



CITY COUNCIL AGENDA REPORT

DATE: 2/27/2011

AGENDA OF: 3/8/2011

DEPARTMENT: Planning

SUBJECT: 5 Isbel Drive, CP10-0120, APN 008-491-14,15– Demolition Authorization and a Major Modification to Application No. 04-270; an Approved Planned Development Including Modified Site Area standards, Lot Standards, Design Permit, Road Abandonment, Heritage Tree Removal Permit and a Tentative Subdivision Map for a 40 Unit Subdivision at the Corner of Market and Isbel in the R-1-5 Zone District. (Environmental Determination: EIR Addendum) (PL)

RECOMMENDATION: Resolution approving the Demolition Authorization and Major Modification to Application No. 04-270 consistent with the certified EIR and EIR Addendum and based upon the Findings, Conditions and Mitigation Monitoring Plan.

BACKGROUND: On May 8, 2007, the City Council approved Application No. 04-270 which included a Planned Development, allowing variations in the lot and street standards and site area standards; a Road Abandonment to abandon 2,214 square feet of the Market Street right-of-way and incorporate that area into the proposed subdivision; a Heritage Tree Removal Permit to remove 25 Heritage Trees and a Tentative Subdivision Map to create 40 lots: 11 attached townhouse lots, 22 detached single family dwellings, six custom home lots to be developed under separate Design Permits and one lot to maintain the existing single family dwelling on site.

A focused Environmental Impact Report (EIR) was certified with that approval that addressed the potential environmental effects of five different project alternatives. The EIR focused on evaluation of potentially significant impacts including: aesthetics, hydrology and water quality, biological resources, cultural resources, transportation, and air quality. The EIR was prepared in accordance with the California Environmental Quality Act (CEQA).

After the project was approved by the City Council the California Native Plant Society (CNPS) filed a lawsuit concerning the adequacy of the EIR with regards to special status species. The applicant revised the site plan to address the concerns of CNPS and a settlement agreement between the applicant, the City of Santa Cruz and the CNPS was developed. The settlement agreement was approved by the City Council on October 10, 2007 which maintained a 40 unit development and included an expansion of the Spineflower buffer, deletion of street trees along the roadway adjacent to the Spineflower buffer and the relocation of Lots 34 through 37. The settlement agreement and the approved site map dated August 10, 2007 by Thacher & Thompson Architects are attached to this report. In response to the settlement, the City processed Minor

Modification No. 07-175 on October 17, 2007 to reflect the revised site plan and settlement agreement.

Since that time the property has changed ownership to KB Homes and a new site plan has been developed and submitted as a Major Modification to Application No. 04-270. The submittal materials for this application included a revised settlement agreement between KB Homes and the CNPS which is attached to this report. If the Major Modification is approved, the City will be asked to participate in the revised settlement agreement.

Section 24.04.160-4(c) of the Municipal Code requires a Major Modification to be approved by the decision making body with final authority and action; in this case the City Council. Minute Excerpts for April 19, 2007 Planning Commission Meeting and the May 8, 2007 City Council Meeting are attached to this report. The original EIR documents, referenced throughout this report are available for review on the City website under the Department of Planning and Community Development, Area Plans and Planning Documents link.

DISCUSSION: ANALYSIS

The project site is comprised of two lots that total 9.29 gross acres and is surrounded by residential development to the north, Highway 1 to the south, Market Street/Isbel Drive to the east with residential beyond and Branciforte Creek to the west also with residential uses beyond. The project site is predominantly vacant land that slopes from Isbel Drive and Market Street west toward Branciforte Creek. The site is developed with a single-family house in the northern portion of the site on APN 008-491-14. A small shed and ornamental landscaping are also located adjacent to the residence.

The project site can generally be divided into five distinct areas. The southern portion of the project site is relatively flat and contains non-native grassland. The area that transitions from the southern to northern portion of the project site contains robust spineflower, a federally listed threatened plant species. The northern portion of the site is a gently to moderately sloping knoll and contains coast live oak woodland habitat. This area has been identified as containing significant archeological resources. Riparian habitat is found along Branciforte Creek, which meanders along the western edge of the project site. Oak and eucalyptus trees of varying sizes and condition are found along the Market Street frontage.

Project Modifications

The certified EIR evaluated 43 proposed units which included retention of the existing single family dwelling on site. The project that was approved allowed a 40 unit development including retention of the existing single family dwelling. The proposed project reduces the number of approved residential units from 40 to 32 units which includes demolition and reconstruction of the existing unit on site.

The current project reduces the overall development footprint while expanding the spineflower habitat buffer. The current proposal replaces 12 attached units that were located in the southern portion of the site with a duplex and one single family dwelling. Nine lots and units on the southwestern portion of the site (adjacent to Branciforte Creek) have been shifted further east, creating additional open space adjacent to the Branciforte Creek riparian habitat. Six former custom home lots in the northern portion of the site are now proposed to be constructed by the applicant as part of this development. The lot layout in this section has been shifted east of

Creekside Lane to create a larger spineflower buffer. The existing home in the northern portion of the site is proposed for demolition and reconstruction under the current proposal. The total number of homes (seven) in the northern portion of the development remains unchanged from the former project proposal.

The formerly analyzed project included a 30-foot buffer around the onsite endangered robust spineflower habitat area with landscaping and structural improvements set back from 35-85 feet from the edge of the mapped spineflower habitat. The currently proposed project continues to protect the onsite robust spineflower habitat area providing a larger buffer than the previous project. A larger buffer area is proposed in the northwestern portion of the site adjacent to open riparian habitat areas. On the southern side of the habitat area, there is an additional buffer and Xeric planting restrictions included in the project plans. The proposed access road located on the outer edge of the buffer is set back 35-85 feet from the spineflower habitat in the northeastern portion of the site. In the southeastern portion of the site, landscaping on individual lots and structural improvements are set back 70-80 feet from the edge of the spineflower habitat. Two localized areas near proposed Lots 11 and 12 have the roadway set back 60 feet from the habitat area. The California Native Plant Society has entered into an agreement with the project applicant for the revised site plan that included expansion of the spineflower buffer, deletion of street trees adjacent to the buffer and relocation of Lots 34 - 37 as shown on the attached settlement agreement and site plan.

Overall, the project results in a reduction in the number of residential units and development footprint than the formerly analyzed and approved project. However, the current site plan includes a soil remediation plan to remove and treat soils in response to liquefaction and soil settlement issues, which will result in additional grading, as described below. The current plan also increases the number of trees to be removed with 23 additional trees proposed for removal.

Changes related to the current project compared to the approved project analyzed in the certified EIR are summarized in Table 1 of the EIR Addendum which is attached to this report.

Soil Remediation

The proposed soil remediation consists of excavating approximately 2.5 acres of the project site in the area of proposed Lots 1 through 25 south of the spineflower habitat and shown on Figure 5 of the EIR Addendum. The purpose is to treat potentially liquefiable soils rather than design individual homes with a reinforced concrete structural mat foundation design as was proposed with the former approved project. The planned remedial grading will be conducted to depths of 15-18 feet and includes removal and rapid impact compaction (RIC) to stabilize the soils as engineered fill. The RIC process consists of compacting the soil in the excavated area using a pneumatic hammer with an attached weight. This technique was selected to reduce the potential need for dewatering during grading due to groundwater that exists 20 feet below existing grade. Potentially liquefiable soils extend below those depths and this technique will stabilize that area.

The excavations will be phased in order to reduce soil stockpiling to roughly 20,000 cubic yards at any one time. The excavated stockpiled material would be located on lots the furthest from Branciforte Creek, and could be six to 15 feet high. The stockpile will be fenced and watered daily as needed for dust control. The excavated soils will be compacted and engineered as needed before they are returned to the excavated area after the RIC is completed. A subdrain system will be also be installed prior to backfill. The purpose of the subdrain system is to reduce saturation of engineered fills due to seasonal groundwater level rise and transport of perched

water from uphill soil or bedrock seams. The area around Lots 19 through 25 has been earmarked to receive the temporary soil stockpile and Lots 1 and 2 have been earmarked as temporary sediment pond/construction water pond. The stockpile will receive perimeter sediment controls such as silt fence or straw wattle, as well as erosion control measures including dust control or covers according to State Water Resources Control Board Order (SWRCB) No. 2009-0009 when not in use or when inactive. It is estimated that the soil remediation will be completed within four weeks with two additional weeks for overall site grading for the proposed subdivision.

A “Storm Water Pollution Prevention Plan” (SWPPP) will be prepared in accordance with State and City requirements prior to initiation of the soil remediation and grading to protect water quality during these operations. Construction “Best Management Practices” (BMPs) planned to be implemented during remedial grading and grading include an onsite temporary sediment pond/construction pond in proximity of Lots 1 and 2 to collect any groundwater seepage and excess stormwater runoff that does not infiltrate into the onsite sandy soils. The temporary pond may or may not be lined, depending upon its intended usage. Any groundwater encountered during the remediation process will be retained onsite (in the pond) for construction purposes such as watering stockpiles, and is not planned for discharge into Branciforte Creek.

In addition, a construction yard and soil stockpile area is planned in proximity to Lots 19 through 25. The temporary soil stockpile area will receive subexcavated soil from the soil remediation process, as well as other soil spoils generated during construction activities. The construction yard and soil stockpiles will receive BMP measures including perimeter protection and surficial erosion controls to hinder sediment runoff in accordance with SWRCB Order No. 2009-0009. The pond and storage areas were identified due to their greatest distances from Branciforte Creek and since these areas are on the outer edge of the planned soil remediation. During site grading activities, construction entrances/exits, and other perimeter and soil stabilization BMPs will be implemented to reduce/eliminate sediment runoff associated with soil disturbance.

The remedial grading plan has been reviewed by the Olberding Environmental Inc., the applicant’s consultant as well as Patrick Boursier, Ph.D., the Senior Plant Ecologist and the primary author of the Robust Spineflower Management and Monitoring Plan. The conclusion of their review is that the remedial grading will not impact the existing populations of robust spineflower based on review of the spineflower biology, habitat preferences and location of the proposed grading. Staff has added additional language requiring solid drift fencing and timing restrictions for grading operations to prevent dust from migrating onto the Spineflower populations. The Olberding Environmental Inc. review, dated January 27, 2011 is attached to this report.

Demolition Authorization

The revised application requires approval of a Demolition Authorization to demolish and replace the existing house. Staff determined that the house was over 100 years old, and after conducting a site visit, required the applicant to provide a historic report. The Historic Building Evaluation, prepared by Michael Brandman Associations, dated October 11, 2010 is attached to this report. The analysis concluded that the property is not eligible for listing in the California Register nor is it a historic resource as defined in CEQA. The property could not be linked with any event or person significant in local, regional, state or national history. Though the building does have some of the features characteristics of a vernacular rural building, it is not a particularly unique or outstanding example of this type of property. Also, deterioration and modern additions and

alterations to the building have led to a loss of integrity that further renders the building insignificant.

Heritage Tree Removal

The approved project included the removal of 100 trees; 26 of them considered heritage trees. Two additional heritage trees were approved to be removed in the settlement agreement between the City and CNPS. The revised project includes the removal a total of 123 trees; 48 of them are considered heritage trees. Seventeen of the heritage trees to be removed are in poor condition, two are dead and four are considered invasive species (tree of heaven) according to an updated project arborist report from Hort Science, January 2011 which is attached to this report. The revised plan represents an additional 20 heritage trees over the 28 heritage trees previously proposed for removal. The City Urban Forester and Planning staff walked the project site to review the arborist report and provided recommendations to preserve additional trees. The applicant revised the plans to preserve trees #14 and #161 by realignment of the road and pruning and will also maintain five dead trees outside of the development envelope for habitat enhancement. Four trees originally proposed to be removed due to poor health will also be retained. The Urban Forester reviewed the revised Arborist Report and concurs with the updated evaluation and recommendations.

The current landscaping plan includes planting of 97, 24-inch box trees, which is nearly double the amount required by City regulations for removal of 48 heritage trees. The removal of 75 additional small trees would not result in a new significant impact or substantially increase the severity of the less-than-significant tree removal impact analyzed in the EIR. Both the approved and currently proposed project could result in inadvertent damage to retained trees during grading and construction operations. The applicant will be conditioned to follow the recommendations for tree protection as provided in the arborist report and to work with the Urban Forester to incorporate Coast Live Oak into the street tree planting plan.

General Plan/Zoning

The General Plan designation for the property is low-density residential infill, which ranges from 1.1 to 10 units per acre. The Zoning Map designates the project site as Low-Density Residential (R-1-5). The total lot size is 9.29 acres, however, 2.87 acres of the project site contain riparian habitat or slopes greater than 30 percent leaving a net developable size of 6.42 acres. The proposed development will have a density of five units per acre, consistent with General Plan policies. Lot sizes generally range between approximately 2,400 and 4,500 square feet. Seven lots range in size from about 5,000 to 7,800 square feet and one lot is 15,360 square feet. The project site is not within any area or specific plan boundaries.

Planned Development

The intent of the Planned Development Permit is to allow creative and innovative design to meet the public interest and General Plan goals more readily than through application of conventional zoning regulations. In this case, the proposed lots and homes require variations to the Subdivision and Zoning Ordinance standards. Variations for lot size, width and depth as well as street standards and parking standards are required from the subdivision ordinance. Variations in the R-1-5 standards include reduced site area, lot widths and setbacks. The table below lists the zoning standards and highlights the variations requested for the project.

Project Site Standards

	R-1-5	PROPOSED
Front Setback	20 feet	5-160 feet
Garage Door Setback	20 feet	5-160 feet
Side Yard Setback	5 feet	0 to 20 feet
Rear Setback	20 feet	6.5 to 20 feet
Minimum Lot Width	50 feet	22-160 feet
Minimum Lot Depth	95 feet (Subdivision standards)	62-138 feet
Minimum Lot Area	5,000 square feet	1,340-15,360 square feet

The public interest and General Plan goals can be more fully realized with this development in that the units have been clustered in a way to protect sensitive environmental habitats, while providing 32 residential units within the General Plan density range. Site amenities include a bio-swale drainage system that incorporates native grass species selected to provide year round erosion control and filtering of sediments. The system will remove pollutants such as suspended solids, hydrocarbons and metals before entering Branciforte Creek at predevelopment rates. The applicant will be conditioned to restore and enhance the existing degraded riparian habitat within the proposed 100 foot riparian setback. The applicant has included the dedication of a public trail easement over Branciforte Creek through the development connecting the Lee Street neighborhood to the Prospect Heights neighborhood. A bridge could be constructed at a future date by others.

The riparian and spineflower habitat shown on the plans is approximately 209,088 square feet in size and will be maintained by the future homeowners of the development. That natural area represents 48 percent of the total project site. The special status plant species, Robust spineflower, is a federally listed endangered plant in the buckwheat family. Those plants will be preserved within an identified habitat area that also lies within the natural area shown on the project plans. Ten populations of robust spineflower, including the population on the project site are currently known to exist in Santa Cruz County. The nature and extent of robust spineflower is described in detail in the Biological Resources section of the DEIR, Section 4.3.4, page 4-40. The proposed Mitigation Measures to reduce the potential impacts to less than significant can be found on pages 45 through 49 of the revised Mitigation Monitoring and Reporting Program attached to this report.

