cost is repaid in part or in whole as defined in such agreement.

STAFF RECOMMENDATION

That Council consider the attached agreement, and, if approved, authorize the City Manager to execute the agreement.

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AGREEMENT FOR ADDITIONAL SERVICES TO FACILITATE THE 1440 CENTER

This Agreement for Additional Services to Facilitate the 1440 Center ("Agreement") is entered into this 17th day of December, 2014, by and between the City of Scotts Valley ("City") and 1440 DEVCO, LLC, a California limited liability company ("1440").

RECITALS

WHEREAS, 1440 is in the process of redeveloping the former Bethany University Campus into an adult learning center; and

WHEREAS, the redevelopment involves the demolition of 69,916 sq. ft. of buildings, the remodel of 93,867 sq. ft. of buildings, and the construction of 234,288 sq. ft. of new improvements (the "Project"); and

WHEREAS, due to the limited staff at the City, it will take the City considerable time to process and approve the numerous applications for the Project; and

WHEREAS, 1440 would like to expedite the application process to enable it to open its facility as soon as possible; and

WHEREAS, once open, the Project will generate approximately \$400,000.00 per year in revenue from the Transit Occupancy Tax ("TOT") for the City; and

WHEREAS, the City will benefit financially from the expeditious opening of the Project in the form of increased TOT; and

WHEREAS, by hiring an outside individual or firm to process the applications for the Project, conduct building inspections ("Contractor") and assist the Building Department in other areas, the Project can open earlier than if the current City staff processed the applications and performed the inspections, thereby reducing the time before the City will receive TOT from the Project; and

WHEREAS, the parties agree that it is in the best interest of the City and 1440 to hire a Contractor to process the applications for the Project subject to the terms of this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants of the parties herein contained and other valuable consideration, the parties agree as follows:

1. **Additional Staff**. The City shall hire a Contractor to process the applications for the Project, perform inspections for the Project and assist the Building

Department as necessary. The selection of the Contractor shall be in the sole and absolute discretion of the City. Once the City has hired a Contractor to process the applications, 1440 shall deposit \$50,000.00 with the City that shall be used to pay for the services rendered by the Contractor. At such time as the deposit is reduced to \$5,000.00, 1440 shall pay additional monies to the City to return the deposit to \$50,000.00. At such time as the services of the Contractor are no longer needed to process the applications for the Project and perform inspections and all invoices from the Contractor have been paid, a determination to be made in the sole and absolute discretion of the City, the City shall refund all remaining monies on deposit with the City to 1440.

2. **Reimbursement.** The parties acknowledge that expediting the applications for the Project is beneficial to each party. Therefore, the City shall reimburse 1440 for the cost of the individual or firm upon receipt of TOT from the Project in accordance with the terms of this section. Upon receipt of TOT from the Project, the City shall remit one hundred (100%) of the TOT received from the Project to 1440 until such time as 1440 has been reimbursed for the costs paid for the Contractor. Once 1440 has been reimbursed for the costs of the Contractor, the City shall be entitled to retain 100% of the TOT generated from the Project.
3. **Contractor.** The Contractor shall be an independent contractor who shall work at the direction of the City. The Contractor shall not work for 1440 nor shall it take direction from 1440.
4. **Notices.** Any notice request, demand or other communications permitted or required to be given under this Agreement shall be in writing duly addressed to the parties as follows:

1440:

1440 DEVCO LLC, a California limited liability company
1440 DEVCO LLC
P.O. Box 3141
Saratoga, CA 95070-1141
Attn: Scott Kriens

CITY:

The City of Scotts Valley
1 Civic Center Drive
Scott Valley, CA 95066
Attn: City Manager

Any such notice sent by registered or certified mail, return receipt requested shall be deemed to have been duly given and received 5:00 p.m. (Pacific Time) two (2) business days after it is so addressed and mailed with postage prepaid. Any such notice sent by a recognized overnight courier service shall be deemed to have been duly given and received 5:00 p.m. (Pacific Time) one (1) business day after it is so addressed and sent with the cost of such overnight delivery service prepaid. Notice sent by any other manner shall be effective only upon actual receipt thereof. Any party may change its address for purposes of this Agreement by giving notice to the other party as provided herein.

5. **Arbitration.** All disputes, claims and other matters in question arising out of, or relating to, this Agreement, or the breach thereof may, at the election of any of the parties hereto, be decided by arbitration in accordance with the then current Commercial Arbitration Rules of the [Judicial Arbitration and Mediation ("JAMS")] [American Arbitration Association ("AAA")]. This agreement to arbitrate shall be specifically enforceable in any court of law under the prevailing arbitration law. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof. The arbitration shall be held in Santa Clara County.
6. **Attorneys' Fees.** In the event any party hereto institutes legal action or arbitration to enforce or interpret its rights under this Agreement, then the prevailing party or parties shall be entitled to reasonable attorneys' fees in addition to other costs of suit as awarded by the court or arbitrator.
7. **Governing Law.** This Agreement shall be governed under the laws of California.

IN WITNESS WHEREOF, this Agreement is executed and made by the parties effective as of the date first above set forth.

1440:

1440 DEVCO LLC, a California limited liability company

By: _____
Scott Kriens, Director 1440

City:

City of Scotts Valley, a California municipal corporation

By: _____
Stephen H. Ando, City Manager

CITY OF SCOTTS VALLEY CITY COUNCIL STAFF REPORT

DATE: January 21, 2015

TO: Honorable Mayor and City Council

FROM: Scott Hamby, Public Works Director

SUBJECT: **RESOLUTION NO. 1898 PREVENTING U-TURNS FOR NORTHBOUND TRAFFIC ON SCOTTS VALLEY DRIVE AT OAK CREEK BOULEVARD**

SUMMARY OF ISSUE:

At the City's November 5, 2014 Council meeting, a Felton resident spoke during public comment time informing the Council of a 4-car accident that she was involved in on Scotts Valley Drive on October 27, 2014. The accident occurred when a car traveling northbound on Scotts Valley Drive stopped to make a U-turn near Oak Creek Boulevard. The concerned resident asked the City to consider not allowing U-turns at this location. As Council was aware of other incidents in this location, they asked staff to take this issue to the City's Traffic Safety Advisory Committee.

Since 2002, there have been four reported accidents in this location, and an additional six accidents where the parties involved did not wish to file reports with the police department.

This item was discussed at the Traffic Safety Advisory Committee's December 9, 2014 meeting. The Committee asked that staff take this item to City Council with a recommendation to approve a resolution preventing U-turns.

The prevention of U-turns at this location is not expected to cause an inconvenience for motorists, as U-turns are permissible just 300 feet ahead at the intersection of Scotts Valley Dr. and Erba lane.

FISCAL IMPACT:

Minimal cost for signage.

STAFF RECOMMENDATION:

1. Approve Resolution No. 1898 preventing U-turns for northbound traffic on Scotts Valley Drive at Oak Creek Boulevard.
2. Direct staff to install appropriate signage.

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RESOLUTION NO. 1898

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SCOTTS VALLEY PREVENTING U-TURNS FOR
NORTHBOUND TRAFFIC ON SCOTTS VALLEY DRIVE AT
OAK CREEK BOULEVARD**

WHEREAS, the City Council of the City of Scotts Valley hereby resolves:

Section 1: No person traveling northbound on Scotts Valley Drive at Oak Creek Boulevard shall be allowed to make a U-Turn at the break in the center median except when necessary to avoid conflict with other traffic or in cases of emergency, or in compliance with the direction of a peace officer or traffic officer.

Section 2: Violations of Section 1 hereof shall constitute an infraction and shall be punishable by a fine as defined in the Scotts Valley Municipal Code, Chapter 10.08, et seq.

Section 3: This resolution shall become effective at such time the Public Works Director shall cause appropriate notice of the aforesaid restriction to be installed on said street.

PASSED AND ADOPTED by the Scotts Valley City Council, on this 21st day of January, 2015 by the following vote:

AYES:

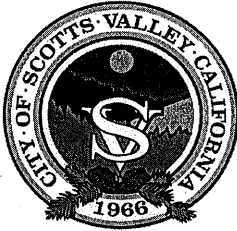
NOES:

ABSENT:

ABSTAIN:

Approved: _____
Dene Bustichi, Mayor

Attest: _____
Tracy Ferrara, City Clerk



CITY OF SCOTTS VALLEY

PLANNING DEPARTMENT

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

City Council Public Hearing Notice

TIME & DATE: 6:30 p.m., January 21, 2015

PLACE: City Council Chambers at City Hall
One Civic Center Drive, Scotts Valley

PROPOSED PROJECTS:

Title: Temporary Moratorium on Outdoor Storage Uses

Address: Properties on Mt. Hermon Road and Scotts Valley Drive

Applicant: City of Scotts Valley

Project Description: Consideration of City Council approval to extend the adopted Urgency Ordinance, establishing a temporary moratorium on outdoor storage uses located on Mt. Hermon Road and Scotts Valley Drive, for a 1-year period to allow more time to research issues and return to the City Council with recommendations.

Staff Contact: Michelle Fodge, Sr. Planner, (831) 440-5632, or mfodge@scottsvally.org

All interested persons are invited to attend the foregoing Public Hearing or send their written comments to City Hall Planning Dept, One Civic Center Drive, Scotts Valley, CA 95066. The above files are available for review in the Planning Department at City Hall, One Civic Center Drive, Scotts Valley Monday through Thursday between the hours of 8:00 a.m. and 12:00 noon, or by appointment by calling (831) 440-5630.

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 this meeting and you will require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate in the meeting, please call the Deputy City Clerk's office at (831) 440-5600 at least 5 to 7 days in advance of the meeting to make arrangements for assistance. The California State Relay Service (TDD to voice: 1-800-735-2929, voice to TDD: 1-800-735-2922) provides Telecommunications Devices for the Deaf (TDD) and will provide a link between the TDD caller and users of regular telephone equipment.

By: 
Michelle Fodge, Senior Planner

Posted: City Hall, Library
and Sr. Center on 01/09/15

**City of Scotts Valley
City Council
INTEROFFICE MEMORANDUM**

DATE: January 21, 2015

TO: Honorable Mayor and City Council

FROM: Corrie D. Kates, Community Development Director/Dep. City Mgr.
Michelle Fodge, Senior Planner

**SUBJECT: EXTEND THE URGENCY ORDINANCE FOR THE TEMPORARY
MORATORIUM ON OUTDOOR STORAGE USES LOCATED
ON MOUNT HERMON ROAD AND SCOTTS VALLEY DRIVE**

SUMMARY OF ISSUE:

On March 19, 2014, the City Council extended Ordinance No. 16-133.1, an urgency ordinance establishing a temporary (10 months and 15 days) moratorium on outdoor storage uses on Mount Hermon Road and Scotts Valley Drive, in accordance with Government Code Section 65858. The extended time period was needed for City staff to complete an adequate study of current land use regulations and these types of uses.

To date, staff has conducted site visits, talked with some operators, and updated inventory maps of existing outdoor storage uses. Given the amount of proposed applications for new development and approved development projects starting construction, more time is needed to meet with existing operators to understand their land use needs and to prepare recommendations for City Council review. Therefore, staff requests a 1-year extension of the moratorium via Ordinance 16-133.2. Approval of this extension requires a four-fifths (4/5) vote of the City Council. If the Ordinance is not extended, the temporary moratorium will expire on February 3, 2015.

CLARIFICATION:

In the recitals of Ordinance 16-133.1, outdoor storage uses "include contractor's storage yards, outdoor business activities, equipment and storage-related uses, and vehicle storage". As such, it could be interpreted to prevent new businesses that propose to sell or lease/rent vehicles during the moratorium. Because the intent of the moratorium is to evaluate the appropriateness of storage yards, staff recommends a clarification that outdoor storage does not include vehicles as part of a use permit for car dealerships, businesses only selling new and used cars, and car rental businesses.

WORKING REPORT:

Government Code Section 65858 also requires that 10 days prior to the expiration of the ordinance, the City Council shall issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance. The attached report summarizes the steps staff has made, and it was available at City Hall for public inspection.

FISCAL IMPACT:

Continuing the study of outdoor storage uses will require a significant commitment of staff time.

STAFF RECOMMENDATION:

The extension of this moratorium is necessary to protect the public health, safety and welfare while staff completes the study of this issue. This extension will give the City time to do that and develop an appropriate approach for the City of Scotts Valley.

Introduce and adopt Ordinance No. 16.133.2, an Urgency Ordinance of the City Council of the City of Scotts Valley Extending a Moratorium on Outdoor Storage Uses on Mount Hermon Road and Scotts Valley Drive for a 1-year period, in order to provide the City with more time to determine whether to adopt an ordinance prohibiting such uses on commercial corridors, restricting such uses to certain zones, or regulating the location or operation of such uses.

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ORDINANCE NO. 16.133.2

**AN URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SCOTTS VALLEY EXTENDING A
MORATORIUM ON OUTDOOR STORAGE USES LOCATED
ON MOUNT HERMON ROAD AND SCOTTS VALLEY DRIVE**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY:

WHEREAS, on February 5, 2014, the City Council of the City of Scotts Valley adopted Ordinance No. 16.133 as an urgency ordinance imposing a forty-five (45) day moratorium outdoor storage uses located on Mount Hermon Road and Scotts Valley Drive; and,

WHEREAS, on March 19, 2014, before Ordinance No. 16.133 expired by operation of Law on March 21, 2014, the City Council of the City of Scotts Valley adopted Ordinance No. 16.133.1 to extend the urgency ordinance imposing a moratorium on outdoor storage uses located on Mount Hermon Road and Scotts Valley Drive to extend the moratorium for 10 months and 15 days to allow more time to complete measures to prepare recommendations to the City Council; and,

WHEREAS, Government Code section 65858 authorizes an extension of an urgency ordinance, after a noticed public hearing, to protect the public health, safety and welfare through adoption of an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and,

WHEREAS, pursuant to Government Code section 65858(d), the City Council has accepted a report prepared by City staff describing the study and measures that have been taken to date to alleviate the condition which led to the adoption of the initial emergency ordinance; and,

WHEREAS, current City zoning provisions do not adequately address the regulation or location of outdoor storage uses; and, land use compatibility of outdoor storage uses with commercial and residential uses from an economic development and visual impact perspectives are concerns; and,

WHEREAS, in 2003, the Planning Commission and City Council discussed issues and concerns with outdoor storage yards; and,

WHEREAS, since 2003, the City has approved several new residential developments, commercial retail/office buildings and a multi-story hotel development along Scotts Valley Drive; and,

WHEREAS, the City has invested substantial monies into beautification of Scotts Valley Drive by installing landscape medians, decorative lighting, and signage to promote economic development; and,

WHEREAS, the City has executed an agreement with a developer to develop the Town Center on Mount Hermon Road; and,

WHEREAS, given the installed improvements and new construction, there appears to be a conflict between outdoor storage uses and the City's commercial and residential goals on Scotts Valley Drive and commercial goals on Mount Hermon Road; and,

WHEREAS, with this in mind, it is prudent to consider what is the City's vision for Mount Hermon Road and Scotts Valley Drive; and,

WHEREAS, City staff have seen an increase in requests for outdoor storage uses which include contractor's storage yards, outdoor business activities, equipment and storage-related uses, and vehicle storage. These are conditional uses which require a use permit and/or design review approval by the Planning Commission at a public hearing so that they may be located properly regarding the objectives of zoning and analyzed for their effects on surrounding properties; and,

WHEREAS, there are unpermitted outdoor storage uses and activities that have not had benefit of the required review by the Planning Commission at a public hearing to determine if they are consistent with the intended purpose of the subject zone and with compatible with adjacent uses; and,

WHEREAS, a case can be made that outdoor storage uses are unsuitable and incompatible for the commercial corridors of Mount Hermon Road and Scotts Valley Drive and require further study; and,

WHEREAS, City staff, as directed by the City Council, has commenced a study of the such uses in the City and more time is necessary to address the concerns regarding outdoor storage uses on the City's two primary commercial corridors, to further study the potential impacts such uses may have on the public health, safety and welfare, zoning applicable to such uses, and to determine if additional regulation of such uses is feasible or recommended; and,

WHEREAS, other California cities have established regulations limiting such uses; and,

WHEREAS, the City Council finds that it is necessary to study the possible adoption of amendments to the City's Planning and Zoning Code; and,

WHEREAS, the City Council finds that it would be detrimental to the public health, safety and welfare of the City to allow or approve any outdoor storage uses on Mount Hermon Road and Scotts Valley Drive until such time as the City has had an opportunity to conclude its study of the appropriateness of such uses on these two commercial

corridors within the City, including, but not limited to, possible zoning, and the extent of regulatory controls needed to preserve the health, safety and welfare of the community; and,

WHEREAS, the City Council has conducted a noticed public hearing pursuant to Government Code section 65090 and has complied with Government Code section 65858 which provide for the extension of an urgency measure of an interim ordinance to protect public health, safety and welfare, by a four-fifths (4/5) vote of the City Council. Adopting this extension to the interim ordinance as an urgency measure to prohibit the establishment or operation of outdoor storage uses on Mount Hermon Road and Scotts Valley Drive within the City is consistent with the stated requirements.

NOW THEREFORE, BASED UPON THE FOREGOING AND ALL EVIDENCE SUBMITTED TO IT, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AS FOLLOWS:

SECTION 1: PURPOSE AND FINDINGS.

Recent inquiries to the City about operating outdoor storage uses have increased. Initial staff research has revealed that there are illegal outdoor storage uses. The location and operation of new outdoor storage yards pose a current and immediate threat to public health, safety and welfare. The condition of some of the outdoor storage yards that are visible above a fence line and/or from public rights-of-way have become unattractive to the extent that they detract from the high quality of appearance of existing and new commercial and residential development on Mount Hermon Road and Scotts Valley Drive. Therefore, it is in the best interest for the health, safety and welfare of the City of Scotts Valley to adopt this urgency ordinance extending the moratorium to allow City staff more time to study the issues and as well as determine which zoning districts may be appropriate for such uses, and pursuant to what level of discretionary review.

SECTION 2: INTERIM SUSPENSION OF PERMITS, APPROVAL OR OTHER ENTITLEMENTS.

There shall be an interim moratorium on land use approvals and building permits in all zoning districts for outdoor storage uses located on Mount Hermon Road and Scotts Valley Drive, which include any site, facility, location, of such uses. Based on the findings set forth herein, no permits, licenses, zoning ordinance interpretation of amendment or other applicable entitlements for use, which has as its result the final approval or allowance of outdoor storage yards within the City of Scotts Valley, shall be granted or approved by any employee, department or commission of the City as defined above for a 1-year period immediately following the effective date of this ordinance, unless appealed or extended by a later enacted ordinance.

SECTION 3: IMMEDIATE THREAT TO HEALTH, SAFETY AND WELFARE.

Based on the findings set forth herein, this ordinance is adopted pursuant to California Government Code section 65858 and is required to address a current and immediate threat to public health, safety and welfare. The City Council has determined that granting land use approvals or building permits for outdoor storage yards would result in a threat to public health, safety and welfare.

