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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>
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<td>Agencies</td>
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<td>1</td>
<td>State of California, Department of Transportation, Caltrans District 5</td>
<td>November 30, 2021</td>
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<tr>
<td>2</td>
<td>State of California, Department of Fish and Wildlife</td>
<td>November 24, 2021</td>
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<td>Organizations</td>
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</tr>
<tr>
<td>3</td>
<td>Pacific Gas and Electric</td>
<td>October 20, 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

Chris 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 town home 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 marinensis*) and State endangered species including white-rayed pentachaeta (*Pentachaeta 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.

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 offset 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

ec: State Clearinghouse # 2019110250
Mr. Taylor Bateman  
City of Scotts Valley  
November 24, 2021  
Page 5 of 5

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 \((24/2 + 24 + 36/2 = 54)\) 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 foot print and eave 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.
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 120 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.
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>
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<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>
</tr>
<tr>
<td>Ponderosa Pine</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</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, key 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>
</tr>
</thead>
<tbody>
<tr>
<td>AIR QUALITY</td>
<td>MM AQ-2.1 Reduce Fugitive Dust</td>
<td>Planning Department</td>
<td>Review and approve construction specifications prior to issuance of building permit.</td>
<td></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>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>Contractor</td>
<td>Include in construction specifications and implement during construction.</td>
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<td></td>
<td>▪ Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.</td>
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<td>Review during site inspections.</td>
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<td></td>
<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></td>
<td>▪ Prohibit all grading activities during periods of high wind (more than 15 mph).</td>
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<td></td>
<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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<tr>
<td>Category/Impact</td>
<td>Mitigation Measures</td>
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<td></td>
<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></td>
<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></td>
<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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<tr>
<td>Category/Impact</td>
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<tr>
<td>BIOLOGICAL RESOURCES</td>
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</tbody>
</table>
| 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). |                                          |
<table>
<thead>
<tr>
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</table>
| Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites. | **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 | Planning Department  
Qualified biologist | Demonstrate mitigation compliance. | |

| 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 outlines provides preservation, salvage, or presents other compensation for the impact, such that impacts are reduced to a less than significant level. | CA Dept of Fish and Wildlife  
Qualified biologist | | | |
<table>
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</thead>
<tbody>
<tr>
<td><strong>GEOLOGY, SOILS, AND SEISMICITY</strong></td>
<td>disturbance or destruction of active bird nests, if any are present.</td>
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</tbody>
</table>
| 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. | MM GEO-3.1 Implement Geotechnical Report Recommendations  
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. | Planning Department  
Registered geotechnical engineer | Review geotechnical report and ensure recommendations are included in plans prior to issuance of building permits.  
Prepare design-level geotechnical investigation. | |
| **NOISE** |  |  |  |  |
| Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would | MM N-1 Construction Noise Reduction  
To reduce the effects of construction noise, the project applicant shall ensure that the following is | Planning Department | Review of and approval of construction plan prior to issuance of grading and building permits. | |
<table>
<thead>
<tr>
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<th>Monitoring/Reporting Requirement</th>
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</table>
| 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) that 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. |
<table>
<thead>
<tr>
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<th>Monitoring/ Reporting Requirement</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Construction Route.</strong></td>
<td>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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<tr>
<td><strong>Workers’ Radios.</strong></td>
<td>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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<tr>
<td><strong>Construction Plan.</strong></td>
<td>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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</tr>
<tr>
<td><strong>Disturbance Coordinator.</strong></td>
<td>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>
<td></td>
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<tr>
<td>Category/Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring/Reporting Responsibility</td>
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<tr>
<td>Transportation</td>
<td></td>
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<tr>
<td>Impact TR-2: Substantially increase hazards due to a design feature or incompatible use.</td>
<td>include it in the notice sent to neighbors regarding the construction schedule.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>MM TR-2.1</td>
<td><strong>Mt. Hermon Road Project Site Access</strong></td>
<td>Planning Department</td>
<td>Letter of compliance with associated plans.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>Planning Department</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>