To summarize what the public benefits of the Planned Development permit are for the project:

- The preservation of almost 48 percent (209,088 square feet) of the total amount of the project site as permanent open space;
- Protection and maintenance of the Robust spineflower which is a federally listed endangered plant in the buckwheat family;
- Protection of the Oak woodland area;
- Design of a bio-swale drainage system that incorporates native grass species selected to provide year round erosion control and filtering of sediments to remove pollutants such as suspended solids, hydrocarbons and metals before entering Branciforte Creek at predevelopment rates;
- Restoring and enhancing the existing degraded riparian habitat within the proposed 100 foot riparian setback; and
- Dedication of a public trail easement for a future bridge over Branciforte Creek through the development connecting the Lee Street neighborhood to the Prospect Heights neighborhood.

Design

The proposed development includes a mix of residential unit sizes and types. The proposed single family homes range in size from approximately 1,300 to 2,500 square feet and are a mix of three and four bedroom units. The proposed residential structures are mostly two stories in height, except for nine units that have a basement garage with two floors above. The proposed development includes a mix of four architectural models with two design pallets for each. Each of the seven homes adjacent to Market Street has a unique elevation/design with a common floor plan/model. The remaining proposed single family units include a mix of three architectural models with two architectural designs for each. A duplex on Lots 1 and 2 and a triplex on Lots 14, 15 and 16 also have a unique elevation with a common floor plan.

Streetscape elevations of the homes along Market Street and Isbel can be seen on the two unnumbered sheets following sheet PD-2 of the project plans. Floor plans and elevation of the units can be found on Sheets A-1 through A-18 of the project plans. Each lot includes private open space in front and rear yard areas with landscape plantings in all front yard areas and all of the open rear yard areas. Site details such as fencing, walls and landscaping are shown on the last four sheets of the plans. All exterior yard areas as well as common open space areas will be maintained by the Homeowners Association.

Branciforte Creek Lane serves as the main access point from Market Street providing a 20 foot wide access for the lots on the interior of the development. Twelve, off street parking bays are located throughout the development on Branciforte Creek Lane. Access to the garages on the inner loop and those homes facing Market Street will be from the 20 foot wide Creekside Lane. Creekside Lane includes two off street parking bays as well as one of the required and a guest parking space for the home on Lot 14. Creekside Lane continues through the development to the houses in the northern portion of the site in a circuitous route designed to avoid impacting many of the heritage trees. The design and location of the road, driveways and building envelopes for this portion of the project site has been completed in conjunction with an arborist to preserve heritage trees and an archeologist to design a road that preserves the archeological resources. The City's architectural consultant reviewed the project plans and commented that the homes appear to have a well modeled shape and well-proportioned windows with a good ratio of window to wall area. Most of the units have architectural detailing on the front and rear elevations; however, the side elevations on all exposed corner lots lack architectural detail. Both Planning staff and the City's architectural consultant recommend that the units that have side walls exposed to public views should be required to extend the architectural details to those side walls. Staff has proposed a condition to extend architectural details to the exposed side walls on the homes located on Lots 1, 13, 18, 19, 25, 26, 27, 28 and 29.

Inclusionary Units

The present application is a major modification to Application No. 04-270 reconfiguring an approved 40-unit subdivision to a 32-unit subdivision. The original project was deemed complete by the Planning Department on July 20, 2005; as such, the project is subject to the inclusionary requirements in effect at the time. Section 24.16.010 of the Municipal Code requires 15 percent of the units shall be made available for sale to very low-, low-, or moderate-income households at an affordable price. The approved 40-unit project was required to provide six inclusionary units, resulting in exactly 15% of the total units being affordable. In the previous project design, those units were identified as two of the 11 attached townhouse units at

the southern portion of the project site, and four single family dwellings were dispersed throughout the remainder of the subdivision. The previously approved project resulted in 14 total bedrooms in affordable units.

The current 32-unit application proposes to provide five inclusionary units, resulting in 15.6% of the total units being affordable. The applicant has proposed the duplex/townhouse units on Lots 1 and 2, and the triplex/townhouse units on Lots 14, 15, and 16 as the inclusionary units. The new proposal would result in 15 total bedrooms in affordable units. The only attached units in the new proposed development are the inclusionary units. As well, the inclusionary units are the only units in the development with one car garages, while the 27 market rate units have two car garages in single family detached homes.

Municipal Code Section 24.16.010(3) states “Inclusionary units shall be reasonably dispersed throughout the residential development and compatible with the design of market rate units in terms of appearance, materials, and finished quality.” The ordinance permits the applicant to reduce the interior amenities and square footage of inclusionary units, provided they meet minimum square footage standards. The ordinance does not provide further specificity about the meaning of “reasonably dispersed.”

While Council may find the current application proposal consistent with the applicable Inclusionary Ordinance, it is not consistent with the requirements of the previously approved project—to disperse the units throughout the unit types in the project. Since this application is a modification to the previously approved project, staff recommends modifying the units types required to be affordable as compared to what is currently proposed. A Condition of Approval is therefore recommended requiring the applicant to re-configure the inclusionary housing to disperse the affordable housing units among housing types by providing at least one of the affordable units in a single family detached home.

Traffic

The Market Street entrance is located approximately 300 feet south of the Market Street/Goss Avenue/Isbel Drive intersection. The Isbel entrance is located approximately 380 feet north of this intersection. The interior roadway system will remain a private road and be maintained by the homeowners association. As part of the proposed project, a northbound left-turn lane on Market Street will be constructed for project entry. The Market Street improvements include curb, gutter, sidewalk, street lights, on-street parking and bike lanes to improve multi-modal access and safety in this corridor. The previous approval included the abandonment of 2,214 square feet of Market Street right-of-way to incorporate into the proposed subdivision. This application reduces that area to be abandoned to 2,146 square feet of right-of-way.

Each residential unit provides at least one covered parking space; 27 of the 32 units include two car garages. The duplex on Lots 1 and 1 and the triplex on Lots 14, 15 and 16 provide one car garages. The Municipal Code requires that the development include a minimum of 117 parking spaces. The project will provide 129 onsite parking spaces. In addition, 20 parking spaces would be provided within the public right-of-way at various locations on Market Street and Isbel Drive for a total of 149 new parking spaces.

The traffic report completed for the approved project (Application No. 04-270) was based on the original proposal for 43 new residential units (40 residential units were ultimately approved).

The Department of Public Works did not require a new traffic study as this project has been reduced to 32 units and because of the recent improvements completed in the area.

Recent improvements at the intersection of North Branciforte/Goss have been completed since the earlier project approval as well as improvements at the Market/Isbel/Goss intersection. Sidewalks on Goss and Market Street at the Highway 1 underpass have also been recently completed. Bike lanes on Branciforte leading to De Laveaga Park have been installed and shoulder widening and striping on Market Street to accommodate bicycle traffic has been completed under the Highway 1 overpass. The following is the original analysis for a 43 unit subdivision prior to the improvements mentioned above.

The project is expected to generate 412 daily trips with approximately 44 trips in the weekday PM peak hour. During the PM commute hour, for approximately 30 minutes, there are up to 20 vehicles queued from the eastbound approach of Goss Avenue at the Goss Avenue/North Branciforte Avenue intersection. This queue extends through the intersection Market Street/Isbel Drive-Goss Avenue intersection, onto the eastbound approach of Isbel Drive. The long queue is caused by insufficient capacity at the all-way stop controlled North Branciforte Avenue/Goss Avenue intersection. The proposed project would contribute 16 PM peak hour trips to the Market Street/Isbel Drive-Goss Avenue intersection, which represents an increase of 1.6 percent relative to background traffic. In addition, the project would contribute approximately nine PM peak hour trips to the southbound approach of Isbel Drive at the Market Street/Isbel Drive-Goss Avenue intersection. When compared to the existing traffic volumes in the subject area, the proposed project would add relatively few trips. According to City standards, the project would not result in a significant LOS impact in the subject area. As part of the Capital Improvement Program, the City will improve the North Branciforte/Goss intersection by adding a dedicated right-turn lane from east bound Goss Avenue to south bound Branciforte and a dedicated left-turn lane from north bound Branciforte to west bound Goss Avenue.

Utilities/Drainage

The proposed project will be served by existing utilities. Water and sewer lines will be extended from existing off site lines and all new power and cable utility lines will be underground. The majority of the site drains off directly to Branciforte Creek. The northeasterly corner of the site drains to Isbel Drive where an existing catch basin at the bridge over the Creek picks up the flow and discharges it to the Creek. The post-development increase in runoff would be accommodated by the construction of a storm drain system. The proposed drainage plan shows pretreatment of runoff in swales adjacent to proposed lots prior to discharge into a detention system. As with the former analyzed and approved project, the current project proposes discharge into Branciforte Creek via a energy dissipating structure to minimize potential stream bank erosion. The drainage details will be reviewed by the Public Works Department for consistency with the City's Storm Water Management Plan. Conditions of Approval require installation of oil/grease traps. Preparation of a Storm Water Pollution Prevention Plan (SWPPP) is required for project, both the former approved and the current proposal, which will detail the types of Best Management Practices (BMPs) that will be implemented during construction to prevent storm water quality degradation in accordance with City requirements.

Archeology

The site is within a mapped sensitive archeological resource area. The project archeologist has indicated that the northern portion of the site appears to be significant for its contribution to

Santa Cruz area prehistory due to its occupation over a long period of time and the potential for multiple components. The site appears to be a “historical resource” and eligible for the California Register of Historical Resources as well. The design of this project incorporated methods to avoid site disturbance including larger lot sizes, and a narrow and shallow roadway. The regional and project area archeology and Historic Context is described in detail in the Cultural Resources section of the DEIR, Section 4.4, page 4-66. The proposed Mitigation Measures to reduce the potential impacts to less than significant can be found on pages 4-76 through 4-79.

Phasing

The original project would have been constructed in two phases. The first phase would have included construction of the residential development on the southern portion of the project site while the northern portion of the project would have been developed as individual units by each respective new owner. Development of these lots would have required approval of a Design Permit to assure mitigation measures were complied with in the design and construction of each house. The current project calls for all homes to be built by KB Home as one development. Model Homes will be constructed first for marketing purposes on lots four and five. A four stall temporary parking lot will be constructed on Lot 3 for sales people and customers. A temporary ADA restroom, landscaping, fencing and walkways to the models will be installed as well. The garage of the home on Lot 4 will be used as a temporary sales office. Prior to the sale of that unit the sales office will be renovated into a garage. As sales proceed, the homes will be constructed. Complete build out for all of the homes is expected to take two years.

ENVIRONMENTAL

The City has determined that the potential environmental impacts associated with the revised project have been analyzed in prior environmental documents. An addendum to the EIR was prepared to evaluate the project modifications. Additional mitigation measures are provided. The City has also determined that the revised project will not result in new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts. Implementation of previously adopted mitigation measures and revised mitigation measures address any potential impacts that the revised plans may have on the environment.

Due to the reduction of the total number of residential units and development footprint, many impacts will be reduced in significance, such as impacts related to biotic resources, air emissions, traffic, and public services. The full analysis in environmental impacts due to the modified site plan is provided in the attached EIR Addendum and Mitigation Monitoring Plan.

SUMMARY

The No Project alternative that was analyzed in the EIR has the greatest potential for significant environmental impacts to the project site. The invasive tree-of-heaven as well as other plant species will continue to expand into the spineflower habitat if there is no development with a required management plan in place to prevent invasive species from spreading. Maintenance of the existing fence protecting the spine flower population would not be required which could result in trampling, off road vehicle use, and other negative human activities. Illegal camping within the riparian corridor along the western boundary of the project site will continue to degrade riparian habitat while disrupting a wildlife corridor.

The proposed subdivision is designed to provide infill development, compatible with the surrounding residential area, consisting of a mix of housing types to help meet the demand for housing in the community while minimizing impacts to the environment. The proposed project provides an expanded buffer area from the critical spineflower habitat more than double the size recommended by the independent biologist in the EIR. Combined with the required management plan staff feels that this project will provide protection of the spineflower while achieving the City's General Plan policies. Based on the attached Resolution, Conditions of Approval, and Mitigation Monitoring Plan, staff is recommending that the City Council approve Demolition Authorization and the Major Modification.

FISCAL IMPACT: The project will generate plan check and building permit fees to the City of Santa Cruz and the development of housing will increase the property tax generated to the City. Residential development will impact costs on City services including Police and Fire.

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Approved by:
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City Manager

Available for public review at the Department of Planning and Community Development website:

- Branciforte Creek Residential Development - Draft Environmental Impact Report
- Branciforte Creek Residential Development – Recirculated Alternatives Analysis
- Branciforte Creek Residential Development - Final Environmental Impact Report
- Branciforte Creek Residential Development - EIR Addendum and Mitigation Monitoring Plan
- Resolution No. NS 27,525 Certifying the Final EIR for the Branciforte Residential Development
- Resolution No. NS-27,526 Findings of Fact and Mitigation Monitoring Program for the Branciforte Residential Development
- Resolution No. NS-27,527 approving a Planned Development including modified site area standards, lot standards, Design Permit, Road Abandonment, Heritage Tree removal permit and a Tentative Subdivision Map for a 40 unit subdivision
- Full set of plans

ATTACHMENTS:

- ~ Draft Resolution approving Application No. CP10-0120;
Exhibit A - Conditions of Approval
Exhibit B – EIR Addendum and Mitigation Monitoring Plan
- ~ CNPS/Branciforte Creek LLC settlement agreement and site plan, 2007
- ~ CNPS/KB Home settlement agreement and site plan
- ~ Minutes Excerpts of the Planning Commission Meeting of April 19, 2007
- ~ Minutes Excerpts from the City Council Meeting of May 8, 2007
- ~ The Historic Building Evaluation, prepared by Michael Brandman Associations, dated October 11, 2010
- ~ Hort Science Arborist Letter and Report dated January 17, 2011
- ~ Olberding Environmental Inc. review letter, dated January 27, 2011
- ~ Bicycle/Pedestrian Traffic Memo
- ~ Public correspondence

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
APPROVING APPLICATION NO CP10-0120, A DEMOLITION AUTHORIZATION AND
MAJOR MODIFICATION TO APPLICATION NO. 04-270; AN APPROVED PLANNED
DEVELOPMENT, DESIGN PERMIT, ROAD ABANDONMENT, HERITAGE TREE
REMOVAL PERMIT AND A TENTATIVE SUBDIVISION MAP TO CREATE 40
RESIDENTIAL LOTS AT THE INTERSECTION OF MARKET STREET AND ISBEL DRIVE
IN THE R-1-5 ZONE DISTRICT.

