City of Scotts Valley
PLANNING COMMISSION
STAFF REPORT

Date: June 9, 2022

Applicant / Property Owner: Charlie Eadie/Granum Partners

Applications: Environmental Impact Report EIR19-004
General Plan Amendment GPA18-001
Zone Change ZC18-001
Planned Development PD18-002
Minor Land Division MLD18-003
Design Review DR18-007

Location: Intersection of Mt. Hermon Road and Glen Canyon Road/APN 022-162-76

General Plan / Zoning: Service Commercial / C-S

Environmental Status: Environmental Impact Report (EIR) was circulated for public review October 11- November 30, 2021, in accordance with the California Environmental Quality Act (CEQA)

Request: Consideration of an Environmental Impact Report, General Plan Amendment (GPA), Zone Change, Planned Development Zoning and Planned Development Permit, Design Review application and a Minor Land Division to allow for the construction of a mixed use commercial and residential development on a 3.56-acre site at the intersection of Glen Canyon and Mt. Hermon Road. Project land uses include 24,973 square feet of commercial, eight townhomes, and 44 apartments.

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spineda@m-group.us

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing and provide comment and direction on the proposed project.
BACKGROUND

The project site (APN: 022-162-76) is located at the northeast intersection of Glen Canyon Road and Mt. Hermon Road (Attachment 1 - Location Map).

The project site was previously approved for a three-lot subdivision to build three commercial buildings in 1991, however, the project was never constructed. In 1997, the City approved the Oak Creek Park Business Center to create three lots and build three commercial buildings (two 2-story buildings and one 1-story building). The one-story building was built at 3600 Glen Canyon Road. The approved two 2-story buildings (approx. 48,000 square feet) were not built.

In 2008, the Planning Commission recommended to the City Council for approval the Oak Creek Mixed-Use Planned Development project for two one-story commercial buildings (24,500 sf.) and a three-story, 10-unit townhouse building. However, due to a potential legal challenge, the public hearing was continued to a date uncertain and the City Council did not consider the proposed development.

PROJECT DESCRIPTION

The subject site is an approximately 3.6-acre, vacant lot, located at the intersection of Mt. Hermon and Glen Canyon Roads (see Location Map, attached). The site slopes upward to the northeast to the rear yards of single-family homes on Lucia Lane. The site is currently vacant and supports annual grassland, a small patch of coastal prairie, coast live oak tree groves, a poison oak thicket, and non-native tree groves. An overhead electrical transmission line extends generally east to west over the southern portion of the site and includes a steel monopole adjacent to Mt. Hermon Road.

The project fronts on Mt. Hermon Road which is one of the busiest commercial corridors in Santa Cruz County. Across Mt. Hermon Road are commercial uses comprised of small businesses, such as a coffee shop, restaurant, yoga studio, salon, gas station and laboratory equipment suppliers. North of the project site are 19 residential residences known as The Terrace Planned Development. Northeast of the site are single-family residences. Southeast of the project site is a one-story commercial building.

The project is a mixed-use commercial and residential development. Project land uses include 24,973 sf. of commercial (e.g. retail and office), eight townhomes, and 44 apartments.

The project proposes to subdivide the existing 155,350 sf parcel into two lots. Proposed Lot 1 is approximately 45,250 sf and would include eight townhome style, 3-bedroom apartments housed within two separate buildings (Buildings C and D). The proposed density is 7.7 units per acre, which conforms to the City's density standard of 6-9 units per acre for the R-M-6 Medium High Density residential zoning district. Façade treatments for both buildings include a sloped standing seam metal roof, painted
gutters, wood balcony railings, painted shingle siding, painted fiberglass windows and doors and painted stucco chimneys.

Lot 2 is approximately 110,100 sf and also includes two buildings, Building A and Building B. Building B would consist of 9,910 sf of commercial use which fronts Glen Canyon Road, and Building A includes 14,931 sf of ground floor commercial space, for a total of 24,973 sf of commercial use on Lot 2. Surface parking and 12’ wide sidewalks would separate Buildings A and B, creating a “main street” commercial core. The residential units are located to the rear of the project site, on the third and fourth floors of Building A, above the commercial space. The proposed residential uses include a mix of apartments (4 studios, 18 one bedroom, and 22 two bedrooms) for a total of 44 units located on two levels. The studio and one bedroom apartments range in size from 712 sf- 906 sf, and the two- and three- bedroom units range in size from 1,184 sf to 2,172 sf. Façade treatments for both Buildings A and B include painted wood and sheet metal parapet, painted stucco siding, aluminum storefront windows and doors and a sloped standing seam metal roof.

Pursuant to the Scotts Valley Municipal Code the project is required to designate 15% of the housing units as affordable. Of the proposed 52 units, the project is required to provide seven affordable units and pay in-lieu fees of 0.80 of a unit. The income-levels of the units requires review and recommendation by the City Council affordable Housing Subcommittee. Before City Council review, the applicant will submit proposed income-levels for review by the City Council Affordable Housing Subcommittee for recommendation to the City Council.

The following objectives have been identified by the project applicant for the project:

1. Provide a balanced mix of residential and commercial uses that integrate into the existing urban setting and provide a safe and attractive environment for living and working.
2. Create a high-quality mixed-use development that is visually and aesthetically compatible with adjacent land uses.
3. Expand and improve the City’s housing supply by developing high-quality housing on a City-designated “opportunity site.”
4. Provide affordable and market-rate housing consistent with the City of Scotts Valley General Plan Housing Element goals and policies.
5. Provide a mix of residential and commercial uses that achieves a financially feasible project.
6. Provide commercial uses that provide net financial benefits to the City of Scotts Valley.
7. Provide a project that balances housing with job-creating uses.
8. Develop a project that supports the success of the commercial uses through careful site planning and infrastructure design.
9. Develop vacant and underutilized land in an urban area.
10. Locate commercial and residential uses where such uses can take advantage of existing infrastructure and utilities.
11. Provide and improve pedestrian connections within the project and across adjacent arterial streets to facilitate pedestrian activity between neighborhoods and within the development.

**PROPOSED ENTITLEMENTS**

The project requires the following planning permits:

1. Environmental Impact Report Certification – to address environmental impacts per the California Environmental Quality Act (CEQA)

2. General Plan Amendment – to change the existing land use designation on Lot 1 from Service Commercial to Medium High Residential

3. Zone Change – to change the zoning on Lot 1 from Service Commercial (C-S) to Medium High Residential (R-M-6)

4. Planned Development Zoning – to add a zoning overlay on Lot 1 Medium High Residential/Planned Development (R-M-6/PD) and Lot 2 Service Commercial/Planned Development (C-S/PD) to allow for exceptions to the zoning regulations and to allow tailored development standards to fit the needs of the project

5. Minor Land Division – to create two lots

6. Planned Development permit / Design Review – to evaluate the architecture and related site improvements

The following sections provides a discussion of the relevant planning, entitlement and environmental issues associated with the proposed project.

**General Plan**

General Plan Amendment

The project site is designated as Service Commercial under the City of Scotts Valley General Plan. As defined in the City’s General Plan, the Service Commercial designation is intended for commercial and service-related land uses. Land uses permitted under the Service Commercial designation allow retail stores and shops, food and motel/hotel establishments, services such as printing shops and electrical repair shops, heating and ventilating shops. Very high density mixed use residential uses at a density range of 15.1 to 20 units/acre are also permitted, providing adjacent uses are compatible and the residential is secondary to the retail use.

The proposed project includes a General Plan Amendment to re-designate Lot 1 from Service Commercial to Medium High Residential which allows for a density range of 5 to 9 units per acre. Lot 1 is approximately 45,250 sf, resulting in a maximum allowable
density of nine dwelling units per acre. Eight townhomes are proposed for Lot 1 and the resulting density would be 7.7 DU/acre.

Lot 2 would remain Service Commercial and be 110,100 sf. in area and be comprised of 24,973 net sf. of commercial and 55,055 sf. of residential. The residential density would be 17.4 DU/acre. The total average density on the entire project site would be 15.1 dwelling units per acre.

When considering a General Plan Amendment, the City must find that the project is in the public interest.

**General Plan Consistency**

Per the General Plan, Service Commercial land use requirements allow mixed use residential provided that adjacent uses are compatible and the residential use is secondary to the retail use. As proposed the development plan for Lot 1 is not consistent with this requirement as shown on the following table.

<table>
<thead>
<tr>
<th>Use</th>
<th>Square Footage</th>
<th>Ratio</th>
</tr>
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<tbody>
<tr>
<td>Commercial</td>
<td>24,973 sf</td>
<td>24,973 sf/80,028 sf = 31.2%</td>
</tr>
<tr>
<td>Residential</td>
<td>55,055 sf</td>
<td>55,055 sf/80,028 sf = 68.8%</td>
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</table>

As illustrated in the table above, the residential land use comprises nearly 70% of the land use, which is not consistent with the General Plan. The purpose of the secondary requirement is to ensure that the commercial function of the property is retained.

In the City of Scotts Valley, floor area ratio is calculated as the total horizontal area, in square feet, on each floor within the exterior walls of a structure, but not including the area of inner courts, shaft enclosures or exterior walls. This was confirmed by the Planning Commission at an appeal hearing in December 2017. At that time, the Commission affirmed that commercial uses should be the primary use and that this method is an important way for the City to implement, promote, and protect the availability of its commercial zones, as called for in General Plan Land Use Element Policy LP-28. This is even more important due to the location of the project on one of the busiest commercial corridors in Santa Cruz County.

On Sheet A1.1 of the plan set, the applicant shows several calculations for mixed-use ratios based not only on this method, but also a variety of alternate calculations that create substantial confusion about the actual percentages. For clarity purposes, the Planning Department requested that the alternate calculations be removed from the plans and be included as a separate attachment, but the applicant did not comply. Projects proposed in Scotts Valley are required to comply
with City requirements and the only Mixed-Use Ratio calculation that is consistent with these requirements is Alternative 2, labelled ‘Mixed Use Ratio (Based on Area By Function)’ as summarized in the table above.

In response to conversations with the Planning Department about the secondary requirement, the applicant felt that the project as proposed was preferred based on the following reasoning:

*If the site did not include housing, or included fewer units, all parking would be located in surface lots because commercial development alone would not support the cost of a parking structure. In that case, the amount of commercial space would be nearly identical (25,000 square feet) but the housing opportunity would be almost entirely lost. The housing does not compromise the commercial opportunity, in fact, it provides a base of residents to support the commercial uses on the site.*

Despite the applicant’s preferences, the City’s General Plan and Zoning Code are clear about the parameters under which residential uses can be located within the Service Commercial areas in order to preserve the commercial base of the City.

**General Plan Housing Element**

While reviewing the project the Planning Department identified an additional way to process the application that would not require adherence to the secondary requirement. This method would be at the discretion of the Planning Commission and City Council.

In the City’s 2015 – 2023 Housing Element, the subject site is identified as one of six Opportunity Sites that have zoning and development standards, infrastructure, and public facilities in place to accommodate the construction of new housing. These criteria allow high-density residential as part of a mixed-use project and this site was estimated to accommodate 10 units, two low income affordable units and eight market units.

The Planning Commission and City Council could interpret the Opportunity Site designation as an indicator that additional residential area would be an acceptable method of implementing the goals and objectives of the General Plan provided development standards, infrastructure and public facilities can accommodate the development. The Opportunity Site designation would allow for greater flexibility regarding the commercial/residential area ratio and could also be an opportunity to require additional affordable units. A decision to interpret the General Plan in this way would be unique to this property, as other properties with this designation in the Housing Element have already been developed.