SECTION 4: URGENCY PERIOD.

This ordinance is declared to be an urgency ordinance for preserving the public health, safety and welfare and to take effect and be enforced on and after February 3, 2015, the day that Ordinance No. 16.133.1 expires by Operation of Law. The City intends there to be no gap in the moratorium period so that the moratorium is in effect continuously through the end of the extension granted by this Ordinance.

SECTION 5: AMENDMENTS TO ORDINANCE.

The City Council by ordinance after notice of public hearing, by the affirmative vote of at least four-fifths (4/5) of the City Council Members, may modify, amend, delete or add to this ordinance upon a finding that such action will implement and enforce the goals, policies and purpose of this ordinance.

SECTION 6: SAVINGS CLAUSE.

The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance.

SECTION 7: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

SECTION 8: REPEALS CONFLICTING ORDINANCES.

All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9: COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT.

This ordinance is not a “project” within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately; it prevents changes in the environment pending the completion of the study. This urgency ordinance is categorically exempt from CEQA under Section 15308 of the State CEQA Guidelines because it is a regulatory action taken by the City, in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending completion of the study.

SECTION 10: EFFECTIVE DATE.

In accordance with California Government Code section 65858, this ordinance shall be in full force and effect for a 1-year period from February 3, 2015. This period may be extended by the City Council in accordance with the provisions of California Government Code Section 65858. Passed for the purpose of adoption on this 21st day of January, 2015, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

**City of Scotts Valley
City Council
INTEROFFICE MEMORANDUM**

DATE: January 21, 2015

TO: Honorable Mayor and City Council Members

FROM: Corrie D. Kates, Community Development Director/Dep. City Mgr.
Michelle Fodge, Senior Planner

SUBJECT: WRITTEN REPORT PURSUANT TO GOVERNMENT CODE SECTION 65858 REGARDING MEASURES TAKEN TO ALLEVIATE CONDITIONS RESULTING IN AN ADDITIONAL EXTENSION OF THE ADOPTED URGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON OUTDOOR STORAGE USES ON MOUNT HERMON ROAD AND SCOTTS VALLEY DRIVE

On February 5, 2014, the City Council adopted an urgency ordinance imposing a temporary moratorium on outdoor storage uses on Mount Hermon Road and Scotts Valley Drive (Ordinance No. 16-133) within the City of Scotts Valley. The ordinance was necessary to protect the public health, safety and welfare during the time that City staff analyzes and prepares a study on outdoor storage uses, including options and recommendations on whether or not to restrict such uses in certain areas and/or zones within the City limits.

On March 17, 2014, the City Council extended the temporary moratorium, via Ordinance No. 16-133.1, to allow more time to:

1. Meet with existing operators to understand their land use needs;
2. Collect and analyze data of existing uses and the demand for such uses;
3. Prepare recommendations and related ordinances, staff reports and other documentation, as necessary, for consideration by the City Council.

Since then, to alleviate the conditions that led to the adoption of the interim ordinance, City staff has begun to conduct field visits to inventory existing outdoor storage uses, research City records on existing and unpermitted storage uses, meet with some existing operators, and update inventory maps of such uses.

More time is needed to complete the above items #1 - #3. It is anticipated that the above measures may take the full amount of the additional extension of one (1) year.



NOTICE OF A PUBLIC HEARING

Notice is hereby given that on December 17, 2014, at 6:30PM in the City Council Chambers at One Civic Center Drive, the City of Scotts Valley City Council will hold a public hearing to consider the planning permit applications listed below.

Address: Timber Ridge Lane / APN 024-021-26

Applications: MND13-001, MLD13-001, and DR14-008

Applicant / Property Owner: George Smith / Gerald Smith Trust

Project Description: Consideration of City Council recommendation of approval to City Council of a Mitigated Negative Declaration & Minor Land Division to divide a vacant 15-acre lot into four lots for future residential construction, and Design Review to create cuts of 2H:1V, allow private access road slopes between 15.1% - 20%, and a private access road width of 20 feet in the Rural Residential (R-R-2.5) zone.

Staff Planner: Michelle Fodge (831)440-5633 or mfodge@scottsvalley.org
For more information, contact staff planner or City of Scotts Valley, One Civic Center Drive, Scotts Valley, CA, 95066. If special assistance is required to attend meeting, call City Clerk (831)440-5600 at least 5 days in advance to make arrangements.

NOTICE OF A PUBLIC HEARING



Notice is hereby given that on December 17, 2014, at 6:30PM in the City Council Chambers at One Civic Center Drive, the City of Scotts Valley City Council will hold a public hearing to consider the planning permit applications listed below.

Address: Timber Ridge Lane / APN 024-021-26

Applications: MND13-001, MLD13-001, and DR14-008

Applicant / Property Owner: George Smith / Gerald Smith Trust

Project Description: Consideration of City Council recommendation of approval to City Council of a Mitigated Negative Declaration & Minor Land Division to divide a vacant 15-acre lot into four lots for future residential construction, and Design Review to create cuts of 2H:1V, allow private access road slopes between 15.1% - 20%, and a private access road width of 20 feet in the Rural Residential (R-R-2.5) zone.

Staff Planner: Michelle Fodge (831)440-5633 or mfodge@scottsvalley.org
For more information, contact staff planner or City of Scotts Valley, One Civic Center Drive, Scotts Valley, CA, 95066. If special assistance is required to attend meeting, call City Clerk (831)440-5600 at least 5 days in advance to make arrangements.

AGENDA ITEM NO. 3

DATE: 12-17-2014

Continued to:

AGENDA ITEM NO. 4

DATE: 1-21-2015

City of Scotts Valley INTEROFFICE MEMORANDUM

DATE: December 17, 2014

TO: Mayor and Members of the City Council

FROM: Michelle Fodge, Senior Planner

APPROVED: Corrie Kates, Community Development Director/Deputy City Mngr.

SUBJECT: CONSIDERATION OF PLANNING COMMISSION
RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL
OF THE "GERALD SMITH TRUST" 4-LOT SPLIT, MITIGATED
NEGATIVE DECLARATION, MINOR LAND DIVISION, AND
DESIGN REVIEW TO CREATE FOUR LOTS FOR FUTURE
SINGLE-FAMILY RESIDENTIAL CONSTRUCTION ON A VACANT
15-ACRE LOT ON TIMBER RIDGE LANE / APN 024-021-26
(PLANNING PERMIT APPLICATIONS: MND13-001, MLD13-001,
DR14-008)

SUMMARY OF ISSUE

The applicant proposes to subdivide a vacant 15-acre lot into four (4) lots for future single-family residential construction and related property improvements. The project site is located on Timber Ridge Lane, north of the Polo Ranch and Polo Heights sites. The proposed project requests approval of the following planning permit applications:

- Mitigated Negative Declaration (MND): To identify potential environmental impacts and ways to reduce them to less than significant levels;
- Minor Land Division: To create four (4) lots; and,
- Design Review: To allow cuts and fill of 2:1 (horizontal to vertical), private access roads with slopes up to 15%-20% and widths of 20 feet.

ENVIRONMENTAL REVIEW

The MND identifies potentially significant impacts that the project might have on the environment and ways to reduce the impacts to less than significant levels, which are called mitigation measures. In the attached MND and Mitigation Monitoring and Reporting Program, the 20 recommended mitigation measures reduce potential significant environmental impacts to less than significant levels.

The MND was made available to the public and was distributed to reviewing agencies for a 30-day comment period between November 3- December 2, 2014. Comments received from Caltrans, PG&E, Scotts Valley Water District are attached.

PLANNING COMMISSION REVIEW

On November 13, 2104, the Planning Commission held a public hearing, reviewed the MND and planning permit applications, and heard public testimony. Key topics ranging from access, road widening, drainage and grading, and tree removal are discussed in the attached Planning Commission Staff Report.

To address an adjacent property owner's concern regarding project drainage, condition #30 was amended. With a 4/0/1 vote, the Commission recommended approval to the City Council, subject to mitigation measures and amended conditions of approval, per the attached Action Minutes.

PUBLIC NOTICE AND COMMENT

On December 5, 2014, public notices were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law, and were posted at City Hall, public library, and Senior Center. To date, staff has not received public phone calls about the proposed project. Received written comments are discussed below.

DISCUSSION

1. **Written Comments Received:** To date, the City has received six (6) written comments on the applications from the following parties:

Adjacent Property Owner to the North: On November 5, 10, and 13, 2014, the property owner submitted written information and concerns about: 1) privacy and tree removal and setbacks; 2) geologic impacts; and 3) protection from drainage runoff and erosion when Parcels #1 and #2 are developed. Staff met with the applicant to discuss the concerns and reviewed the recommended mitigations and conditions that address the concerns. Staff also visited the properties with the neighbor to see concerns in the field. To address concerns, Condition #30 was amended to direct future hardscape runoff from Parcels #1 and #2 to the street, as suggested by the project engineer.

Caltrans: On December 1, 2014, Caltrans commented on the proposed project. Caltrans is concerned about additional vehicles exiting and entering Hwy 17 from existing private roads. Caltrans recommended that Timber Ridge Lane be permanently closed with locks and a crash gate to prevent public use. Staff discussed with Caltrans that the City cannot close the road. However, the project will install a gate and turn-around. As proposed, the applicant requires future residents to access the project site through the City Ventures, Polo Ranch, and Polo Height properties, and to use Timber Ridge Road only as emergency egress.

PG&E: On December 4, 2014, PG&E commented that they have no objections to the proposed project. They require sufficient lead time to engineer and schedule new services and review potential new easements.

Scotts Valley Water District (SVWD): On November 26, 2014, SVWD commented on four topics. Condition #8 provides notice of potential odors, noise, and delivery traffic from SVWD's Orchard Run Treatment Plant located to the south of the project site. Conditions #73-#74 have been corrected. Condition #76 requires the developer to maintain cleared access during construction so SVWD can access their water tank at the end of Timber Ridge Lane. Regarding comments about septic systems and water quality to existing SVWD wells in the area, the project site is located more than 200 feet from the nearest sewer line. Therefore, the City's Municipal Code does not require connection to sewer system. Additional changes to mitigations and conditions were not received.

2. **Existing Wildlife Corridor:** To allow continued passage, Condition #15a specifies the type of future fencing proposed around individual parcel boundaries.

FISCAL IMPACT

The project will not have a significant fiscal impact to the City. Future project residents will manage and maintain the private street and individual septic systems.

RECOMMENDATION

Based upon MND13-001, the Planning Commission believes that the required findings in the attached resolutions can be made to certify MND13-001 and approve Minor Land Division MLD13-001 and Design Review DR14-008, subject to the amended mitigation measures in and conditions of approval.

ATTACHMENTS

PAGE NO.

Resolution No. 1897 Approving the MND13-001	4
Exhibit A - Mitigation Monitoring and Reporting Program	7
Resolution No. 1897.1 Approving MLD13-001 and DR14-008	19
Exhibit A - Conditions of Approval	23
1. Planning Commission Staff Report, Nov. 13, 2014	32
Adjacent Property Owner to the North (with staff reply), Nov. 5, 2014 .	42
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3. Written Comments Received (after Planning Commission public hearing)	
Adjacent Property Owner to the North, Nov. 10, 2014	45
Adjacent Property Owner to the North, Nov. 13, 2014	58
Caltrans, Dec. 1, 2014	60
PG&E, December 4, 2014	65
Scotts Valley Water District, Nov. 26, 2014	66
6. Mitigated Negative Declaration	* Attached
7. Project Plans	* Attached

* *Please note that the Mitigated Negative Declaration and project plans are provided with City Council packets. However, these documents are available for public review in the Planning Department (831-440-5630) at City Hall at One Civic Center Drive, Monday-Thursday between 8:00AM and 12:00PM, or by appointment.*

RESOLUTION NO. 1897

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY CERTIFYING MITIGATED NEGATIVE DECLARATION MND05-001 FOR THE "GERALD SMITH TRUST" 4-LOT SUBDIVISION TO CREATE FOUR LOTS FOR FUTURE SINGLE-FAMILY RESIDENTIAL CONSTRUCTION ON A VACANT 17.16-ACRE PARCEL LOCATED OFF SANTA'S VILLAGE ROAD / APN 024-021-27.

WHEREAS, the City of Scotts Valley Planning Division has received planning permit applications from George Smith on behalf of Gerald Smith Trust to create four lots for future single-family residential construction and related property improvements and to allow: 1) cuts/fill of 2:1, 2) private access road slopes of 15.1% - 20%, and 3) 20 feet wide private access roads on a vacant 15-acre parcel located off Timber Ridge Lane / APN 024-021-26.

WHEREAS, George Smith (referred to as "applicant"), has presented substantial evidence which supports the application; and

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

WHEREAS, a Mitigated Negative Declaration was prepared pursuant to Section 15162 of the CEQA; and

WHEREAS, the Mitigated Negative Declaration was prepared and circulated for a 30-day review period (November 3 - December 2, 2014) and was made available for public review at the City of Scotts Valley Planning Department. An advance copy was given to the Planning Commission and City Council. A public notice of the availability of this document was provided pursuant to the requirements of CEQA; and

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

WHEREAS, the Planning Commission held a duly published and noticed public hearing on November 13, 2014, pursuant to the requirements of State Law and the City's Municipal Code, to consider the planning permit applications and recommended approval of the proposed project to the City Council, subject to mitigation measures and amended conditions of approval; and

WHEREAS, the City Council held a duly published and noticed public hearing on December 17, 2014, to consider the planning permit applications and hear public testimony pursuant to the requirements of the Scotts Valley Municipal Code and State Law; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley does hereby approve and certify Mitigated Negative Declaration MND13-001 as further discussed in the City Council staff report dated December 17, 2014, as follows:

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

SECTION 2: The project is subject to the Mitigation Monitoring and Reporting Program in Exhibit A attached hereto and incorporated herein, based on the following findings:

- A. *An initial study has been prepared by the City of Scotts Valley to evaluate the potential for adverse environmental impacts.*** City staff conducted an Initial Study for the project which identified potentially significant and potentially significant project impacts. The City prepared a Mitigated Negative Declaration to reduce the impacts to less than significant levels.
- B. *The Mitigated Negative Declaration for the project has been completed in compliance with the California Environmental Quality Act (CEQA).*** The Mitigated Negative Declaration was completed in compliance with CEQA, was published and distributed to applicable reviewing agencies, and was made available for public review and comment for a 30-day period from November 3 - December 2, 2014.
- C. *All mitigation measures identified in the Mitigated Negative Declaration are included in this resolution certifying the Mitigated Negative Declaration and will be made conditions of approval of future development that requires review and approval by the City.*** The mitigation measures are listed in Exhibit A attached hereto as and incorporated herein by this reference. The project Conditions of Approval in Exhibit B require compliance with all of the Mitigation Measures.
- D. *The City has prepared a program to report on and monitor changes made to the project in order to mitigate or avoid significant effects on the environment.*** A Mitigation Monitoring and Reporting Program (MMRP) lists all of the mitigation measures and identifies the parties responsible to monitor and report/track compliance of the mitigation measures. The MMRP will ensure compliance during future project implementation and provide the timing for implementation, and will be prepared for City Council review, to be scheduled after Planning Commission review.
- E. *The environmental determination represents the independent judgement of the City.*** The Mitigated Negative Declaration was prepared by City staff based on the technical/environmental reports/studies submitted by the applicant, site visits, consultation with City Department Heads, and reviewing public agencies. Reports and supporting information have been reviewed and approved by the applicable City Department Heads and reviewing agencies, which have recommended approval subject to mitigation measures and conditions.

- F. The documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based will be located at the Department of Planning of the City of Scotts Valley in the custody of the Community Development Director.** Copies of the Mitigated Negative Declaration and the technical/environmental studies prepared for the project have been made available to the public for review at City Hall.
- G. Based on the Initial Study and when considering the record as a whole, there is no evidence before the City of Scotts Valley, including the information in the Mitigated Negative Declaration and comments of appropriate reviewing agencies, to indicate that the proposed project could have any potential for an adverse effect on fish and wildlife resources or the habitat upon which it depends.** Mitigation Measures will reduce potential impacts to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Public Utilities and Service Systems to less than significant. After mitigation, project impacts considered alone or in combination will not be significant. This project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants.