WHEREAS, on July 13, 2010 KB Home filed Application No. CP10-0120 for a Demolition Authorization and a Major Modification to Application No 04-270, an approved Planned Development, Design Permit, Road Abandonment, Heritage Tree Removal Permit and a Tentative Subdivision Map to create 40 residential lots at the intersection of Market Street and Isbel Drive (APNs 008-491-14,15) on a 9.29 acre site in the R-1-5 zone district; and

WHEREAS, the City Council adopted Resolution No. NS 27-525 certifying the Final Environmental Impact Report for Application No. 04-270 Branciforte Creek Residential Development on May 8, 2007; and

WHEREAS, the City Council adopted Resolution No. NS 27-526 Adopting Findings of Fact and a Mitigation Monitoring Plan Program for Application No. 04-270 Branciforte Creek Residential Development on May 8, 2007; and

WHEREAS, the City Council adopted Resolution No. NS 27-527 approving Application No. 04-270 a Planned Development, Design Permit, Road Abandonment, Heritage Tree removal, and a Tentative Subdivision Map for 40 residential lots on May 8, 2007; and

WHEREAS, Project Application No. CP10-0120 has been analyzed to determine whether the proposed modifications may cause environmental impacts not previously addressed under the California Environmental Quality Act (CEQA); and

WHEREAS, an Environmental Checklist and Supplemental Environmental Review of Project Application No. CP10-0120 was prepared to evaluate the proposed modifications relative to the Certified EIR and Mitigation Monitoring Plan, and is incorporated by reference to this resolution including supporting material in the project file; and

WHEREAS, all Findings and Conditions of Approval of Resolution No. NS 27-527 remain appropriate and would remain in force for the approved project, except such conditions of Approval as amended by Permit Application No. CP10-0120; and

WHEREAS, based on the conclusions of the Supplemental Environmental Review the Project Application No. CP10-0120 modifications will not create any adverse impacts, nor would it increase impacts that have been addressed in the EIR which was certified by the City Council; and

WHEREAS, the City Council conducted a public hearing on March 8, 2011 to consider Project Application No. CP10-0120; and

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WHEREAS, the City Council now makes the following findings:

With respect to the Demolition of Single-Family Residence, Section 24.08.1330

- 1. The building is not subject to the provisions of Part 11 (regarding Historic Demolition Permits) of this chapter, or that the demolition or conversion has been approved pursuant to the procedures set forth in Part 11.**

A Historic Building Evaluation, prepared by Michael Brandman Associations, dated October 11, 2010 concluded that the property is not eligible for listing in the California Register nor is it a historic resource as defined in CEQA. The property could not be linked with any event or person significant in local, regional, state or national history. Though the building does have some of the features characteristics of a vernacular rural building, it is not a particularly unique or outstanding example of this type of property. Also, deterioration and modern additions and alterations to the building have led to a loss of integrity that further renders the building insignificant.

- 2. The project which will replace the demolished unit has been approved by the city, and an appropriate building permit will be issued.**

The replacement house design and location will be approved with this application and a building permit will be issued for construction of the replacement home.

- 3. The building is not in the coastal zone, or, if it is in the coastal zone, is being replaced by a residential use or a nonresidential coastal-dependent use as defined by Section 30101 of the Public Resources Code.**

The single-family dwelling is not located within the Coastal Zone; however, it will be replaced by another single family dwelling unit within an overall 32 unit residential project.

- 4. Relocation assistance has been provided to eligible tenants consistent with Section 24.08.1350.**

The property owner will have to provide relocation assistance to eligible tenants consistent with Section 24.08.1350 of the Municipal Code.

- 5. The building which is in the coastal zone and is being replaced by a nonresidential use which is not coastal-dependent as defined in Section 30101 of the Public Resources Code, is located where residential use is no longer feasible, but will not be issued a demolition permit or building permit in connection with the conversion until the applicant has entered into an agreement to provide relocation assistance and replacement housing or in-lieu fees consistent with Sections 24.08.1350 and the applicable portions of Sections 24.08.1360 and 24.08.1370 of this chapter.**

The project is not located within the Coastal Zone, however, it is a residential unit being replaced by 32 residential units.

With respect to the Major Modification, Section 24.08.780

- 6. The proposed modifications maintain the original purpose and reasons for approval of the planned development and are consistent with the original conditions of approval.**

The proposed modifications reduce the number of homes from 40 to 32 units while providing a mixture of housing types much as the original project. The previous project included 12 attached units in the southern portion of the site and 28 single family lots covering the remainder of the site. This project provides five attached units and 27 single family lots. Six former custom home lots in the northern portion of the site are now proposed to be constructed by the applicant as part of this development.

- 7. The proposed modifications meet the regulations for the district in which the planned development is located, unless such modifications conform with previously approved planned variations.**

The modification from the subdivision and R-1-5 zone district standards conform to the previously approved planned variations. In this case, the proposed lots and homes require variations to the Subdivision and Zoning Ordinance standards. Variations for lot size, width and depth as well as street standards and parking standards are required from the subdivision ordinance. Variations in the R-1-5 standards include reduced site area, lot widths and setbacks.

The public interest and General Plan goals can be more fully realized with this development in that the units have been clustered in a way to protect sensitive environmental habitats, while providing 32 residential units within the General Plan density range. Site amenities include a bio-swale drainage system that incorporates native grass species selected to provide year round erosion control and filtering of sediments. The system will remove pollutants such as suspended solids, hydrocarbons and metals before entering Branciforte Creek at predevelopment rates. The applicant will be conditioned to restore and enhance the existing degraded riparian habitat within the proposed 100 foot riparian setback. The applicant has included the dedication of a public trail easement over Branciforte Creek through the development connecting the Lee Street neighborhood to the Prospect Heights neighborhood. A bridge will be constructed at a future date by others.

- 8. The proposed modifications(s) maintain usable open space originally approved for the site.**

The revised site plan results in a reduction in the number of residential units and development footprint while preserving almost 48 percent (209,088 square feet) of the total amount of the project site as permanent open space.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby approves the Demolition Authorization and Major Modification subject to the Findings listed above, the Conditions of Approval listed in Exhibit "A" attached hereto and made a part hereof, and the EIR Addendum and Mitigation Monitoring listed in Exhibit "B" attached hereto and made a part hereof.

PASSED AND ADOPTED this 8th day of March, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
Interim City Clerk Administrator

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EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

5 Isbel Drive – Application No. CP10-0120

Demolition Authorization and a Major Modification to Application No. 04-270; an approved Planned Development that included modified site area standards, lot standards, Design Permit, Road Abandonment, Heritage Tree removal permit and a Tentative Subdivision Map to be reduced from 40 units to 32 units at the corner of Market and Isbel in the R-1-5 zone district.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. The final map of the subdivision shall be submitted showing compliance with all the provisions of Title 23 of the Santa Cruz Municipal Code, or with approved exceptions thereto.
3. Vertical-face type curbs, standard gutters and sidewalks shall be installed along all streets in the subdivision, in accordance with the approved tentative map.
4. All utility easements shall be provided as shown on the approved tentative map on file to meet the requirements of the utility companies and of the Director of Public Works.
5. Water mains shall be installed in the subdivision, and water services shall be installed to the property line for each individual lot included within the tract, prior to surfacing the streets.
6. Gas mains shall be installed in the street tree and utility easements to serve all lots within the subdivision; and gas service shall be installed to all lots, prior to surfacing the streets.
7. Private sanitary sewers, including manholes and other appurtenances, shall be constructed in the subdivision, and laterals extending to the property line of each lot shall be installed so as to provide service to all lots within the subdivision. All sewer laterals shall be in accordance with the city standard detail and shall be capped at the property line.
8. Storm drainage facilities shall be installed as shown on the approved tentative map and in accordance with Public Works specifications and standard details.
9. All necessary easements shall be acquired prior to City Council acceptance of the final subdivision map.
10. Each unit/lot shall have separate utility service.
11. The applicant shall comply with the inclusionary requirement of Section 23.38.025 of the City of Santa Cruz Subdivision Ordinance to include five units.
12. The inclusionary units shall be dispersed by providing at least one of the affordable unit types as a single-family detached home consistent with Section 24.16.010(3) of the Municipal Code.

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13. The revised unit location shall be reviewed and approved by the Director of Planning and Community Development.
14. Street lights shall be installed in the subdivision and on Market Street and Isabel Drive as shown on the approved tentative map, and in accordance with Public Works specifications and standard details. Street lights on Market and Isabel shall use LED lamps. Streetlights shall be shielded to contain light source in a downward direction.
15. Standard fire hydrants shall be installed in accordance with the specifications of the City Fire, Water and Public Works Departments.
16. Street name and traffic control signs shall be installed as shown on the plans and as required, in accordance with Public Works specifications and standard details.
17. Permanent monuments shall be furnished and installed by the subdivider as required by Public Works.
18. The applicant will work with the City Urban Forester to develop a revised street tree plan incorporating Coast Live Oaks in appropriate locations that will allow for mature or specimen growth size.
19. The trees shall be installed in accordance with the final approved landscape plan and City specifications. The landscaping shall be inspected by the Parks and Recreation Department.
20. All plans and profiles of improvements shall be approved by Public Works prior to the filing of the final map.
21. Landscape and irrigation plans shall be submitted at the time of the building permit application and will be reviewed by both the Planning Department and Water Department. The landscape and irrigation plans shall comply with all requirements of the City's landscape water conservation ordinance prior to issuance of the building permit.
22. The combined size of turf and areas devoted to high water use plants, decorative pools, fountains, water features, and swimming pools shall be limited to no more than 25 percent of the total developed landscape area. Turf varieties shall be water-conserving species, such as tall and hard fescues. Turf shall not be placed in areas less than eight feet wide, on slopes greater than five percent, or in medians, traffic islands, planter strips, or parking lot islands.
23. All landscaping shall be installed prior to final utility release or issuance of occupancy permits.
24. Subsequent to occupancy of the premises, all landscaping shall be permanently maintained by the HOA. Such maintenance shall be secured through an 18-month bond prior to occupancy.

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25. The reproducible mylars of the plans and profiles for said improvements shall be furnished to the Public Works Department and shall become the property of the City of Santa Cruz at the time of approval.
26. Approval of the final plans and the conditions necessary for said approval are not necessarily limited to the approved tentative map conditions listed herein.
27. The development of the site shall be subject to the provisions of the Zoning Ordinance of the Santa Cruz Municipal Code.
28. The Homeowners Association shall be responsible for distribution of the Habitat Management Plan to owners of all lots within the development. The required distribution of the Habitat Management Plan shall be included in the Covenants, Conditions and Restrictions. All future landscaping, tree removal, vegetation maintenance, including the continued care and cleanup of the Riparian Corridor within the development must be in accordance with the Habitat Management Plan.
29. Prior to the approval of the final map, Covenants, Conditions and Restrictions, containing the provisions set forth in Section 23.37.010 of the Subdivision Ordinance, shall be filed with the Planning Director. The agreement shall include provisions for:
 - Annual (by October 1) and after major storms inspection and maintenance of all bio-swale detention basin and drainage facilities within the development. Submitting an annual (by Dec 1) report of inspection and maintenance.
 - Provide sanitary sewer maintenance plans for review and approval by the City Engineer.
 - Ongoing implementation of the Habitat Management Plan
 - Maintaining all curbs, sidewalks, driveways and landscaping in the public right-of-way fronting the project on Market and Isabel.
 - Requirement that any unit that is rented be managed by a single management company designated by the homeowners association to manage all rental units in the residential project
 - The homeowners association shall submit an annual report to the city identifying all rental units and identifying the management company responsible for managing all rental units in the development.

Language shall be included that subsequent homeowner agreements shall not remove any conditions and/or restrictions specifically required by the City without first obtaining an amendment to this approval. The agreement shall be recorded and in full effect prior to issuance of any grading or building permits for the residences.

30. Approval of final plans and any conditions necessary for implementation of same in no way modify the original conditions of approval.

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31. After occupancy, additions to the structures will not be allowed. Prior to occupancy, the applicant shall file a deed restriction for each lot, to be prepared by the City of Santa Cruz per the approval of the City Attorney, stating the “no additions” restriction.
32. No permits or work shall commence on the subject property until approval of the final map.
33. Installation and testing of the sewer lines, water systems, and fire hydrants must also be conducted to satisfy the requirements of the Public Works Department, the Water Department, and the Fire Department, prior to the issuance of the building permit.
34. Prior to the issuance of a building permit, following approval of the final map, all underground utilities, curbs, gutters, final road grading, and on-site grading shall be completed and approved by the Public Works Department. If necessary, the Public Works Department may also require the installation of base rock on the finished grading for the road, prior to the issuance of the building permit.
35. Park dedication fees shall be based on the final building plans and shall be paid prior to issuance of each building permit.
36. Traffic Impact fees for the entire development shall be paid upon Issuance of the first building permit.
37. The applicant shall submit evidence to the Zoning Administrator that these conditions have been recorded with the Office of the County Recorder prior to filing of final map.
38. Remove and properly dispose of the onsite abandoned redwood septic tank in accordance with requirements of the Santa Cruz County Environmental Health Department.
39. Requirements for the approval of grading:

All grading shall be done in accordance with the latest City of Santa Cruz Municipal Code, Chapter 24.27.

- All work shall be in accordance with recommendations specified in the geotechnical investigation report prepared.
- All clearing, site preparation or earthwork shall be performed under inspection by the Soils Engineer and to the satisfaction of the Soils Engineer.
- Dust caused by the grading operations shall be controlled by proper watering and fencing.
- A grading permit from the Chief Building Official will be required prior to commencement of work.
- A pre-grading conference at the site is required prior to the start of grading with the following people present: owner, contractor, engineer, soils engineer, and City Inspector, or their representatives.

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- The engineer will inspect the site after grading has been completed, and inform the City of Santa Cruz whether grading was done in conformance with the grading plans.
 - Plans set forth in the schedule, location, and type of planting shall be submitted to the Planning Department for approval upon completion.
 - Work shall be done in accordance with approval plans on file in the Building Division of the Planning Department.
 - Grading shall be done during periods of dry weather, and protective measures shall be incorporated during grading to prevent siltation from any grading project halted due to rain. No earth-moving activities shall occur between November 1 and March 1 except as authorized by the Chief Building Official.
 - Grading or demolition in the public right-of-way shall be done in accordance with the approved drawings and not prior to 72 hour notification to the Public Works Department. A traffic control plan and schedule must be provided one week in advance of the work.
40. During all grading and subsurface excavations (including utility-line trenching), construction will be halted if significant archaeological resources are discovered. For the purpose of this permit, significant archaeological resources shall include the remains of previous Indian living areas or human burials. In the instance of Indian living areas, these objects shall be recorded and mapped prior to further excavation on that portion of the site. In the event human burials are discovered during excavation, work shall be halted and the County Coroner, the Northwest Indian Cemetery Protective Association (NICPA), and other appropriate authorities shall be notified. Mitigation measures developed by the applicant and authorized archaeologists shall be subject to the approval of the Planning Department.
41. All grading within the boundaries of the subdivision and in the public right-of-way shall be done under the direction and supervision of a soils engineer. Upon completion of all grading, a final soils report shall be submitted to the Chief Building Official and Public Works by the soils engineer, certifying compliance with the City's grading ordinance. The report shall include locations and elevations of field density tests, summaries of field and laboratory tests, and any other substantiating data developed by the soils engineer.
42. Trees damaged in the course of construction shall be repaired in accordance with accepted arboreal methods. All required tree repair shall be completed and accepted by the City of Santa Cruz prior to occupancy of the premises.
43. Any tree marked for preservation, which is removed with out prior approval, shall be replaced by two (2) specimen trees of a variety and at locations specified by the Director of Planning. All such trees shall be replaced prior to occupancy of the premises.
44. The applicant shall obtain a Heritage Tree Removal Permit from the Department of Parks and Recreation to remove the Heritage trees approved with this permit.