By interpreting the "Opportunity Site" designation in this way the Planning Commission and City Council could allow the residential area of the site to exceed the secondary requirement and still be in compliance with the General Plan.
General Plan Circulation Element

The Scotts Valley General Plan Transportation Element Action CA-149 has established a threshold of LOS D for Mt. Hermon Road / Scotts Valley Drive and Granite Greek Road / Scotts Valley Drive. All other signalized intersections are required to maintain a LOS of C or better, per CA-150.

As stated in the City of Scotts Valley Guide for the Preparation of Traffic Impact Studies (2003), the City of Scotts Valley considers intersections with LOS C or better under “Existing Conditions” to be operating at an acceptable level. For intersections operating at LOS C or better under “Cumulative Conditions,” a project would cause a deficiency if it would result in intersection operations of LOS D. This criteria is applied to signalized intersections within the City’s jurisdiction, as well as Caltrans intersections.

The proposed project is expected to generate 1,678 net new daily trips, with 206 net new trips (130 in and 76 out) occurring during the AM peak hour and 126 net new trips (60 in and 66 out) occurring during the PM peak hour. Please see the “Transportation” section of the Draft Environmental Impact Report for a complete discussion of traffic related elements of the project (https://www.scottsvalley.org/358/Oak-Creek-Park---Mixed-Use-Development).

The Traffic Impact Study for the project identified several impacts associated with the project. Below is a summary of the issues and how they could be addressed. The Planning Commission and City Council will need to make a determination that the project is in the public interest and that the benefits outweigh the identified traffic impacts.

Mt. Hermon Road / Scotts Valley Drive (Existing + Project Conditions)

The Traffic Impact Study concluded that all intersections operate at acceptable levels of service under the “Existing + Project Conditions” during the weekday AM and PM peak hours with the exception of the Mt. Hermon Road / Scotts Valley Drive intersection. It would degrade from acceptable LOS D to and unacceptable LOS E during the AM Peak. The addition of project traffic to the intersection to Scotts Valley Drive / Mt. Hermon Road would result in an average delay from 54.7 to 56.7 seconds (a two second increase).

Given the fact that the existing right-of-way is fully utilized, future constructed improvements at this intersection are limited without acquiring additional land and making major modifications to the infrastructure, which would be prohibitively expensive. Payment by the applicant of their fair-share traffic impact mitigation fee and other City improvements would help fund other improvements such as traffic signal controllers, which would improve the LOS. Implementation of the recommended signal timing devices from Mt. Hermon Road/Lockewood Lane west to the Mt. Hermon Road / La Madrona Drive / SR 17 Southbound off-ramp intersection would improve operations.
to LOS D or better in AM and PM peak hours at the intersection of Mt. Hermon Road / Scotts Valley Drive.

**Mt. Hermon Road / La Madrona Road / SR 17 Southbound Off-Ramp - Cumulative + Project Conditions:**

The Traffic Impact Study concluded that all study intersections operate at acceptable levels of service under the Cumulative + Project Conditions during the weekday AM and PM peak hours except for:

- Mt. Hermon Road / Scotts Valley Drive (Intersection #2)
  - Would continue to operate at LOS E during AM Peak
- Mt. Hermon Road/ La Madrona Drive-Hwy 17 SB Ramps (Intersection #4)
  - Would continue to operate at LOS D during AM Peak
  - Would continue to operate at LOS D during PM Peak
- Mt. Hermon Road / Project Driveway (Intersection #7)
  - Would operate at LOS D during AM Peak

The addition of project traffic to the intersection to Mt. Hermon Road / La Madrona Road / SR 17 Southbound Off-Ramp would cause slight increases in delay (less than 5 seconds) during the AM and PM peak hours. Improvements to signal timing would improve the condition from LOS D to C during the AM peak hour. However, the LOS would remain at LOS D during the PM peak hour due to ramp delays, which is not consistent with Caltrans which endeavors to maintain a target LOS at signalized intersections at the transition between C and D.

The Scotts Valley Town Center Specific Plan EIR identified a second westbound right-turn lane on the SR 17 off-ramp as mitigation for deficient operations at Mt. Hermon Road / La Madrona Road / Hwy 17 Ramps (Mitigation Measure T-1). However, as noted in the Draft EIR, even with this improvement, the intersection would continue to operate at LOS D, which is not sufficient to meet Caltrans LOS C/D standard.

Because no further feasible mitigation could be identified to avoid the future cumulative delays, the Scotts Valley Town Center Specific Plan EIR determined that this impact would remain significant and unavoidable.

The intersection of Mt. Hermon Road / Project Driveway is expected to operate at LOS D during the PM peak hour; however, this intersection does not satisfy signal warrant and is located to close to the Mt. Hermon Road / Glen Canyon Road intersection, and therefore no improvement is recommended.

The Planning Commission and City Council would need to determine that the proposed improvements are feasible, that the project is in the public interest and that the benefits outweigh the identified traffic impacts.

**Zone Change and Planned Development Zoning**
The proposed project includes a zone change for Lot 1 from Service Commercial (C-S) to Medium High Residential/Planned Development (R-M-6/PD). The R-M-6 classification is intended to provide areas for single-family subdivisions and multi-family developments.

Planned Development zoning is proposed for both Lots 1 and 2. According to the General Plan, the purpose of Planned Development Zoning is to provide the means to tailor zoning regulations and to apply specific standards for the development of a particular site. This process enables the City Council to consider the unique characteristics of a site and its surroundings to better implement the citywide objectives, goals and policies of the General Plan and to provide site-specific development standards. Anytime Planned Development zoning is utilized, the standards established for the zoning district, which reflects the General Plan designation are tailored as part of a planned development. Tailored zoning regulations include, but are not limited to, lot size and shape, intensity, coverage and appearance of structures.

As proposed the project requires various exceptions from the R-M-6 and C-S Zoning district regulations. The requested exceptions and analysis are discussed in various sections below.

**Minor Land Division**

The project includes the subdivision of the existing 155,350 square foot parcel into two lots. Proposed Lot 1 is approximately 45,250 sf and would include eight townhome style (Buildings C and D).

Proposed Lot 2 is approximately 110,100 sf and also includes two buildings, Building A and Building B. Building B would consist of 9,910 sf of commercial use which fronts Glen Canyon Road, and 14,931 sf of ground floor commercial space within Building A, for a total of 24,841 sf of commercial use on Lot 2.

As designed the project requires shared amenities like access roads and parking between the commercial and residential portions of the project. Since the project spans two lots, it is possible that they could be sold separately. The only way to ensure that the shared amenities are managed and maintained in perpetuity is through a legal agreement. Such an arrangement would need to be reviewed and approved by the City, ideally in conjunction with these project entitlements. The applicant has not provided a proposal for this aspect of the project.

**Planned Development Permit/Design Review**

The project is required to obtain both Planned Development Permit and Design Review approvals. The development regulations in the zoning code provide the framework for evaluating the proposed project. The following development standards, as defined in the zoning code, apply to the project:
Lot 1 - Multiple Residential Zoning District Regulations (R-M-6)

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>R-M-6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Uses</td>
<td>Multi- and single-family dwellings</td>
</tr>
<tr>
<td>Front setback</td>
<td>20'</td>
</tr>
<tr>
<td>Side setback</td>
<td>10% lot width, max of 6’</td>
</tr>
<tr>
<td>Rear setback</td>
<td>15’</td>
</tr>
<tr>
<td>Building Height</td>
<td>Max = 35’</td>
</tr>
<tr>
<td>Building coverage</td>
<td>Max = 55%</td>
</tr>
<tr>
<td>Parking</td>
<td>2 spaces per unit, plus one additional space for every five units</td>
</tr>
</tbody>
</table>

Lot 2 – Service Commercial Zoning District Regulations (C-S)

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>C-S</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Uses</td>
<td>Retail, business, personal service establishments, medical, professional and general business offices</td>
</tr>
<tr>
<td>Front setback</td>
<td>20’</td>
</tr>
<tr>
<td>Side setback</td>
<td>0’</td>
</tr>
<tr>
<td>Rear setback</td>
<td>20’ when abutting a Residential district</td>
</tr>
<tr>
<td>Building Height</td>
<td>Max = 35’</td>
</tr>
<tr>
<td>Building coverage</td>
<td>Max = 45%</td>
</tr>
<tr>
<td>Parking</td>
<td>1 space per 250 sf of floor area</td>
</tr>
</tbody>
</table>

The existing C-S zoning district designation allows very high-density mixed use residential uses at a density range of 15.1 to 20 units/acre, provided adjacent uses are compatible, the multiple family dwellings are located either above the ground level commercial use or at ground level at the rear of a commercial space.

Additionally, the Mount Hermon Road Design Guidelines and Commercial and Industrial Design Guidelines are applied by the City through the design review process. The design review process includes project review by City Staff, Planning Commission, and City Council. This review serves as a basis for evaluating proposals for quality of design. The City’s review process is designed to encourage the highest level of design quality, while at the same time provide the flexibility necessary to encourage creativity on the part of the project designers. The overall objective is to ensure that the intent and spirit of the guidelines are followed.

The project site is located in an existing urban setting along Mount Hermon Road and serves as a gateway that breaks up a long commercial corridor. With thoughtful and intentional design, development on this parcel can serve as an important gateway to the City’s commercial core area, which invites shoppers, protects the natural and man-made features which distinguish Scotts Valley and accentuates the urban forest theme.

With this goal in mind, the following sections of the staff report include a discussion of
the proposed exceptions, as well as several design issues that the Planning Department identified during the design review process and the applicant chose not to incorporate for a variety of reasons.

The applicant’s rationale is included as a part of the discussion. The Planning Department is requesting Planning Commission input and direction on the following exceptions and design issues.

Site Design

Existing development along Mt. Hermon Road is generally set back from the street frontage and includes a variety of one- and two-story commercial buildings, surface parking lots, vacant lots and landscaping. Further north on Mt. Hermon Road (past Scotts Valley Drive), the built form is more developed with paved parking lots and one-story commercial buildings, typical of a suburban streetscape.

The proposed townhomes on Lot 1 and commercial building (Building B) on Lot 2 are proposed to be set back a minimum of 20 feet from Mt. Hermon Road and Glen Canyon Road and includes landscaping to help soften their appearance. Building B fronts Mt. Hermon Road and is consistent in scale and height with the one-story office building to the east. The parking lot (located between Buildings A and B) will have landscaping and most of the parking spaces will be screened by buildings or will be set back from Mt. Hermon Road to minimize street views of parked cars.

Building A, situated behind Building B on the project site, is proposed to be a mixed-use building with two residential levels over two levels of parking/commercial uses. To help reduce mass and height, the existing hillside would be graded so that a portion of the parking structure would be below grade. The building architecture includes sloped rooflines, articulated with varied forms, patterns, and massing. Building materials would consist of painted wood, stucco, exposed concrete, stone veneer, standing seam metal roofs, and aluminum and fiberglass windows.

The proposed project would require a number of exceptions which will be discussed in further detail below. As a general rule, if an exception is proposed, the result should be a superior project. The Planning Department requests Planning Commission input and direction on the following site design issues:

Location of Townhomes – Lot 1: The proposed multi-family dwellings may not be appropriate fronting a busy commercial corridor, and, in addition, if the multi-family dwellings are moved away from Mt. Hermon Road, it may negatively impact the residents on Lucia.

The applicant believes that the placement of the townhouses on Lot 1 is a superior design because it works with the site topography. In contrast, the previous proposal required several retaining walls and extensive grading which consequently reduced landscaping opportunities.
While the current design does work with the site topography, the Planning Department believes the larger issue is whether or not residential use is appropriate at this site at all. Planning Staff has concerns about the residential interface with the existing gas station, the high traffic volumes on Mount Hermon Road, the busy intersection at Mount Hermon Road and Scotts Valley Drive, and the additional traffic that would be generated by the proposed mixed-use portion of the project. Mount Hermon Road is one of the busiest commercial corridors in Santa Cruz County. Residential use situated this close to these land uses will create a loud and busy living experience for the residents.