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 City Council certifies Mitigated Negative Declaration MND13-001 for the Gerald Smith 4-lot split located on a vacant 15-acre parcel on Timber Ridge Lane, subject to the Mitigation Monitoring and Reporting Program in Exhibit A, which is attached hereto and incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 17th day of December, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

Tracy Ferrara, City Clerk

Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26

Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008

December 17, 2014 – Page 1 of 12

Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
1	Biological Resources - Protect Potential Nesting Birds. To avoid impacting potential nesting birds, the developer shall plan all tree removal and grading to occur during later Summer and early Fall (August 1 - October 15). Several State-protected birds (e.g., Cooper's hawk) may nest in the site habitat, as well as migratory birds (e.g., Golden-crowned kinglet) that are protected by the Federal Migratory Bird Treaty Act. If this tree removal schedule is not possible, then the developer shall hire a qualified biologist to conduct a survey no more than 14 days before tree removal. If any nesting raptors are observed, the biologist shall determine a suitable non-construction zone and place construction fencing around the nest tree. The minimum buffer zone shall be 200 feet. The developer shall maintain the fencing until the biologist determines that all young have fledged the nest.	Project Biologist	Before IP and grading permit issuance and/or any tree removal	Staff Planner	n/a	
2	Biological Resources - Protect Potential Bats. To avoid impacting potential bats, the developer shall hire a qualified bat ecologist to evaluate trees that will be removed for potential presence of protected bat species (e.g. pallid bat). If bats are present, the developer shall implement a plan recommended by the bat ecologist to minimize impacts to bats. Such measures may include scheduling tree removal in late summer or fall after bat breeding season, and/or hiring a bat ecologist with appropriate state and federal permits to place bats exclusion devices on occupied trees immediately before tree removal. The developer shall ensure that the project bat ecologist and project arborist coordinate their analyses and recommendations.	Project Biologist	Before IP and grading permit issuance and/or any tree removal	Staff Planner	n/a	
3 007	Mitigation Measure #3 Biological Resources - Protect Riparian / Seasonal Drainage Channel. To ensure that future development of Parcel 2 protects the existing riparian seasonal drainage channel in Parcel #2, the development envelope for	Project Civil Engineer	Before IP and grading permit	Staff Planner	Developer shall show and label the required 100 feet setback on the Improvement Plans (IP)	

Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26

Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008

December 17, 2014 – Page 2 of 12

Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
	Parcel #2 shall maintain a minimum of 100 feet from the channel, as shown on the Tentative Parcel Map Sheet C1.1.		issuance		submitted with the Final Map (FM) application and grading permit application.	
4	Biological Resources - Required CalFire Permit. To comply with the California Department of Forestry (CalFire) requirements, the developer shall obtain a CalFire permit before issuance of any grading permit or earth disturbance and shall implement the permit requirements.	Project Certified Arborist plus City Arborist or only the City Arborist	Before IP and grading permit issuance and/or any tree removal	Staff Planner	Developer shall submit a copy of the permit and any required CalFire conditions for City review. Before final sign-off of the IP and grading permits, developer shall submit written approval (email ok) from CalFire that their conditions have been met.	
5	Biological Resources - Tree Preservation. To be consistent with the City's Tree Ordinance and to ensure protection during and after project construction of trees located within or near the limits of grading, the developer shall have the project arborist (James P. Allen & Associates) prepare a Construction Impact Analysis for all road widening and each development envelope where earth disturbance is allowed. The analysis will: a. Evaluate all construction-related impacts of future grading plans and improvement plans (e.g., road widening, drainage system, construction of driveways, buildings, detached accessory structures, and septic systems) and assess how to minimize removal of trees, particularly trees greater than 24 inches in diameter breast height, as recommended in the Biological Assessment prepared by Biotic Resources Group; b. Plan housing sites to minimize tree removal. Include recommendations for pre-construction treatments and/or alternative construction methods; c. Require the developer to stake the limit of grading (the	Project Certified Arborist plus City Arborist or only the City Arborist	Before IP and grading permit issuance and/or any tree removal	Staff Planner	Developer shall provide staff with copy of construction contract showing tree preservation techniques. City Arborist shall keep a log of observations during routine inspections of project construction. Major issues shall be documented with photographs and inspection log entries. If any problems are observed during site inspections, the City Arborist shall inform the developer and Project	

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Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26
Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008
December 17, 2014 – Page 3 of 12

Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
009	approved development envelope where earth disturbance may occur) of each lot so the project arborist can accurately site locations of trees to be removed and preserved. Until then, any tree removal shall be limited to trees that are dead, diseased, in poor condition, and unsuitable for preservation; d. Solidify tree removal requirements; e. Include measures to prevent/control the fungus responsible for Sudden Oak death (Phytophthora sp.) both on and off site, as recommended in the Biological Assessment prepared by Biotic Resources Group; f. Provide a Tree Protection Plan for trees suitable for retention and a Maintenance and Monitoring Plan; g. Provide recommendations on appropriate species, locations, and sizes of tree replacement. The recommendations shall include a fuel load reduction buffer within 30 feet of all dwellings, as deemed appropriate by the Fire Marshal; h. Determine the appropriate number of trees removed but not replaced at a 2:1 ratio for the developer to pay the applicable fee into the tree replacement fund; and, i. Determine if placing a monetary value on trees to be preserved is appropriate. If so, then the developer shall submit a certificate of deposit, surety bond, or equivalent instrument to the City in an amount equal to the value of the trees to be preserved. If damage occurs to the preserved trees during development or construction, funds shall be drawn to from the deposited amount. Any funds remaining in the account shall be returned to the developer upon final inspection of the project. j. The developer shall include the project arborist's final recommendations in the construction contracts with all project contractors involved with land alteration and foundation construction. The project arborist shall inspect the site prior to any grading activities and thereafter as needed				Contractor with solutions. The City Arborist shall be contracted to reinspect the site to determine if the corrective actions are adequate.	

Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26
Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008
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Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
	to ensure tree preservation measures are in place throughout the construction phase of this project.					
6	Biological Resources - Prohibit Planting Invasive Non-native Plants. To protect the existing forest habitat, future project residents and property owners shall be prohibited from planting invasive non-native plant species in their landscaping, including all kinds of acacia trees/shrubs, all brooms (e.g., French broom, Scotch broom, and Spanish broom), Eucalyptus trees, Algerian ivy, English ivy, German or Cape ivy, Monterey pine trees, and periwinkle (Vinca species). No highly flammable shrub or tree species (e.g., Baccharis chamisa) shall be planted or allowed to grow within any required fuel buffer zone around each residence.	Project Landscape Architect and future property owners/residents	Before building permit issuance and then on-going in perpetuity	Staff Planner	n/a	
7	Biological Resources - Seed Disturbed Areas. To discourage colonization of invasive non-native plants in areas disturbed during site grading, the developer shall seed the disturbed areas with native grasses. The seed mix shall include Wild rye (Elymus glaucus) and California brome (Bromus carinatus). The developer shall specify the timing of the seeding in the project erosion control plan. <i>Cross-ref. Mit Measure #11.</i>	Developer	During/ after IP and grading	Building Official	n/a	
8	Cultural Resources - Archaeological Monitoring. To ensure that archaeological resources are not destroyed if accidentally discovered during the widening of the existing traveled gravel road, project grading or other subsurface work, the developer shall submit a copy of a contract with a qualified/registered archaeologist to conduct monitoring of all earth disturbing activities for review and approval by the Community Development Director, before grading permit issuance. The developer shall include this requirement in the contract for all contractors involved with grading and subsurface work. The qualified/registered archaeologist shall monitor all earthwork	Project Archaeologist + Grading Contractor + Project Contractor	Before IP and grading permit issuance and any tree removal	Staff Planner	Developer shall provide staff with a copy of construction contract showing monitoring of all earthwork by a qualified archaeologist, who shall document monitoring activities in an inspection log and provide final copy to staff for project file. If archaeologist identifies	

Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26

Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008

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Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
011	activity as described below. a. An archaeologist shall monitor the widening of the existing traveled gravel road, grading or excavation of soils at the development site in order to determine if important cultural remains are present. Such monitoring shall begin before and occur during subsurface earth moving activities; b. The duration and period of archaeological monitoring of project development activities shall be at the discretion of the professional archaeologist. At a minimum, however, any activity that initially displaces or removes original soil from its present context shall be monitored by an archaeologist on a continuous basis; c. Monitoring activities such as replacing soils in trenches, redistributing displaced soil elsewhere on the development site, or removing stockpiled excavated soil may not require monitoring; 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.				problems, he/she shall immediately inform the developer and Project Contractor and recommend solutions that comply with state and City regulations to be implemented.	

Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26

Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008

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Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
9	Cultural Resources - Paleontological Monitoring. To mitigate for the potential impact of accidentally destroying paleontological resources, the developer shall provide a copy of the grading plan to a qualified paleontologist to conduct a reconnaissance study to determine the appropriateness of further review or monitoring of earthwork before grading/building permit issuance on the site. The developer shall submit the report to the Planning Department for review and approval. The developer shall implement recommendations from the report.	Project Paleontologist + possibly Grading Contractor + Project Contractor	Before IP and grading permit issuance and any tree removal	Staff Planner	n/a	
10	Geology - Design for Seismic Shaking. To reduce the effects of seismic shaking to acceptable levels, the developer shall have all dwellings designed to latest edition of the Uniform Building Standards for Seismic Zone 4. Future building plans shall include the design details.	Project Geotechnical Consultant	Before building permit issuance for vertical construction	Building Official	Building Official (BO) shall review plans for conformance with seismic requirements and provide plan check comments for any inadequacies. Developer shall submit revised plans to address inadequacies before building permit issuance. During construction, BO or designee shall inspect hotel construction to ensure seismic items are built correctly.	
11 012	Geology - Control Erosion. To prevent erosion from occurring during or after widening of the existing traveled gravel road, grading and development of the project site, the developer shall have a qualified professional prepare an erosion control plan and submit it to the RWQCB for their files and submit it to the City Building Department/Public Works Department for review and approval as part of the engineered improvement plans for the	Project Erosion Control Specialist + Grading Contractor	Before IP and grading permit issuance and any tree	Building Official	BO shall monitor implementation of the erosion control plan during grading. If BO observes erosion problems or inconsistencies between implementation and the	

Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

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Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008

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Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
	subdivision, before grading permit issuance and any earth disturbing activities on site. The approved plan shall be implemented with grading of the project site, and grading-widening-paving of the existing traveled gravel road across the LBUBS and Polo Ranch sites. The erosion control measures shall 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. An engineered grading permit will be required at the building permit stage. <i>Cross-reference Mitigation Measure #8.</i>	+ Project Contractor	removal		approved plan, BO shall immediately inform developer and Grading Contractor with ways to fix the problem, which shall be noted in an inspection log. BO shall reinspect within 24 hours to determine if corrective actions are adequate.	
12	Geology - Minimize Potential Surficial Failures. To minimize the potential for surficial failures to access each lot (which may change the location of the development envelopes where earth disturbance is allowed), the developer shall have the project geotechnical engineer evaluate the potential for mudflow hazards and review the locations of the development envelopes and make appropriate recommendations before a Final Map is recorded, subject to review and approval by the Community Development Director. The developer shall include a plan review letter from the project geotechnical consultant stating that any debris flow walls and the locations and configurations of the development envelopes comply with the project Geotechnical Investigation report prepared by Bauldry Engineering, dated January 2005 (0445-SZ952-H12). At a minimum, the development envelopes shall achieve the following: a. No improvements shall be sited in or downslope of a topographic swale; b. Dwellings and other structures shall be sited a minimum of	Project Geotech Consultant	Before recording of the Final Map	Building Official + Staff Planner	n/a	
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Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26

Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008

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Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
	15 feet from the crest of a moderately steep slope; c. Concentrations of surface water runoff shall be collected and discharges away from moderately steeped slopes; and, d. If debris flow walls are recommended, they shall be located within the development envelopes, which may require changing the configuration of the development envelopes, subject to review and approval by the Community Development Director.					
13	Hazardous Materials - Prevent Accidental Spills. To reduce the risk of accidental discharge of during project road widening and project grading, construction related fuels, lubricants or other contaminants into the any watercourses, right-of-way, the project site or other properties, the developer shall have the construction contractor implement the approved erosion control plan discussed in Mitigation Measure #12 and implement a best management practice/hazardous materials containment plan during the entire time construction activities are occurring. The hazardous materials containment plan shall be approved by Community Development Director before any earth disturbing activities occur on site. The plan shall contain the following elements: a. Any equipment or vehicles driven and/or operated within or adjacent to natural drainage channels shall be checked and maintained daily by the construction contractor to prevent leaks of materials that if introduced to water could be deleterious to aquatic life; b. No equipment maintenance shall be conducted within natural drainage channels or within 100 feet of these channels; c. Stationary equipment such as motors, pumps, generators, and welders, located within 100 feet of the natural drainage channels shall be positioned over drip pans or other	Project Grading Contractor + Project Contractor	Before IP and grading permit issuance and any tree removal	Building Official	If BO observes erosion problems or inconsistencies between the approved plan and implementation of the plan, BO shall immediately require developer and Grading Contractor to fix the problem, which shall be noted in an inspection log. BO shall reinspect within 24 hours. BO shall contact the County Environmental Health Service as required by law if any significant problems are observed that may affect human health.	
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Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26

Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008

December 17, 2014 – Page 9 of 12

Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
	containment apparatus; d. 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; and, e. Staging/storage areas for construction equipment and materials shall be located at least 100 feet outside of areas of natural drainage channels not on the private access road. The project staging plan shall be reviewed and approved by the Community development Director before issuance of the grading permit or any earthwork.					
14	Hydrology - Drainage Plan. To minimize the potential for perched water and wet soil conditions to affect the development, the developer shall address all recommendations of the project Geotechnical Investigation prepared by Bauldry Engineering, dated January 2005 (0445-SZ952-H12). Concentrated water shall not be discharged onto moderately steep slopes which are steeper than 2:1 (horizontal to vertical). The developer shall include a plan review letter from the project geotechnical consultant or geo-hydro engineer stating that the submitted improvements plans meet the recommendations of the Geotechnical Investigation by Bauldry Engineering, subject to review and approval by the Public Works Director.	Project Geotech Consultant	Before IP and grading permit issuance and any tree removal	Building Official + Public Works	n/a but cross-reference Condition #30	
15 015	Hydrology - Avoid Creating New Erosion Channels. To protect existing natural drainage channels and prevent the formation of new erosion channels if the dispersion trenches are over-topped, the drainage plan submitted with the improvement plans shall collect all runoff from impervious surfaces and discharge them into existing drainage channels or by other	Project Civil Engineer	Before IP and grading permit issuance and any	Building Official + Public Works	n/a but cross-reference Condition #30	

Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

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Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26

Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008

December 17, 2014 – Page 10 of 12

Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
	appropriate methods and designs, subject to review and approval by the Public Works Director.		tree removal			
16	Hydrology - Protect Drainage Channels. To minimize erosion near natural drainage channels, the developer shall avoid all grading and tree removal within 25 feet of the natural seasonal drainage channels, as measured from the City's definition of top of bank, subject to recommendation by the project arborist and approval by the Community Development Director.	Project Civil Engineer + Grading Contractor + Project Contractor	Before IP and grading permit issuance and any tree removal	Building Official + Staff Planner	The developer shall have the project arborist review the plans, which shall show the limits of grading on the IP and grading permit plans.	
17	Hydrology - Allow Earth Disturbance Only in Development Envelopes. To be consistent with the project biotic consultant recommendations to restrict residential development and landscaping to the minimum footprint necessary, earth disturbance shall be only be allowed within the development envelopes. Areas outside of the envelopes shall remain undisturbed in their natural condition. Changes to the development envelopes require review and approval by the Planning Commission at a public hearing with costs borne by the applicant. The developer shall record the conditions of approval which will prohibit any earth disturbance of the open space area associated with Parcel #1. The documents recorded with the final map shall include a sheet showing the development envelope where earth disturbance is allowed to construct each driveway, dwelling, any accessory buildings and structures (such as sound walls/fences, debris flow walls, etc.), and septic systems.	Developer + Project Architect + Project Landscape Architect	Before grading permit issuance	Staff Planner	n/a	

Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26
Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008
December 17, 2014 – Page 11 of 12

Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
18	Hydrology - Maintain Erosion Control & Road Maintenance. To ensure long-term erosion control and maintenance of the private access road, the developer shall submit a Road Maintenance Agreement for review and approval by the Community Development Director and Public Works Director before recordation of the Final Map.	Developer	before recordation of the Final Map and issuance of IP and grading permits	Public Works + CDD	n/a	
19	Noise - Minimize Construction Noise. To reduce all project-related construction noise emanating beyond the site to acceptable levels, the developer shall: a. Require all contractors to limit their work to 8:00 A.M. to 5:00 P.M. Monday-Friday and 9:00 A.M. to 5:00 P.M. on Saturday. No construction activity is allowed on Sunday. b. If gasoline generators are used, they shall be contained in an enclosure that prevents their noise from being heard at closest residential properties north and south of the project site. c. When construction operations occur within 500 feet of the property lines of occupied residences, the construction contractor shall implement appropriate additional noise reduction measures that include changing the location of stationary construction equipment, shutting off idling equipment, notifying adjacent residences 72 hours in advance of construction work, and installing temporary acoustic barriers around stationary construction noise sources. d. Post two signs before widening (about 175 cubic yards of cut) and paving the existing traveled gravel road, construction related fuels, grading permit issuance and any grading activities with a phone number for residents to call	Project Grading Contractor + Project Contractor	Throughout constr.	Building Official	If BO observes problems during routine inspections, he shall immediately inform the developer and Construction Superintendent and require them to fix the problem. BO shall reinspect site within 24 hours to determine if the problem has been successfully corrected during construction activities.	

Exhibit A - Mitigation Monitoring and Reporting Program (MMRP)

City Council Resolution No. 1897

Gerald Smith Trust 4-Lot Subdivision on Timber Ridge Lane / APN 024-021-26

Mitigated Negative Declaration MND13-001, Minor Land Division MLD13-001, Design Review DR14-008

December 17, 2014 – Page 12 of 12

Mit Meas #	Mitigation Measure	Person responsible to implement Mitigation Measure	When to implement Mitigation Measure	Person responsible to confirm compliance	Monitoring and reporting, and if applicable, remediation if success standards in Mitigation Measures are not met	City staff to initial and date when complete
	with noise complaints. The sign shall provide the name and phone number of the construction disturbance coordinator who is responsible for resolving complaints and answering questions. One sign shall be placed at former Carilli residence near the intersection of the SVWD Orchard Run Water Treatment Plant, Lennar property and Beagle residence. The second sign shall be placed on the Gerald Smith property at the intersection of Timber Ridge Road and the project site private access road, subject to review and approval by the Community Development Director.					
20	Public Utilities - Water Conservation. To offset the project impact of added groundwater demand, the developer shall incorporate water conservation features that comply with state guidelines. These measures include low-water-use plumbing systems, high efficiency fixtures for all water uses (e.g., low-water-use toilets and low-flow showerheads), drought-resistant landscaping, and efficient types of irrigation for all residences.	Project Architect	Before building permit issuance	Building Official	n/a	

RESOLUTION NO. 1897.1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AND APPROVING MINOR LAND DIVISION MLD13-001 AND DESIGN REVIEW DR14-008 TO CREATE FOUR (4) LOTS FOR FUTURE SINGLE-FAMILY RESIDENTIAL CONSTRUCTION AND TO ALLOW: 1) CUTS/FILL OF 2H:1V, 2) PRIVATE ACCESS ROAD SLOPES OF 15.1% - 20%, AND 3) 20 FEET WIDE PRIVATE ACCESS ROADS ON A VACANT 15-ACRE PARCEL LOCATED ON TIMBER RIDGE LANE / APN 024-021-26.

WHEREAS, the City of Scotts Valley Planning Division has received planning permit applications from George Smith on behalf of Gerald Smith Trust to create four lots for future single-family residential construction and related property improvements and to allow: 1) cuts/fill of 2H:1V, 2) private access road slopes of 15.1% - 20%, and 3) 20 feet wide private access roads on a vacant 15-acre parcel located on Timber Ridge Lane / APN 024-021-26.

WHEREAS, George Smith (referred to as "applicant"), has presented substantial evidence which supports the application; and

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

WHEREAS, a Mitigated Negative Declaration was prepared pursuant to Section 15162 of the CEQA; and

WHEREAS, the Mitigated Negative Declaration was prepared and circulated for a 30-day review period (November 3 - December 2, 2014) and was made available for public review at the City of Scotts Valley Planning Department. A public notice of the availability of this document was provided pursuant to the requirements of CEQA; and

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

WHEREAS, the Planning Commission held a duly published and noticed public hearing on November 13, 2014, pursuant to the requirements of State Law and the City's Municipal Code, to consider the planning permit applications and recommended approval of the proposed project to the City Council, subject to mitigation measures and amended conditions of approval; and,

WHEREAS, the City Council held a duly published and noticed public hearing on December 17, 2014, to consider the planning permit applications and hear public testimony pursuant to the requirements of the Scotts Valley Municipal Code and State Law; and,

WHEREAS, the City Council certified Mitigated Negative Declaration MND13-001 by adopting Resolution No. 1897, submit to a Mitigation Monitoring and Reporting Program; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley that the City Council hereby makes the findings to subdivide the site, as further clarified in the City Council staff report dated December 17, 2014, as follows:

SECTION 1: Approve Minor Land Division MLD13-001, subject to Conditions of Approval in Exhibit A attached hereto and incorporated herein, based on the following findings:

- A. *That the location of the uses are in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.*** One of the purposes Rural Residential (R-R-2.5 zone) zoning district is to provide larger lot sizes and low density residential development while preserving areas of open space. The purpose of the Residential Hillside Combining Overlay District (HR) is to minimize grading and erosion and tree removal on steep sloped lots. The project meets the requirements of this finding in that the development envelopes will allow areas of disturbance while most of the property will remain undisturbed in its natural state.
- B. *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 General Plan Land Use Element Objective LO-24 requires new residential development to be compatible with surrounding land uses. As mitigated for erosion control and other items, the project will be consistent with the City's General Plan and be compatible with surrounding land uses.
- C. *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 General Plan designates the property as Rural Residential (R-R-2.5 zone), which calls for single-family residences with a minimum lot size of 2.5 acres. The allowable density is 1 residence per 2.5 acres. Net lot sizes will range from 2.80-4.12 acres. Therefore, the project will comply with the allowed density. Several mitigation measures will reduce impacts of the project construction.
- D. *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 based on the environmental review completed for the project (Mitigated Negative Declaration), it was determined that there will be no significant impacts to fish or wildlife or other habitat.
- E. *That the design of the land division or the type of improvements is not likely to cause serious public health problems.*** The project meets the requirement of this finding in that the project will not generate hazardous emissions nor store hazardous/ combustible materials. This project does not 020

have the potential to significantly degrade the quality of the environment. Both short-term and long-term environmental effects associated with this project will be less than significant.