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45. An erosion-control plan shall be approved upon submission of grading plans. All erosion measures shall be installed prior to November 1 or before notice of completion of the subdivision improvements.
46. All residential lighting shall be shielded to contain the light source in a downward direction.
47. All of the Mitigation Measures listed in the Mitigation Monitoring Program attached to Resolution NS-27,527 shall be completed according to the approved Monitoring Program except as modified herein and shown in the revised Mitigation Monitoring and Reporting Program attached as Exhibit B in the approving resolution.
48. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the City of Santa Cruz or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of the City Attorney or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The City shall promptly notify the property owner of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the City harmless.
49. The applicant shall work with interested community groups to develop a brochure for future homeowners concerning the cultural resources in this area. The brochure should inform people of the significance of the area and also indicate what should be done if they come across materials in or around their properties. The brochure shall be developed by the group in consultation with a certified archaeologist and reviewed and approved by the Historic Preservation Commission. The brochure shall be developed, reviewed and approved with no additional cost to the applicant.
50. When completed the archeological brochure shall be provided to all new homeowners and each subsequent owner by the Homeowners Association.

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51. Provide an archaeological monitor for grading work outside of the boundaries of CA-SCR-276. Work will be halted if intact cultural features are encountered during construction until the find can be evaluated by a professional archaeologist and appropriate mitigation measures formulated and implemented. Following monitoring, a letter report shall be prepared documenting the results of the monitoring. Any discoveries and additional recommendations will be reviewed with the City of Santa Cruz Planning Director or designee prior to final execution or implementation.
52. The Planning Director will send an electronic FYI to the City Council and attach the Habitat Management Plan when completed.
53. Provide appropriate construction fencing to protect and delineate the riparian corridor, the spine flower habitat including the approved buffer area and all trees designated to be preserved.
54. The applicant shall revise the plans to extend architectural details to the exposed side walls on the homes located on Lots 1, 13, 18, 19, 25, 26, 27, 28 and 29.
55. The applicant will follow the recommendations for tree protection as provided in the arborist report and to work with the Urban Forester to incorporate Coast Live Oak into the street tree planting plan.
56. The applicant shall restore and enhance the existing degraded riparian habitat within the proposed 100 foot riparian setback.
57. Provide an updated noise assessment for the prior to issuance of a building permit to ensure that building designs meet state and local requirements.
58. The applicant shall provide notification to neighbors of the construction schedule for the soil remediation and the contact information for the job site superintendent.
59. The applicant and contractor who obtain a building permit for the project shall be required to sign the following statement at the bottom of these conditions, which will become conditions of the building permit:
60. "I understand that the subject permit involves construction of a building (project) with an approved Design Permit. I intend to perform or supervise the performance of the work allowed by this permit in a manner which results in a finished building with the same level of detail, articulation, and dimensionality shown in the plans submitted for building permits. I hereby acknowledge that failure to construct the building as represented in the building permit plans, may result in delay of the inspections process and/or the mandatory reconstruction or alteration of any portion of the building that is not in substantial conformance with the approved plans, prior to continuation of inspections or the building final."

Signature of Building Contractor

Date

EXHIBIT B

City of Santa Cruz EIR ADDENDUM

Branciforte Creek Residential Subdivision
FEBRUARY 10, 2011

CONTENTS:

- I. Background
- II. Project Description
 - ♦ Project History
 - ♦ Current Project Description
 - ♦ Summary of Project Modifications
- III. Environmental Setting
- IV. Use of An Addendum
- V. Environmental Review
 - ♦ Summary of Impacts
 - ♦ Environmental Checklist & Review of Environmental Impacts
- VI. References
- VII. Mitigation Monitoring & Reporting Program
- VIII. Figures

I. BACKGROUND

Application Number: CP10-0120

Project Title: Branciforte Creek Residential Subdivision

Lead Agency Name and Address:

City of Santa Cruz
Planning and Community Development Department
809 Center Street, Room 206
Santa Cruz, CA 95060

Contact Person and Phone Number: Mike Ferry, (831) 420-5118

Project Applicant's/Sponsor's Name and Address:

Talli Robinson, KB Homes
6700 Koll Center Parkway, Ste 200, Pleasanton, CA 94566

General Plan Designation: Low-density Residential

Zoning: R-1-5

Project Location: 5 Isbel Drive in the City of Santa Cruz (APN 008-491-14, -15); Figure 1.¹

¹ All figures are included at the end of the Initial Study for ease of reference.

II. PROJECT DESCRIPTION

Project History

A Draft Environmental Impact Report (DEIR) was distributed for public review in August 2006 pursuant to requirements of the California Environmental Quality Act (CEQA). The DEIR evaluated a 44-unit residential project (including one existing residence) on the project site as shown on Figure 2 for a net increase of 43 residential units. A “Recirculated Alternatives” section was distributed for public review in February 2007, which expanded the alternatives discussed in the August 2006 DEIR. A Final EIR (FEIR) was completed in April 2007 that responded to comments on both the DEIR and Recirculated Alternatives Section. The FEIR was certified by the Santa Cruz City Council on May 8, 2007, and a 40-unit subdivision (Alternative 5) was approved at the same time.

A lawsuit was filed by the California Native Plant Society (CNPS) concerning the adequacy of the EIR with regards to special status species. The applicant revised the site plan to address the concerns of CNPS and a settlement agreement between the applicant, the City of Santa Cruz and the California Native Plant Society was developed. The settlement agreement was approved by the City Council on October 10, 2007, which included an expansion of a buffer area for robust spineflower plants on the project site, deletion of street trees along the roadway adjacent to the robust spineflower buffer, and the relocation of lots 34 through 37 as shown on the map dated August 10, 2007, by Thacher & Thompson Architects (see Figure 3). The City processed Minor Modification No. 07-175 on October 17, 2007, to reflect the revised site plan and settlement agreement.

The revised site plan approved as the Minor Modification consisted of a 40-lot/unit residential project with an expanded robust spineflower buffer as shown on Figure 3. Since that time the property has changed ownership and a new site plan has been submitted as a Major Modification to the approved project. The revised site plan includes a 32-unit residential project as fully described below.

Current Project Description

This project consists of a Major Modification to an approved Planned Development, Design Permit, Road Abandonment, Heritage Tree Removal and Tentative Subdivision Map for the creation of 32 lots and development of 32 residential units. An existing single-family home (that has been boarded up and is vacant) will be demolished. The project includes 27 single-family units, one duplex condominium unit, and one triplex condominium unit. Figure 4 shows the currently proposed site plan.

Lot sizes range generally between approximately 2,400 and 4,500 square feet. Seven lots range in size from about 5,000 to 7,800 square feet, and one lot is 15,360 square feet. The proposed units range in size from approximately 1,300 to 2,500 square feet and are a mix of three- and four-bedroom homes. The proposed residential structures are mostly two stories in height, except for nine units that have a basement garage with two floors above. The proposed development includes a mix of four architectural models with two design pallets for each. Each of the seven homes adjacent to Market Street has a unique elevation/design with a common floor plan/model. The remaining proposed single family

units include a mix of three architectural models with two architectural designs for each. The duplex and triplex buildings also have a unique elevation with a common floor plan.

Access to the project site will be provided via a new private roadway that will cross the site with two planned entrances: one off of Market Street at the southern end of the site and the other off of Isbel at the northern portion of the site, approximately 300 feet north of the Market Street/Goss Avenue/Isbel Drive intersection. Each residential unit provides at least two parking spaces within garages and driveways. In addition, 15 parking common spaces are provided throughout the site.

The site plan includes protection of approximately 2.0 acres of riparian habitat, 2.6 acres of spineflower habitat and buffer, and 0.1 acre of common open space. Infrastructure improvements include an underground stormwater detention area with a controlled surface drainage outlet to Branciforte Creek.

Project Modifications

The current project reduces the number of proposed residential units from the previously approved 40 to 32 units. The certified EIR evaluated the physical environmental impacts resulting from the development of 43 new units (the existing house was previously proposed to be retained). The current project slightly reduces the overall development footprint, and provides a larger spineflower habitat buffer than was analyzed in the certified EIR. The current proposal replaces 12 units attached in two buildings along the southern portion of the site with two units. Nine lots and units on the southwestern portion of the site have been shifted further east, creating additional open space adjacent to the Branciforte Creek riparian habitat. Six former "custom homes" in the northern portion of the site are now proposed for development as part of this application, and the lot layout has been shifted east of the proposed access road to create a larger spineflower buffer. Additionally, the existing home in the northern portion of the site was included in former proposal, but is now proposed for demolition under the current proposal. A total of seven homes in the northern area remain unchanged from the former project proposal.

The formerly analyzed project included a 30-foot buffer around the on-site endangered robust spineflower habitat area. Landscaping and structural development were set back approximately 35-85 feet from the edge of the mapped spineflower habitat. The currently proposed project continues to protect the onsite robust spineflower habitat area and provides a larger buffer than the previous project. A 35-80-foot buffer is provided around most of the habitat, with a larger open buffer in the northwestern portion of the site where the buffer is adjacent to open riparian buffer and habitat areas and on the southern side of the habitat area where additional buffer and xeric planting restrictions are included. The proposed access road is located on the outer edge of the buffer and is set back 35-80 feet from the spineflower habitat in the northeastern portion of the site. In the southeastern portion of the site, landscaping on individual lots and/or structural development is set back 70-80 feet from the edge of the spineflower habitat, except for two localized areas near proposed Lots 10-12 where the roadway is set back 60 feet from the habitat area. The California Native Plant Society (CNPS) entered into an agreement with the original project applicants and the City of Santa Cruz for a revised site plan that included expansion of the spineflower buffer, deletion of street trees adjacent to the buffer and relocation of lots 34, - 37 as shown on Figure 3.

Overall, the project results in a reduction in the total number of residential units and development footprint from the formerly analyzed and approved projects on the site. In addition to these changes, the currently proposed site plan includes a soil remediation plan to remove and treat soils in response to liquefaction and soil settlement issues, which will result in additional grading, as described below. Liquefaction and soil settlement issues were addressed in the EIR; the former proposal addressed these issues with foundation design and other geotechnical recommendations. The current plan also increases the number of trees to be removed; with 23 additional trees proposed for removal (the previously approved project would have removed 100 trees). Site plan changes related to the project, access, site improvements and site preparation are summarized in Table 1 and compared to the project that was analyzed in the certified EIR.

The proposed soil remediation consists of excavating approximately 2.5 acres of the project site in the area of proposed lots 1 through 25 south of the spineflower habitat as shown on Figure 5. The purpose is to treat potentially liquefiable soils rather than design individual homes with a reinforced concrete structural mat foundation design as was proposed with the former approved project. The planned remedial grading will be conducted to depths of approximately 15-18 feet and includes construction of toe shear keyways, removal of compressible soils, performing rapid impact compaction (RIC) at the base of the subexcavations to densify the liquefiable soils in-situ, and returning the excavated soils as engineered fill. The current technique was selected to reduce the potential for excavation dewatering due to groundwater levels measured at roughly 20 to 22 feet below existing grade in the low-lying development area and the fact that potentially liquefiable soils extend below those depths (Engeo Inc., December 2010).

It is anticipated that the excavations will be phased in order to reduce soil stockpiling to roughly 20,000 cubic yards at any one time. The excavated stockpiled material would be located on lots the furthest from Branciforte Creek, and could be six to fifteen feet high. The stockpile will be fenced and watered daily as needed for dust control. The excavated soils will be compacted and engineered as needed before they are returned to the excavated area after the RIC is completed for a given area. The RIC process consists of compacting the soil in the excavated area using a pneumatic hammer with an attached weight.

It is estimated that the soil remediation will be completed within four weeks with two additional weeks for site grading for the proposed subdivision. It is estimated that the earthmoving activities (excavation and fill) will take up to 30 days at an estimated 5,000 cubic yards per day (Engeo Inc., December 2010). The area around Lots 19 through 25 has been earmarked to receive the temporary soil stockpile, and Lots 1 and 2 have been earmarked as temporary sediment pond/construction water pond. Since the stockpile does not need to be remediated (treated), it will receive perimeter sediment controls such as silt fence or straw wattle, as well as erosion control measures including dust control or covers according to SWRCB Order No. 2009-0009 DWQ when not in use or when inactive (Engeo Inc., December 2010).

TABLE 1
Comparison of Project Characteristics

Project Feature	Project Analyzed in Certified EIR	Proposed 2010 Project
Residential Development <ul style="list-style-type: none"> ▪ Project Size ▪ Unit Mix ▪ Size/Height ▪ Phasing 	43 & one existing home	32
	14 attached townhouse; 23 detached SFD; 6 custom SFD; retain existing SFD	27 single-family units, one duplex condominium unit, and one triplex condominium unit
	2½ stories (31-foot height) for 14 townhome units adjacent to Highway 1 and 2 stories (22 to 25-foot height) for remaining units	2 stories (23-25 foot height) for 23 units and 2 stories over basement (27-foot height) for 9 units
	Phase 1 – 37 units as Planned Development; Phase 2 – 6 custom lots sold and developed individually	No phasing
Access <ul style="list-style-type: none"> ▪ Entrances ▪ Road Layout ▪ Parking 	One on Market Street; one on Isbel Drive	One on Market Street; one on Isbel Drive same as previous layout
	Through site from Market to Isbel with roundabout	Reconfigured through site from Market to Isbel without roundabout
	112 onsite spaces	129 onsite spaces
Infrastructure Improvements <ul style="list-style-type: none"> ▪ Drainage 	Onsite bioswale retention with weir and discharge into Branciforte Creek.	Onsite underground detention with dissipater discharge into Branciforte Creek; bioswales on each lot
Natural Open Space & Buffers <ul style="list-style-type: none"> ▪ Open Space ▪ Development Riparian Setback ▪ Spineflower Habitat Setback ▪ Retained Trees ▪ Landscaping Plan ▪ Easement for Future Access Across Creek 	<ul style="list-style-type: none"> ▪ 0.12 acre subdivision open space ▪ 2.10 acres riparian habitat ▪ 2.6 acres natural open space 	<ul style="list-style-type: none"> ▪ 0.13 acres common open space ▪ 2.10 acres riparian habitat ▪ 2.6 acres spineflower habitat & buffer
	20 feet from edge of riparian vegetation	20 feet from edge of riparian vegetation
	30 feet	35-85 feet with larger area in northwestern site where buffer is adjacent to riparian area
	128 trees, of which 65 were heritage trees (6 trees subsequently were removed)	109 trees, of which 70 are heritage trees
	72 new replacement trees	97 replacement trees
	Proposed	Proposed in general same area
Site Preparation <ul style="list-style-type: none"> ▪ Grading ▪ Tree Removal ▪ Existing House 	Soil Remediation – not proposed	Soil Remediation
	Site-Subdivision Grading <ul style="list-style-type: none"> ▪ 2,550 cubic yard (cy) excavation; ▪ 5,277 cy imported fill 	<ul style="list-style-type: none"> ▪ 125,000 cubic yard (cy) excavation ▪ 135,000 cy fill Site-Subdivision Grading <ul style="list-style-type: none"> ▪ 4,700 cubic yard (cy) excavation ▪ 8,100 cy imported fill
	100 trees, of which 26 are heritage	123 trees, of which 48 are heritage (4 of these are dead)
	Retain	Demolish

A subdrain system shown on the Remedial Grading Plan will be installed after the remedial subexcavation and RIC has been performed, during engineered fill backfill. The purpose of the subdrain system is to reduce saturation of engineered fills due to seasonal groundwater level rise and transport of perched water (seepage) from uphill soil or bedrock seams. While a subdrain cleanout may be installed in an area controlled by the HOA for potential flushing, subdrain systems are generally maintenance free for subdrains installed at the target depths of 10 to 15 feet below planned grades (Engeo Inc., December 2010). The water collected will be conveyed through the subdrain system and will directly discharge into the planned rip rap area on the creek bank that the storm water treatment system drains into. The geotechnical report indicates that the subdrains will consist of a perforated pipe encased in permeable material or crushed rock wrapped in filter fabric. .