If the residential uses are setback on the project site, the project could impact residents on Lucia Lane. During the design review process, Planning Staff requested that the applicant provide photo simulations to help assess the impacts (Refer to Sheet A1.3). While they are helpful, it is important to note that they do not accurately represent the impacts to 107 Lucia Lane, which is situated much closer to the rear property line of the proposed development (please refer to the building footprints shown on Sheet C0.1, specifically APN 022-162-64).

The Planning Department believes that the site is better suited for commercial use because the residential use is incompatible with the adjacent gas station, the high traffic volumes on Mount Hermon Road, the busy intersection at Mount Hermon Road and Scotts Valley Drive., and the additional traffic that would be generated by the proposed mixed-use portion of the project. Since this parcel is located along a busy, highly visible commercial corridor, it has potential to create a number of successful business opportunities.

**Setback Exception – Townhomes Lot 1:** The hillside development standards are required to be met for the residential use on Lot 1, with a slope greater than 10%. Pursuant to SVMC Section 17.40.060(6)), one foot shall be added to each side yard for each one foot of height above which the top plate line exceeds fifteen feet in height.

As proposed, the west elevation, shown on Sheet A5.1 of the plan set shows the top plate measures 19-feet, therefore an additional four feet would be required, resulting in a 14-foot side setback in between Buildings C and D.

The Planning Department believes the setback exception could be acceptable, as proposed, at 10’ as long as it is not further reduced.

**Side setback exception – Townhomes Lot 1:** The hillside development standards are required to be met for the residential use on Lot 1, with a slope greater than 10%. Pursuant to SVMC Section 17.40.060(6)), one foot shall be added to each side yard for each one foot of height above which the top plate line exceeds fifteen feet in height.

As proposed, the project would require a reduced side yard setback at the northwest corner of Building D. The zoning code requires 10’, and the project proposes 3’.
The applicant believes that the reduced side yard setback is acceptable at this location because the adjacent lot is an unbuildable steep hillside. The gas station is 100' away and the hillside is dominated by mature trees.

The Planning Department does not support an exception to the setback requirement at this location because the setback creates an important buffer between the residential use and the gas station.

**Height Exception – Townhomes Lot 1:** The R-M-6 zoning district allows a maximum height of 35' and the proposed height for the townhouses (Buildings C and D) is shown as 41 feet on the west elevation, and 35.5 feet on the east elevation. (Refer to Sheet A5.1). The zoning code defines height as the vertical distance from the highest point of a structure to either the natural grade or the finished grade of the structure pad, whichever distance is greater, excluding basements or crawl spaces around the structure which are below grade and not created by a fill, provided, however that for the purposes of measuring height, chimneys, flagpoles and radio and television aerials shall not be considered part of the structure.

The applicant has shown height on the plans, not only based on the zoning code definition, but also based on an alternate height calculation, set forth in the Uniform Building Code. For clarity purposes, the Planning Department requested that the alternate method for calculating height be removed from the plans, but the applicant did not comply. Proposing a building code standard is not interchangeable with a zoning code development standard for a planning project. In order to approve this project, as proposed, a height exception would be required.

The Planning Department could support the exception provided the townhomes are located in the right context. As previously discussed, the Planning Staff has concerns about the residential interface with the existing gas station, the high traffic volumes on Mount Hermon Road, the busy intersection at Mount Hermon Road and Scotts Valley Drive, and the additional traffic that would be generated by the proposed mixed-use portion of the project.

**Site Coverage Exception -Townhome Development – Lot 1**

Pursuant to SVMC Section 17.12.040(C), the maximum allowable site coverage in the R-M-6 zoning district is 55%. The zoning code defines site coverage as the percentage of site area covered by impervious surfaces, including all structures, open or enclosed or projections of structures.

The total site coverage for Lot 1 is calculated by adding all impervious areas and dividing by the overall square footage of the lot. Using the information provided in the project data table on Sheet A1.1, the total site coverage is approximately 60%. As proposed, the project would require an exception.
The Planning Department recommends incorporating more permeable surfaces to meet the requirement.

**Height Exception - Mixed Use Development Lot 2:** Development standards in the C-S zoning district allow for a maximum building height of 35’ and the height of Building A is approximately 45’-4”. In order to approve this project, as proposed, a height exception would be required. As a part of the design review process, the Planning Department requested site sections to study the relationship between the proposed new development and the existing adjacent residences (Refer to Sheet A6.1). While the sections are helpful, it is important to note that using 115 Lucia Lane as a point of reference is misleading because it is situated above the townhouses, not Building B/the apartments, which are taller.

The applicant believes that the increased height only affects the internal commercial street and creates a town center feel allowing for additional floor to ceiling heights in the ground floor commercial space.

The Planning Department is not opposed to a height exception at this location, provided the proposed project includes high quality architectural finishes, the massing is broken appropriately and it works in the overall context of the project.

**Front Yard Setback Exception - Mixed Use Development Lot 2:** Pursuant to SVMC Section 17.20.040(F)(1), the mixed-use development on Lot 2 requires a 20’ front yard setback. As proposed, the southwest corner of Commercial Building B, encroaches approximately 1’ into the required setback area.

The applicant believes that the encroachment is trivial and should not require an exception.

Planning Department acknowledges that the encroachment is minimal however, in order to be built, an exception must be granted.

**Restaurant Seating Area - Mixed Use Development - Lot 2:** The proposed project includes an on-grade terrace situated in front of Building B, at the corner of Mount Hermon Road and Glen Canyon Road. The Planning Department has recommended relocating this terrace to the interior of the project site, between Buildings A and B to protect customers from the traffic noise generated by the busy streets and contribute to the vitality of the streetscape within the project.

The applicant believes that the most public place within the development is the corner of Glen Canyon and Mount Hermon Roads and situating the gathering space on this corner helps to create an active, welcoming environment.

The Planning Department agrees gathering spaces enliven a project and for this reason, Staff believes it would be better located on the south side of Building B, between the two commercial buildings. The life and vibrance that the gathering space
would bring to the project would have more of an impact on the shoppers than it would on the vehicles travelling down the busy corridors. In addition, this location would provide shelter from the traffic at the intersection of Mount Hermon and Glen Canyon Roads, creating a more pleasant experience.

**Pedestrian Amenities - Mixed Use Development Lot - 2**: The Mount Hermon Design Guidelines encourage site design, access and circulation that are pedestrian friendly and incorporate gathering and resting area throughout the project site. This should include amenities such as water features to reduce noise, wood trellises to provide shade and enhanced paving materials on paths and driveways.

The applicant believes they have satisfied the requirements of the design guidelines by providing an on-grade terrace fronting Glen Canyon Road and Mount Hermon Road and that if the tenants within the commercial buildings wanted additional seating, they could arrange seating areas on the sidewalks in front of their business. The applicant believes that permanent fixed seating throughout the project would attract behavior problems and is only beneficial in an enclosed location. The applicant has also explained that they do not want to include textured paving materials because they believe they are uncomfortable for people with disabilities and they prefer not to use colored paving materials because they are difficult to repair and match over time.

While the proposed project includes an on-grade terrace, the Planning Department recommends adding additional seating throughout the project. Relying on individual businesses to provide seating on the sidewalks is not good practice because there is no way to ensure it would be provided, and the sidewalks are not wide enough to accommodate these amenities in many places. The Planning Department also recommends incorporating enhanced paving materials, or decorative pavers to connect Buildings A and B, at the entry driveways, and to differentiate crosswalks within the parking lot. Enhanced paving materials are commonly used in projects without issue. This attention to detail helps create a stronger sense of place and an enhanced pedestrian experience.

**Architecture**

Building, site design, landscaping and signage are required to be consistent with the Mt. Hermon Road Design Guidelines, the Commercial and Industrial Design Guidelines and the Residential Design Guidelines. The Guidelines recommend that new projects include architectural/design elements consistent with the urban forest theme, utilizing large post and beam design with open beam overhangs and interiors to give structures the appearance of stability and break up monotony.

The Façade treatments for both commercial Buildings A and B do not utilize large post and beam design encouraged in the Design Guidelines, rather the proposed architecture includes painted wood and sheet metal parapets, painted stucco siding, aluminum storefront windows and doors and a sloped standing seam metal roof. The Planning Department has the following concerns/recommendations as described in the
following sections.

**Architectural Enhancement - Mixed Use Building A - Lot 2**: The Design Guidelines recommend building materials with an urban forest theme, preferably with large post and beam design. The proposed project includes horizontal siding on the north, east and west elevations. The design guidelines recommend a consistent architectural treatment with character, variety and interest on all elevations. Walls longer than thirty feet should have 3-dimensional architectural relief giving the appearance of depth through the use of trellis, dormers, bay windows, awnings, etc., in addition to changes in materials.

The applicant believes that the architecture for the proposed project is adequate because, in addition to the horizontal siding, the design incorporates wood trim around the doors and windows, wood balconies with steel railings, metal gutters and roofs and cement plaster walls at the base of the walls on the east, west and north elevations.

The Planning Department recommends the applicant incorporate additional design features and further architectural enhancement for added visual interest.

**Architectural Enhancement - Commercial Building B - Lot 2**: The Design Guidelines encourage a prominent main building within a commercial development. Since the project site is an important gateway to the City’s commercial core area, the Planning Department recommends that the center of Commercial Building “B” be an area of visual interest for this prominent corner.

The applicant believes that the proposed design includes an important focal point because the center of Building B is the tallest element which features a stone wall and umbrellas, and the landscaping frames the dominant building shapes.

The Planning Department recognizes that the proposed project includes a focal point however staff recommends that the applicant incorporate additional design features and architectural enhancement to create more visual interest.

**Architectural Enhancement - Commercial Building B - Lot 2**: The Planning Department recommends the design include greater architectural detail on the east and west elevations to add visual interest to the highly visible elevations (refer to Sheet A4.1). The design guidelines recommend a consistent architectural treatment with character, variety and interest on all elevations. Walls longer than thirty feet should have 3-dimensional architectural relief giving the appearance of depth through the use of trellis, dormers, bay windows, awnings, etc., in addition to changes in materials.

The applicant believes that the elevations are richly varied, as designed, and do not warrant further detail.

The Planning Department recommends the applicant incorporate additional design features and further architectural enhancement for added visual interest.
Circulation

Vehicular access to the project site would be from a new driveway on Mt. Hermon Road (right in/right out only) and existing driveway on Glen Canyon Road. Pedestrian access to the project site is available along Glen Canyon Road and Mt. Hermon Road. Sidewalks are proposed to be constructed on the project site and would connect with the existing sidewalks along Glen Canyon Road and Mt. Hermon Rd.

On-Site Circulation – Mixed Use Development - Lot 2: The Planning Department is concerned about traffic circulation on site. As designed, vehicles would be driving through the parking lots to reach their destinations. Staff is concerned about overall congestion on the site as vehicles maneuver to enter and exit parking stalls and the ensuing congestion that it will create, potentially creating backups on Mount Hermon Road or Glen Canyon Road.

The applicant responded with a letter from their project traffic engineer which concluded that with five vehicles of storage capacity and a low entering vehicle volume, it is unlikely that drivers leaving the existing parking area would spill back onto Glen Canyon Road.

While the Planning Department appreciates the additional information provided by the applicant, staff is concerned about overall congestion that would result from the project, not only on the major streets but within the project site. The Planning Department has not identified a solution to this problem. Addressing it would require a redesign of the project, which may suggest that the proposed development is too intensive for this site.