- F. *That the design of the land division will not conflict with easements acquired by the public at large (for access through or use of property within the land division).*** The project meets the requirement of this finding in that the subdivision design will not involve any access or use easements acquired by the public at large. The project will widen existing private access roads to meet City standards and Fire District requirements for emergency access.

SECTION 2: Approve Design Review DR14-008, subject to the Conditions of Approval in Exhibit A attached hereto and incorporated herein, based on the following applicable findings from the Municipal Code:

- G. *For ingress, egress and internal traffic circulation, the design of the subdivision shall be related to the setting or established character of the neighborhood or surrounding area. The design of the project is similar to and in keeping with other existing low density single-family residences on Timber Ridge Lane and neighborhood to the north on Crescent Drive. Design Review is required to create cuts of 2:1 (horizontal to vertical), allow driveway and private access road slopes ranging between 15.1% - 20%, and private access road widths of 20 feet.*** The Municipal Code allows these exceptions if the proposed design provides a more sound or attractive design. The project meets the requirements of this finding in that project design will reduce grading and tree removal and will minimize erosion during and after construction.
- H. *For fences and walls over eight feet tall or fences over three feet tall in front yards when across from Hwy 17, consider height and access to sunlight, setbacks, landscaping and use of materials for articulation and visual relief.*** The project meets the requirements of this finding in that future residential construction and any accessory structures such as fences and walls will not be visible from Highway 17.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony, other evidence submitted in this matter, and amendments by the Planning Commission, that the City Council approves Minor Land Division MLD13-001 and Design Review DR14-008 and related property improvements as shown on the submitted project plans and materials, on a vacant 15-acre parcel located off Timber Ridge Lane / APN 024-021-26, subject to Mitigation Measures in Exhibit A of Resolution No. 1897, and amended Conditions of Approval in Exhibit A, which are attached hereto and incorporated herein by this reference.

SECTION 3: Minor Land Division MLD13-001 and Design Review DR14-008 shall lapse and shall be come void in two (2) years, on Monday, December 19, 2016, unless prior to the expiration date, a building permit is issued by the Building Division and construction has commenced and diligently pursued toward completion.

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 17th day of December, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved:

Mayor

Attest:

Tracy Ferrara, City Clerk

Exhibit B
Conditions of Approval
(#1 - #76)

(new text is shown in *italics* while deleted text is shown in ~~strikeout~~)

LEGAL

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

PLANNING DEPARTMENT

5. The approved planning permits allow a 4-lot subdivision and related site improvements, as shown in the plans prepared by C2G Engineers and stamped approved, which are on file in the Planning Department.
6. All site improvements shall be in conformance with the plans stamped approved , unless otherwise conditioned in this Exhibit B, to the satisfaction of the Community Development Director (CDD).
7. Any future changes to the approved plans that the developer and/or other

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

8. Future project residents are hereby made aware of the potential odor, noise, and periodic chemical truck delivery nuisances from the Scotts Valley Water District's Orchard Run Treatment Plant located in the vicinity on the Lennar Homes "spur" off Highway 17.
9. The developer and future project residents shall comply with the 20 Mitigation Measures in Mitigated Negative Declaration MND13-001, which are listed in Exhibit A of this Planning Commission Resolution and will be included in the Conditions with the documents for City Council review, to be scheduled.
10. To ensure adequate emergency access, future residential development on the project site shall be limited to one (1) residence until the following are completed to the satisfaction of the Fire District and City:
 - a. The Lennar Homes private access road / emergency access road ("spur" off Highway 17) is widened to 20 feet minimum for approximately 60 linear feet where the existing width is 15 feet. Gates in the spur are prohibited. Plans for widening the spur shall avoid disturbance of existing natural drainage channels and shall identify any tree removal. Any future spur widening plans shall include drainage and erosion control of the access road, and the project arborist shall provide tree protection measures for trees to remain; and,
 - b. The Lennar Homes "Polo Ranch" subdivision and public street system are developed or until the existing traveled gravel road on the LBUBS and Polo Ranch sites are widened and paved from 12-16 feet to 20 feet for approximately 1,970 linear feet.
11. Before grading permit issuance, the developer shall submit a mitigation measure compliance monitoring fee deposit for ten (10) hours of staff time at the existing rate. Any unused time shall be refunded at a final building inspection.
12. Building permit plans for future residences shall:
 - a. Provide a 2-car garage of 484 square feet of clear interior floor area (22 feet x 22 feet) and one uncovered parking space on site; and,

- b. Follow the City's adopted *Residential Design Handbook*, subject to review and approval by the Community Development Director (CDD). The handbook is available on the City's website at www.scottsvally.org or at <http://www.scottsvally.org/downloads/planning/Residential%20Design%20Handbook.pdf>.
13. To be consistent with the City's sign design criteria, the developer shall obtain staff-level Design Review approval for any future subdivision identification sign.
14. To ensure that the project lighting is consistent with City policies and design guidelines and to minimize project light & glare on adjacent properties, all exterior lighting shall be at the lowest level for security, aesthetics, safety and identification without interfering with adjacent properties. High-intensity outdoor lighting on individual residences and structures shall be prohibited. Additionally, all exterior lighting on future residences shall be low-profile, low-intensity directed downward with shields/guards, subject to review and approval by the Community Development Director (CDD).
15. The developer shall meet the requirements of the local solid waste disposal provider and shall provide written documentation (e-mail ok) that the solid waste provider's requirements have been met.
- 15a. ****** Per California State Department of Fish & Wildlife recommendations to protect an existing wildlife passage corridor, solid fencing around the lot boundaries shall be prohibited. Future fencing along lot boundaries shall provide a minimum 24-inch clearance between fence posts, measured from natural grade to the first horizontal fence member, subject to review and approval by the CDD.***
16. Before grading/building permit issuance or any earth disturbance, to protect protected trees, minimize erosion, and maintain clearance of the private access road, the developer shall submit a construction staging plan for review and approval by the CDD.
17. The future final map / improvement plan application shall list all developer-initiated and/or other agency-initiated changes to the approved tentative map and reasons for the proposed changes, subject to review and determination by the CDD regarding any required next steps.

BUILDING DEPARTMENT

18. The developer shall obtain any required grading and/or building permit(s) and pay applicable fees.
19. The developer shall pay all applicable City development impact fees before grading and/or building permit issuance.

20. The developer shall pay school impact fees to the Scotts Valley Unified School District before building permit issuance.
21. All trades of electrical, plumbing and mechanical will be issued under one building permit for said project (General Contractor permittee).
22. All buildings shall be designed to comply with the current codes in effect at the time of building permit issuance.
23. 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.
24. All structures shall comply with the most current California Energy Commission Standards (Title 24).
25. All new construction shall comply with the City's current Green Building Guidelines, which requires various low-impact-development and resource efficient techniques, to the satisfaction of the Community Development Director (CDD).
26. Structural calculations shall be submitted and wet-signed by the Engineer of record.
27. Provide names of Special Inspectors with certifications as required.
28. A soils report by a qualified geologic engineer shall be submitted with the application for any building permits.
29. All new utilities shall be installed underground.
30. * The plans submitted for a building permit must include a drainage plan that conforms with the City's current Storm Drain Master Plan and post run-off requirements, in effect at the time a building permit is issued. ***To protect adjacent properties to the north, given the adjacent existing steep natural drainage channel, drainage for Parcels 1 and 2 shall be directed to Timber Ridge Lane.***
31. The applicant 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.

32. To ensure that airborne dust does not reduce visual abilities of motorists on Highway 17, the developer shall implement standard best management practices to minimize dust generation from vehicular equipment and wind, including watering down exposed earth surfaces each non-rainfall day at intervals that attenuate dust problems. The developer shall remove any dirt tracked on to Highway 17, Santa's Village Road, Polo Heights Road, and Timber Ridge Road in a manner that does not create substantial airborne dust. These requirements shall be included in the construction contract for the project.
33. Site drainage erosion control and foundation plans must be reviewed and approved by a soils engineer.
34. Grading and building permit plans shall include separate full-sized sheets listing the required Mitigation Measures and Conditions of Approval.
35. An engineered grading permit shall be required.
36. Retaining walls shall require an engineered design.
37. 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.
38. Septic system and leach field designs shall follow the recommendations in the December 2013 report by Kenneth Mabie, Registered Environmental Health Specialist.
39. Future building plans for residences shall include glazing that provides 45 dB DNL (or less if desired) for interior habitable space for Parcel #1, if the house footprint is located in the western part of the development envelope.
40. Any grading during the winter (October 15 - April 15) requires prior review and approval of a winter grading permit by the City Council. The required plans and fees shall be submitted.
41. Address numbers will be assigned and street names require prior review and approval by the Building and Planning Departments, subject to review by the Fire District. Approved street names shall be shown on the final map.
42. 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.

PUBLIC WORKS DEPARTMENT

43. 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.
44. 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.)
45. Engineered Improvement Plans shall be submitted for all on site and off site work and will be approved by the Public Works Director/City Engineer. On-site and off-site (encroachment) civil engineering permits must be issued by the City prior to commencing any work. Improvement Plans shall include any necessary grading, drainage, masonry retaining walls, driveway, utilities, utility pole relocation, frontage improvement and/or repair of sidewalk, curb and gutter or similar facilities required to satisfy tentative map conditions to the satisfaction of the Public Works Director/City Engineer. All improvements shall conform to the design standards contained in text and illustration in the "City of Scotts Valley Standard Details", latest revision adopted by the City Council.
46. Applicant shall construct street improvements for the full parcel frontage in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.
47. 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
48. 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.
49. The developer shall obtain an encroachment permit from the Public Works Department before doing any work in the public right-of-way, to the satisfaction of the Public Works Director/City Engineer. The civil on-site work, as plan reviewed by the Department, shall require an on-site civil engineering permit and inspection.

50. 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.
51. 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".
52. Developer shall construct storm drain facilities in conformance with data and analysis and current City regulations for water quality and waste discharge that are in effect at the building permit stage, as determined and required by the Public Works Director/City Engineer.
53. Developer shall pay the cost to accomplish the utility design and construction to underground any telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections, to the satisfaction of the Public Works Director/City Engineer.
54. The final map shall be submitted to the Planning Department in an AutoCAD drawing using version 14 or greater, or a DXF file, formatted on a 3.5" diskette, or CD-R, for review and acceptance by the City prior to a final sign-off. There shall be no gaps between the lines. All parcel lines should intersect with single-family lots, right-of-ways, or parcel lines. There shall be no undershoots or overshoots. The applicant shall be responsible for all changes to the file that are required.
55. Applicant shall submit a completed "segregation of assessment" form for each assessment district in which the subdivision participates.
56. 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.

SCOTTS VALLEY FIRE PROTECTION DISTRICT

57. All requirements of the Scotts Valley Fire Protection District shall be met. Upon completion of all conditions, the developer shall obtain Fire District sign-off on the building permit before the allowance of occupancy.
58. A final site map shall be submitted to the Fire District prior to the issuance of any Fire District permits. The site map shall include each parcel, each building footprint, all access ways and each fire hydrant. An 11" x 17" hard copy of the site map must also be included.
59. Structure(s) shall have an automatic fire sprinkler system installed throughout

- conformance with the latest edition of NFPA 13D, latest edition, as modified by the Fire District.
60. The fire sprinkler plans shall be submitted directly to the Fire District for review and permit prior to starting work on the system.
 61. The required fire hydrants shall be installed and operable before construction beyond the building foundation, subject to review and approval by the Fire District.
 62. Drawings of the private drive/road shall show the width, length, grade, profile view, and surface, subject to review and approval by the Fire District.
 63. Dead-end fire access roads in excess of 150 feet in length shall be provided with an approved area for the turn-around of fire apparatus. Contact the Fire District for turnaround details.
 64. All streets must be completed and all fire hydrants must be installed and receive a final review and approval by the SVFPD before construction begins on any combustible structure (e.g., model home, indiv. houses, entry signs, fences, etc).
 65. Fire flow for the building(s) shall be a minimum of 1,000 gallons per minute, or as required by the Fire Marshal.
 66. An additional fire hydrant shall be provided. The required number of fire hydrants shall be in accordance with California Fire Code Appendix C. The Fire District shall approve the location/placement of fire hydrants prior to City approval of the final tentative map.
 67. To protect fire apparatus equipment and ensure emergency service access, the Road Maintenance Agreement shall: (1) prohibit the installation of speed bumps or similar obstructions in all private access roads and driveways; and (2) provide for the timely repair of potholes and other needed repairs in the private access roads and driveways, as requested by the Fire District.
 68. To ensure emergency service access throughout the private access roads, the developer shall install "no parking" signs as required by the Fire District.
 69. To ensure that unobstructed adequate emergency access will continue to be provided off the Lennar Homes "spur", the developer shall not install gates.
 70. To provide adequate emergency access on Timber Ridge Lane, the future improvement plans shall provide a new turnaround on Parcel #1 on Timber Ridge Lane at the entrance of the SVWD access road, subject to review and approval by the Fire District and SVWD. The plans shall identify any required tree

removal. The developer shall have the project arborist prepare any appropriate tree replacement and/or preservation measures, which the developer shall implement.

71. To ensure Fire District access to the turn-around, the property owner of Parcel #1 shall keep the turn-around accessible at all times. Fencing across the turn-around and parking and/or any other obstruction in the turn-around is prohibited.
72. To meet Scotts Valley Fire Protection District requirements, road improvements on the future improvement plans shall not exceed grades of 15% - 20% for distances greater than 200 feet and shall include sections where the grade is reduced to 15% for a minimum length of 35 feet, subject to review and approval by the Fire District and City.

SCOTTS VALLEY WATER DISTRICT

73. * The developer shall ***obtain a service connection from the*** ~~enter into a main extension agreement with~~ Scotts Valley Water District (SVWD) ~~providing for the construction of new potable and recycled water mains on the project property,~~ including construction of fire hydrant(s) as required by the Scotts Valley Fire Protection District.
74. * The ***service connection*** ~~main extension agreement~~ shall provide that the new ~~mains and~~ hydrants will become the property of SVWD upon completion of construction.
75. If any wells exist on site, the developer shall either abandon the wells by obtaining a demolition permit and final inspection approval by the City and shall follow any applicable state requirements or, at the SVWD's option, dedicate them to the SVWD.
76. To minimize impacts from project construction and road widening and paving, the developer shall coordinate construction activities with the SVWD so that access to SVWD facilities is provided during project construction.

* ***Amended by the Planning Commission on November 13, 2014.***

** ***Amended by staff in consultation with the Scotts Valley Water District General Manager on December 5, 2014.***

*** ***Amended by staff on December 12, 2014, to be consistent with Polo Heights.***

Signature of George Smith, Applicant

Date

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

Date: November 13, 2014

Applicant: George Smith

Property Owner: Gerald Smith Trust

Requested planning permits: Recirculated Mitigated Negative Declaration MND13-001
Minor Land Division MLD13-001
Design Review DR14-008

Location: No situs, but on Timber Ridge Lane / APN 024-021-26

Parcel Size: 15 acres

General Plan / Zoning: Rural Residential / Rural Residential (R-R-2.5) with the Hillside Combining Overlay

Environmental Status: Mitigated Negative Declaration was prepared and distributed for public review from November 3- December 2, 2014

Request: Consideration of a recommendation of approval to the City Council of a Mitigated Negative Declaration, Minor Land Division, and Design Review to create four lots (net lot sizes of 2.8-4.12 acres) for future single-family residential construction and to allow cuts/fill of 2:1, private access road slopes of 15.1% - 20%, and 20-foot wide private access roads.

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

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

- Conduct a public hearing and hear public testimony;
- Review the proposed project and received written comments; and,
- Recommend to the City Council certification of the Mitigated Negative Declaration and approval of the requested planning permits, by adopting the attached resolution, subject to Mitigation Measures (Exhibit A) and Conditions (Exhibit B).

REQUESTED PLANNING PERMITS

The proposed project requires Planning Commission review and recommendation to the City Council, who will take final action at a future public hearing to be scheduled. The applicant requests approval of the following:

- Mitigated Negative Declaration - to identify potential environmental impacts and ways to reduce them;
- Minor Land Division - to create four (4) lots; and,
- Design Review - to create cuts/fill of 2:1, allow private road slopes ranging between 15.1% - 20%, 20-foot wide private access roads.

BACKGROUND

- In 2003, the applicant submitted applications to divide the property into four lots for future residential construction. The application was deemed incomplete. In 2012, staff closed the application due to inactivity.
- In 2005, the City approved a lot line adjustment between the subject property and the 17-acre property to the south (the Polo Heights 4-lot subdivision approved in 2012) to align property boundaries with topography and natural drainage channels.
- In 2013, the applicant submitted a new application for a 4-lot split.
- In 2014, the application was deemed complete to start processing.

SITE DESCRIPTION

The subject property (project site) is a heavily-forested vacant 15-acre located on the east side of Highway 17, on Timber Ridge Lane, north of the recent Polo Heights 4-Lot subdivision. Via easements, access will start at the end of Santa's Village Road and cross four properties [LBUBS (former Borland), Lennar's Polo Ranch site, future gate required in the Final Environmental Impact Report, and emergency access "spur", and Polo Heights site] to Timber Ridge Lane.

Slope gradients range from somewhat flat to steep (approximately 1.75:1, horizontal to vertical). Steep slopes range from 30% to 40+%. Slopes ascend northeasterly from 820-920 feet elevation above sea level for most of the project site, and continuing eastward to 950 feet. Several mature trees exist on site. Vegetation habitats are Mixed Evergreen Forest and Redwood Forest.

PROJECT DESCRIPTION

The property owner propose to subdivide the property into four lots for future construction of single-family residences, with net lot sizes from 2.80-4.12 acres. Proposed average slopes for lots will range between 25% to almost 37%. Average slopes for building pads will range between 17% to less than 25%. Parcel #1 will be responsible for the 0.94-acre open space area, with an average slope of almost 43%.