A “Storm Water Pollution Prevention Plan” (SWPPP) will be prepared in accordance with State and City requirements prior to initiation of the soil remediation and grading to protect water quality during these operations. Construction “Best Management Practices” (BMPs) planned to be implemented during remedial grading and grading include an onsite temporary sediment pond/construction pond in the proximity of Lots 1 and 2 to collect any groundwater seepage and excess stormwater runoff that does not infiltrate into the onsite sandy soils. The temporary pond may or may not be lined, depending upon its intended usage. Any groundwater encountered during the remediation process will be retained onsite (in the pond) for construction purposes (i.e., watering stockpiles) and is not planned for discharge into Branciforte Creek.

In addition, a construction yard and soil stockpile area is planned in proximity to Lots 19 through 25. The temporary soil stockpile area will receive sub-excavated soil from the soil remediation process, as well as other soil spoils generated during construction activities. The construction yard and soil stockpiles will be subject to BMP measures including perimeter protection and surficial erosion controls to hinder sediment runoff in accordance with SWRCB Order No. 2009-0009 DWQ. The pond and storage areas were designated due to their greatest distances from Branciforte Creek and their location on the outer edge of the planned soil remediation (Engeo Inc., December 2010). During site grading activities, construction entrances/exits, and other perimeter and soil stabilization BMPs will be implemented to reduce/eliminate sediment runoff associated with soil disturbance. In addition, year-round BMP monitoring, and stormwater sampling will be implemented (if required) (Engeo Inc., December 2010).

III. ENVIRONMENTAL SETTING

The 9.92-acre project site is located in the northern portion of the City of Santa Cruz within a residential area that consists of mostly single-family homes north of Highway 1 and along Market Street. The site is bordered by Highway 1 to the south, Market Street to the east, Isbel Street to the north, and Branciforte Creek and riparian open space to the west. The northern boundary of the site is adjacent to the unincorporated portion of Santa Cruz County.

The project site slopes from Isbel Drive and Market Street west toward Branciforte Creek. The southern portion of the project site is relatively flat and contains non-native grassland. The northern portion of the site is a gently to moderately sloping knoll and contains coast live

oak woodland habitat, a robust spineflower (*Chorizanthe robusta* var. *robusta*) habitat area, and a recorded archaeological site.

Riparian habitat is found along Branciforte Creek, which intermittently meanders through the western portion of the project site. The onsite reach of Branciforte Creek is unchanneled and is approximately one mile upstream of the confluence with the San Lorenzo River. The portion of the site outside the riparian habitat contains about 225 trees, which are primarily coast live oak, as well as redwood, bay, eucalyptus and other native and non-native trees of varying sizes and condition. The trees are mostly concentrated in the northern portion of the site, as well as along the Market Street frontage with some trees along Isbel Drive.

The site currently contains one existing single-family house in the northern portion of the site. The house is vacant and has been boarded up, and will be demolished as part of the project.

IV. USE OF AN ADDENDUM

In analyzing the proposed project, the City must consider the extent to which the current proposal represents a change in the project, and whether existing environmental documents provide an adequate analysis of those changes in light of current circumstances. The City has determined that the project modifications do not represent a “new” project as the modifications represent a refinement of a project that has already undergone environmental review, as well as a reduction in total proposed residential units. The changes associated with the proposed project are described above. Thus, the City must consider the extent to which these changes, or changes in the circumstances surrounding the project, necessitate further environmental review. In particular, the City must consider whether to perform supplemental environmental review and, if so, whether that supplemental review should take the form of a supplemental or subsequent Negative Declaration or Mitigated Negative Declaration, an EIR, or an addendum.

Pursuant to Section 15164 of the State CEQA Guidelines, an addendum to a certified EIR may be prepared if only minor technical changes or additions are necessary and none of the conditions described in State CEQA Guidelines Section 15162 that call for preparation of a subsequent EIR or negative declaration have occurred. Under State CEQA Guidelines Section 15162, no subsequent EIR would need to be prepared unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of previous the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known, at the time the previous EIR was prepared shows any of the following:

- The project will have one or more significant effects not discussed in the previous EIR;
- Significant effects previously discussed will be substantially more severe than shown in the previous EIR;
- Mitigation measures or alternatives previously found not to be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
- Mitigation or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation or alternative.

The City has determined that the proposed modifications represent a refinement of an approved planned development project that has already undergone comprehensive environmental review, and the project changes are not substantial, as discussed in the following section. These project changes will not result in new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts. Similarly, there are no substantial changes with respect to the circumstances under which the project is undertaken or new information of substantial importance that would result in new significant impacts or a substantial increase in significance of previously identified impacts as summarized below. Based on the level of previous environmental review and degree of proposed project changes, the City has determined that the project changes are minor and no substantial changes in the project or environmental conditions have occurred since preparation and certification of the EIR on May 8, 2007. Thus, the City has determined that an Addendum to the Branciforte Creek Residential Subdivision EIR is the appropriate environmental review document for the proposed project modifications.

V. ENVIRONMENTAL REVIEW

Summary of Impacts

The City has determined that the potential environmental impacts associated with revised planned development have been analyzed in prior environmental documents and would not result in conditions outlined in State CEQA Guidelines Section 15162 that would require preparation of a Subsequent EIR. The revised site plans will not result in new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts with implementation of previously adopted mitigation measures and new project elements as discussed in the following subsection.

Due to the reduction of the total number of residential units and development footprint, many impacts will be reduced in significance, such as impacts related to biotic resources, air emissions, traffic, and public services. A summary of key changes in environmental impacts due to the modified site plan (other than a reduced impact) is provided below. Discussion of all impacts is provided in the following checklist.

⤴ AESTHETICS:

- Scenic Views & Scenic Resources: Less-than-significant impact remains unchanged; removal of 30 additional trees (a few of which are dead) would not substantially increase the severity of the impact or result in a new significant impact.
- Degradation of Visual Quality of Surrounding Area: Less-than-significant impact remains unchanged; building mass is substantially reduced along the southern boundary. A minor increase in the number of residential units along Market Street (7 units instead of 6) would slightly increase building mass in this area, but would not substantially increase the severity of the impact or result in a new significant impact.

⤴ AIR QUALITY:

- Construction Emissions: Increased excavation due to proposed soil remediation could result in additional dust, PM₁₀, and diesel emissions, but additional analyses show they would still fall below Monterey Bay Unified Air Pollution Control District significance thresholds. The new soil remediation grading would not substantially increase the severity of the significant impact analyzed in the EIR, and previously adopted mitigation measures would continue to be required.

⤴ BIOLOGICAL RESOURCES:

- Special Status Species & Nesting Birds: The project would result in removal of 23 additional trees that could potentially support special status bats and/or woodrats. However, the previously adopted mitigation measures required pre-construction surveys prior to any tree removal with implementation of specified measures if these species are found. Thus, the additional tree removal would not substantially increase the severity of the significant impact analyzed in the EIR because the resulting level of impact after mitigation would remain the same.
- Consistency with Heritage Tree Regulations: The project would result in removal of 23 additional trees, all but one of which are heritage trees under City regulations. This is an approximate 50% increase in removal of heritage trees over the former approved project (24 heritage trees previously proposed for removal), but the landscaping plan includes 97 new 24-inch box trees, which is nearly double the City's replacement requirement. Thus, the additional tree removal would not result in a new significant impact or substantially increase the severity of the less-than-significant impact related to heritage tree removal that was analyzed in the EIR.

⤴ CULTURAL RESOURCES

- Archaeological Resources: The revised project plans would expand the area of excavation and soil remediation to a portion of the site that is located outside the identified archaeological sensitivity area. With previously adopted project conditions of approval and revised mitigation, potential archaeological resources would be monitored during construction and protected if found. The number of homes in the northern portion of the property remains unchanged, although lot layout has been slightly modified. The revised site plan would not result in new significant impacts or substantially more severe significant impacts than project impacts identified and analyzed in the certified EIR with the implementation of previously adopted mitigation measures.

^ GEOLOGY & SOILS

- Erosion: While the volume and area of grading has increased with the proposed soil remediation grading, the project would not substantially increase the severity of the significant impacts related to erosion and water quality that were previously analyzed in the EIR with implementation of slightly revised mitigation measures and the project's current grading proposals, i.e., no winter grading.

^ HYDROLOGY & WATER QUALITY

- Storm Drainage: The storm drainage plan was revised pursuant to previously adopted mitigation measures with pre-treatment of runoff prior to discharge into Branciforte Creek. However, the proposed soil remediation includes installation of a new subdrain to reduce saturation of engineered fills due to seasonal groundwater level rise. The collected groundwater would be conveyed to the discharge features. The encapsulated design would capture and filter silts that may be present in collected groundwater. Thus, the potential additional discharge associated with the subdrain would not result in a new significant impact or substantially increase the severity of the impacts related to drainage and water quality that was analyzed in the EIR.

^ NOISE

- Exposure to Noise: The proposed project removes former proposed buildings along Highway 1, and Highway 1 improvements are now complete, which include a sound wall adjacent to the site. With implementation of building design specifications set forth in an updated noise assessment, buildings would be in compliance with indoor and outdoor noise standards. Thus, the project would not result in a new significant impact or substantially increase the severity of the less-than-significant impact related to noise exposure that was analyzed in the EIR.
- Construction Noise: The currently proposed project includes a new soil remediation process that includes compaction of soils with a pneumatic hammer type of equipment. This could result in some vibration, but would be of intermittent duration during the day and limited to a period of approximately 30 days. Because impacts would occur only during daylight hours, the duration would be temporary, and construction noise and vibration would not violate City Municipal Codes or City General Plan policies pertaining to noise, these impacts would continue to be less-than-significant.

Environmental Checklist & Review of Environmental Impacts

The purpose of the checklist presented on the following pages is to evaluate the categories in terms of any "changed condition" (i.e. changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental result. A "no" answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigations in prior environmental documents. The environmental categories might be answered with a "no" in the checklist since the component project (Branciforte Creek Subdivision) does not introduce changes that would result in a modification to the conclusion of the prior environmental documents.

Where Impact was Analyzed. This column provides a cross-reference to the pages of the prior environmental documents where information and analysis may be found relative to the environmental issue listed under each topic.

Do Proposed Changes Involve New Significant Impacts? Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this column indicates whether the changes represented by the current project will result in new significant impacts that have not already been considered and mitigated by the prior environmental review or whether the new information or changes will substantially increase the severity of significant impacts that have not already been considered and mitigated by the prior environmental review.

Any new Circumstances Involving New Impacts? Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (circumstances under which the project is undertaken) which have occurred subsequent to the prior environmental documents, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental documents or that substantially increase the severity of a previously identified impact.

Any new Information Requiring New Analysis or Verification? Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete is available requiring an update to the analysis of the previous environmental documents to verify that the environmental conclusions and mitigations remain valid. If the new information shows that: (A) the project will have one or more significant effects not discussed in the prior environmental documents; or (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative than the question would be answered 'Yes' requiring the preparation of a subsequent or supplemental EIR. However, if the additional analysis completed as part of this Environmental Review finds that the conclusions of the prior environmental documents remain the same and no new significant impacts are identified, or identified environmental impacts are not found to be more severe, or additional mitigation is not necessary than the question would be answered 'No' and no additional environmental documentation (supplemental or subsequent EIR) is required. New studies completed as part of this environmental review are attached to this Addendum, or are on file with the Planning Department.

Mitigations Implemented or Address Impacts. Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this column indicates whether the prior environmental documents provide mitigations to address effects in the related impact category. In some cases, the mitigations have already been implemented. A "yes" response will be provided in either instance. If

“NA” is indicated, this Environmental Review concludes that the impact does not occur with this project and therefore no mitigations are needed.

Discussion. A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue and the status of any mitigation that may be required or that has already been implemented.

Mitigation Measures. Applicable mitigation measures from the prior environmental review that apply to the project are listed under each environmental category.

Conclusions. A discussion of the conclusion relating to the analysis contained in each section.

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
1. Aesthetics. Would the Project:					
a. Have a substantial adverse effect on a scenic vista?	DEIR Section 4.1-AESTHETICS: pg. 4-5 to 4-6	No	No	No	No
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	DEIR Section 4.1-AESTHETICS: pg. 4-5 to 4-6	No	No	No	No
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	DEIR Section 4.1-AESTHETICS: pg. 4-6 to 4-7	No	No	No	No
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Initial Study: Appendix A in DEIR - pg. 17	No	No	No	No

Discussion: The EIR identified less-than-significant impacts related to scenic views and resources, degradation of the visual character of the area, and introduction of substantial light and glare.

(a-b) Oak trees within the scenic view corridor as seen from the Market/Goss/Isbel intersection are retained and there are no changes in the impacts to scenic views as analyzed in the EIR. The current plan proposes removal of 23 more trees than were proposed for removal in the previous plan, of which approximately 10 are within part of a scenic view from the Market St./Isbel Dr./Goss Ave. intersection. With the retained trees, this removal would not substantially alter the scenic view from the vantage point.

Many of the additional trees to be removed are located in the northwestern portion of the site that is less visible from a wide range, and they include primarily smaller trees. Thus, the trees are not visually prominent or considered scenic resources. The removal of these additional trees will not result in loss of scenic resources or alter the scenic view from this location, which is characterized by prominent large oak trees near the Market/Isbel/Goss intersection that will be mostly retained. The additional trees would be removed mostly in the northern portion of the site, but over 50 trees would be retained in this area in addition to additional trees proposed as part of the landscaping plan. The proposed landscaping plan calls for planting 97 trees, which would include approximately 40 trees along the Market Street and Isbel Drive frontages.