Truck Loading Area – Mixed Use Development - Lot 2: The truck loading area is a pull out on the western side of Building A. The drive aisle itself is 20’ and the pull-out area measures 12’ wide. While it is accommodated on site, the Planning Department is concerned about how it would function and how the trucks would maneuver on site. As proposed, the trucks would pull into the loading area heading northwest and exit by backing into the 26’ drive aisle in the lower parking lot in front of Building A (Refer to Sheet A2.0). Vehicles would then exit northbound to Mt. Hermon Road.

Good planning practices would prefer that the loading area be a dedicated, separate area, or at least an area with lower traffic volumes. The Planning Department has not identified a solution to this problem. Addressing it would require a redesign of the project, which may suggest that the proposed development is too intensive for this site.

Parking

The proposed project has been designed to accommodate 208 parking spaces. Buildings C and D (townhomes) have in-unit garages on the first floor that provide two parking spaces per unit, for a total of 16 spaces. Building A includes 21 commercial and 101 residential parking spaces, three of which will be handicap accessible, 58 spaces are provided in the surface lot between Buildings A and B and the 18 spaces in the
upper lot are proposed to be shared, which would necessitate a shared parking agreement, and will be discussed in greater detail below.

_Townhome Development – Lot 1:_

The total parking demand for the townhouses is calculated as 8 units x 2 spaces per unit for a total of 16 spaces, plus 1 space for every five units to accommodate guest parking. Buildings C and D have in unit garages on the first floor that accommodate 2 spaces per unit, and an additional 18 spaces are provided in the parking lot, two of which are required for guest parking. (Please note that there is an error in the parking data table on Sheet A1.1. The table indicates that each townhouse garage would provide only 1 space per unit, but as designed, each townhouse garage will provide two parking spaces per unit.)

While the multifamily parking requirement has been applied to Lot 1, it is important to note that the proposed townhomes will function more like single family dwellings, despite the current ownership proposal where they cannot be individually sold.

While it is not required, the Planning Department believes it would make sense to consider additional parking on Lot 1 for the townhomes, or have a plan for shared parking with Lot 2 to accommodate future parking needs. A future shared parking arrangement would need to be reviewed and approved by the City, ideally in conjunction with these project entitlements.

_Exception to Interior Garage Dimensions:_ Pursuant to SVMC Section 17.44.030(B), a standard interior garage is required to provide 22’ x 22’ of unobstructed space. As proposed, the townhouse garage unobstructed interior dimensions are 19.5’ wide by 21” deep.

The applicant has responded that each garage parking space will have net dimensions of 9’9”x 21’-0” which is slightly smaller than the City’s standard but significantly larger than the published professional standards of 8’-9” x 17’-6” for a large parking space.

The Planning Department recommends that the garage interiors meet the standard set forth in the zoning code because these dimensions have been devised to accommodate larger vehicles with larger maneuvering requirements, which are typical within the City.

_Shared Parking:_ Since a portion of the required commercial parking would be situated on Lot 1, a shared parking agreement is required.

The applicant does not agree that a shared parking agreement would be necessary as the owner would continue to own and manage both properties.

Since the project spans two lots, it is possible that each lot could be sold separately and the only way to ensure that the shared parking would continue into the future is to
require an agreement. A shared parking arrangement would need to be reviewed and approved by the City, ideally in conjunction with these project entitlements.

**Reduced Parking Stall Dimensions - Mixed Use development- Lot 2:** Pursuant to SVMC Section 17.44.030(G)(1), each full-sized parking space shall not be less than twenty feet in length and nine feet in width, exclusive of aisles and access drives. When an overhang is provided, the parking stall shall be seventeen feet, plus a three-foot overhang area, which shall be paved, rock lined, concrete or landscaped with low growing plants or ground covers. The overhang area shall be edged with continuous cubing of six inches in height. No light standards or fixed objects are allowed in this overhang area. A three-foot overhang and a four-foot-wide sidewalk is required if the parking space is adjacent to a building.

The proposed project does not meet this standard on either side of the parking lot situated between Buildings A and B where the accessible slope/ramp is located, (refer to Sheet A2.0). The ramp impacts parking spaces 14-22 and 23-31, approximately eighteen parking stalls, where there will be limited space for the front end of the car to overhang and the sidewalks would feel tight.

The applicant responded that the sidewalks along the storefronts at Buildings A & B have an average width of 11' beyond the 3' parked car overhang. This width is reduced to accommodate the accessible ramps at the east end. In these locations, the sidewalks narrow to 5' for some short portions. However, the average sidewalk width for building A is over 6' and for Building B it is over 7’.

The sidewalks within the project will be heavily used and the Planning Department recommends they be as functional as possible. Since the site is so constrained, staff has not identified a viable solution to maintain sidewalk width while including the accessible ramps. This may suggest that the proposed development is too intensive for the site. While a solution has not been identified, to offset the narrow sidewalks and create a better pedestrian experience in the parking lot, the Planning Department recommends additional landscaping and pedestrian amenities, such as planter boxes and enhanced pedestrian crossings.

**Commercial Off-Street Parking requirement exception – Mixed Use development– Lot 2:** Pursuant to SVMC Section 17.44.030(G)(7), landscaped areas within or adjacent to the parking area shall provide for a minimum of one shade tree for every four parking stalls. Depending on the parking dimensions, layout type and size of shade tree, this requirement may be modified by the Planning Director.

The applicant does not believe an exception is necessary because while the parking lot does not include one shade tree for every four parking stalls, they believe the project incorporates ample landscaping in the overall project, which compensates for the deficiency.
The Planning Department does not support this exception and believes that trees are an important part of parking lot design. They create shade and provide relief from the glare and harshness that result from large expanses of concrete.

**Landscaping**

*Mixed – Use Development (Lot 2):*

Pursuant to SVMC Section 17.20.040(I), not less than 10% of the total site area in the C-S zoning district shall be landscaped and permanently maintained.

The project proposes irrigated landscaping interspersed throughout the site including a variety of ground covers, vines, and medium height bushes. Planting areas surround the residential buildings and along the perimeter of the site. Many of these landscape areas are narrow, in the range of three to five feet. Planter edges along parking stalls are also used as vehicle overhangs, which reduce the possibility of these areas for shrubs or screening. Two bioretention swales would be located on both sides of the driveway from Scotts Valley Drive. The project proposes approximately 27.5% of the site to be covered with landscaping. While the proposed project meets the minimum landscaping requirement, the Planning Department has additional concerns, which are described in the following sections.

*Parking Lot located between Buildings A and B (Lot 2):* While the proposed development meets the overall landscaping requirement for the site, the Planning Department is concerned that the parking lot located between commercial Buildings A and B is not adequately landscaped, as evidenced by the Off-Street Parking requirement and Reduced Parking Stall dimension exceptions that were both requested and have been discussed in the Parking section above. The Planning Department recommends that the project include additional landscaping and pedestrian amenities within the parking lot, such as planter boxes, enhanced pedestrian crossings and additional landscaping to soften the hardscape.

*Irrigation – Mixed Use Development (Lot 2):* The Landscape Plan includes a Retail Pedestrian Street note that states the lightweight portable planters will be hand watered by the building tenants. The Planning Department does not recommend hand watering, as it is not reliable. The planters should be tied into the overall irrigation system on the project site.

*Joint Trench – Mixed Use Development (Lot 2)*. A joint trench is a trench that is shared by a number of utility providers and runs underground through a project site. It should be designed during the project planning phase because trenching requires adequate space and separation and, if it is not considered early in the process, it could result in the loss of trees and/or landscaping.

The Planning Department recommends the applicant submit a detailed plan that shows the joint trench in relation to the landscape plan so we can determine how the utility
trench may impact the landscaping. Any loss of landscaping would be a negative impact for the project.

**Open Space**

Private open space would be comprised of townhouse decks on Lot 1 (776 sf total; 97 sf/unit) and apartment patios and balconies on Lot 2 (2,976 sf total; 72 sf/unit). Lot 2 would also include common open space in the form of terraces and rooftop common areas (5,478 sf total; 105 sf/unit).

*Private Open Space Exception for Townhomes (Lot 1):* Pursuant to Section 17.09.040(F), each dwelling shall have private, usable outdoor space, i.e. decks, balconies, yards, or patios of one hundred square feet per residential unit. If the design is not suitable for private open space, usable common open space may be provided at two hundred square feet per residential unit, if approved by the Planning Commission.

The proposed project includes a 97sf deck for each unit, which does not meet the minimum requirement.

The Planning Department believes that applying the minimum outdoor private open space requirement to the townhomes is not adequate. These units will function more like single family homes and the outdoor space should be functional. The proposed deck area faces Mount Hermon Road and the units front on a parking lot. Planning Staff has not identified a viable solution to this problem, rather it would require a redesign of the project and, as discussed previously, raises the question of whether or not residential use is appropriate on this site.

*Private Open Space Exception for Mixed Use Development (Lot 2, Building A):* Pursuant to SVMC Section 17.20.045(C), each dwelling shall have private, usable outdoor space i.e. decks, balconies, yards or patios of 100-square feet per residential unit. The Planning Commission may determine that the required private outdoor space is not appropriate in a particular building design and allow the required outdoor space to be common open space for all residential units.

The proposed balconies vary in size, however, about half of them are undersized. As shown on Sheet A3.2, the balcony interior dimensions for some of the units only measure 4-feet deep by 8-feet wide (32 sf) and staff is concerned that they may be too small to be functional.

The applicant has responded that a 4’ x 8’ balcony can accommodate active use with a table and chairs and plants, and that the common areas and landscaping provide additional open space for the residents. The applicant believes their design is superior because the mixed-use apartment building is based on an integration of shared and private open spaces.
The Planning Department strongly encourages that the applicant increases the size of all balconies where feasible. The Planning Department also requests additional clarity in regard to how the roof top common open space would function, and how amenities in these areas could be maximized.

Public Art

Per the Scotts Valley General Plan commercial and residential projects should include public art. Commercial development should incorporate artistic elements and/or treatments into the architecture, landscape design, and infrastructure where appropriate and residential development should incorporate artistic elements and/or treatments into structures, landscaping, common space areas, or open space that are consistent with the City’s urban forest concept.

In response to this requirement, the applicant has identified the stone walls as the public art contribution for the project. The applicant feels that the stone walls uniquely incorporate artistic elements of handcrafted stonework into locations that enhance the architecture, the landscape and place-making intended by the Guidelines. The stone walls form the setting for the urban forest theme. Details of the proposed rock wall are shown on Sheet A3.6.

Typically, site improvement like retaining walls are not considered public art. Given the scale and density of the project the Planning Commission should consider additional opportunities to meet the public art requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Environmental Impact Report was prepared for the proposed development consistent with the requirements of the California Environment Quality Act. No significant project related environmental impacts were found to be present that were not reduced to less than significant levels. The Draft EIR was circulated from October 11, 2021 through November 30, 2021. Based on those comments, a Final EIR was prepared and attached is for consideration. The following written comments were received and addressed as a part of the Final EIR:

1. State of California, Department of Transportation, CalTrans District 5
2. State of California, Department of Fish and Wildlife
3. Pacific Gas and Electric
4. Email from Scotts Valley resident

PUBLIC NOTICE

On May 27, 2022, public hearing notices were posted at City Hall and were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law. The Planning Department has received one letter in support of the project.
CONCLUSION

In summary, the Planning Department is requesting Planning Commission input and direction on the requested entitlements. This report does not include a resolution or request for action.

The Planning Department has identified three options for Planning Commission consideration:

1. Direct the project applicant to address Planning Commission identified issues associated with the project and return with an amended project.