Earth disturbance will be restricted to the development envelopes. Preliminary grading estimates to widen the existing private access roads (Polo Heights Road and Timber Ridge Lane) to a minimum of 20 feet with asphalt paving, grade four individual driveways off Timber Ridge Lane, and build a berm on Parcel #1 are 752 cubic yards of cut and 744 cubic yard of fill.

Individual septic systems will be installed, while water will be provided by the Scotts Valley Water District. Approximately 228+ trees/tree groups will be removed because of construction, of which 104+ meet the City's "protected" criteria, while 29+ are dead or diseased.

DISCUSSION - PROJECT DETAILS

The following discussion summarizes topic details of the project and recommended mitigation measures.

1. **Access:** Via recorded easements, project access will begin at the end of the fully improved and public street Santa's Village Road and cross the:
 - graveled private access road on the vacant LBUBS site (formerly Borland) on Lennar Homes site (approved but not built 40-lot Polo Ranch subdivision with a required gate located at the beginning of its northern private access road, per its certified Final Environmental Impact Report);
 - paved private access road ("spur") off Highway 17 owned by Lennar Homes; and,
 - newly improved Polo Heights Road on the Polo Heights site to the paved Timber Ridge Lane.

Proposed improvements include: widening and paving approximately 425 feet of Polo Heights Road and 1,010 feet of Timber Ridge Lane, installing 550 liner feet of a new asphalt concrete dike and retaining wall, installing a turn around at Parcel #1 and a 32-foot radius cul-de-sac between Parcels #2 and #3. See Project Plans Sheets C3.1-C3.3.

Ingress and egress rights on Timber Ridge Lane from Hwy 17 for future project residents will be quit claimed, if required by the City, while emergency evacuation rights and existing access rights of property owners located at 8 and 10 Timber Ridge Lane will be retained.

Private Road Slopes. The Scotts Valley Fire Protection District allows a maximum road and driveway slopes of 20%, subject to certain parameters. Grades of 15% - 20% shall not exceed distances of 200 feet and shall include sections where the grade is reduced to 15% for a minimum length of 35 feet. The existing access roads have some areas of grades above 15%-20%. Therefore, project-specific conditions will require that the improvement plans not increase these existing slopes, subject to review and approval by the Fire District and Planning Department.

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Emergency Access on Timber Ridge Lane. A new turnaround on Parcel #1 will be provided in front of a new 26-foot wide double gate. Because the new turnaround is located in front of the gate, the turnaround is not useful to emergency services. Therefore, a project-specific condition will require another turnaround to be provided on Timber Ridge Lane at the entrance of the SVWD access road.

Emergency Access and Future Development. One residence may be developed on the project site until the Polo Ranch subdivision and public street system are developed or until the existing traveled gravel road on the LBUBS and Polo Ranch sites are widened and paved from 12-16 feet to 20 feet for approximately 1,970 linear feet.

Additionally, the Lennar "spur" provides emergency access to the Scotts Valley Water District's Orchard Run Water Treatment Plant, Carilli residence and second unit (6500 and 6502 Highway 17), Beagle residence (6508 Highway 17), Lennar's Polo Ranch 40-lot subdivision site (not built), recent Polo Heights 4-Lot subdivision site, and to the project site.

About 60 linear feet of the spur has a substandard 15-foot width, whereas 20-24 feet is the minimum required with certain provisions. Widening the spur (with no new gate) is a requirement of the recently developed Polo Heights subdivision. Therefore, mitigation is not required.

However, to ensure adequate emergency access, a project-specific condition will limit future development on the project site to one lot until the spur is widened to the satisfaction of the Fire District. Plans to widen the spur shall avoid disturbance of existing natural drainage channels and shall identify any tree removal. Any future spur widening plans shall include drainage and erosion control of the access road, and the project arborist shall provide tree protection measures for trees to remain.

2. **Archaeological/Paleontological Resources:** Existing soil types are indicators of paleontological resources. Although not expected, it is possible that archaeological and/or paleontological resources could be accidentally encountered during project grading.

Summarized Mitigation Measures:

- #8. To protect resources, the developer shall have a qualified/registered archaeologist conduct monitoring of all earth disturbing activities.
- #9. To protect resources, the developer shall have a qualified paleontologist conduct a reconnaissance study before grading permit issuance.
3. **Architecture:** Architecture is not a submittal requirement for Minor Land Division applications that do not include a Planned Development Application.

4. **Biological Resources:** In May 2003, Biotic Resources Group (BRG) and Dana Bland & Associates prepared a Biotic Assessment for the project site (see *Attachment 15 of MND13-001*). In September and December 2013, BRG reviewed the current application and intermittent drainage of a riparian/seasonal drainage channel (see *Attachments 16 and 17 of MND13-001*). Although the study concluded that the site did not contain protected plants or insects, mitigation is required for protected raptors and bats that may be nesting or present.

Summarized Mitigation Measures:

- #1. To avoid impacting potential nesting birds, the developer shall plan all tree removal and grading to occur during later Summer and early Fall (August 1 - October 15).
- #2. To avoid impacting potential bats, the developer shall have a qualified biologist conduct a survey for protected bats before any earthwork.
- #3. To ensure that future development of Parcel #2 protects the existing riparian / seasonal drainage channel, the development envelope for shall maintain a minimum setback of 100 feet from the channel.

5. **Density:** The project density of four (4) residences within 15 acres is consistent with the maximum density of one housing unit per 2.5 acres (minimum required) in the Rural Residential General Plan land use designation.

6. **Drainage and Hydrology:** The project site is not located in any mapped area of "Potential Groundwater Recharge/ High Management Recharge". In general, project drainage will follow existing drainage patterns. Drainage in undisturbed areas will continue to flow in natural drainage channels. Surface water runoff will be diverted to two new debris protection drain inlets (with a gabian basket on the other end) on Parcels #1 and #3 and two new storm drain drop inlets with a debris carrier on Parcel #3 and Parcels #2 and #4.

City's storm water regulations require a development to 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. Standard conditions require the project to comply with current City regulations in effect at the grading / improvement plan stage.

Road widening in steep slopes may result in erosion. A maintenance agreement will manage the private access road. Long-term maintenance of the access road is needed to control erosion. See Project Plans - Sheet C3.4. To ensure that drainage is well-managed and erosion is controlled, mitigation is needed.

Summarized Mitigation Measures:

- #14. To minimize potential of perched water and wet soil conditions, the developer shall follow recommendations of the Geotechnical Investigation.

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- #15. To protect natural drainage channels and prevent the formation of new erosion channels if the dispersion trenches are over-topped, the drainage plan shall discharge drainage into existing drainage channels.
- #16. To minimize erosion near natural drainage channels, the developer shall avoid all grading and tree removal within 25 feet of drainage channels.
- #17. To restrict residential development and landscaping to the minimum footprint necessary per the biotic consultant recommendations, earth disturbance shall be only be allowed within the development envelopes.
- #18. To ensure long-term erosion control and maintenance of the private access road, the developer shall submit a road maintenance agreement for review and approval before recordation of the Final Map.

7. **Fire Protection:** The project will place lots near or within a mapped area for fire hazards of access, water, topography, and fuel loading. See project-specific conditions under the topic "1. Access" of this report.

8. **Geology and Grading:** Site topography varies from moderately steep (approximately 1.75:1, horizontal to vertical) to near level. In January 2005, Bauldry Engineering prepared a Geotechnical Investigation (0445-SZ952-H12) (see Attachment 19 of MND13-001). The report concluded that from a geotechnical engineering standpoint, the project could be developed subject to recommendations.

The development envelopes include all areas of earth disturbance. Preliminary grading estimates to widen Polo Heights Road and Timber Ridge Lane, grade four individual driveways off Timber Ridge Lane, and build a berm on Parcel #1 are 752 cubic yards of cut and 744 cubic yard of fill. The private access roads will be widened to a minimum of 20 feet with asphalt paving. See Project Plans Sheets C2.1 through C3.3.

Summarized Mitigation Measures:

- #10. To reduce the effects of seismic shaking, dwellings shall be designed to latest edition of the Uniform Building Standards for Seismic Zone 4.
- #11. To reduce erosion, the developer shall submit an erosion control plan prepared by a qualified professional at the building permit stage.
- #12. To minimize the potential for surficial failures to access each lot, the developer shall have the project geotechnical engineer evaluate the potential for mudflow hazards, review the locations of the development envelopes, and make any recommendations before a Final Map is recorded.

9. **Hazardous Materials:** Project construction could accidentally release oils, fuels, and similar hazardous substances from equipment into natural drainage swales.

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Summarized Mitigation Measure:

- #13. To reduce the risk of accidental discharge of construction related fuels, the developer shall implement a best management practice plan.
10. **Lighting:** Although project lighting has not been determined, it will generate more nighttime lighting than currently exists on the site. To reduce potential glare onto adjacent residences, project-specific conditions require future lighting to install low-profile, low-intensity lighting directed downward with shields/guards on the exterior of residences.
11. **Noise:** About one-third+ of the project site and part of development envelope for Parcel #1 are located in contours of 60-65 dBA. The City's standard is 60 decibels (dB) DNL of exterior noise and 45 dB DNL for interior noise. If the future house footprint on Parcel #1 is located in the western part of the development envelope, conditions require glazing that provides 45 dB DNL (or less if desired) for interior habitable space. Residents in the surrounding low density neighborhoods may be affected by temporary noise during project construction and grading.

Summarized Mitigation Measure:

- #19. Developer shall follow construction hours allowed in Municipal Code.
12. **Parking:** The project requires each house to provide a 2-car garage of 484 square feet of interior floor area (22 feet x 22 feet) and one uncovered parking space on site. Project conditions will require future construction to provide the required amount of parking.
13. **Septic Systems:** Because the project site is located more than 200 feet from the nearest sewer line, connection to City sewer system is not required. The project will install individual septic systems for each lot.
14. **Signage:** The project does not propose signage. Conditions require prior review and approval by the Community Development Director for any future subdivision signage.
15. **Transportation and Traffic:** The scope of the project of four new single-family residences does not warrant a traffic study, per the City's Traffic Study Guidelines. Nevertheless, in November 2013, the applicant had a Trip Generation and Traffic Analysis prepared by TJKM Traffic Consultants. The analysis concluded that the project will generate three (3) peak AM trips and four (4) peak PM trips. The City's existing street network can accommodate the proposed vehicular trips.

16. **Tree Removal and Preservation:** In November 2006, James P. Allen Associates, prepared a Tree Resource Evaluation for the project (see *Attachment 18 of MND13-001*). The report will be followed with site specific construction Impact Analysis and Tree Preservation Plans when future construction is proposed. Approximately 228+ trees/tree groups will be removed because of construction, of which 104+ meet the City's "protected" criteria, while 29+ are dead or diseased.

Summarized Mitigation Measures:

- #4. Developer shall obtain a CalFire permit before grading permit issuance.
- #5. To be consistent with the City's Tree Ordinance and to ensure protection during and after project construction, the project arborist shall prepare a Construction Impact Analysis for each development envelope.
- #6. To protect the existing forest habitat, future project residents and property owners shall be prohibited from planting invasive non-native plant species.
- #7. To discourage colonization of invasive non-native plants, the developer shall seed the disturbed areas with native grasses.

17. **Utilities:** In January 2014, the Scotts Valley Water District (SVWD) issued a Will Serve letter to provide potable water for the project, subject to requirements. The project will require a Main Extension Agreement with the SVWD to connect the four lots to the existing water main located within the private access road. Although the project will add to the demand for groundwater, most of the project site will remain undisturbed, which will allow existing groundwater infiltration to continue.

Summarized Mitigation Measure:

- #20. To offset the project impact of added groundwater demand, the developer shall incorporate water conservation features.

18. **Visual Resources:** Development of future residences will be located outside of the view shed of a City-designated important vista and prominent ridges.

DISCUSSION - PROJECT LAND USE CONSISTENCY

1. **Consistency with the City's General Plan:** The General Plan designates the property as Rural Residential (R-R-2.5 zone), which calls for single-family residences with a minimum lot size of 2.5 acres. The allowable density is 1 residence per 2.5 acres. Net lot sizes will range from 2.80-4.12 acres, thus complying with the allowed density.

General Plan Land Use Element Objective LO-24 requires new residential development to be compatible with surrounding land uses. The table below shows existing land uses and project's compatibility with surrounding uses.

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As mitigated, the project will be consistent with the City's General Plan and be compatible with surrounding land uses.

Direction	Zoning District	Existing Use	Address	Land Use Compatibility
North	R-R-2.5 Rural Residential	Single-family residences	12-20 Crescent Drive 6920 Hwy 17	Compatible. No significant negative impacts identified.
South	R-R-2.5 Rural Residential	3 vacant lots and a single-family residence	No situs 3 Polo Heights Road	Compatible. No significant negative impacts identified.
East	R-MT-5 Mountain Residential	Single-family residences	8 Timber Ridge Lane 10 Timber Ridge Lane	Compatible. No significant negative impacts identified.
West	n/a	Highway 17	n/a	Compatible. No significant negative impacts identified.

2. **Consistency with the City's Zoning Ordinance:** As proposed, the project requires an exception to allow a 20-foot width instead of the standard 24-foot width. See the discussion under "Design Review" below. Other than a road-width exception, the project will comply with the required development standards of the City's Zoning Ordinance.
3. **Design Review:** Design Review is required to create cuts of 2:1 (horizontal to vertical), allow driveway and private access road slopes ranging between 15.1% - 20%, and private access road widths of 20 feet. See the individual driveway profiles on Project Plans - Sheet C4.

The Municipal Code allows these exceptions if the proposed design provides a more sound or attractive design. The project design will reduce grading and tree removal and will minimize erosion during and after construction. Therefore, staff recommends approval with the recommended mitigation measures and conditions.

ENVIRONMENTAL REVIEW

The project is subject to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, which requires the MND as environmental documentation. The MND identifies potentially significant impacts that the project might have on the environment and ways to reduce the impacts to less than significant levels, which are called mitigation measures.

The MND was made available to the public and was distributed to reviewing agencies for a 30-day comment period between November 3- December 2, 2014.

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PUBLIC NOTICE AND COMMENT

1. **Notices:** On October 30, 2014, public notices were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law. On November 3, 2014, notices were posted at City Hall, the public library, and the Senior Center. To date, staff has not received public phone calls about the proposed project.
2. **Written Comments Received:** To date, the City has received an email from an adjacent property owner to the north. Staff met with the applicant to discuss the concerns about: 1) privacy and tree removal and setbacks; 2) geologic impacts; and 3) protection from drainage runoff and erosion when Parcels #2 and #3 are developed in the future. Staff reviewed impacts and mitigations.

The public review period of the MND will end December 2nd. Staff will bring a copy of any additional comments received to the Planning Commission public hearing on November 13th.

CONCLUSION

The project will provide infill residential development in a very low density zone. Mitigation Measures will reduce potential impacts to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Public Utilities and Service Systems to less than significant. After mitigation, project impacts considered alone or in combination will not be significant.

FINDINGS

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

ATTACHMENTS

PAGE NO.

Resolution No. 1677 (Action Item)	11
Exhibit A - List of Mitigation Measures	16
Exhibit B - Conditions of Approval	22
Email from adjacent property owner, with staff replies, dated Nov 6, 2014	31
Mitigated Negative Declaration (MND)	* Attached
Project Plans	* Attached

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

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041

From: Wendlelyn@aol.com [mailto:Wendlelyn@aol.com]
Sent: Wednesday, November 05, 2014 12:37 PM
To: Michelle Fodge
Cc: contact@svwd.org; Steve Ando
Subject: Smith Development Project - Timber Ridge Lane - Environmental Concerns

November 5, 2014

To: Michelle Fodge, Senior Planner, City of Scotts Valley

Hello Michelle:

My name is Wendy Anderson and I'm writing to inform the Scotts Valley City Planning Department of our interest in the Intent to Adopt an Environmental Review Document for a Proposed 4-Lot development on Timber Ridge Lane. Mitigated Negative Declaration MND13-011, Minor Land Division MLD13-001, and Design Review DR14-008. Please advise as to when I can meet with you before the November 13, Planning Commission Hearing to ask questions, review maps and proposed plans and learn about the specific areas that may be impacted by road widening and new building construction.

The proposed project on Timber Ridge Lane may negatively impact the existing hillside watershed, hillside stability, natural habitats and our rural neighborhood on Crescent Drive. Adjacent or neighboring property lots include but are not limited to Assessor Parcel Numbers:

024-011-16, our residence at 14 Crescent Drive

024-011-17, 16 Crescent Drive

024-011-15, 18 Crescent Drive

We have met on two occasions. During our most recent meeting, about an unpermitted wood burning fireplace outside my bedroom window, I pointed to the proximity of the Smith property in my back yard. I may have also mentioned a significant watershed feature that channels water to Carbonero Creek. The steep-sided and deep running seasonal creek is directly below Timber Ridge Lane. In any case, this natural watershed feature should be of concern and environmental impact consideration. You are welcome to inspect and have access to the creek/ravine that runs through our property and in close proximity to Timber Ridge Lane.

Of course, we want to preserve our wooded landscape and rural residential living conditions. To be specific, increases in road traffic and noise, changes in wind patterns if trees are removed, earth disturbances, new uphill landfill and existing landslide danger, endangered species habitat destruction, septic tanks close to and above a significant watershed feature and the creation of through road (shortcut) access to Highway 17 via Timber Ridge Lane are of particular concern. **[Planning Dept]** Various technical reports, such as biological assessments, construction impact report for trees, and geotechnical investigation, etc., were prepared for the proposed subdivision. Recommendations from these reports are requirements for future construction, to protect natural resources and drainage channels. The Scotts Valley Water District reviewed the proposed application and plans and did not identify concerns about future septic systems.

We are concerned with alterations that if undertaken will negatively impact the woodland watershed and hillside stability above our homes and properties. Other issues include peace and quiet enjoyment of our existing residential properties, privacy and property values.

After reading the Notice of Intent, we are alarmed by the high number of tree killings/removals stated in minimum numbers with no upper limits. The mention of 104 trees that meet "protected" criteria is confusing. Are the trees protected or not? **[Planning Dept]** The proposed subdivision provides 'development envelopes' where earth disturbance and tree removal are allowed. The remaining areas will remain undisturbed. Trees slated to remain will be protected during construction. Submitted reports show details.

Construction was mentioned but not described beyond driveways, building pads and septic tanks. The proposed zoning for the development was not indicated and building descriptions and setback requirements remain a mystery. **[Planning**

Dept] The property is zoned Rural Residential, a very low density single-family residential zone, with a minimum lot size of 2.50 acres. Minimum setbacks are 40 feet, 15 feet, and 20 feet for the front, side and rear yards, respectively. The proposed plans will be sent in a separate email.

You can count on our interest and input on plans that affect the future enjoyment of our living environment adjacent to and downhill from the proposed new development. We want to be prepared for the public hearing scheduled for November 13, 2014, and want to learn more about the Smith proposal. **[Planning Dept]** After we meet this afternoon, please feel free to call us or let us know if there are other questions / concerns. Other options are to submit an email/letter to include in the staff report, to contact the applicant, and/or to attend the public hearings.