(c-d) The current site plan reduces building mass along the site's southern boundary. Building mass along Market Street on the southeastern portion of the site is slightly increased with the addition of one new home as compared to the previous site plan. The revised site plan includes basement garages in this area, the same as with the previous proposal, and there is no change to the proposed two-story elevations along Market Street. This would not result in a new significant impact related to degradation of the visual character of the surrounding area, given other proposed and existing homes in the area. Overall, the slightly increased building mass along Market Street would not substantially degrade the visual character of the surrounding area as it is similar to the

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
<p>previous project, and proposed landscaping will serve to screen and soften building mass over time.</p> <p>The revised plans will not result in new significant impacts related to light and glare as the number of proposed units has been reduced.</p> <p>Mitigation Measures: None were identified in the EIR and none are required with the currently proposed project.</p> <p>Conclusion: The revised project reduces the total number of residential units, and the building façade along the southern portion of the site is substantially reduced. The slightly increased building mass along Market Street due to one additional home would not substantially degrade the visual character of the surrounding area, as it is similar to the previous project, and the additional tree removal (23 trees) will not significantly affect scenic views or scenic resources due to the location and size of the trees, as well as the proposed replanting plan. Thus, the revised site plan would not result in new significant impacts or substantially more severe impacts than the less-than- significant project impacts identified and analyzed in the certified EIR.</p>					
<p>2. Agriculture. Would the project:</p>					
<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	Initial Study: Appendix A in DEIR – pg. 5	No	No	No	NA
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	Initial Study: Appendix A in DEIR – pg. 5	No	No	No	NA
<p>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	FEIR, page 1-7 (no commercial tree sales); issue was not addressed in EIR or Initial Study as State CEQA Guidelines' amendments in 2010 added this new question regarding forest resources	No	No	No	NA
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	Same as above	No	No	No	NA
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use</p>	Initial Study: Appendix A in DEIR – pg 5 regarding agriculture; forestry question is	No	No	No	NA

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
or conversion of forest land to non-forest use?	new since EIR certification				

Discussion: The EIR identified no impacts related to agricultural resources; checklist questions related to forest resources were added in 2010, and thus, were not applicable at the time the EIR was prepared and certified.

(a-c,e) The project site is located in a developed urban area and is not located on, adjacent to or near agricultural lands. The project site does not contain prime or other agricultural lands as mapped on the State Farmland Mapping and Monitoring Program, but is designated as “Urban and Built-up Land”, and is not designated for agricultural uses in the City’s General Plan. Neither the current nor the former proposed project would affect agricultural lands or operations.

(d-e) Since certification of the project EIR, the State CEQA Guidelines were amended in 2010 to add questions regarding forest resources, primarily in response to State legislation that the Guidelines consider greenhouse gas emissions and climate change. The project site contains approximately 232 trees, excluding trees within the Branciforte Creek riparian area, which is planned for protection. The site is designated for residential uses and is within a developed residential neighborhood. Neither the site nor surrounding area is zoned Timberland Preserve or designated for Forest Resources in city or county general plans. The current project will result in removal of 123 trees, compared to 100 with the former proposal. Approximately 50% of these trees are coast live oak and about 32% are non-native trees (i.e., acacia, eucalyptus) with the remaining trees consisting of redwood, bay and a few madrone trees. None of the trees will be sold commercially and are not considered commercial forest resources. The removal will not result in loss of a significant scenic resource or result in a substantial increased severity in biological impacts as discussed in sections 1 and 4 of this checklist. The removed trees will be replaced with 97 trees (oak, redwood and mostly ornamental landscaping trees) as part of the proposed landscaping plan, which is nearly double the amount required by City regulations for removal of 48 heritage trees.

Mitigation Measures: No mitigation measures were recommended in the EIR as no impacts were identified.

Conclusion: The currently proposed site plan does not change the “No Impact” findings related to agricultural resources. The proposed removal of trees would not conflict with existing zoning of forest lands as none exist in the area or result in conversion of forest land to non-forest uses.

3. Air Quality. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan (AQMP)?	DEIR Section 4.2-AIR QUALITY: pg. 4-18	No	No	No	NA
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	DEIR Section 4.2-AIR QUALITY: pg. 4-17 to pg 4-23 FEIR: pg 3-2	No	No	No	YES
c. Result in a cumulatively considerable net increase	DEIR Section 4.2-AIR	No	No	No	YES

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	QUALITY: pg. 4-17 to pg 4-23 <ul style="list-style-type: none"> DEIR Section 5.3.3-CUMULATIVE IMPACTS: pg. 5-6 to 5-8 	No	No	No	
d. Expose sensitive receptors to substantial pollutant concentrations?	DEIR Section 4.2-AIR QUALITY: pg. 4-17 to pg 4-23	No	No	No	YES
e. Create objectionable odors affecting a substantial number of people?	Initial Study: Appendix A in DEIR – pg 17	No	No	No	NA

Discussion: The EIR identified significant impacts related to construction emissions and less-than-significant impacts related to operational-vehicular emissions.

(a) The proposed project would result in 11 fewer residential units than the previously analyzed project with a resulting reduced population increase and would continue to be consistent with the AQMP.

(b-d) The reduced project would result in reduced vehicular emissions due to reduced traffic. The overall building area is generally the same as previously proposed or slightly reduced in some areas. The current plan increases the subdivision grading (by approximately 2,300 cy for excavation and 3,000 cy for fill as shown on Table 1), but does not expand the area of grading as the development footprint has been slightly reduced. However, the currently proposed plan calls for soil remediation to excavate and compact subsoils to provide stable soils in response to liquefaction and soil settlement constraints present on the site. The process would result in excavation of approximately 15 feet of soil throughout an approximate 2.5-acre area of the site (lots 1-25) with a resulting excavation of approximately 125,000 cubic yards of material and fill of approximately 135,000 cubic yards. Due to this increase, the URBEMIS-2007 (Version 9.2.4) air quality program was used to re-calculate construction emissions with the new “remedial grading plan” (Ballanti, December 2010). The results indicate that PM₁₀ emissions would not exceed significance thresholds identified in the DEIR (as established by the Monterey Bay Unified Air Pollution Control District). Daily emissions during summer conditions and twice daily watering (as required by Mitigation Measure 4.2-1a) would be approximately 64.5 pounds per day, which is below the MBUAPCD threshold of significance of 82 pounds per day. Thus, the soil remediation would not result in substantially more severe impacts than previously analyzed. The additional grading would require use of diesel-powered equipment for a slightly longer duration (approximately four weeks) than would have occurred with the previously proposed site grading. The potential area of exposure (several homes along Market Street) and temporary duration would not result in a substantially more severe impact. Mitigation measures regarding PM₁₀ & diesel emissions identified in the EIR and adopted for the previous version of the project would continue to be required for the revised project and would reduce the impact to a less-than-significant level even with the slight increase in grading and excavation duration.

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
<p>Mitigation Measures: Mitigation Measures 4.2-1a and 4.2-1b regarding construction emissions and diesel exhaust controls identified in the certified EIR would also apply to the revised project.</p> <p>Conclusion: The revised site plan would result in a reduction in vehicular emissions, but would increase site grading and PM₁₀ emissions. However, additional emissions related to the new remedial grading plan would still not exceed MBUAPCD thresholds based on a revised URBEMIS analysis. Thus, the revised site plan would not result in new significant impacts or substantially more severe impacts than the impacts identified and analyzed in the certified EIR.</p>		No	No	No	YES
<p>4. Biological Resources. Would the project:</p> <p>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>	<ul style="list-style-type: none"> ▪ DEIR Section 4.3- BIOLOGICAL RESOURCES: pg. 4-52 to pg 4-58 (spineflower); pg 4-61-pg 4-62 (special status bats); Pg 4-62-4-64 (San Francisco dusky-footed woodrat) ▪ DEIR Section 5.3.3- CUMULATIVE IMPACTS: pg. 5-8 ▪ DEIR, Recirculated Alternatives, Section 2 – ALTERNATIVES ANALYSIS: entire section ▪ FEIR: pg. 1-4 to 1-6, 1-13, 1-15 to 1-21, 1-23, 1-24 (spineflower); pg. 1-18 to 1-19 (San Francisco dusky-footed woodrat), 3-2 to 3-3 	No			
<p>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish</p>	<ul style="list-style-type: none"> ▪ DEIR Section 4.3- BIOLOGICAL RESOURCES: pg. 4-49 to 4-50 (sensitive habitats); 4-58 to pg 4-61 	No	No	No	YES

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
and Game or US Fish and Wildlife Service?	(Branciforte Creek water quality); pg 4-64-4-65 (riparian) ▪ FEIR: pg 1-28	No	No	No	NA
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	DEIR Section 4.3-BIOLOGICAL RESOURCES: pg. 4-49	No	No	No	NA
d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	DEIR Section 4.3-BIOLOGICAL RESOURCES: pg. 4-64 and 4-65	No	No	No	YES
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	▪ Initial Study: Appendix A in DEIR; pg. 6, 21 through 23 ▪ FEIR: pg. 1-7, 1-27, 1-29 to 1-30	No	No	No	No
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Initial Study: Appendix A in DEIR; pg. 6	No	No	No	NA

Discussion: The EIR identified significant impacts related to special status species (robust spineflower, steelhead, California red-legged frog, San Francisco dusky-footed woodrat), riparian habitat and nesting birds and no impacts to wetlands. The Initial Study identified a less-than-significant impact related to the removal of heritage trees and conflicts with local tree protection regulations.

(a) The formerly analyzed project included a 30-foot buffer around the onsite endangered robust spineflower habitat area. Landscaping and structural development were set back approximately 35-85 feet from the edge of the mapped spineflower habitat. The currently proposed project protects the onsite robust spineflower habitat area and provides a 35-80-foot buffer around most of the habitat, with a larger open buffer in the northwestern portion of the site where the buffer is adjacent to open riparian buffer and habitat areas and on the southern side of the habitat area where additional buffer and planting restrictions are included, and thus, provides a greater degree of buffer and protection to the habitat area. The proposed access road is located on the outer edge of the buffer and is set back 35-80 feet from the spineflower habitat in the northeastern portion of the site. In the southeastern portion of the site, landscaping on individual lots and/or

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	<p>structural development is set back 70-80 feet from the edge of the spineflower habitat, except for two localized areas near proposed Lots 10-12 where the roadway is set back 60 feet from the habitat area. Thus, the currently proposed project expands the spineflower buffer area significantly over the previously analyzed project. Additionally, the site plan has been revised to remove a former lot from encroaching within the historic spineflower area as required by EIR Mitigation Measure 4.3-1a. The California Native Plant Society (CNPS) entered into an agreement with the project applicants and the City of Santa Cruz for a revised site plan that included expansion of the spineflower buffer, deletion of street trees adjacent to the buffer and relocation of lots 34, - 37 as shown on the August 10, 2007 site plan by Thacher & Thompson Architects (Figure 3). The current site plan expands the spineflower buffer from that which was evaluated in the EIR, which has received concurrence from the California Native Plant Society,</p> <p>The proposed remedial grading is located downslope and approximately 60 feet away from the spineflower habitat. Surface runoff and/or subsurface flows occurring within the areas designated for remedial grading do not contribute any moisture to the robust spineflower populations. The remedial grading is not likely to impact the upslope watershed for the robust spineflower populations (H. T. Harvey, Associates, January 2011). The final grading and development in the remedial grading area will not modify subsurface drainage characteristics within the robust spineflower populations since drainage from this area and dewatering, which might reduce the existing level of soil moisture, are located downslope from the habitat area. Thus, hydrological features influencing the spineflower habitat area will not be adversely affected with the remedial grading (Ibid.). The potential deposition of dust during remedial grading activities could adversely affect the spineflower, but will not result in a significant impact with implementation of previously adopted mitigation measures to control dust and protect soil stockpiles that have been amended to clarify additional grading controls. Reviews of the remedial grading plan found that the proposal will not impact existing populations of robust spineflower (Olberding Environmental, Inc.).</p> <p>Regarding special status wildlife species, the currently proposed site plan modifies the drainage system to eliminate a former proposed stormwater detention and weir system and to include a new proposed underground detention system with discharge to Branciforte Creek via a storm water dissipater. Discharge to Branciforte Creek has not changed. Project runoff will be pre-treated through a series of bioswales on individual lots that will minimize water quality impacts and potential indirect impacts to steelhead in Branciforte Creek. Preparation of pre-construction surveys for California red-legged frog would continue to be required, as would other pre-construction surveys related to nesting San Francisco dusky-footed woodrat and roosting special status bats, and nesting birds protected under the federal Bird Migratory Treaty Act, all set forth in previously adopted mitigation measures. The current project would result in removal of 23 additional trees that could potentially support special status bats and/or woodrats. However, the previously adopted mitigation calls for pre-construction surveys prior to any tree removal with implementation of specified measures if these species are found.</p> <p>(b,d) The revised site plans will result in reduction of riparian vegetation as a result of drainage system improvements. The current project would result in removal of approximately 1,500 square feet (0.04 acres) of riparian vegetation due to installation of the proposed drainage improvements compared to an approximate 0.5 acres identified in the EIR for former project. Structures in the current project exceed a 100-foot setback from the center of Branciforte Creek as was previously proposed (which had exceeded the 75-foot requirement established in the City's <i>Creeks and Wetland Management Plan</i>). The revised site plans also maintain a 20-foot setback from the edge of the riparian canopy as required by previously adopted Mitigation Measure 4.3-8a based on the edge of riparian vegetation mapped on the final project plans approved in 2007. This setback was included to include a greater wildlife movement zone adjacent to Branciforte Creek.</p>				

A portion of the site contains disturbed oak woodland habitat (DEIR, pg. 4-37 to 4-38) that was not considered a sensitive habitat. Numerous coast live oak trees