2. If it is determined that the issues associated with the proposed project are adequately addressed the Planning Commission could direct staff to prepare a resolution recommending approval for consideration at a future Planning Commission meeting. The final recommendation would then be forwarded to the City Council for consideration.

3. If it is determined that the issues associated with the proposed project are not adequately addressed or that it is not consistent with the General Plan the Planning Commission could direct staff to prepare a recommendation of denial for consideration at a future Planning Commission meeting. The final recommendation would then be forwarded to the City Council for consideration.

ATTACHMENTS

1. Location Map ........................................................................................................... (Attached)
2. Project Plans ........................................................................................................... (Attached)
3. Draft Environmental Impact Report ........................................................................
   https://www.scottsvalley.org/358/Oak-Creek-Park---Mixed-Use-Development
4. Final Environmental Impact Report ........................................................................ (Attached)
5. Comment Letter (received 6/2/2022) ...................................................................... (Attached)
### NET AREAS BY LEVEL

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### BUILDING AREAS BY FUNCTION

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### RESIDENTIAL HOUSING MIX

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### DENSITY

| Lot 1 | 45,800 SF / 1,526 SF PER NAV = 7.7 NAV PER ACRE |
| Lot 2 | 15,000 SF / 1,526 SF PER NAV = 9.8 NAV PER ACRE |
| TOTAL | 60,800 SF / 1,526 SF PER NAV = 8.5 NAV PER ACRE |

### COMMERCIAL DATA

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### MIXED USE RATIO (BASED ON net building areas (Lot 1, 2))

- **1. MIXED USE RATIO**
  - Residential: 52 units
  - Commercial: 23,629 SF
  - Parking: 60 spaces

- **2. MIXED USE RATIO**
  - Non-Residential: 44,200 SF
  - Residential: 45,200 SF
  - Parking: 60 spaces

- **3. MIXED USE RATIO**
  - Commercial: 23,629 SF
  - Residential: 45,200 SF
  - Parking: 60 spaces

- **4. MIXED USE RATIO**
  - Non-Residential: 44,200 SF
  - Residential: 45,200 SF
  - Parking: 60 spaces

- **5. MIXED USE RATIO**
  - Non-Residential: 44,200 SF
  - Residential: 45,200 SF
  - Parking: 60 spaces

- **6. MIXED USE RATIO**
  - Non-Residential: 44,200 SF
  - Residential: 45,200 SF
  - Parking: 60 spaces
VIEW LOOKING UP MT. HERMON ROAD

VIEW LOOKING TOWARD PROPOSED COMMERCIAL BUILDING
The commercial areas designated as Type 1, Type 2, and Type 3 refer to the likely commercial uses these areas are designed for. These uses are used to differentiate potential market values of tenant leases. They can be characterized as follows:

**Type 1**
These uses benefit from visual connections to their customers with display windows and doors on the street. Tenants such as retailers, food, and beverage.

**Type 2**
These uses are the 'back of house' portions of Type 1 uses such as stock rooms, restrooms, kitchens, offices, meeting rooms, etc.

**Type 3**
These uses are the support areas including storage or repair facilities.
WEST ELEVATION

SCALE: 1/8" = 1'-0"

THOMAS THACHER
DECEMBER 31, 2023
EXPIRATION
UNAUTHORIZED USE IS PROHIBITED.

LIABILITY TO THE ARCHITECT.
BE THE USER'S RESPONSIBILITY WITHOUT
ELECTRONIC TRANSFER OF DATA SHALL
CONSENT OF THE ARCHITECT.  THE PROPER
REPRODUCED, OR USED WITHOUT THE
SERVICE AND MAY NOT BE ALTERED,
ARCHITECTS.  IT IS AN INSTRUMENT OF
THE PROPERTY OF THACHER & THOMPSON
ARCHITECTS

DESCRIPTION
REVISIONS
No.
DATE

215 OREGON STREET
SANTA CRUZ, CA 95060
(831) 566-3079
www.tntarch.com

c 2016 THACHER & THOMPSON ARCHITECTS

DRAWING DATE
OCTOBER, 2016

PROJECT FILE NAME:
GRANUM 16.SD

PLAN CHECK No. 7/15/19
PLAN CHECK 6/01/20

FLOOR ELEV: 506.8'
FLOOR ELEV: 517.8'
FLOOR ELEV: 527.8'
FLOOR ELEV: 537.8'

ELEVATION/SECTION 'A'
SCALE: 1/8" = 1'-0"

ELEV
FLOOR ELEV: 506.8'
FLOOR ELEV: 517.8'
FLOOR ELEV: 527.8'
FLOOR ELEV: 537.8'

EAST ELEVATION

35'-5"
HIGHEST ROOF: 552.1'
AVG. ROOF HEIGHT

MATERIALS:
SLOPED ROOF:
STANDING SEAM METAL

EAVES:
PAINTED GUTTER ON PAINTED WOOD FASCIA
WITH PAINTED WOOD SOFFIT BOARDS

BALCONY RAILINGS:
WOOD RAILING WITH PAINTED METAL PICKETS

SIDING:
PAINTED STUCCO BELOW BELTLINE TRIM
PAINTED HORIZONTAL BEVELED SIDING

WINDOWS/DOORS:
FIBERGLASS DOUBLE HUNG @ RESIDENTIAL
ALUM. STOREFRONT @ COMMERCIAL

EAST ELEVATION

WEST ELEVATION

ELEVATION/SECTION 'A'

13'
CEMENT PLASTER
TRASH ENCLOSURE

OAK CREEK PARK
PONTEVIAN ROAD AT CPPN CANYON ROAD
SCOTTS VALLEY, CA

BUILDING 'A' HEIGHT CALCULATIONS:
AVERAGE GRADE OF 4 CORNERS = GRADE PLANE PER CBC. SEC. 502.1
REFER TO BLDG. A SITE PLAN

CORNER A ELEVATION = 512.0'
CORNER B ELEVATION = 506.7'
CORNER C ELEVATION = 515.5'
CORNER D ELEVATION = 523.0'

AVERAGE ELEVATION = 514.3' = GRADE PLANE

AVG. ROOF HEIGHT

35'-5"

30'-9"
SIGN PROGRAM


PROPOSED SIGNS ARE THREE DIMENSIONAL LETTERS AND NUMBERS APPLIED DIRECTLY ON THE WALL SURFACE. SIGNS WILL BE ILLUMINATED BY WALL SCONCES. NO BACK-LIT SIGNS OR CAN SIGNS ARE ALLOWED. MIRROR REFLECTIVE OR IRRIDESCENT SIGNS ARE PROHIBITED EXCEPT AS MAY BE APPROVED BY THE PLANNING COMMISSION.

BUILDING 'A'

TOTAL WIDTH OF BUILDING = 235 FT.
TOTAL ALLOWABLE SIGN AREA = 235 SF
TOTAL PROPOSED SIGN AREA = 192 SF

BUILDING 'B'

TOTAL WIDTH OF BUILDING = 200 FT.
TOTAL ALLOWABLE SIGN AREA = 200 SF
TOTAL PROPOSED SIGN AREA = 195 SF

BUILDING 'B' NORTH ELEVATION

TOTAL WIDTH OF BUILDING = 200 FT.
TOTAL ALLOWABLE SIGN AREA = 200 SF
TOTAL PROPOSED SIGN AREA = 160 SF

BUILDING 'B' SOUTH ELEVATION

TOTAL WIDTH OF BUILDING = 200 FT.
TOTAL ALLOWABLE SIGN AREA = 200 SF
TOTAL PROPOSED SIGN AREA = 162 SF

THE SIGN PROGRAM REFLECTS THE BEST PRACTICES FOR A WALKABLE COMMERCIAL STREET. THE SCALE AND CHARACTER OF THE SIGNS ARE APPROPRIATE FOR THE SIGHT DISTANCES OF AROUND 80' AND THE TRAVEL SPEEDS OF AROUND 5-10 MPH IN CONTRAST TO THE DISTANCES AND SPEEDS FOUND WITH STRIP SHOPPING CENTERS.

PER THE CITY'S SIGN ORDINANCE 17.56.180, THE ALLOWABLE SIGN AREA IS ONE SQ. FT. PER WIDTH OF THE FRONT OF THE BUILDING. ALL PROPOSED SIGNS ARE A MAXIMUM OF 30" TALL. THE APPROVED DESIGN IS FOR VOLUNTARY USE.

PROPOSED SIGNS ARE THREE DIMENSIONAL LETTERS AND NUMBERS APPLIED DIRECTLY ON THE WALL SURFACE. SIGNS WILL BE ILLUMINATED BY WALL SCONCES AND CAN BE BACK-LIT. MIRROR REFLECTIVE OR IRRIDESCENT SIGNS ARE PROHIBITED EXCEPT AS MAY BE APPROVED BY THE PLANNING COMMISSION.

BUILDING 'A'

TOTAL WIDTH OF BUILDING = 235 FT.
TOTAL ALLOWABLE SIGN AREA = 235 SF
TOTAL PROPOSED SIGN AREA = 192 SF

BUILDING 'B'

TOTAL WIDTH OF BUILDING = 200 FT.
TOTAL ALLOWABLE SIGN AREA = 200 SF
TOTAL PROPOSED SIGN AREA = 195 SF

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TOTAL ALLOWABLE SIGN AREA = 200 SF
TOTAL PROPOSED SIGN AREA = 160 SF

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TOTAL WIDTH OF BUILDING = 200 FT.
TOTAL ALLOWABLE SIGN AREA = 200 SF
TOTAL PROPOSED SIGN AREA = 162 SF

THE SIGN PROGRAM REFLECTS THE BEST PRACTICES FOR A WALKABLE COMMERCIAL STREET. THE SCALE AND CHARACTER OF THE SIGNS ARE APPROPRIATE FOR THE SIGHT DISTANCES OF AROUND 80' AND THE TRAVEL SPEEDS OF AROUND 5-10 MPH IN CONTRAST TO THE DISTANCES AND SPEEDS FOUND WITH STRIP SHOPPING CENTERS.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COORDINATION WITH THE APPROPRIATE UTILITY COMPANIES AND/OR ELECTRICAL AGENCIES TO VERIFY THE EXISTENCE AND/OR LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCEMENT OF WORK. AND SHALL NOTIFY U.S.A. @ (800) 227-2600 AT LEAST 48-HOURS IN ADVANCE OF EXCAVATION.

5. CONTRACTOR SHALL IMPLEMENT THE MEASURES IMMEDIATELY. DOCUMENT ALL INSPECTION FINDINGS AND ACTIONS TAKEN.

6. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE AND MAINTAIN EROSION CONTROL MEASURES AS REQUIRED FOR ALL CONSTRUCTION PURPOSES.

7. ALL FIRE SERVICE PIPING AND APPURTENANCES SHALL CONFORM TO NFPA STANDARDS AND SPECIFICATIONS RECOMMENDED BY THE FIRE DEPARTMENT.

8. WATER SERVICE & WATER MAINS SHALL BE INSTALLED PER CURRENT CPC SPECIFICATIONS. REPLACEMENT SUPPLIES SHOULD BE KEPT ON SITE.

9. CONTRACTOR AGREES THAT HE SHOULD ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS, UNAUTHORIZED CHANGES TO THE PLANS, VARIANCES FROM THOSE SHOWN ON THE PLANS THAT REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED DURING WORKING HOURS. THE CONTRACTOR SHALL NOT BE HELD RESPONSIBLE FOR THE MANUFACTURER'S RECOMMENDATIONS. ALL GRATES IN PAVEMENT AREAS SHALL BE ADA COMPLIANT.