I look forward to meeting with you before the public hearing. Cuts in City Hall hours for public business are problematic - would it be possible to meet in the afternoon? Any answers you can provide in the meantime via email or telephone would be appreciated. Please advise.

Sincerely,
Wendy Lea Anderson

cc:
Scotts Valley Water District
Scotts Valley City Manager

Recommendation: Staff recommends that the Planning Commission approve the application subject to conditions.

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

At staff's recommendation and the applicant's consent, the Planning Commission continued the item to a future public hearing date uncertain with a 4/0/1 vote.

5.

Address: Timber Ridge Lane / APN 024-021-26

Applications: MND13-001, MLD13-001, and DR14-008

Applicant: George Smith

Property Owner: Gerald Smith Trust

Project Description: Consideration of Planning Commission recommendation of approval to the City Council of a Mitigated Negative Declaration (environmental review document), Minor Land Division to divide the vacant 15-acre lot into four lots for future residential construction, and Design Review to create cuts of 2:1 (horizontal to vertical), allow private access road slopes ranging between 15.1% - 20%, and a private access road width of 20 feet in the Rural Residential (R-R-2.5) zone.

Recommendation: Staff recommends that the Planning Commission recommend approval of the application to the City Council, subject to mitigation measures and conditions.

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

Planning Commission approved the applications, subject to amended conditions, (#30) via Resolution No. 1676 with a 4/0/1 vote.

REGULAR AGENDA: None.

DISCUSSION ITEMS: None.

FUTURE AGENDA ITEMS: None.

WRITTEN COMMUNICATIONS - FOR INFORMATION ONLY: None.

ADJOURNMENT: Meeting adjournment at 7:15.

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Subj: Re: Timber Ridge Lane - Gerald Smith Application - Nov. 6, Meeting
 Date: 11/10/2014 12:24:44 P.M. Pacific Standard Time
 From: Wendlelyn@aol.com
 To: mfodge@scottsvally.org
 CC: sando@scottsvally.org

RECEIVED

NOV 10 2014

Monday, November 10, 2014

CITY OF SCOTTS VALLEY

Dear Michelle:

Thank you for meeting with me on November 6, and for the information provided about the Smith development proposal.

Yesterday, we (David Adair and myself) hiked up the steep creek draw to our property line for a good look at the area in question and found that our property markers and our "No Trespassing" signs have mysteriously gone missing. Only one tree marker was found and we think Madrone number 19 is still standing.

It's almost unrecognizable up by Timber Ridge Lane with old trees missing, log piles and cut timber debris littering the upper creek bank and crest. More Sudden Oak Death fatalities have fallen on the bottom and both sides of the creek-incised draw. Serious foot of bank erosion, mud flows and recent surface water debris flows are also evident on the hillside or creek-incised draw that is meant to support two planned parcels (numbers 1 & 2). Since our property markers are gone and so much has already been changed around the border area, it is difficult to ascertain exact legal lot line proximity to the Smith property. If expenses are not prohibitive, we are considering a land survey to confirm boundaries and to measure and document natural terrain features not currently covered in the Smith plan.

On the subject of surveys, I located the Geological Evaluation I commissioned as part of our pre-purchase property inspection diligence in 2002. Roberta K. Smith, Ph.D., Registered Geologist, gave us the first advice about landslide issues on our property up to the land now owned by the Smith Trust. Facts and details about our local geology support our concerns about suitability of terrain to support the building plan as proposed. Since geology, soil retention, water draining and landslide dangers are of our highest concern in regard to proposed development plans, a paper copy of our Geological Evaluation will be delivered to you for city staff review and for the public input record.

We will be attending the Planning Commission Meeting this week to ask that the proposed development plan not be approved until important safety issues including geological conditions, supporting hillside soil erosion, soil retention and the overall environmental impact on our steep mountainous riparian landslide-prone terrain are duly addressed and analyzed. It would be myopic and potentially dangerous to limit study to just one side of a property line.

I want to build trust and confidence while protecting Crescent Community interests. Smith and crew activities have already had a negative impact on the landscape, peace and privacy in our neighborhood. Since 2005, timber cutting and harvesting has been observed and heard on Smith property and the evidence includes large tree stumps, cut log piles and scattered accumulations of fire fuel around a growing clearing beside Timber Ridge Lane. Our attempts to communicate our concerns have resulted in dismissal by both Gerald and George Smith. I have already documented two separate face to face altercations, and posted signs that have since been removed. Because of what has already occurred on the Smith property, municipal code conformance and enforcement expectations will be added to the focus.

All the best,
 Wendy Lea Anderson
 (in the "Lands of Knab")

cc: Scotts Valley City Manager

In a message dated 11/6/2014 3:00:37 P.M. Pacific Standard Time, mfodge@scottsvally.org writes:

Dear Wendy,

Here is the partial map of the hard-copy given at the meeting today.

Please let us know if there are any other concerns, etc.

Best Regards,

Michelle Fodge, AICP
 Senior Planner
 City of Scotts Valley
 One Civic Center Drive

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Monday, November 10, 2014 AOL: Wendlelyn

SMITH-EVERNDEN ASSOCIATES
Geological Consultants

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Davenport, California 95017

Phone 831-429-9535; Fax 429-8155

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CITY OF SCOTTS VALLEY

February 13, 2002

Wendy Anderson
420 Harrison Avenue
Campbell, CA 95008

RE: Preliminary Geological Site Evaluation of
14 Crescent, Scotts Valley, CA

Dear Ms. Anderson:

INTRODUCTION

On February 13, 2002, Smith-Evernden Associates principal geologist Roberta K. Smith made an on-site reconnaissance geological evaluation of 14 Crescent, Scotts Valley, CA CA. Dr. Smith was accompanied by potential buyer Wendy Anderson. The findings that constitute the basis of this report were described verbally at the site.

The findings of and recommendations given on my visit are addressed below and do not involve or reflect further studies (of other maps, reports, photographs, etc. or additional site work) except as such studies are noted in the report. These include reference to geologic and geologic hazard maps as given below. This report identifies geologic conditions and hazards of the property.

Smith-Evernden Associates as geologists only considers manmade structures as they may reflect or relate to geological conditions. In general, manmade structures are considered to be appropriate for their apparent purpose, and our evaluation presupposes that these structures have been properly designed, permitted, and have been or will be constructed accordingly. In cases where structures (e.g., houses, out-buildings, (retaining) walls) or other man-made site developments such as cut and/or fill slopes are inadequate or failing or distressed, the advice of licensed engineers should be sought.

PROPERTY AND SLOPES

The property consists of a residentially developed parcel of land, reportedly of 1.8 acres. This property may lie within the City limits of Scotts Valley, as you reported to me. Yet, this is not clear based on the fact that Jeff Bachhuber (1989) did not include the property and its immediate area within the City on his geologic maps of the City of Scotts Valley. He put this area, east of Highway 17, as just outside of the northeast corner of the City. The significance of this to you/this property is that the permitting requirements of the City of Scotts Valley may be different (or have been different when the home was planned) from those of the County of Santa Cruz, as we discussed at the site. This could include recognition and treatment of geological or geologically-related conditions.

Slopes over at least most of the property appear to have been gentle to moderate naturally and to have been little modified for development. Some site grading appears to have taken place to

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provide a nearer-level or more-gently-sloping building site, but this does not appear to have been extensive. Small fill prisms (material moved in site grading) appear to occupy (1) the outer portion of the near-level "front yard" in front of the house. The presence of a small fill prism here has sharpened the "break-in-slope" to the moderate roughly 15 foot high redwooded slope just below – the slope that leads down to the road. (2) A similar fill prism appears to have been emplaced across the slope below the back of the house. This has now been obscured by subsequent site grading in a slope terracing activity that you (based on what you had been told) and the next-door neighbor (met on site) reported resulted from an attempt to "repair" a slope on which a landslide had taken place in 1997 or 1998. The original site grading probably removed the top of a low local ridge, but it was not so extensive as to produce a flat, level building pad. This is evidenced by the fact that the front of the house is close to ground level (approximately 1 foot above ground) while the back of the house features a roughly 4 foot high "cripple wall" above the foundation (below the floor).

Back of the house the slope extends downward easterly, at first gently, then moderately, then steeply. Where the easterly property boundary is with respect to the slope was not made clear. The property may or may not extend to the base of the incised, steep-sided draw at the back of the property, or even up the other side of the draw some feet. In any case, very roughly 100 feet back of the house, the slope steepens markedly, going from gentle to moderate to steep, and extends to the bottom of the draw. There is what appears to be an old graded roadway or remnant thereof crossing this slope, a few feet below its top, and which extends northerly onto the subject property. The roadway does not now extend all the way across the slope on or just below the subject property; it could have been removed or altered by the reported localized landsliding on the property, but this is not clear. This roadway was not pursued beyond noting that it can be seen on the adjacent southerly property.

The steep-sided draw appears to be incising (i.e., cutting down) very rapidly, in a geologic sense. The distance from the steep-slope top to the draw bottom increases from roughly 15 or 20 feet to 40 or 60 feet from the northerly to the southerly property lines, or thereabouts (as the property lines were not all clear). On the day of the visit, no water was seen flowing along the draw bottom in its upper part, but at or below approximately the lower property line/corner water surfaced and could be seen flowing on down the draw. As just noted, this draw appears to be undergoing relatively rapid erosion and downcutting; perhaps some diversion of Crescent road drainage just north of neighboring property has hastened this process.

SITE DEVELOPMENT

You reported that the house was built in 1988, that is, prior to the 1989 Loma Prieta earthquake. It is a single story wood-frame structure, reportedly of approximately 2,200 square feet, with two attached wooden decks at the back of the house, set on wooden piers. The house has a perimeter concrete foundation. The subarea of the house was not examined in the present context, so no determination was made of interior foundation supports nor of the home's attachment to the foundation and of the cripple wall's shear resistance; this should be done by your home inspector. We do recommend that the foundation area be the focus of an inspection by a licensed structural or foundation engineer in order to evaluate the home's earthquake resistance and any upgrades which would increase that resistance. The home's attached two-car garage with concrete slab floor can be examined at the same time. Water appears to be entering the garage and staining the floor in an area by air vents (near the house's front door) and just inside a point where it appears a roof drain may have failed. This should be investigated further and corrected. Some cracking is seen in the garage's concrete slab floor, and in the driveway macadam paving outside. This is not pronounced, however. Cracks should be filled and monitored for reopening, as we discussed, though no particular problems were identified. The driveway rises moderately to gently from the road.

There appears to be a well on site but you report that the property also is served by a water company or district (?City of Scotts Valley). The property also is served by an on-site in-ground sewage disposal system ("septic system"). In our site visit, we recognized what appear to be "cleanouts" for two parallel leach lines approximately 15 feet apart. The upper of these lines crosses the slope approximately 25 to 30 feet down a gentle slope from the back of the house. Based on my experience, I would guess that the location of these leach lines was based on placing them on a slope of less than 30% and that a short distance below them the slope leading downward to the draw steepened to greater than 30%. The actual details of the natural slope, however, have been obscured. This probably initially was by some site grading for the building pad and then, following the reported landsliding, by the grading of the terraces seen presently.

There are five of these terraces; they are parallel and extend down a presently moderate slope, an overall approximately 40% slope, bottoming where the slope is steepening to moderately steep. The terraces extend for roughly 75 to 80 feet across the slope. This appears to be slightly greater than the presumed extent of the leach lines, but may be less if the leach lines are each 100 feet long, as may be required. (You should check with the appropriate governmental agency as to the septic system requirements.) Each terrace is roughly 4 feet wide and 3 feet high, with an outer unretained (and failing by erosion and slippage) fill slope leading down into the back cut slope for the terrace below. The terrace tops are insloped, such that rainwater or yard sprinkling and any other flowage can collect at the backs of the terraces. This can significantly decrease their stability and ground saturation is often what leads to ground failure (by landsliding). Presumably some near-surface groundwater could also be a factor, especially with "effluent" (the water portion of the septic material) flowing downslope from the leach lines directly upslope. In the hope of further stabilizing this sensitive-appearing slope by limiting the amount of water which can be added to it, I recommend developing a "gray water" system to the front of the property/opposite side of the house and sensibly limiting the use of the leach field. (If possible, it would also even be prudent to relocate the septic leach field to the front of the property, as we discussed.) Yard watering should also be limited and lawns should be replaced or avoided. In addition, roof drainage from the back portion of the house now could outlet in this sensitive back slope area and contribute to ground saturation here; the location of roof drain outlets could not be determined in the present context. I do recommend that all roof drainage be conveyed to the "front" of the property in order to assist in removing water from this slope which reportedly has already experienced some failure. Such roof drains as cannot feasibly be conveyed to the front yard should all be conveyed in pipes all the way to the bottom of the draw, not allowed to outlet on the slope. Further, the terraced slope should be regraded and strengthened - under the guidance of a licensed engineer and a licensed landscape contractor, both experienced in drainage control on sensitive slopes. We discussed these remedial measures at the site. (See also below under the discussion of landsliding.) It does not appear likely that the home itself is likely to be compromised by downslope processes here if reasonable measures, such as described above, are taken. Such measures involving control of water may have prevented the reported localized landslide had they been emplaced, even if, as the neighbor reported, uncompacted fill from homesite grading was involved in the failure. It is not usual to compact fill which is not in the immediate area of home development, but the use of fill slopes should always be considered very carefully.

GEOLOGIC MATERIALS

No geologic materials other than surface soils and some recent erosional deposits in the bottom of the draw at the back of the property were seen exposed at the site. According to geologic maps including this area, the bedrock underlying the site would be the Purisima formation of Pliocene age. This formation can include sandstone, siltstone, and mudstone. The brief geologic map descriptions of the Purisima formation given by Brabb (1986, 1989, 1997) for the geologic map of Santa Cruz County (scale 1 inch = 1 mile) and by Bachhuber (1989) for his engineering

geologic map of the City of Scotts Valley (scale 1 inch = 1000 feet) are given just below. (Note, however, that the area of the subject property may be underlain directly by a large landslide mass or deposit, formed from an old landslide of Purisima formation materials. See below under landsliding.)

- Tp (Pliocene) Purisima formation, thick bedded, yellow-gray, tuffaceous and diatomaceous siltstone with diatomite and andesitic sandstone beds in upper section. (Bachhuber, 1989)
- Tp Purisima Formation (Pliocene and upper Miocene)—Very thick-bedded yellowish-gray tuffaceous and diatomaceous siltstone with thick interbeds of bluish-gray semifriable fine-grained andesitic sandstone. As shown, includes Santa Cruz Mudstone east of Scotts Valley and north of Santa Cruz. Thickness approximately 3,000 feet in the Corralitos Canyon area. (Brabb 1986 *et seq.*)

This sedimentary rock unit, the Purisima formation, was originally deposited in beds on the sea floor in Pliocene time—roughly 2-6 million years ago. Subsequently it was covered by more and variable sediments. The weight, pressure and temperature induced by overlying beds possibly plus tectonic forces slowly and sequentially lithified (changed to rock) the Purisima beds. Later the rock unit, plus underlying rock units (older) were folded, fractured and faulted, and uplifted to where we see them today in this area. Younger sediments were removed by erosion and landsliding after the uplift.

GEOLOGIC CONDITIONS PARTICULARLY PERTINENT TO SITE STABILITY

The most pertinent geologic or geologic-related conditions at and relative to the site would appear to be those of very localized slope stability and those relating also to larger-scale landsliding. The location of the property with respect to the San Andreas and other faults in this area also is quite significant though the property does not lie in or adjacent to a mapped fault zone.

LANDSLIDING

At this site there are concerns of two scales of landsliding, one small and local, and the other of greater scale. The issue of landsliding on the property itself was discussed under slopes and site developments above. As I understand it, you were advised that there had been a landslide on the property in 1997 or 1998. This was on the slope below the back of the house. Reportedly, the terracing seen on the slope below the back of the house was the method chosen by the present property owner to address a slide repair and to lessen the likelihood of further sliding. The next door neighbor further offered the view that the landslide in question was caused by the fact that site grading had produced fill which had not been compacted and that this material failed in heavy rain. She said she and her husband had recommended the terracing as a repair treatment. In a later telephone message you advised me that another neighbor had since told you that the slope failure was not so much a landslide as a "washout." On a slope, something called a "washout" would likely either be erosion or sliding/flowing of wet material. My interpretation is still some sort of shallow landslide or debris flow of saturated materials. You told me at the site that you had spoken to geologist Jeff Nolan about this landslide and that reportedly geologist Erik Zinn (now Mr. Nolan's partner) may or may not have examined the slide at the time it occurred. I recommended you speak to Mr. Zinn and, if appropriate, ask him to visit the site with you to review the original slide and subsequent events. I repeat that recommendation now.

In order to pursue the question of landsliding at the site and the site's current stability, I/we looked at the back yard. Evidence for the size and nature of the reported landsliding or related slope failure has been greatly obscured by the grading across the slope of the terraces described above. At the outset it could be concluded that the slide was a shallow wide slump which involved the entire area now terraced, possibly with some central slide toe material sliding or flowing on down the slope to or to the bottom of the draw. This latter was considered particularly in light of the fact that you said you had been told that the slide had removed a section of fencing at or near the base of the property. That may be so, but there is little evidence now to establish the exact path and dimensions of such movement, nor of the whole slide. In fact, it would have been very helpful to have some descriptive documentation or drawing of the slide event. The neighbor reported what sounded like a slump and slide or flow in a central position on the terraced portion of the slope, not of the whole cross-slope extent that is now terraced. This neighbor reported, as noted above, that her view was that the slide was triggered by failure of uncompacted fill. Whatever the exact dimension and type of slide that took place, it would appear likely that causative factors included ground saturation, not just from the reported large rainstorm, but also from water in the leach field and perhaps from roof drains. The slide (or flow) appears to have been a shallow localized event. It does not seem likely that it represented a ground condition that also pertains upslope at the house site. Yet, if such failures continue(d) to occur, they could enlarge and migrate upslope toward the house and possibly compromise it in time.

The issue of mitigation also was addressed above in the section on site development. Here I add that it would seem unlikely that a professional in slope repair and stabilization would have recommended or designed the terracing presently seen at the site as a treatment of choice. This is for the reasons given above of potential for ground saturation by insloping and creation of unsupported loose fill materials. Beyond that, one could only speculate whether or not recommendations were given (such as are given above) to lessen the amount of water in the slope. At this time, it is my opinion that other mitigation is needed and should be pursued. I have given you my recommendations and also recommended that you consult with a licensed engineer and a licensed landscape contractor, both experienced in water/drainage control and slope stabilization. As you asked costs, I cannot estimate costs, but I think that the cost of suitable mitigation would not be excessive.