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	<p>were proposed to be removed from this area. The new plans result in removal of 23 additional trees than previously reviewed, some of which are coast live oak trees. The removal is concentrated in the northeastern portion of the site in an area characterized in the EIR as a disturbed oak woodland habitat type. The proposed landscaping plan includes replanting 12 coast live oaks throughout the site. City staff will include a Condition of Approval to provide the additional coast live oaks in the proposed landscape plan.</p>	<p>(d) The revised project plans results in an increased tree removal from 100 to 123 trees. Pre-construction surveys for nesting birds protected under the federal Bird Migratory Treaty Act would continue to be required as set forth in EIR mitigation measures. The removal of 23 additional trees would not substantially increase the severity of the impacts analyzed in the EIR, and the identified mitigation measures would continue to be warranted and would protect the identified species if found on the project site during pre-construction surveys. The revised plans increase the riparian setback in accordance with EIR mitigations, which provides an expanded, protected wildlife movement area adjacent to Branciforte Creek that links up- and down-stream areas.</p>	<p>(e) The revised project plans results in an increased tree removal from 100 to 123 trees, of which 48 are heritage trees, but four of these are dead according to an updated project arborist report (Hort Science, January 2011). This represents removal of an additional 22 heritage trees over the 26 heritage trees previously proposed for removal. However, the current landscaping plan includes replanting of 97 24-inch box trees, which is nearly double the amount required by City regulations for removal of 48 heritage trees, and therefore the project would not conflict with the City's heritage tree regulations. (No additional trees are proposed for removal with the currently planned remedial grading operations.) The removal of 75 additional small trees would not result in a new significant impact or substantially increase the severity of the less-than-significant tree removal impact analyzed in the EIR. Both the approved and currently proposed project could result in inadvertent damage to retained trees during grading and construction operations. However, recommendations for protection are required as provided in the arborist report and an updated addendum.</p>	<p>Mitigation Measures: Mitigation Measures 4.3-1b & 4.3-2b through 4.3-2i (spineflower), 4.3-3b through 4.3-3f (water quality to protect steelhead), 4.3-4, 4.3-5, 4.3-6a-6c, 4.3-9a-9b (pre-construction surveys for special status species & nesting birds), 4.3-8b, IS-2 (tree protection) adopted for the previously approved project would also apply to the revised current project, and have been slightly revised to include implementation of updated/revised arborist recommendations as set forth in an Arborist Report Revised Addendum prepared for the project (Hort Science, January 2011) and additional clarification on construction fencing and grading (dust) controls to protect the spineflower habitat area. The current plan includes site plan modifications to protect spineflower and riparian habitat and buffer requirements as set forth in Mitigation Measures 4.3-1a, 4.3-2a, 4.3-3a, 4.3-7 and 4.3-8a.</p>	<p>Conclusion: The currently proposed project expands the spineflower buffer from that which was evaluated in the EIR, which has received concurrence from the California Native Plant Society, and expands the riparian setback that was identified in the EIR. The removal of 23 additional trees would not substantially increase the severity of the impacts to special status species (San Francisco dusky-footed woodrat, special status bat species), nesting birds or heritage trees analyzed in the EIR, and the identified mitigation measures would continue to be warranted and would protect the identified species if found on the project site during pre-construction surveys. Thus, the revised site plan would not result in new significant impacts or substantially more severe impacts than identified and analyzed in the certified EIR.</p>

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5. Cultural Resources. Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	DEIR Section 4.4-CULTURAL RESOURCES: pg. 4-75 to 4-79. The existing onsite structure was proposed to be retained and review of its potential historic significance was not required.	No	No	Yes	NA
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<ul style="list-style-type: none"> ▪ DEIR Section 4.4-CULTURAL RESOURCES: pg. 4-75 to 4-79 ▪ DEIR Section 5.3.3-CUMULATIVE IMPACTS: pg. 5-9 ▪ FEIR: pg. 1-23, 3--3 	No	No	No	YES
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Initial Study: Appendix A in DEIR; pg. 7	No	No	No	NA
d. Disturb any human remains, including those inferred outside the formal cemeteries?	Initial Study: Appendix A in DEIR; pg. 7 & 23	No	No	No	YES
<p>Discussion: The EIR identified significant impacts related to historical and archaeological resources and no impacts to paleontological resources. (a-b,d) The existing onsite single-family home is proposed for demolition as part of the current site plans. City staff determined that the building is over 100 years old. A "Historic Building Evaluation" was prepared by Michael Brandman Associates (October 11, 2010), which concluded that the property is not eligible for listing in the California Register nor is it a historic resource as defined in CEQA. The property could not be linked with any event or person significant in local, regional, state or national history. Though the building does have some of the features characteristics of a vernacular rural building, it is not a particularly unique or outstanding example of this type of property. Also, deterioration and modern additions and alterations to the building have led to a loss of integrity that further renders the building insignificant. Thus, demolition would not result in impacts to a historic resource.</p> <p>The EIR identified potential significant impacts to the integrity of a recorded archaeological resource on or adjacent to the project site. The current site plan retains the same total number of lots in the northern portion of the site (seven) that is in an area of archaeological sensitivity, although the overall lot layout has been slightly modified with the home sites located further from the spineflower habitat area. The current project envisions development of</p>					

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<p>homes in this area as part of the overall development plan, whereas the former project identified these as “custom” lots that would be sold and developed at a later time by individual property owners. The previously adopted mitigation measures include periodic archaeological monitoring and development of a monitoring management plan for development in the northern portion of the site.</p> <p>With regards to site preparation and development, the overall building area is generally the same as previously proposed or slightly reduced in some areas. However, the currently proposed plan includes a slightly increased grading volume (by approximately 2,300 cy for excavation and 3,000 cy for fill as shown on Table 1), but does not expand the area of subdivision grading as the development footprint has been slightly reduced. However, the current plans propose soil remediation to provide stable soils in response to liquefaction and soil settlement constraints present on the site. The process would result in excavation of 15 feet of soil throughout an approximate 2.5-acre area of the site (lots 1-25) with a resulting excavation of approximately 125,000 cubic yards of material and fill of 135,000 cubic yards. This is outside the identified sensitive northern portion of the site, but the extensive excavation would increase the potential for inadvertent discovery of archaeological resources. The previously adopted mitigation measures include archaeological monitoring during excavation and grading and development of a management plan for development in the northern portion of the site.</p> <p>Mitigation Measures: Mitigation Measures 4.4-1a through 4.4-1d and 4.4-2 adopted for the previously approved project would also apply to the revised project. Mitigation Measure 4.4-1b has been expanded to include requiring an archaeological monitor to be present during the soil remedial excavations in the event that there is an inadvertent discovery of resources during this construction phase. This is consistent with final Conditions of Approval for the former approved project that required an archaeological monitor to be present for all grading work on the site.</p> <p>Conclusion: The revised project plans expand the area of excavation and soil remediation a portion of the site that is located outside the identified archaeological sensitivity area. With project conditions of approval and revised mitigation, potential archaeological resources would be monitored during construction and protected if found. The number of homes in the northern portion of the property remains unchanged, although lot layout has been slightly modified. The revised site plan would not result in new significant impacts or substantially more severe significant impacts than were identified and analyzed in the certified EIR with the implementation of identified mitigation measures.</p>	<p>Initial Study: Appendix A in DEIR; pg. 7, 23-25</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>YES</p>
<p>6. Geology and Soils. Would the project:</p> <p>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <p>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Prilo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of</p>					

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<ul style="list-style-type: none"> ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides? 		No	No	No	YES
b. Result in substantial soil erosion or the loss of topsoil?	Initial Study; Appendix A in DEIR; pg. 25-26	No	No	No	YES
c. 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?	Initial Study; Appendix A in DEIR; pg. 23-25	No	No	No	YES
d. Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Initial Study; Appendix A in DEIR; pg. 25	No	No	No	No
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	NA – project will connect to public sewer system	No	No	No	NA

Discussion: The EIR identified significant impacts related to seismic hazards (liquefaction) and erosion. No impacts were identified related to fault rupture, expansive soils and soil suitability for septic sewage systems.

(a,c,d) The current project reduces the number of proposed residential units. Construction in accordance with recommendations of the project geotechnical report and California Building Code would result in structures that would be less susceptible to major damage from an earthquake as discussed in the EIR and updated project geotechnical investigation (Engco Inc., July 2010). The EIR identified liquefaction and differential settlement hazards at the project site, and the project geotechnical investigation recommended a reinforced concrete structural mat foundation design in the southern portion of the site and pier and beam foundation designs in the northern portion of the site. The geotechnical investigation was updated for the current project and also identifies ground lurching and lateral spreading as hazards on the project site. The updated geotechnical investigation proposes a soil remediation process to remove surface soils, compact underlying soils and replace the removed soils as engineered fill as described in the “Project Modifications” subsection above for proposed Lots 1 through 25. The geotechnical report also recommends that a geogrid-reinforced zone be installed within the excavated keyway to provide stabilization of soils at the western edge of the development footprint adjacent to the Branciforte Creek Riparian area. It is expected that the

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<p>geogrids will be approximately 40 long and spaced three feet vertically (Ibid.). Remedial soil grading is not required in the northern portion of the site, but the updated geotechnical report recommends utilization of a structural mat foundation (post-tensioned or conventionally reinforced) or shallow continuous footings for structures on proposed Lots 26, 28, and 29; little settlement is expected on Lots 27 and 30 through 32 (Ibid.). The updated geotechnical report indicates that construction of improvements near existing grades will need to consider the potential for expansive soils. Thus, the updated geotechnical report provides an alternative method to mitigate potential liquefaction impacts, and the proposed project changes would not result in a new significant impact or substantial increase in severity of impacts related to seismic hazards with implementation of mitigation.</p> <p>(b) The current plan slightly increases the subdivision grading (by approximately 2,300 cy for excavation and 3,000 cy for fill as shown on Table 1), but does not expand the area of grading as the development footprint has been slightly reduced. However, the currently proposed plan calls for soil remediation to excavate and compact subsoils to provide stable soils in response to liquefaction and soil settlement constraints present on the site. The process would result in excavation of approximately 15 feet of soil throughout an approximate 2.5-acre area of the site (lots 1-25) with a resulting excavation of approximately 125,000 cubic yards of material and fill of approximately 135,000 cubic yards. While the volume and area of grading has increased, the project would not substantially increase the severity of the significant erosion impact analyzed in the EIR with implementation of previously adopted mitigation measures and project grading proposals, i.e., no winter grading.</p> <p>Mitigation Measures: Mitigation IS-3 required implementation of all recommendations of the geotechnical report; the mitigation is updated to reflect implementation of the updated geotechnical investigation recommendations. Mitigation IS-4 sets forth erosion control measures, which have been expanded to reflect other components of the remedial grading procedure to prevent erosion and sediment transport into Branciforte Creek. Both measures, as updated, would continue to apply to the proposed project.</p> <p>Conclusion: The revised site plan would not result in new significant impacts or substantially more severe significant impacts related to seismic hazards and erosion as identified and analyzed in the certified EIR with implementation of previously adopted mitigation measures, as updated to reflect the best available technical information.</p>					
<p>7. Greenhouse Gas Emissions. Would the project:</p> <p>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</p>					
	Not Addressed as State CEQA Guidelines' amendments in 2010 added this new question regarding greenhouse gas emissions	No	No	No	No

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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Not Addressed as State CEQA Guidelines' amendments in 2010 added this new question regarding greenhouse gas emissions	No	No	No	NA

Discussion: Amendments to the State CEQA Guidelines in March 2010 added checklist questions regarding greenhouse gas (GHG) emissions that were not evaluated in the 2007 EIR. Although the proposed project will result in a reduction in residential units from the previously analyzed project (32 instead of 43), a GHG review is provided below to provide this information as now required under CEQA.

a) The currently proposed project will result in the construction of 32 residential units, which will result in an increase in GHG emissions over current conditions, primarily due to project-related construction, traffic, and energy use, as well as tree removal. The project is estimated to result in approximately 188 metric tons of GHG emissions during construction, and approximately 873 metric tons annually due to project operation (i.e., traffic, energy use, etc.) (Ballanti, October 2010). Tree removal is not expected to result in significant GHG emissions as the cutting of trees does not release carbon dioxide, and new faster-growing trees will be planted (Ballanti, personal communication, December 2010). Project GHG emissions are expected to be at least partially offset by incorporation of energy and water conserving features and “green” building designs required by building codes, as well as proposed planting of 97 new trees.

To date, no state agency has adopted significance criteria for GHG emissions. The project site is located within the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD), which to date, has not adopted significance criteria or thresholds. In June 2010, the Bay Area Air Quality Management District (BAAQMD) in the San Francisco Bay area adopted revised CEQA Guidelines, which include thresholds of significance for greenhouse gas emissions. The BAAQMD is the first regional air district to adopt numeric thresholds for greenhouse gas emissions from residential and commercial projects. The guidelines identified 1,100 MT CO₂e/yr or 4.6 MT/year per resident as a numeric emissions level below which a project’s contribution to global climate change would be less than “cumulatively considerable” (Bay Area Air Quality Management District, June 2010). The Guidelines also include “screening” criteria in which it is indicated that a development project with 56 single-family units or less typically would not exceed the adopted threshold. Although, neither the city of Santa Cruz nor the MBUAPCD have adopted GHG emission significance thresholds, the project’s estimated GHG emissions are below GHG screening criteria and significance thresholds proposed in the San Francisco Bay area (1,100 MT/yr). While those thresholds were adopted for the San Francisco Bay area, the area is adjacent to the MBUAPCD region, and the City finds that BAAQMD’s thresholds were carefully developed based on sound science and substantial evidence and are therefore appropriate for use as the thresholds in this analysis. Using the BAAQMD threshold, the project-level emissions are less than significant and less than cumulatively considerable.

It is also expected that GHG emissions resulting from the proposed project would be partially offset by the incorporation of energy and water conserving features and “green” building designs that would be required under City and State building regulations, including the City’s Green Building requirements and site proximity to transit and bicycle facilities. The project will install sidewalks along the project street frontages. The site’s proximity to bike, pedestrian, and transit facilities will help encourage alternative transportation use. Although trees will be removed (with an increase of 23 more removed trees than the former proposal), nearly 100 replacement trees will be planted. All of these factors support the conclusion that greenhouse gas emissions

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<p>resulting from development of the project would constitute a less-than-significant impact, and the project's incremental effect is less-than-cumulatively considerable.</p> <p>b) The project would not conflict with state plans adopted for the purpose of reducing greenhouse gas emissions, because its emissions fall below the thresholds developed by BAAQMD, which take into account the level of GHG emission reductions necessary to assist the State in achieving its goals under the landmark climate change legislation, AB 32. AB 32 calls for a variety of actions to achieve GHG emissions reductions to 1990 levels by the year 2020. For its part, the City of Santa Cruz has completed a draft Climate Action Plan to address citywide greenhouse emissions and reduction strategies, but the plan has not yet been adopted.</p> <p>Mitigation Measures: None required.</p> <p>Conclusion: The currently proposed project results in a reduction in the number of residential units compared to the previously analyzed and approved project. Although evaluation of GHG emissions was not required at the time the EIR for the prior project was prepared, the reduction in units would result in a reduction of emissions compared to what would have been associated with the originally approved project. GHG emissions calculated for the currently proposed project would not exceed thresholds that have been established in the neighboring San Francisco Bay area, and would not result in significant emissions or conflicts with adopted plans. Thus, the revised site plan would not result in new significant impacts or substantially more severe significant impacts given the reduction in the number of proposed residential units, the applicability of energy and water conserving features and "green" building design features that would be required under State and local law, the project's proximity to and support for bike, pedestrian and transit facilities, and replacement tree planting plans.</p>					
<p>8. Hazards and Hazardous Materials.</p> <p>Would the project:</p>					
<p>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</p>	Initial Study: Appendix A in DEIR; pg. 8, 26-27	No	No	No	NA
<p>b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p>	Initial Study: Appendix A in DEIR; pg. 8, 26-27	No	No	No	NA
<p>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</p>	Initial Study: Appendix A in DEIR; pg. 8, 26-27	No	No	No	NA

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d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Initial Study: Appendix A in DEIR; pg. 8, 26-27	No	No	No	NA
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Initial Study: Appendix A in DEIR; pg. 8, 26-27	No	No	No	NA
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working on the project area?	Initial Study: Appendix A in DEIR; pg. 8, 26-27	No	No	No	NA
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Initial Study: Appendix A in DEIR; pg. 8, 26-27	No	No	No	NA
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Initial Study: Appendix A in DEIR; pg. 8, 26-27 <ul style="list-style-type: none"> ▪ Initial Study: Appendix A in DEIR; pg. 8, 26-27 ▪ FEIR: pg. 1-7 	No	No	No	YES

Discussion: The EIR identified significant impacts related to exposure to wildland fire hazards, but did not find significant impacts related to hazardous materials or other hazards. The currently proposed project includes an increased setback from the edge of riparian vegetation and Branciforte Creek riparian woodland (as required by EIR Mitigation Measure 4.3-8a) as compared to the former analyzed project, which would result in greater distance for structures from wooded areas and corresponding decrease in the exposure to wildland fire risks.