10. THE SEASON. REPLACEMENT SUPPLIES SHOULD BE KEPT ON SITE.

11. NO CHANGE TO THE PLANS SHALL BE PERMITTED WITHOUT PRIOR WRITTEN APPROVAL BY THE OWNER OR OWNERS REPRESENTATIVES OF VARIOUS FROM THOSE SHOWN ON THE PLANS.

12. GENERAL NOTES:

   - CONTRACTOR AGREES THAT HE SHOULD ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS, UNAUTHORIZED CHANGES TO THE PLANS, VARIANCES FROM THOSE SHOWN ON THE PLANS THAT REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED DURING WORKING HOURS. THE CONTRACTOR SHALL NOT BE HELD RESPONSIBLE FOR THE MANUFACTURER'S RECOMMENDATIONS. ALL GRATES IN PAVEMENT AREAS SHALL BE ADA COMPLIANT.

13. LEGEND:

   - CONTRACTOR AGREES THAT HE SHOULD ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS, UNAUTHORIZED CHANGES TO THE PLANS, VARIANCES FROM THOSE SHOWN ON THE PLANS THAT REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED DURING WORKING HOURS. THE CONTRACTOR SHALL NOT BE HELD RESPONSIBLE FOR THE MANUFACTURER'S RECOMMENDATIONS. ALL GRATES IN PAVEMENT AREAS SHALL BE ADA COMPLIANT.
EARTHWORK QUANTITIES

NOTE: THE EARTHWORK QUANTITIES SHOWN HEREON ARE EXCLUSIVE OF WALL FOOTINGS, EXISTING PAVEMENT REMOVAL AND OVER EXCAVATION AND RECOMPACTION, UTILITY TRENCH SPOILS & SOIL EXPANSION AND CONTRACTION FACTORS.

ITEM DESCRIPTION CUT (cu.yds) FILL (cu.yds)

EG VS. FG 5687 7686

NET VOLUME = 1999 CU.YDS. OF FILL

THE ABOVE QUANTITIES ARE FOR INFORMATION PURPOSES ONLY. THE CONTRACTOR IS RESPONSIBLE TO PROVIDE THE NECESSARY CUT AND FILL TO ACCOMPLISH FINISH GRADE SHOWN ON THESE PLANS.
Elevations Table

<table>
<thead>
<tr>
<th>Number</th>
<th>Minimum Elevation</th>
<th>Maximum Elevation</th>
</tr>
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<tbody>
<tr>
<td>1</td>
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</tr>
<tr>
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</tr>
<tr>
<td>10</td>
<td>8.00</td>
<td>10.00</td>
</tr>
</tbody>
</table>

Area

| Area | 1479.85 | 4928.17 | 9006.52 | 15414.11 | 47398.11 | 54630.07 | 13516.74 | 6588.66 | 2849.17 | 431.25 |

Color

Date: 12.02.19
Drawn: DD/JB
Job: 318-00

CIVIL CONSULTANTS GROUP, INC.
Engineers/Planners
Scotts Valley, CA 95066
4444 Scotts Valley Drive / Suite 6
T (831) 438-4420 F (831) 438-4420

OAK CREEK PARK
SCOTT'S VALLEY, CA

MIXED USE DEVELOPMENT

GRADING CUT - FILL PLAN
1" = 20'

C3.2
1. Stockpiled soil and materials should be covered and stabilized with tarps, geotextile fabric, or other approved methods.

2. Identify all storm drains, drainage swales, and creeks located near the construction site.

3. Use slope drains to collect and convey water for discharge below slopes when feasible.

4. Phase grading operations, to the extent possible, to limit areas of disturbance and time of exposure.

5. When stripping or cleaning building exteriors with high-pressure water, cover or build berms and chips and dust from marine paints or paints containing lead or tributyl tin must be diverted to storm drains, creeks, or channels.

6. Dried latex paint may be disposed of in the trash.

7. Spills in excess of five (5) gallons shall be absorbed using an appropriate material and containerized, removed from the job site, and disposed of in accordance with federal, state, and local regulations.

8. Do not clean paint brushes or rinse paint containers into a street, gutter, storm drain, or facility.

9. Spills in excess of five (5) gallons shall be absorbed using an appropriate material and recorded on spill reports.

10. Allow aggregate rinse to settle, and pump the water to the sanitary sewer if allowed by the City.

11. Do not wash sweepings from exposed aggregate concrete into a street or storm drain.

12. Recycle broken concrete and asphalt.

13. Use velocity dissipation devices, flared culvert end sections, and/or check dams to reduce velocity of stormwater exiting the project.

14. Non-hazardous paint chips and dust from dry stripping and sandblasting may be swept up or removed from the site.

15. When stripping or cleaning building exteriors with high-pressure water, cover or build berms and chips and dust from marine paints or paints containing lead or tributyl tin must be diverted to storm drains, creeks, or channels.

16. Sediment trap and associated facilities shall extend at least 2' beyond the proposed construction area.

17. Site inspections shall be conducted before and after each storm event, and repaired throughout the season. Replacement supplies should be kept on site.

18. Stockpiled soil and material should be covered and stabilized with tarps, geotextile fabric, or other approved methods.

19. Use silt stabilization to divert stormwater flows around the site.

20. Temporary or permanent drainage ditches to divert water flow around the site.

21. Use slope drains to collect and convey water for discharge below slopes when feasible.

22. Use velocity dissipation devices, flared culvert end sections, and/or check dams to reduce velocity of stormwater exiting the project.

23. Use slope drains to collect and convey water for discharge below slopes when feasible.

24. Use slope drains to collect and convey water for discharge below slopes when feasible.

25. Use slope drains to collect and convey water for discharge below slopes when feasible.

26. Use slope drains to collect and convey water for discharge below slopes when feasible.

27. Use slope drains to collect and convey water for discharge below slopes when feasible.

28. Use slope drains to collect and convey water for discharge below slopes when feasible.

29. Use slope drains to collect and convey water for discharge below slopes when feasible.

30. Use slope drains to collect and convey water for discharge below slopes when feasible.

31. Use slope drains to collect and convey water for discharge below slopes when feasible.

32. Use slope drains to collect and convey water for discharge below slopes when feasible.

33. Use slope drains to collect and convey water for discharge below slopes when feasible.

34. Use slope drains to collect and convey water for discharge below slopes when feasible.

35. Use slope drains to collect and convey water for discharge below slopes when feasible.

36. Use slope drains to collect and convey water for discharge below slopes when feasible.

37. Use slope drains to collect and convey water for discharge below slopes when feasible.

38. Use slope drains to collect and convey water for discharge below slopes when feasible.

39. Use slope drains to collect and convey water for discharge below slopes when feasible.

40. Use slope drains to collect and convey water for discharge below slopes when feasible.

41. Use slope drains to collect and convey water for discharge below slopes when feasible.

42. Use slope drains to collect and convey water for discharge below slopes when feasible.

43. Use slope drains to collect and convey water for discharge below slopes when feasible.

44. Use slope drains to collect and convey water for discharge below slopes when feasible.

45. Use slope drains to collect and convey water for discharge below slopes when feasible.

46. Use slope drains to collect and convey water for discharge below slopes when feasible.

47. Use slope drains to collect and convey water for discharge below slopes when feasible.

48. Use slope drains to collect and convey water for discharge below slopes when feasible.

49. Use slope drains to collect and convey water for discharge below slopes when feasible.

50. Use slope drains to collect and convey water for discharge below slopes when feasible.
**Revegetation Plan**

Salvaged & Replanted Native Coastal Prairie Grasses (+1000 Sq Ft)

NOTE: To mitigate impacts to the coastal prairie identified in the Biotic Report prepared by Biotic Resources Group dated December 2006, the existing native grass plots shall be salvaged and retransplanted. This will be executed under the supervision of the Biotic Resources Group.

**Planting Notes**

The landscape plans shall indicate that the irrigation system is to be run in a proportional irrigation control and the system shall be adjusted for each zone.

The Arboretum report prepared by Michael Harb indicates 7 protected trees shall be removed. These trees will be replaced at a 2 to 1 ratio for a total of 14 trees.

---

**Retail Pedestrian Street**

The retail pedestrian street shall be furnished with lightweight portico planters that can be configured to address each tenant's needs. The effect will be an esthetically, soft green meandering space leading pedestrians and drivers to the protected spaces, which are protected by the increased drought-tolerant vegetation and will be hand watered by the tenant. Plant material will consist of colorful drought-resistant species approved by the homeowners association.

---

Ellen Cooper  
Landscape Architect  
Co. Lic. #2037

Date  11-15-07  
Revisions
The approximate tree canopy at Year 15 is shown in the shaded circles on this drawing. The tree canopies shown only reflect trees adjacent to parking areas. For a complete picture of the proposed tree canopy, see the landscape plan (Sheet L). The mature tree canopy will cover over 30% of the site.
# Table of Contents

1. Introduction 1-1
2. Response to Comments on the Draft EIR 2-1
3. Changes to the Draft EIR 3-1
4. Mitigation Monitoring and Reporting Program 4-1
Introduction

The Oak Creek Park Draft Environmental Impact Report (DEIR) was circulated for a 45-day public review period from October 12, 2021 to November 30, 2021, as assigned by the State of California Governor’s Office of Planning and Research State Clearinghouse and consistent with CEQA regulations. Copies of the document were distributed to state, regional, and local agencies, as well as organizations and individuals, for their review and comment.

This Oak Creek Park Final Environmental Impact Report (FEIR) has been prepared in accordance with CEQA and state and local CEQA Guidelines and represents the independent judgment of the City, as CEQA Lead Agency. This Final EIR, together with the DEIR, technical appendices, and other written documentation prepared during the EIR process, as those documents may be modified by the City Council at the time of certification, will constitute the Final EIR, as defined in the State CEQA Guidelines, Section 15132, and the City of Scotts Valley’s environmental document reporting procedures.

1.1 Document Organization and Framework

This Final EIR is organized as follows: Section 1 provides a brief introduction to this report. Section 2 provides a list of agencies and interested persons commenting on the DEIR. This section also contains individual comments followed thereafter by responses. To facilitate review of the responses, an index number (e.g., 1-1, 1-2, 2-1) has been assigned to each comment and to its corresponding responses. Section 3 contains changes to the DEIR as a result of the comments by agencies and interested persons. Section 4 contains the Mitigation Monitoring and Reporting Program.

City Staff has reviewed the comment letters, draft responses and information generated in the course of preparing the responses and determined that none of this material constitutes significant new information that requires a recirculation period for further public comment under CEQA Guideline Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation as described in Section 15088.5.

1.2 CEQA Requirements Regarding Comments and Responses

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be, “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined
in terms of what is reasonably feasible, considering factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”
2 Response to Comments on the Draft EIR

2.1 Agency, Organization, and Individual Comments on the Draft EIR

This section includes all written comments received on the DEIR and the City’s responses to each comment. Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underline for additions and strikeout for deletions.

The following is a list of agencies and organizations that submitted comments on the Draft EIR during the public review period:

Table 2-1: List of Written Comments Received on the Draft EIR

<table>
<thead>
<tr>
<th>Comment Letter No.</th>
<th>Commenting Agency / Organization / Individual</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agencies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>State of California, Department of Transportation, Caltrans District 5</td>
<td>November 30, 2021</td>
</tr>
<tr>
<td>2</td>
<td>State of California, Department of Fish and Wildlife</td>
<td>November 24, 2021</td>
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<tr>
<td><strong>Organizations</strong></td>
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<td></td>
</tr>
<tr>
<td>3</td>
<td>Pacific Gas and Electric</td>
<td>October 20, 2021</td>
</tr>
<tr>
<td><strong>Individuals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Mark Hemmert</td>
<td>September 7, 2021</td>
</tr>
</tbody>
</table>
November 30, 2021

Taylor Bateman
Community Development Director
Community Development Department
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, CA 95066

Dear Mr. Bateman:

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) - OAK CREEK PARK, SCOTTS VALLEY, CA

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the Oak Creek Park project which include 24,973 square feet of commercial use, eight townhomes, and 44 apartments. Caltrans offers the following comments in response to the DEIR:

1. Caltrans appreciates the transportation demand management strategies to further reduce vehicle miles traveled (VMT). The bike lockers and storage, showering facilities, sidewalks, and paths will help enhance mobility alternatives to vehicular trips.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or christopher.bjornstad@dot.ca.gov.