One other site of potential small-scale landsliding at or affecting the site is in the draw at the back of the property. This draw could host both side-slope failures and, in addition, flowing down the draw, a type of landslide called a debris flow, a rapid flow movement of rock, soil, vegetation, and/or other debris—in this case down the draw. The material could come from slides/slumps/flows on side slopes of the draw itself, or from further upslope. Such a debris flow could also be quite erosive along its path, deepening and widening the draw. This could be of concern at the site, where some such erosion of the draw bottom can be seen and can be expected. Especially if this process takes place rapidly, it could be of some concern at the site by further steepening the sides of the draw. This, in turn, could lead to increased likelihood of sliding on those slopes. Yet, this draw appears to head very nearby, just up the draw, so it is not lengthy above the subject property, thus giving less opportunity for debris flows. Note though that I observed above that some water may be directed into this draw from off Crescent, adding to the flow.

Now to turn to the question of larger-scale landsliding, note that it could actually play a role in the small-scale on-site landsliding discussed above. This is because the nature of the geologic materials at the site, as well as what is done with them, control their slope-stability behavior. For example, hard bedrock is under most conditions significantly less likely to fail than is a softer, less consolidated deposit or soil.

The topography/shape of the terrain in the area of the subject property, in the area accessed by Crescent, is very suggestive of large-scale landsliding. That is that it had its origin in larger-

scale landsliding. This topography features broad swales, closed depressions, some featuring ponds, and small or low rounded ridges. It also features a steeper slope at its side-to-back margin as can be seen just upslope of Crescent on the way to the subject property. With the gentle internal slopes, some could be described as being "hummocky." Steep-sided draws may dissect the slide masses or be found along the back or side margins of slide masses. These often appear to deepen and descend rapidly like the draw at the back of the subject property. I described these things to you at the site and spoke of how these are characteristic features of some descended landslide deposits. The material slides down the hill and stops, as lubricating water flows out of it, and having achieved much less steep slopes than originally. It can settle more or less irregularly but with rounded landforms. If it contains some internal sharp/steep slope segments, these can represent additional sliding movements. With them, a "landslide scarp" can be produced, like the steep back and side slopes which mark the head of the original slide. Here we see these "head scarps" above Crescent, as noted just above. The steep-sided draws, like that at the back of the subject property, reflect the fact that the slide deposit is relatively weak, having broken up as it slid. This then makes it subject to relatively rapid erosion, or dissection, hence the sharp draws. To the extent the landslide material has been broken up as it traveled, it has much reduced internal strength. Also, there is a slide plane, down which the material slid originally, at the base of the landslide mass/deposit. On occasion, such slide planes again become lubricated and sliding is reactivated.

In this area, the features of the terrain are seen fairly readily because much of the area is not heavily vegetated. Probably it was mainly cleared of redwood forest a historically long time ago to allow orchards and other farming. Often also, landslide deposits are chosen as good land-use sites (homes, farms, etc) because they are relatively gently sloping – as the result of being the top of a landslide deposit.

Having observed the topography described above, it was with considerable interest that I found on Bachhuber's (1989) map of landslides and related features, Scotts Valley, CA (scale 1 inch = 1000 feet) a large landslide feature corresponding to the observations. This map shows a queried "ancient dormant" landslide feature, with head scarp and deposit, consistent with what we saw at and approaching the subject site. This feature is mapped as approximately 1500 feet wide and 2300 feet long, having descended toward Carbonera Creek, which could have then carried away slide material which reached it. The subject property would lie near the northeast upper/back "corner" of the slide, on the upper part of the slide deposit.

Landslide reactivation of the whole of the slide could take place, or of larger parts of the slide, but this is not at all a high probability. What is a probability is landsliding of small portions of the slide deposit, in part induced by the fact that the (older) landslide deposit is composed of relatively weak materials.

Bachhuber's (1989) map of landslide probability, City of Scotts Valley, does not include the area of the subject property. This is because his map depicts this area as just outside the City Limits of Scotts Valley (as noted above). Apparently, however, he was so interested in the topography in this immediate area that he did include it in his landslide feature mapping.

The County's Preliminary Map of Landslide Deposits, Santa Cruz County, Ca (Cooper-Clark, 1974, scale 1 inch = 1 mile) depicts no landslides including the site, though it shows landslides right over the ridge top to the east, along and below Vine Hill Road. This is in the Branciforte Creek drainage.

It should, however, be remembered that the Cooper-Clark preliminary landslide map was made by stereoscopic examination of aerial photographs (looking for features that looked like sites where landsliding had taken place). This landslide identification mainly was not checked by Cooper-Clark in the field. This photogrammetric method is commonly used and is acceptable for

reconnaissance-level work, but is not "ground truthed" and often is not site-specific. The map produced for the County depicts a minimum number of the landslides which have taken place over a time frame wherein landslide deposits and related features could be recognized by the method used (which excludes many to most small landslides, especially in forested terrain). There is no doubt that much landsliding has, in fact, taken place in the subject area, as with much of the Santa Cruz Mountains, whether or not it is depicted on the County's "Preliminary Map of Landslide Deposits."

Santa Cruz County does not have a map of landslide probability. Hopefully, in time one will be developed. This most likely will show high landslide probability for all steep slopes and also for most moderate to steep slopes which are underlain by geologic materials which lack strength or feature adverse structures (adverse to slope stability). Also, it is well to remember that highly mobile landslides may run out well past their area/slope or origin.

Most of the terrain in the Santa Cruz Mountains is likely to have been involved in (various forms of) landsliding in the past—as the forces of uplift (e.g., thrusting upward of the Pacific Plate against the San Andreas fault) are balanced against the forces of gravity aided by water-erosion and "mass wasting" (= landsliding). Some of the landslides are still recognizable in the field and/or on aerial photographs. Their ages are largely unknown, but (especially) the larger landslides can be up to several hundreds and even thousands of years old. Evidences of smaller landslides disappear more quickly than larger landslides. Vegetation patterns are useful in assessing the (relative) ages of young surficial landslides: tilted conifer trees and patches of young vegetation and bare ground can be used. Older and massive deeper-seated landslides are not amenable to this approach, however. It can be difficult to determine whether a massive landslide took place 100 years ago or during the thousand or more preceding years. Among various types and sizes of landslides, some travel much faster and move greater distances per event than others. "Debris flows"—surficial flows of muddy water often containing large amounts of rock and other debris—are not uncommon when slopes are saturated and can be very rapid and flow long distances, even impacting sites out on gentle slopes or flats beyond the steeper slopes where these "failures" originated. Yet, evidence of these can disappear within a few years. Such flows commonly pass down draws or gullies but can also take place on less-incised to nearly flat slopes; these "flows" sometimes even pass around trees, not uprooting or tilting them. Landsliding can be induced more commonly under some geologic conditions than others: e.g., when slope materials are poorly consolidated or, e.g., when bedding planes (in sedimentary rocks) or other structural planes in bedrock (or soil) parallel the slopes, and when slopes are saturated and/or an earthquake occurs relatively nearby. Human activities (e.g., road and site grading, with cut and fill slopes, other aspects of home development, septic systems, tree removal, agriculture, and quarrying) can decrease the stability of slopes and lead to landsliding—often by oversteepening slopes, placing unstable materials on slopes, and saturating slopes and/or channeling water such that it causes erosion and landsliding. The "worst case" landslide condition would be IF a large earthquake took place relatively nearby at a time when the slopes were saturated; many landslides would be triggered.

FAULTS AND EARTHQUAKES

San Andreas Fault. According to the County's fault hazard maps (Hall and others, 1974, 1975), the property lies approximately 4 miles southwest of the surface expression of the San Andreas fault zone. The San Andreas fault is a major and highly active fault. It marks the plate boundary between the Pacific and North American tectonic plates. The Pacific plate is moving northwesterly relative to the North American plate at a rate of approximately 4-5 cm/year on average (though actual movement is by occasional "jumps" which cause the earthquakes, not slow creep annually). This is geologically very rapid movement. Reportedly approximately half this movement is taking place along the San Andreas fault proper. The other half is taking place on different faults (e.g., Calaveras, Hayward, San Gregorio, etc.) in a plate boundary zone roughly 50 miles wide. With some earthquakes, the movements are not (all) horizontal, however; vertical movement by thrusting upward

can also take place. This was the case with the Loma Prieta earthquake—in which reportedly there were about 3 meters of horizontal displacement and 2 meters of vertical displacement at depth (though not reaching the surface).

San Andreas and Other Faults' Relation to the Landscape. The vertical displacement on the San Andreas and other faults accounts for the uplift of the Santa Cruz Mountains over geologic time. The terrain is formed concomitantly when/as gravity aided by water (e.g., heavy rains, streams) cuts down and removes by landsliding and erosion geologic material uplifted by tectonic movement—thus forming valleys and ridges. This is an ongoing process.

Many valleys tend mainly to drain and cut down oceanward—i.e., southwesterly on the southwest side of the Santa Cruz Mountains. Some valleys parallel and lie along faults, however, as does that valley of the Summit Road-Highland Way area, which lies along the (main traces of the) San Andreas fault. In part the formation of such valleys may relate to ground movements—uplift and downdrop of blocks—along the fault, forming “grabens” (downdropped slot-like valleys) or “horsts” (uplifted or uptilted relatively narrow blocks). The valley along the San Andreas fault in the Summit area may be such a graben. It is the San Andreas Rift Zone.

Valleys also are formed along faults because fault motion disrupts and breaks up rock. This weakens it and makes it more subject to erosion. Streams develop along such fault valleys because in part it is easier for them to erode themselves a pathway. Ground water also can travel along faults—which may add to stream flow. In the Santa Cruz Mountains, the relationship between the Ben Lomond fault and the San Lorenzo River and San Lorenzo Valley probably is a good example of streams aiding in valley formation in fault zones and being located there because of the fault effects. Importantly also with the Ben Lomond fault, the movement on the fault was that the Ben Lomond Mountain block west of the fault moved upward many hundreds of feet, over geologic time (millions of years). This, in a sense, created a “naturally oversteepened” very long and steep west slope of the San Lorenzo Valley (= east slope of Ben Lomond Mountain). A consequence of this (or similar settings) is a tendency to landsliding.

Spatial Relation of the Subject Property to Mapped Faults. The site is not within a state-defined Alquist-Priolo (1972) “Special Studies Zone Act” (active fault hazard) active fault zone, the Act now (since January 1, 1994) called the “Alquist-Priolo Earthquake Fault Zoning Act.” This pertains mainly to its relationship to the San Andreas fault (zone). As given below, it is not in a fault zone indicated on the County's fault map by Hall and others (1974, 1975). It is important to realize that by no means all faults which pass through the rocks and terrain of the Santa Cruz Mountains/Santa Cruz County are mapped. There probably are many unmapped faults of varying lengths, activity, and significance. Some of these could be seen in exposures of geologic materials (as in road cuts, trenches, and natural exposures). Others may not have ever manifested to the surface of the earth but remain “blind,” i.e., only present at depths below the surface.

SPATIAL RELATION OF THE SUBJECT PROPERTY TO MAPPED POTENTIALLY ACTIVE FAULTS IN SANTA CRUZ COUNTY

Name of Fault	Activity Level	Distance/direction to subject property	Reference/Comments
San Andreas	Active	≈4 miles SW	Hall & others, 1974
Butano	Pot. active	≈5 miles S	Hall & others, 1974
Zayante	Active	≈1 1/2 miles SW	Poss./pot. active—Hall & others, 1974; active—Coppersmith, 1979; ? set of aftershocks to 1989 Loma Prieta eq. & in Dec., 1998
Ben Lomond	Potentially active	≈4 1/2 miles NE	Hall & others, 1974; Stanley & McCaffrey, 1979; Lindh, 1998
San Gregorio	Active	≈14 miles NE	Hall & others, 1974; Weber & LaJoie, 1980

Name of Fault	Activity Level	Distance/direction to subject property	Reference/Comments
Monterey Bay complex	Active	≈11 miles NNE	Hall & others, 1974
Corralitos complex	Active	≈12 miles WNW	Hall & others, 1974

The property also is within ≈5 1/2-6 miles southwest of the active Sargent fault (in Santa Clara County and thus off the Santa Cruz County fault map) and within 5-50 miles of other significant possibly/potentially/active faults beyond as well as within Santa Cruz County which are also capable of producing strong ground shaking at the site.

The Peninsula Segment of the San Andreas Fault and the Loma Prieta Earthquake. The property lies ≈8 miles south of the southeast end of the Peninsula segment of the San Andreas fault (in Santa Clara County)—which is the next-adjacent-northwesterly segment of the San Andreas fault to the south Santa Cruz Mountains segment and is believed not to have ruptured in the Loma Prieta earthquake. Thus it is probably the closest fault segment most likely to generate a large (Mag. = 7+) earthquake within the next 30 years (U.S. Geological Survey, 1990, 1996). Yet, it is now believed that the Loma Prieta earthquake *may* not have been on the San Andreas fault, *sensu strictu* (as first thought), but *may* have been on a buried intersecting fault plane which inclines downward oceanward from an intersection with the San Andreas fault approximately four miles beneath the earth's surface. So, possibly the Loma Prieta earthquake relieved stress on this South Santa Cruz Mountains segment of the San Andreas fault and possibly it did not or at least not in the near-surface ≈4 miles. However, in any case, (an) earthquake(s) generated by rupture along at least the nearer-surface portion (upwards of ≈4 miles beneath the surface) of the San Andreas fault plane or of the Peninsula segment of the San Andreas fault (Los Gatos and northwesterly) could generate very significant local earthquakes during the economic lives of homes in this area. As more studies of earthquakes and faults are completed by the U.S. Geological Survey and others, views change on the percent probabilities of major earthquakes in the greater Bay Area in the next 25-100+ years; however, in the 1990s, members of the U.S. Geological Survey gave an approximate probability of 70% of one or more major (magnitude 7 or greater) earthquakes in the area within the next 25-30 years, considering the San Andreas, Calaveras, Hayward, Rogers Creek, San Gregorio, and some other active faults. All existing homes should be checked by a licensed structural engineer to determine whether additional earthquake resistance can be provided, especially in the foundation area. We recommend this.

The County's fault map shows the entire San Andreas fault zone as having a high potential of earthquake-induced surface ground rupture. It is well to understand, however, that it became apparent during the Loma Prieta earthquake mainshock and aftershocks that not all linear ground failures, cracks, fissures, etc. represent actual traces of a/the fault. Some relate to ground separation in landsliding or "lateral spreading" following ground "lurching." Others appear simply to be induced by ground shaking—sometimes along lines or boundaries of earth materials with different strengths and behaviors (e.g., sandstone and shale). Earlier it had been assumed that at least most such linear features indicated actual primary fault traces along which primary fault movement had taken place. Still, in fault zones and nearby (or even further away)—where such ground fissuring and movement can occur—homes and other structures and developments can be very negatively impacted—moved, distorted, undermined, etc. Further, earthquake-induced ground shaking can be very significant over the entire area, not just in fault zones, and earthquake-induced landslides and landslides induced by ground saturation alone, or other causes, can occur in many sloping settings where no landslide is (presently) depicted on the County's Preliminary Map of Landslide Deposits. Much/most of the terrain in the Santa Cruz Mountains relates to geologically rapid (thousands to millions of years) fault-related uplift with concomitant downslope erosion and landsliding (gravity aided by water and sometimes by earthquakes) forming the landscape. So, caution is indicated when building in or near or even in the general area of a fault zone, whether or not identified fault traces are nearby, and on or near slopes in this tectonically active area.

LIQUEFACTION

The site is not in an earthquake-induced liquefaction potential zone as mapped for Santa Cruz County by Dupré (1975). All ground mapped as having *some* liquefaction potential consists of geologically-young deposits of various thicknesses and potentials or susceptibilities to liquefaction if and when saturated. This mapping depicts in decreasing order, Zones A, B, C and D—high, moderately high, moderately low, and low (but not no) potential for liquefaction. Areas mapped as having “no” liquefaction potential are those where surface soils are directly underlain by and formed on bedrock or landslide deposits versus relatively unconsolidated more-or-less flat-lying deposits. Some small areas of alluvium and some other deposits and landslide deposits were not included in the liquefaction-potential mapping. Strong seismic shaking during earthquakes is what may induce liquefaction in the susceptible deposits if they contain largely sand and/or silt and are saturated. (Note that the actual phenomenon of liquefaction may be induced along failure surfaces in saturated soil or deposits or weak rock and be causative of the ground failure in the landslide process; also some “landslide” movement is actually by flowage; these are not, however, the liquefaction referred to for saturated deposits in mapped liquefaction hazard zones.) Ground shaking effects may also be greater in deposits than in bedrock because of the former's lesser strength and capability of saturation.

FLOOD ZONES

The property is not within a flood Zone A (within the 100-year-flood zone) or Zone B (between the 100- and 500-year flood zones) as mapped for unincorporated areas of Santa Cruz County or the City of Scotts Valley for the Federal Flood Insurance Program, 1986. The property is within a Zone C: area(s) of minimal flooding. (This zone is not currently known to require flood insurance.) The property also would lie outside a Floodway as mapped for Santa Cruz County or the City of Scotts Valley (both 1986) and it would not be in an identified dam failure inundation zone (there is no map for this for Santa Cruz County though there are maps of failure inundation zones for three dams in the County).

FIRE RESPONSE

Fire response area is not a geological consideration but since it can be related to emergency services in a geologic disaster, we include its consideration here. According to maps prepared by the California Department of Forestry and Fire Protection, the property does not lie within the State Responsibility Area (SRA). The property lies within a Local Responsibility Area (LRA)—City of Scotts Valley. Fire response areas and characteristics of properties may affect fire insurance rates and development (governmental permitting) requirements such as water storage, driveways, etc. All buyers should determine who is responsible for vegetation and structure fires for their areas/homes.

RECOMMENDATIONS

Recommendations are given elsewhere in the report under appropriate headings, especially under Site Development. Please review them and consider them incorporated here. The identified landslide/slope stability problem at the site has been addressed above. Overall, with respect to it, I recommend the site drainage be improved and sources of water to this slope be lessened significantly, as given above. I also recommend regrading and improving the stability of the terraced slope, as given above. Yet, this appears to be a problem which can be mitigated with a good degree of certainty of success and significantly enhancing the stability of this slope, and hence of the homesite. A further and separate recommendation is that you have both the septic system and well checked.

Note also that it may be possible to mitigate (improve, repair, alter in a positive manner, upgrade, prevent, etc.) some conditions, while others may not be feasibly mitigable. Often this is a matter of relative scale. It can also relate to off-site conditions or (potential) hazards which could negatively affect/impact particular properties. Therefore, when we give recommendations, it should be understood that these recommendations may/will not pertain to hidden or off-site potentially hazardous conditions nor to those whose relative scale may make them unmitigable, even if recognized. At this site we consider the location on a probable old landslide deposit composed of relatively weak materials to impart some degree of hazard but one which is not mitigable (except on the subject property). Recommendations given basically address conditions which need awareness and improvement—and are things which can be done. When conditions may be *improved*, though problems not necessarily *cured*, we make recommendations that are intended to offer some mitigation. We sometimes also give options and sometimes a progression of possible treatments from least to more rigorous, in the expectation that the easier may work, but if not, move to the more rigorous. We also sometimes recommend monitoring (observing) conditions and taking action if needed; this is, of course, true in all cases. Property maintenance is essential.