Sincerely,

Christopher Bjornstad
Associate Transportation Planner
District 5 Development Review
November 24, 2021

Mr. Taylor Bateman
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066
tbatemen@scottsvalley.org

Subject: Oak Creek Park, Draft Environmental Impact Report, SCH No. 2019110250,
City of Scotts Valley, Santa Cruz County

Dear Mr. Bateman:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft
Environmental Impact Report (DEIR) prepared by the City of Scott’s Valley (City) for the
Oak Creek Park Project (Project), located in Santa Cruz County. CDFW is submitting
comments on the DEIR regarding potentially significant impacts to biological resources
associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental
Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA
Guidelines § 15386 for commenting on projects that could impact fish, plant, and wildlife
resources (e.g., biological resources). CDFW is also considered a Responsible Agency
if a project would require discretionary approval, such as permits issued under the
California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake
and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game
Code that afford protection to the state’s fish and wildlife trust resources.

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential
to result in “take” of plants or animals listed under CESA, either during construction or
over the life of the Project. Issuance of a CESA Permit is subject to CEQA
documentation; the CEQA document must specify impacts, mitigation measures, and a
mitigation monitoring and reporting program. If the Project will impact CESA listed
species, early consultation is encouraged, as significant modification to the Project and
mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially
impact threatened or endangered species (Pub. Resources Code, §§ 21001(c), 21083,
and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated
to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code, § 2080.

PROJECT DESCRIPTION

The Project consists of a mixed-use commercial and residential development on a 3.56-acre site in the City of Scotts Valley, APN 022-162-76. There will be two lots on the property. Lot 1 would consist of eight townhome apartments over approximately one acre. Lot 2 would consist of two types of buildings, commercial and residential. There would be 24,841 square feet of commercial buildings including surface parking and 12-foot-wide sidewalks. There would be 74,100 square feet of residential buildings on Lot 2 including a mix of apartments. The Project would require regrading of Lots 1 and 2, requiring several hundred yards of fill to be imported. Per the Project’s Stormwater Control Plan, the Project would include flow-through planters in the residential area to retain and treat stormwater runoff. A stacked underground storage chamber system which would provide treatment of runoff by infiltration would be used in the mixed-use and commercials portions of the Project.

ENVIRONMENTAL SETTING AND LOCATION

The Project is located at the intersection of Glen Canyon and Mt. Hermon Road, in the City of Scotts Valley, Santa Cruz County.

The Project is adjacent to Mt. Hermon Road, a commercial office building on Glen Canyon Road, and single-family residences. There are no watercourses on the property, but creeks in the vicinity of the Project site include tributaries to Bean Creek and Carbonera Creek. The Project site supports annual grassland, a small patch of coastal prairie, coast live oak tree groves, a poison oak thicket, and non-native tree groves.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on biological resources.

Comment 1: Surveys for special status plant species

Issue: The DEIR does not provide the methodology of the special-status plant species surveys in Mitigation Measure Bio-1.1. The DEIR on page 7-13 of the Biological Resources section states that the small patch of coastal prairie habitat may provide habitat for special-status plant species such as Congdon’s tarplant (*Centromadia parryi* ssp. *Congdonii*), a California Native Plant Society (CNPS) Rare Plant Rank 1B.1,
pending the results of a spring season plant survey. Furthermore, Table 2 of the Biotic Report states that there is marginal habitat for other CNPS rare plant species including but not limited to Scotts Valley spineflower (*Chorizanthe robusta var. Hartwegii*), short-leaved evax (*Hesperevax sparsiflora var. brevifolia*), Point Reyes horkelia (*Horkelia maritensis*) and State endangered species including white-rayed pentachaeta (*Pentachaeota bellidiflora*) and Santa Cruz tarplant (*Holocarpha macradenia*). Mitigation Measure Bio 1.1 states that plant surveys will be conducted; however, the methodology for the surveys is not disclosed. Without following proper survey protocol for spring or early summer blooming plant species, it is possible to miss detection of special-status plant species on the site.

**Recommendation**

CDFW recommends the City update MM Bio 1.1 to include methodology capable of detecting special-status plant species.

**Recommended update to MM Bio 1.1**

An experienced botanist (with expertise in coastal prairie plant communities of Santa Cruz) shall conduct a minimum of two focused rare plant surveys over two seasons prior to the initiation of construction and include the information in the Project environmental document. Surveys shall be conducted according to: *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (CDFW 2018), available at: [https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline).

In the event rare, threatened or endangered plants are discovered, additional measures may be needed, which may include work stoppage, flagging and avoidance of occurrences, collection of propagation material, site restoration and/or obtaining an Incidental Take Permit (Fish and Game Code section 2081, subd., (b).)

**COMMENT 2: Tree Removal**

**Issue:** The Project has the potential to remove all trees on the Project site including six Coast live oaks (*Quercus agrifolia*), one Ponderosa pine (*Pinus ponderosa*), six ash trees (*Fraxinus* sp.), four sycamore trees (*Platanus acerifolia*), and a large group of acacia trees (*Acacia baileyana*). According to the Tree Resource Evaluation, at least one coast live oak is above 15 inches diameter at breast height (dbh). Large mature trees (e.g., native oak tree that is greater than 15 inches in diameter) are of particular importance due to increased biological values (i.e., nesting bird habitat, bat roost habitat). Furthermore, the Tree Resource Evaluation states that the sycamore trees growing along the perimeter are healthy and recommends their incorporation into the Project. However, it is unclear if the sycamore trees have been incorporated into the landscape plan.
Evidence the impact would be significant: While the DEIR includes on-site tree planting as a minimization measure, on-site planting at higher ratios alone is not sufficient to completely off-set temporal impacts from the loss of mature trees due to an uncertain time lag from when the new resources will be available (Marón et al., 2010).

Recommendation: CDFW recommends the Project avoid large diameter tree removal to the greatest extent feasible. CDFW recommends Project mitigation include in-kind preservation of mature native trees. Where in-kind preservation of mature native trees is not feasible, CDFW recommends planting larger sized native trees, (such as 15-gallon sized trees or larger) to help address the temporal loss of mature trees on-site.

COMMENT 3: Figures and Labels

Issue 1: Figure 3-11: Stormwater Control Plan, does not include a legend or figure labels to explain the meaning of the colors in the figure. The DEIR also references a Figure 7-2: Landscape Plan; however, only Figure 7-1: Vegetation Map is included in the DEIR.

Recommendation: CDFW recommends the final EIR should include labels with Figure 3-11 and include Figure 7-2 either in the EIR or as an attachment.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, section 711.4; Pub. Resources Code, section 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

Thank you for the opportunity to comment on the Project’s DEIR. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Serena Stumpf, Environmental Scientist, at (707) 337-1364 or Serena.Stumpf@wildlife.ca.gov; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

Stephanie Fong
Acting Regional Manager
Bay Delta Region

c: State Clearinghouse # 2019110250
REFERENCES


October 20, 2021

Susie Pineda
City of Scotts Valley Planning Dept
One Civic Center Drive
Scotts Valley, CA 95066

Ref: Gas and Electric Transmission and Distribution

Dear Susie Pineda,

Thank you for submitting the Oak Creek Park plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E’s facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E’s facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E’s fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E’s consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management
Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E’s easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E’s Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch...
wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches \[\frac{24}{2} + 24 + \frac{36}{2} = 54\] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line ‘kicker blocks’, storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E’s ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4’) in height at maturity may be planted within the easement area.
11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.
Attachment 2 – Electric Facilities

It is PG&E’s policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E’s rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the footprint and eaves of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E’s transmission easement shall be designated on subdivision/parcel maps as “RESTRICTED USE AREA – NO BUILDING.”

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E’s review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E’s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E’s fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer’s expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E’s easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer’s expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E’s overhead electric lines, please be advised it is the contractor’s responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E’s towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E’s towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.
Paula,

I would like to make sure that the EIR on Traffic impact for this project includes the impact of residents traveling to rt 17. If there is not sufficient room for a vehicle to enter onto Mt. Hermon and get to the left lane to do a U-turn at the SV Drive intersection, then vehicles may turn right onto SV Drive and then drive to Quien Sabe/Oak Creek Blvd residential neighborhood. As you know this neighborhood has young children on bikes and many walkers. This problem was completely missed in the EIRs for the new developments behind the Shell station and the upcoming adjacent development (stating that vehicles would do U-turns on SV Drive is not realistic given the bend in the road).

If however an EIR states that vehicles will predominantly drive through the commercial parking lot and use the light at Glen Canyon then all is well.

Thank you,

- Mike Hemmert
2.2  Response to Comments

2.2.1  Response to Comment Letter #1: State of California, Department of Transportation, Caltrans District 5

1-1: Comment noted regarding Caltrans support of transportation demand management strategies to further reduce vehicle miles traveled (VMT).

2.2.2  Response to Comment Letter #2: State of California, Department of Fish and Wildlife

2-1: Comment noted. As summarized in the Biological Resources section of the Draft EIR and described more fully in Appendix C-b Biotic Report by Biological Resources Group, a plant survey was conducted in 2018 (March, April and May) and again in 2019 (May). Both of those survey years were negative for special status plant species. Also both 2018 and 2019 were average rainfall years, so these were good survey years for adequate plant expression. Because these surveys are almost three years old, Mitigation Measure BIO 1.1 Focused Plant Surveys requires the project applicant to have a qualified biologist conduct a spring season plant survey, with a focus on the coastal prairie and the bottom of the detention basin. This survey must be completed at least one year prior to issuance to grading permits, and/or any clearing, grading, or excavation work on the project site.

These previous surveys, and the additional required survey are considered prudent and acceptable per CA Department of Fish & Wildlife protocols (email from Kathy Lyons, Biotic Resources Group, to Bill Wiseman, Kimley-Horn & Associates, 12/15/21). As such, there is no change in significance and no revisions to the Draft EIR are necessary.

2-2: Comment noted. The proposed project will avoid large diameter tree removal to the extent feasible. Additionally, it is noted that the landscape plans call for a tree replacement ratio of 3:1, for a total of 21 replacement trees. In total, the landscape plan calls for the planting of 136 trees throughout the project site.

2-3: Regarding Figure 3-11: Stormwater Control Plan, there is no legend in the plans. The different colors only represent different stormwater management areas and are not color-coded to a particular meaning. There is a detailed table associated with the figure that identifies (for each area) total area, previous and impervious areas, and stormwater runoff coefficients and flow factors. This information is further described in the Stormwater Control Plan (C2G/Civil Consultant Group, July 2019).

Regarding the Draft EIR reference to Figure 7-2: Landscape Plan, this has been corrected to read Figure 3-8: Landscape Plan.

2.2.3  Response to Comment Letter #3: Pacific Gas and Electric

3-1: Comment noted regarding construction-related activities associated with PG&E-owned gas and electric facilities.
2.2.4 Response to Comment Letter #4: Mark Hemmert

4-1: Comment noted regarding traffic to Highway 17 and potential impacts on neighborhood streets. As shown in Figure 15-1: Study Intersection & Trip Distribution, traffic existing from the project site would exit directly onto Mount Hermon Road and would not use residential streets. Most vehicles going to Highway 17 would travel east of Mount Hermon Road.
3 Changes to the Draft EIR

Changes to the Draft EIR are shown on the following pages in the order that they appear in the EIR. New text is shown in underline, and removed text is shown in strikethrough. These text changes do not constitute substantial new information and do not result in significant new impacts or the increase in severity of impacts already disclosed.
The project would result in the removal of trees, including a large group of acacia trees, six Coast live oaks, and one Ponderosa pine. In addition, six immature ash trees and four sycamore trees growing behind the existing sidewalk may also require removal because these trees may be in conflict with the sidewalk and landscaping proposed for the development. All six Coast live oaks and one Ponderosa pine on the project site are proposed to be removed are protected. The group of acacia trees to be removed are not protected by Scotts Valley ordinances. Table 7-2: Tree Inventory lists the trees included in the survey area and those proposed for removal.

### Table 7-2: Tree Inventory

<table>
<thead>
<tr>
<th>Species</th>
<th>Trees Identified in Arborist Report</th>
<th>Trees Proposed for Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ash</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Sycamore</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Coast Live Oak</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Group of Acacia</td>
<td>At least 200</td>
<td>At least 200</td>
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<tr>
<td>Ponderosa Pine</td>
<td>1</td>
<td>1</td>
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</table>

Source: Maureen Hamb, 2018

The loss of trees regulated by the City’s Tree Protection Regulations would require a Tree Removal Permit from the City processed concurrently with the other requested entitlements. Pursuant to the Tree Protection Regulations, the Tree Removal Permit, inclusive of Planning Commission approval for removal of Heritage Trees, if required, would be obtained and submitted to Scotts Valley Building Department prior to approval of Improvement Plans, issuance of grading permits, and/or any clearing, grading, or excavation work on the project site.

Per the City’s Tree Protection Regulations, the applicant would be required to provide for the planting of two trees for each “protected” tree removed (2:1 ratio). Because the project would remove seven protected trees, a minimum of 14 trees would be required to be replanted. As shown in Figure 7-23-8: Landscape Plan, the project would replace the protected trees at a 3:1 ratio for a total of 21 trees, or seven tree more than required the City’s Tree Protection Regulations. In total, 136 trees will be planted, as shown in Figure 7-23-8: Landscape Plan.

Because the project would exceed the tree replacement requirements as defined in the City’s Tree Protection Regulations per Section 17.44.080 of the City of Scotts Valley Zoning Ordinance, impacts from tree removal would be less than significant.

Tree and vegetation removal may also affect nesting birds. The Biotic Report concluded that nesting birds (protected by the MBTA) may occur within the project site (Biotic Resources Group, 2017). Removal of trees or understory vegetation has the potential to harm nesting
4 Mitigation Monitoring and Reporting Program

4.1 Public Resources Code

When approving projects with Environmental Impact Reports (EIRs) that identify significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency adopting measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project, may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP includes the mitigation measures identified in the EIR required to address only the significant impacts associated with the project being approved. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures is presented in the DEIR.

The MMRP is organized in a table format (see Table 4-1: Mitigation Monitoring and Reporting Program for the Oak Creek Park Project, keyed to each significant impact and each EIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program, based upon whether the measure applies to the hotel development, residential development, or both developments. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- Mitigation Measures: This column presents the mitigation measure identified in the EIR.
- Monitoring/Reporting Responsibility: This column contains an assignment of responsibility for the monitoring and reporting tasks.
- Monitoring and Reporting Requirement: This column refers the outcome from implementing the mitigation measure.
- City Staff/Notes: This column will be used by the lead agency to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

4.2 Enforcement

If the project is approved, the MMRP for each development would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out to fulfill the requirements of approval. A number of the mitigation measures would
be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction, or project implementation phase.
### Table 4-1: Mitigation Monitoring and Reporting Program for the Oak Creek Park Project

<table>
<thead>
<tr>
<th>Category/Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring/Reporting Responsibility</th>
<th>Monitoring/Reporting Requirement</th>
<th>City Staff Notes; Initials/Date when Done</th>
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<tbody>
<tr>
<td><strong>AIR QUALITY</strong></td>
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<tr>
<td>Impact AQ-2: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants.</td>
<td><strong>MM AQ-2.1 Reduce Fugitive Dust</strong>&lt;br&gt;The applicant for future residential development shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the applicant shall require all of the following measures to be shown on grading and building plans:</td>
<td>Planning Department</td>
<td>Review and approve construction specifications prior to issuance of building permit. Include in construction specifications and implement during construction.</td>
<td>Review during site inspections.</td>
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<td>Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.</td>
<td>Contractor</td>
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<td>Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer’s recommendations. Frequency should be based on the type of operations, soil and wind exposure.</td>
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<td>Prohibit all grading activities during periods of high wind (more than 15 mph).</td>
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<td>Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).</td>
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<td>Category/Impact</td>
<td>Mitigation Measures</td>
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<td>▪ All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by MBARD.</td>
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<td>▪ Exposed ground areas that are planned to be reworked for durations longer than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.</td>
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<td>▪ Plant vegetative ground cover in disturbed areas as soon as possible.</td>
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<td>▪ Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the project site. Reclaimed (non-potable) water should be used whenever possible;</td>
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<td>▪ Spray dirt stock pile areas daily as needed.</td>
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<td>▪ Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used.</td>
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<td>▪ Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.</td>
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<td>Category/Impact</td>
<td>Mitigation Measures</td>
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<td>▪ All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.</td>
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<td>▪ Unpaved road travel shall be limited to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.</td>
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<td>▪ Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the project site, and inspect vehicle tires to ensure they are free of soil prior to carry-out to paved roadways.</td>
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<td>▪ Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.</td>
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**BIOLOGICAL RESOURCES**

<p>| Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species. | MM BIO-1.1 Focused Plant Surveys At least one year prior to issuance to grading permits, and/or any clearing, grading, or excavation work on the project site, the project applicant shall have a Planning Department Review documentation from relevant Responsible Agency(s). |</p>
<table>
<thead>
<tr>
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<td>qualified biologist conduct a spring season plant survey, with a focus on the coastal prairie and the bottom of the detention basin. The survey shall ascertain whether the site supports any special status plant species. The survey findings shall be subject to review by the City of Scotts Valley. If no special status species are found, no additional actions are required. If special status species are found on site, the applicant shall confer with regulating agencies (i.e., City, CDFW, and/or USFWS) on measures to avoid, minimize, or compensate for the impact. A mitigation plan shall be prepared and implemented that provides preservation, salvage, or presents other compensation for the impact, such that impacts are reduced to a less than significant level.</td>
<td>CA Dept of Fish and Wildlife</td>
<td>Demonstrate mitigation compliance.</td>
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<td>Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites.</td>
<td>MM BIO-2.1 Avoid Nesting Birds The applicant shall schedule tree removal to occur between September 1 and March 1 of any given year, which is outside the bird nesting season for Central California Coast to avoid impacting nesting birds, if present. Because this tree grove is adjacent to very busy roadways, it would be difficult to detect nesting birds by listening for their vocalizations; the dense acacia vegetation also makes it difficult to ascertain visually if any small bird nests such as hummingbirds are present. Therefore, this measure to avoid impacts to nesting birds, is the only practical method to avoid</td>
<td>Planning Department</td>
<td>Construction specifications prior to issuance of grading permits.</td>
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<td>Qualified biologist</td>
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<td>Preconstruction surveys.</td>
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<td>Category/Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring/Reporting Responsibility</td>
<td>Monitoring/Reporting Requirement</td>
<td>City Staff Notes; Initials/Date when Done</td>
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<td><strong>GEOLOGY, SOILS, AND SEISMICITY</strong></td>
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<td>Impact GEO-3: Be located on a geologic unit or soil that is unstable, or that would become unstable as a Result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.</td>
<td><strong>MM GEO-3.1 Implement Geotechnical Report Recommendations</strong>&lt;br&gt;The project applicant shall ensure that the project incorporates appropriate geotechnical recommendations for the seismic ground shaking, seismic-related ground failure and liquefaction, landslide susceptibility, erosion and erosion control, soil stability, expansive soils, and any other appropriate issue. Prior to building permit issuance, the project geotechnical engineer shall review the plans submitted for a grading/building for compliance with the recommendation of the geotechnical report. Once the plans comply with the recommendations, the project geotechnical engineer shall provide a plan review letter stating that the project design meets all of the geotechnical report recommendations.</td>
<td>Planning Department</td>
<td>Review geotechnical report and ensure recommendations are included in plans prior to issuance of building permits.</td>
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<td><strong>NOISE</strong></td>
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<td>Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would</td>
<td><strong>MM N-1 Construction Noise Reduction</strong>&lt;br&gt;To reduce the effects of construction noise, the project applicant shall ensure that the following is</td>
<td>Planning Department</td>
<td>Review of and approval of construction plan prior to issuance of grading and building permits.</td>
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<td>Mitigation Measures</td>
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| substantially disturb sensitive receptors. | included as part of all relevant construction plans for any future proposed project:  

**Construction Equipment.** Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The project applicant shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.  

**Vehicle and Equipment Idling.** Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.  

**Stationary Equipment.** All noise-generating stationary equipment, such as air compressors or portable power generators, shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 10 dBA. | Building Department  
Contractor | Prepare construction plan, including noise specifications; adhere to plan provisions during construction. |
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<th>Category/Impact</th>
<th>Mitigation Measures</th>
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<td><strong>Construction Route.</strong> All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All construction-related heavy truck traffic in residential areas shall be prohibited where feasible.</td>
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<td><strong>Workers’ Radios.</strong> All noise from workers’ radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.</td>
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<td><strong>Construction Plan.</strong> Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City of Scotts Valley Building Department for approval a detailed construction plan identifying the schedule for major noise-generating construction activity.</td>
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<td><strong>Disturbance Coordinator.</strong> A “noise disturbance coordinator” shall be designated by the contractor and be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. The coordinator shall conspicuously post a name and telephone number for the disturbance coordinator at the construction site and</td>
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<td>Transportation</td>
<td>MM TR-2.1 <strong>Mt. Hermon Road Project Site Access</strong></td>
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Prior to issuance of the grading permit, the project applicant shall submit an analysis by a qualified traffic engineer demonstrating that ingress access from Mt. Hermon Road is designed to adequately accommodate bus access to the existing transit stop (even if not currently used) and provide safe access for vehicles entering the project site from Mt. Hermon Road.

Include it in the notice sent to neighbors regarding the construction schedule.
June 2, 2022

Scotts Valley City Planning Commission
1 Civic Center Drive
Scotts Valley, CA 95066

RE: Oak Creek Park Mixed-Use Development

Dear Planning Commissioners:

Affordable Housing NOW (AHN) appreciates the opportunity to comment on the proposed Oak Creek Park Mixed-Use Development with 52 residential units. AHN fully supports this project as it provides exactly the kind of housing that is needed in Scotts Valley.

The Oak Creek Park Mixed-Use development is a well planned project providing 52 rental units with a range in size from studios, to one, two and three bedroom apartments. There is a great need for more rental units in Scotts Valley, as well as smaller studio housing units for single individuals, young professionals, and seniors.

AHN also applauds the developer for the affordability levels included in the project as it is our understanding that the project will include two very-low and two low-income units, as well as four moderate income housing units. The City is far from reaching its RHNA goals for extremely low, low and moderate-income households and this development helps address the great need for housing in those income categories. AHN believes that every unit counts and these eight units will make difference for eight individuals and/or families who want to be a part of our community.

AHN enthusiastically supports this project and we urge your Commission to move the project forward for City Council consideration and approval.

Sincerely,

Tim Willoughby, AHN Chair