Our clients should understand that our recommendations are not given casually and we do anticipate that they will be followed. They relate largely to the property's stability. We make this point because we have made return visits to some properties up to several years after our initial site inspections to find that only some or none of our recommendations were followed. It may be worth noting for emphasis that where geologic investigations are required by the County, the County also requires that the consulting geologist's recommendations be followed by the property owner. Although the County is not involved here, we believe that the recommendations should be viewed similarly.

GENERAL INFORMATION

It should be understood that a major earthquake on any nearby fault would cause severe ground shaking in central coastal California. Homes, especially wood-frame built to Codes since at least the 1950s, however, can have much earthquake shaking resistance (though not ground failure resistance) incorporated into their design, minimizing structural damage. Very significant considerations include adequate: foundations, attachment (bolting, strapping) to foundations, and horizontal (shear) wall support—as by closely-nailed adequately-thick plywood and/or (angular) cross bracing. If uncertain as to the earthquake resistance of a home or other structure, or to increase that resistance (often a good idea if feasible), the advice of a licensed structural engineer should be sought. We recommend this. We do also recommend attaching all tall, heavy or overhanging furniture firmly to structural house members and being aware that items on open shelves or furniture tops may fall. Note that the following may not have adequate earthquake resistance/support: (1a) older or nonconforming homes and other structures, (b) including homes/structures on surface pier/pier block foundations, without adequate cross bracing and/or without adequate shear walls or without being adequately tied into/attached (in)to the ground; (2) inadequately supported living space over garages and car ports; (3) supporting (“cripple”) walls between base plates (floors) and (perimeter) foundations, especially those “stepped down” on slopes; and (4) homes/structures without adequate attachment to foundations and/or the ground. Some ground conditions also offer more resistance to earthquake shaking than do others; hard intact bedrock (except on narrow ridges or “free faces”—i.e., cliff edges) is usually resistant—versus, e.g., alluvium or other sandy/silty sediment, especially with a high water table, or landslide deposits. Narrow ridge tops may take higher ground acceleration and may experience shattering. Some materials, e.g., earth-fill dams or levees, can experience lurch cracking and concomitant lateral spreading of sediment. Uncompacted fill on a slope may also be particularly susceptible to disturbance/failure in an earthquake. Slopes often offer more challenges than do (naturally) level sites for/to adequately earthquake-resistant and landslide-resistant development; however, earthquake-induced liquefaction, as on the County's liquefaction potential map, mainly

occurs in near-level (saturated) ground. Tsunamis ("tidal waves") affect low-lying coastal areas, particularly at the heads of shallowing embayments and inside constricted bays and harbors; similar events can actually occur in lakes, ponds, and other smaller water bodies as well.

As given above, by shaking the ground, earthquakes can trigger landslides. Landslides can be triggered by other factors also. In fact, it is believed that a relatively high proportion of our landslides are brought on by ground saturation alone—though earthquakes alone can trigger landslides and a combination of large nearby earthquakes with saturated ground is our "worst case" condition which it is believed would trigger many landslides. Certainly the ground is most susceptible to landsliding when it is saturated, as during heavy rainy seasons. This fact is considered when evaluating property, though the likelihood of landsliding is low for most years in most cases. Because ground saturation is a factor in landsliding, we recommend, e.g., sensibly limiting the use of septic systems, (excessive) yard watering and water-loving plants, or other activities which would saturate the ground on or at the tops of slopes, especially during heavy rainy seasons. For additional personal protection, residents in sensitive areas or sites (or whose property access [i.e., roads] is sensitive) can maintain rain gauges and leave the property or area for a few hours to a few days if rainfall exceeds a few inches in an 8- to 24-hour period, particularly if there has been a lot of rain earlier in the season and/or if overland flow is observed.

(1) Large-scale landslides which include the site of the inspection, as well as (2) smaller-scale events, such as debris flows and other forms of landslides which begin off-site but could impact the site, may not be detectable given the present scope of the on-site inspection, especially if those landslides were not referred to on landslide hazard maps.

This report is not intended to be a warranty of the property, either express or implied. This report constitutes the professional opinions of Smith-Evernden Associates in accordance with generally accepted geological principles and practices. Other experts could have the same or different opinions about parts or all of this report. The client should obtain a second opinion if desired. The client is encouraged to ask for clarification of any part of this report when questions arise. Supplementary or follow-up reports can be provided for an additional charge. This report is intended for the sole use of the party for whom it has been prepared and who was at the site with Smith-Evernden Associates. It is strictly intended to accompany a site visit with the client. No other persons (e.g., third parties) are entitled to rely on this report nor to make any decisions based on its contents without reviewing the report at the site with Smith Evernden Associates.

Smith-Evernden Associates

Geological-Geotechnical
Property Investigator

Roberta K Smith
Roberta K. Smith, Ph.D.
Reg. Geologist (#3474)

Encl.

Michelle Fodge

11/13/14 PC Agenda Add-on Item

#5

From: Wendlelyn@aol.com
Sent: Thursday, November 13, 2014 4:51 PM
To: Michelle Fodge
Cc: Steve Ando
Subject: Follow-up to our onsite meeting on Nov. 12 - comments and concerns continued

Hello Michelle:

I'm writing again to follow up to your November 12, visit to our property at 14 Crescent Drive (or the lands of Knab on planning drawings), across the great divide from proposed Smith Parcels #1 and #2.

Granted, our brief site overview yesterday was not easy, but someone from the City has to acknowledge the potential environmental impacts from all concerned perspectives with regard to the proposed Smith development.

I purposefully guided you down our side of the bank, across the floor/bottom of the drainage channel, and up slope to the Smith property because I wanted you to see that there is a significant riparian channel and steep terrain features that have not been addressed in the Mitigated Negative Declaration (MND13-001).

It would be irresponsible to assume that lot lines limit negative impacts to neighboring natural terrain and established home sites. So again, we ask City staff to recognize and document the existence of the prominent riparian channel draw that runs through property lines between Timber Ridge lane and Crescent Drive. Also of risk concern is the naturally extreme erosion of the channel's bottom or foot of supporting banks.

Septic tank percolation and changes to natural rain water drainage patterns will add irregular water flow to bank and hillside soils as will the planned removal of a high number of trees on the top of the channel bank on the Smith property. Removal of natural vegetation and earth disturbances will further destabilize soils on and near steep slopes that are not illustrated in the planning drawing used to identify the sloping of mountainous terrain in the Mitigated Negative Declaration document (MND13-001).

To describe the situation and for the public record, the prominent riparian drainage channel floor and one side of the riparian channel bank are located on Crescent Drive residential lots, the opposite bank or draw of the channel is the slope leading to the top of the bank that is meant to support the proposed Smith parcels #1 and #2.

In short, the Smith development envelopes have been located too close to a significant seasonal riparian drainage channel bank. Extreme erosion of the foot of the bank slope is also a naturally existing condition that has not been considered or addressed in Smith proposed development plans presented for public review.

After studying the Mitigated Negative Declaration (MND13-001), I think it's pertinent to point out inconsistencies in the riparian drainage channel protection distances in two separate sections of the document. Following are my suggestions for changes I hope will be considered and mitigated with safer setbacks.

I propose that Mitigation Measure #16 Hydrology – Protect Drainage Channels, be changed from 25 feet to 100 feet of protective distance from the existing top of the bank on both Parcels #1 and #2 of the proposed Smith development.

Language with changes in bold italic type and strikeout:

57

"To minimize erosion near natural drainage channels, the developer shall **limit** grading and tree removal within **100** feet of the natural seasonal drainage channels, as measured from the City's definition of top of bank,..."

~~For consistency I also propose that Section M., 3., Mitigation Measure #3 Biological Resources — Protect Riparian / Seasonal Drainage, be changed to address the local riparian channel on lots adjacent to Parcels #1 and #2, and be measured from the top of bank.~~

Language with changes in bold italic type:

"To ensure that future development of ***Parcel #1 and Parcel #2*** protects the existing riparian seasonal drainage channel in Parcel #2 ***and the existing riparian seasonal drainage channel in adjacent residential properties on Crescent Drive***, the development envelopes for ***Parcel #1 and Parcel #2*** shall maintain a minimum ***distance*** of 100 feet ***from the natural seasonal drainage channels, as measured from the top of the channel bank,...***"

Finally, can you please clarify the City's definition of "top of bank." May I suggest that this ambiguity be made specific in development plan documents. Webster's definition of bank in this context is descriptive and straightforward: "the slope immediately bordering a stream course along which the water normally runs."

Respectfully,
Wendy Lea Anderson
14 Crescent Drive (the blank Lands of Knab on planning drawings.)

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TTY 711
<http://www.dot.ca.gov/dist05/>

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CITY OF SCOTTS VALLEY

December 1, 2014

SCr	17-6.18
SCH#	N/A – MND13-001
APN#	024-021-26

Ms. Michelle Fodge
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066

Dear Ms. Fodge:

COMMENTS ON THE MITIGATED NEGATIVE DECLARATION FOR THE GERALD SMITH
TRUST, 15 ACRE, 4-LOT SPLIT

The California Department of Transportation (Department), District 5, Development Review, has reviewed the above referenced project and has the following comments.

1. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development.
2. Caltrans previously commented on this project on December 10, 2009, and May 17, 2013, which we have attached as reference. Since it appears the plans have not significantly changed, all previous comments regarding the project still stand and have merit.
3. Again, please be aware that Caltrans does not support ANY intensification of the existing access points, including Timber Ridge Lane, temporary or not. We recommend that prior to occupancy that a condition of approval is that these access points be permanently closed with locks and crash gates to prevent public use, and to only allow emergency vehicle access (EVA). We also request that truck turning templates for any proposed EVA locations along State Route 17 be forwarded to Caltrans for review and approval.

Thank you for your consideration and action upon these issues. If you have any questions, or need further clarification on the items discussed above, please call me at (805) 549-3099 or e-mail jennifer.calate@dot.ca.gov.

Sincerely,

JENNIFER CALATÉ
Associate Transportation Planner
District 5 Development Review Coordinator

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
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TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>

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CITY OF SCOTTS VALLEY

May 17, 2013

SCr	17-6.18
SCH#	N/A – MND
APN#	024-021-26

Ms. Michelle Fodge
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066

Dear Ms. Fodge:

COMMENTS ON THE MITIGATED NEGATIVE DECLARATION FOR THE POLO
HEIGHTS 13 ACRE, 4-LOT SPLIT

The California Department of Transportation (Department), District 5, Development Review, has reviewed the above referenced project and has the following comments.

1. The project will generate additional traffic and has the potential to significantly impact the State highway system (SHS); thus we request that a Traffic Impact Study (TIS) be completed that includes information on existing traffic volumes within the study area. The study should analyze Highway 17 mainline operations, Granite Creek Road interchange and all associated merge/diverge areas. The study should also be based on recent traffic volumes less than two years old. Counts older than two years cannot be used. Please refer to the Department's "Guide for the Preparation of Traffic Impact Studies" at <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf> for additional information. An alternative methodology that produces technically comparable results can also be used.
2. Highway 17 currently operates at Level of Service (LOS) F. Because the Department is responsible for the safety, operations, and maintenance of the SHS, our LOS standards should be used to determine the significance of the project's impact. We endeavor to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, *any* additional trips should be considered a significant cumulative traffic impact, and should be mitigated accordingly.

Michelle Fodge
May 17, 2013
Page 2

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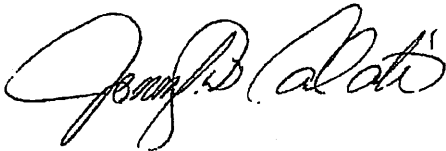
DEC 02 2014

CITY OF SCOTTS VALLEY

3. We appreciate that the applicant has refined the project's access; however, it does not appear that there is a mechanism for enforcing, monitoring, or preventing future use of current access points to the property. The Department does not support *any* intensification of these existing access points. The Department further recommends that prior to occupancy that a condition of approval is that these access points be permanently closed with crash gates to prevent public use and to allow emergency vehicle access (EVA) only. Additionally, the Department requests that truck turning templates for any proposed EVA locations be forwarded for review and approval.
4. Please note that any work completed within the State's right-of-way will require an encroachment permit from the Department, and must be done to the Department's engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for obtaining the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditions and requirements. For more information regarding the encroachment permit process, please visit the Department's Website at <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Thank you for your consideration and action upon these issues. If you have any questions, or need further clarification on the items discussed above, please call me at (805) 549-3099 or e-mail jennifer.calate@dot.ca.gov.

Sincerely,



JENNIFER CALATÉ
Associate Transportation Planner
District 5 Development Review Coordinator

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
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<http://www.dot.ca.gov/dist05/>



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CITY OF SCOTTS VALLEY

December 10, 2009

SCr 17-6.18
SCH# 2009112041

Ms. Michelle Fodge
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066

Dear Ms. Fodge:

COMMENTS ON THE MITIGATED NEGATIVE DECLARATION FOR THE POLO HEIGHTS 4-LOT SPLIT

The California Department of Transportation (Department), District 5, Development Review, has reviewed the above referenced project and has the following comments.

1. The Department supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development.
2. Please provide a line of sight analysis for all access points to the proposed project location from Highway 17. Guidance for completing a line of sight analysis can be found in the Highway Capacity Manual 2000, published by the Transportation Research Board.
3. Please provide an intersection analysis for proposed ingress/egress for all access points from Highway 17 to the project location using the Highway Design Manual as guidance. The Highway Design Manual can be located through the Department's website at <http://www.dot.ca.gov/hq/opd/hdm/hdmtoc.htm>
4. Please provide a hydraulic analysis and mapping of the existing drainage system you are planning to drain to, or of any drainage that may enter the State's culvert systems downstream from the proposed subdivision. The flow release from the subdivision should not exceed what is currently being released for the 10-year or 100-year storm event to any of the State's culverts from the project location.

Michelle Fodge
December 10, 2009
Page 2

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DEC 02 2014

CITY OF SCOTTS VALLEY

5. Please note that any work completed within the State's right-of-way will require an encroachment permit from the Department, and must be done to the Department's engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for obtaining the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditions and requirements. For more information regarding the encroachment permit process, please visit the Department's Website at <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Thank you for your consideration and action upon these issues. If you have any questions, or need further clarification on the items discussed above, please call me at (805) 549-3099 or e-mail jennifer.calate@dot.ca.gov.

Sincerely,



JENNIFER CALATÉ
Associate Transportation Planner
District 5 Development Review Coordinator



December 4, 2014

Michael Weisz
Carlson, Barbee & Gibson, Inc.
2633 Camino Ramon, Ste. 350
San Ramon, CA 94583

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DEC 08 2014

CITY OF SCOTTS VALLEY

Re: Request for review & comment for Polo Ranch in Scotts Valley.

Mr. Weisz:

Thank you for the opportunity to review the Map referenced above. PG&E has no objections to the proposed development.

Please note that new services require a sufficient amount of time to engineer and schedule for construction. The developer should contact the PG&E Service Planning office in Santa Cruz at (831) 479-3114 as soon as possible, to review service and/or relocation requirements. Additional easements may be necessary depending on new service requirements.

All proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of our facilities.

For future requests please direct all correspondence to:

Christian Kuhn
PG&E Land Department
356 E. Alisal Street
Salinas, CA 93901

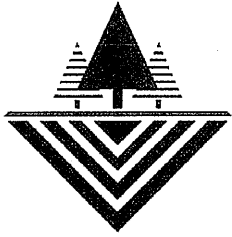
If you require additional information please contact me at the above address or by telephone at (831) 784-3502

Sincerely,

Christian Kuhn
Lead Land Technician

cc: City of Scotts Valley Public Works Department

64
065



Scotts Valley Water District

2 Civic Center Drive, Scotts Valley, CA 95066-4159

Phone: (831) 438-2363 · Fax: (831) 438-6235

www.svwd.org · contact@svwd.org

November 26, 2014

City of Scotts Valley
Planning Department
One Civic Center Drive
Scotts Valley, CA 95066
Attn: Michelle Fodge, Senior Planner

Re: Gerald Smith Trust 4-Lot Split
Environmental Review Document, Mitigated Negative Declaration (MND)
Scotts Valley Water District Review Comments

Dear Michelle,

Scotts Valley Water District (SVWD) has reviewed the subject MND and has the following comments related to the water supply and water quality.

Comment 1:

In Sections H (Hydrology and Water Quality) and P (Public Utilities and Service Systems) it is stated that the project will require a Main Extension Agreement with SVWD to connect the four lots to the existing water main. There will be no requirement for a Main Extension Agreement with SVWD as all new parcels will be served off the existing Timber Ridge Road water main. The water conservation features that are prescribed by the State or by the District will be required for new service connections in any case.

Comment 2:

The project description indicates that there will be widening of Polo Heights Road and Timber Ridge Lane. SVWD seeks to ensure that road construction activities are coordinated with SVWD to avoid or minimize road closer impacts on critical District operations. The property owner will be required to preserve existing SVWD rights, entitlements, and ability to access the existing water main in Timber Ridge Road and Southwood Tank at the end of Timber Ridge Road

Comment 3:

SVWD owns and operates Orchard Run Water Treatment Plant and two production wells in the vicinity of the proposed development project. The property owners may be affected by odor emission and periodic traffic of heavy equipment associated with the operations of the treatment plant and wells.

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Subject: Gerald Smith Trust 4-Lot Split MND, SVWD Review Comments
Date: November 26, 2014
Page 2

Comment 4:

The enclosed Individual Sewage Disposal Soils and Percolation Study concluded that there is little likelihood of groundwater being an issue on this property because no riparian areas or water courses exist near the proposed septic areas on the property.

For a prior project at adjacent property (Polo Heights) the District determined that the septic systems installed at that site pose a potential risk to the District Well #7A. Depending on the exact locations of the future septic systems at the subject property, there could be a similar threat to the well from this project. SVWD recommends that the proposed sites be connected to the City sewer system if feasible or that an advanced septic technology be utilized to protect the public water supply.

Thank you for the opportunity to comment on the Mitigated Negative Declaration and associated documents.

If you have any questions regarding these comments, please contact me at 831-438-2363 or pharmon@svwd.org

Sincerely,

Piret Harmon

Digitally signed by Piret Harmon
DN: cn=Piret Harmon, o=ou,
email=pharmon@svwd.org, c=US
Date: 2014.11.26 10:07:38 -08'00'

General Manager
Scotts Valley Water District

666

City Council Meeting December 17, 2014

New Conditions to Add

- 53a. The final map shall show a sewer easement located within the project access road (right-of-way) to provide an opportunity for future project residents to connect to the future sewer connection by Lennar Homes for the approved Polo Ranch 40-lot subdivision.
- 53b. If any work is proposed in the Caltrans right-of-way (Highway 17), the developer shall obtain a prior encroachment permit from Caltrans before any work begins, and shall obtain prior review and approval by the CDD of such work.