Mitigation Measures: Mitigation Measure IS-5 requires implementation of all Fire Department requirements. This measure will continue to be applicable to the currently proposed project.

Conclusion: The revised project results in a reduced number of dwelling units and increased setback from wooded areas, and thus, the project would not result in new significant impacts or substantially more severe significant impacts associated with wildland fire risks than were identified and analyzed in the certified EIR.

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9. Hydrology and Water Quality. Would the Project:					
a. Violate any water quality standards or waste discharge requirements?	Initial Study: Appendix A in DEIR; pg. 8, 27	No	No	No	NA
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Initial Study: Appendix A in DEIR; pg. 8	No	No	No	NA
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Initial Study: Appendix A in DEIR; pg. 9	No	No	No	No
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<ul style="list-style-type: none"> ▪ DEIR Section 4.5-HYDROLOGY & WATER QUALITY: pg. 4-80 to 4-81, 4-87 to 4-88 and Initial Study: Appendix A in DEIR; pg. 27-28 ▪ FEIR: pg. 1-29, 3-3 	No	No	No	No
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<ul style="list-style-type: none"> ▪ DEIR Section 4.5-HYDROLOGY & WATER QUALITY: pg. 4-80 to 4-81, 4-87 to 4-88 and Initial Study: Appendix A in DEIR; pg. 27-28 ▪ FEIR: pg. 1-11, 1-28 to 1-29 	No	No	No	No

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
f. Otherwise substantially degrade water quality?	<ul style="list-style-type: none"> DEIR Section 4.5-HYDROLOGY & WATER QUALITY: pg. 4-81, 4-87 to 4-88 and Initial Study: Appendix A in DEIR; pg. 28-29 FEIR: pg. 1-11, 1-29 	No	No	No	No
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	DEIR Section 4.5-HYDROLOGY & WATER QUALITY: pg. 4-81, 4-88	No	No	No	No
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	DEIR Section 4.5-HYDROLOGY & WATER QUALITY: pg. 4-81, 4-88	No	No	No	No
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Initial Study: Appendix A in DEIR; pg. 9	No	No	No	No
j. Inundation by seiche, tsunami, or mudflow?	Initial Study: Appendix A in DEIR; pg. 9	No	No	No	No

Discussion: The previously certified EIR identified potential significant impacts related to water quality, less-than-significant impacts related to storm water drainage/runoff and exposure to flood hazards, and no impacts to groundwater.

a, c-e) The revised project results in a reduction of residential units with a total of 2.6 acres (114, 430 square feet) of impervious surfacing. The amount of storm water runoff is reduced due to the reduction of residential units and the area of impervious surfaces. The proposed drainage plan has been revised to include an underground storm water detention basin that will detain stormwater with a new discharge into Branciforte Creek. Both the approved and current projects propose a new discharge into Branciforte Creek that will require approval by the California Regional Water Quality Board and potentially the California Department of Fish and Game. However, the current proposal eliminates a previously proposed weir system and moves the detention system further east on the project site in accordance with the previously adopted mitigation measures to prevent erosion and to protect water quality and riparian habitat areas.

The revised drainage plan shows pretreatment of runoff in swales adjacent to proposed lots prior to discharge into the detention system. As with the previously analyzed and approved projects, the current project proposes discharge into Branciforte Creek via an energy dissipating structure to minimize

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigations Implemented or Address Impacts?
<p>potential stream bank erosion. The drainage details will be reviewed by the City Public Works Department for consistency with the City’s Stormwater Management Plan, and Conditions of Approval will be added if needed regarding the final design.</p> <p>f) The revised drainage plan includes pre-treatment swales as discussed above to prevent water quality degradation into Branciforte Creek. Conditions of Approval require installation of oil/grease traps. Construction-related erosion and water quality impacts are discussed under the “Geology and Soils” (section 6b above). Preparation of a Storm Water Pollution Prevention Plan (SWPPP) is required for the current project, as it was for the previously approved proposal, which will detail the types of BMPs that will be implemented during construction to prevent storm water quality degradation in accordance with City requirements.</p> <p>g-h) Neither the approved project nor the current project locate buildings within the identified 100-year floodplain of Branciforte Creek.</p> <p>Mitigation Measures: Previously adopted Mitigation Measure 4.5-1 has been implemented with revision of the drainage plan for the current project to relocate the detention basin, which is now underground and outside of the riparian area. No other mitigation measures were identified or are warranted for the revised project.</p> <p>Conclusion: The revised project results in a reduced number of dwelling units and a revised drainage plan, which would not result in new significant impacts or substantially more severe impacts than the impacts identified and analyzed in the certified EIR.</p>					
<p>10. Land Use and Planning. Would the project:</p> <p>a. Physically divide an established community?</p> <p>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</p> <p>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</p> <p>Discussion: The EIR did not identify any land use impacts or project conflicts with local policies and regulations. The proposed project would result in 11 fewer residential units than the previously analyzed version of the project. The density and uses in the currently proposed project are still consistent with</p>	<ul style="list-style-type: none"> ▪ Initial Study: Appendix A in DEIR; pg. 9-10, 29 ▪ FEIR: pg. 1-31 <p>Initial Study: Appendix A in DEIR; pg. 9-10, 29</p> <p>Initial Study: Appendix A in DEIR; pg. 9-10, 29</p>	No	No	No	NA

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
the City's zoning and land use designations and policies for the project site.					
Mitigation Measures: None were identified in the EIR and none are required with currently proposed project.					
Conclusion: The project results in a reduced number of residential units, and would not result in new significant impacts or substantially more severe significant impacts than the impacts identified and analyzed in the certified EIR as no significant land use impacts were identified.					
11. Mineral Resources. Would the Project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Initial Study: Appendix A in DEIR; pg. 10	No	No	No	NA
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Initial Study: Appendix A in DEIR; pg. 10	No	No	No	NA
Discussion: The EIR did not identify any impacts related to mineral resources and none are known to exist for the currently proposed project.					
Mitigation Measures: None were identified in the EIR and none are required with currently proposed project.					
Conclusion: As there are no known mineral resources in the area, the current project, like the former project, will have no effect on mineral resources.					
12. Noise. Would the project result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<ul style="list-style-type: none"> ▪ Initial Study: Appendix A in DEIR; pg. 10 & 29-31 ▪ FEIR: pg. 1-30 	No	No	No	YES
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Initial Study: Appendix A in DEIR; pg. 10	No	Yes	No	NA
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Initial Study: Appendix A in DEIR; pg. 10 & 31	No	No	No	No

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigations Implemented or Address Impacts?
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Initial Study: Appendix A in DEIR; pg. 10 & 31	No	No	No	No
e. For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Initial Study: Appendix A in DEIR; pg. 10	No	No	No	NA
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Initial Study: Appendix A in DEIR; pg. 10	No	No	No	NA

Discussion: The EIR identified a potential significant impact related to noise exposure, less-than-significant impacts related to increases in ambient noise levels and no impacts related to noise from airports.

a) The project site is located adjacent to Highway 1, and a noise assessment was provided for the approved project that detailed structural designs necessary to meet indoor and outdoor noise level standards. The former project included a row of townhouses along the highway that provided partial noise attenuation for homes on the interior of the site. These structures have been eliminated. However, highway widening and installation of a sound wall have been completed since certification of the EIR. The noise assessment indicated that with the sound wall, noise exposure would be expected to be approximately 56-62 dBA adjacent to the highway. With implementation of building design specifications set forth in an updated noise assessment, buildings would be in compliance with indoor and outdoor noise standards. The noise assessment will be required to be updated for the revised project to ensure that building designs meet state and local requirements as a result of the recent completion of a new soundwall along Highway 1 and to incorporate revised building design measures, if recommended in the updated study.

b) The currently proposed project includes a new soil remediation process that includes compaction of soils with a pneumatic hammer type of equipment. This could result in some vibration, but would be of intermittent duration during the day and limited to a period of approximately 30 days. Noise and vibration, during the remedial grading could sporadically disturb nearby residences. Because impacts would occur only during daylight hours, because impacts are temporary, and because impacts would not violate City Municipal Codes or City General Plan policies pertaining to noise, impacts are considered less-than-significant. City staff has indicated that a Condition of Approval will be included that requires a courtesy notification to neighbors of the construction schedule for the soil remediation.

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Mitigations Implemented or Address Impacts?
<p>Mitigation Measures: Previously adopted Mitigation Measure IS-6 requires implementation of all recommendations of the noise assessment; this mitigation is revised to require an updated assessment.</p> <p>Conclusion: The revised site plan would not result in new significant impacts or substantially more severe significant impacts related to noise exposure and construction noise than were identified and analyzed in the certified EIR.</p>					
<p>13. Population and Housing. Would the Project:</p>					
<p>a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</p>	<ul style="list-style-type: none"> ▪ DEIR Section 5.2-GROWTH INDUCEMENT: pg. 5-1 ▪ Initial Study: Appendix A in DEIR; pg. 11 &31 	No	No	No	NA
<p>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</p>	<p>Initial Study: Appendix A in DEIR; pg. 11 &31</p>	No	No	No	NA
<p>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</p>	<p>Initial Study: Appendix A in DEIR; pg. 11 &31</p>	No	No	No	NA
<p>Discussion: The EIR identified a less-than-significant impact related to population growth and no impacts related to displacement of housing or people. The current project proposes 11 fewer residential units than analyzed in the EIR, which would reduce the new residential population by approximately 26 persons.</p>					
<p>Mitigation Measures: None were identified in the EIR as no significant impacts were identified.</p>					
<p>Conclusion: The currently proposed project results in a reduced number of residential units and potential future residents, and would not result in new significant impacts or substantially more severe impacts than the less-than-significant impact related to population growth that was analyzed and disclosed in the certified EIR.</p>					

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
14. Public Services.					
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any the public services:					
a) Fire protection?	Initial Study: Appendix A in DEIR; pg. 11 &31	No	No	No	No
b) Police protection?	Initial Study: Appendix A in DEIR; pg. 11 &31	No	No	No	No
c) Schools?	Initial Study: Appendix A in DEIR; pg. 11 &31	No	No	No	No
d) Parks?	<ul style="list-style-type: none"> ▪ Initial Study: Appendix A in DEIR; pg. 11 & 31 ▪ FEIR: pg. 1-13 	No	No	No	No
e) Other public facilities?	Initial Study: Appendix A in DEIR; pg. 11 &31	No	No	No	No
<p>Discussion: The EIR identified less-than-significant impacts related to public services. The current project proposes 11 fewer residential units than analyzed in the EIR, which would reduce the new residential population by approximately 26 persons, thereby also reducing the demand for public services.</p> <p>Mitigation Measures: None were identified in the EIR as no significant impacts were identified, and none are required for the currently proposed project.</p> <p>Conclusion: The project results in a reduced number of residential units, and would not result in new significant impacts or substantially more severe impacts than the less-than-significant impacts related to public services that were analyzed in the certified EIR.</p>					

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
15. Recreation. Would the Project:					
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<ul style="list-style-type: none"> ▪ Initial Study: Appendix A in DEIR; pg. 11 & 32 ▪ FEIR, pg. 1-13 	No	No	No	No
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Initial Study: Appendix A in DEIR; pg. 11 & 32	No	No	No	No
<p>Discussion: The EIR identified a less-than-significant impact related to increased use of parks, and no impacts related to construction or expansion of recreational facilities. The current project proposes 11 fewer residential units than analyzed in the EIR, which would reduce the new residential population by approximately 26 persons and thereby also reduce the demands on existing recreational facilities.</p> <p>Mitigation Measures: None were identified in the EIR, as no significant impacts were identified, and none are required for the currently proposed project..</p> <p>Conclusion: The project results in a reduced number of residential units, and would not result in new significant impacts or substantially more severe impacts than the less-than-significant impacts related to recreation that were analyzed in the certified EIR.</p>					
16. Transportation/Traffic. Would the project?					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<ul style="list-style-type: none"> ▪ DEIR Section 4.6-TRANSPORTATION & TRAFFIC: pg. 4-89 through 4-101 ▪ FEIR: pg. 1-8 to 1-9, 1-22, 1-24 to 1-25 	No	No	No	No

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
b) Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	This question was not on the checklist at the time the previous project was evaluated.	No	No	No	NA
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	NA	No	No	No	NA
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	DEIR Section 4.6-TRANSPORTATION & TRAFFIC: pg.4-102 to 4-103	No	No	No	No
e. Result in inadequate emergency access?	Initial Study: Appendix A in DEIR; pg. 12 & 32	No	No	No	No
f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	Initial Study: Appendix A in DEIR; pg. 12 & 32-33	No	No	No	NA

Discussion: The EIR identified less-than-significant impacts related to traffic generation and access. The current project proposes 11 fewer residential units than analyzed in the EIR, which would reduce the traffic generated by the project by approximately 105 daily trips and 11 peak hour trips, for an approximate 25% reduction in new traffic as compared to the previously approved project. There are no congestion management plans in effect in the City.

Mitigation Measures: None were identified in the EIR as no significant impacts were identified, and none are required for the currently proposed project.

Conclusion: The project results in a reduced number of residential units and traffic, and would not result in new significant impacts or substantially more severe impacts than the less-than-significant impacts related to traffic that were analyzed in the certified EIR.

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
17. Utilities and Service Systems. Would the project?					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Initial Study: Appendix A in DEIR; pg. 12-13 & 33	No	No	No	No
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Initial Study: Appendix A in DEIR; pg. 12-13 & 33	No	No	No	No
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Initial Study: Appendix A in DEIR; pg. 12-13 & 33	No	No	No	YES
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Initial Study: Appendix A in DEIR; pg. 12-13 & 33	No	No	No	No
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Initial Study: Appendix A in DEIR; pg. 12-13 & 33	No	No	No	No
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Initial Study: Appendix A in DEIR; pg. 12-13 & 33	No	No	No	No
g. Comply with federal, state, and local statutes and regulations related to solid waste?	Initial Study: Appendix A in DEIR; pg. 12-13 & 33	No	No	No	No
Discussion: The EIR identified less-than-significant impacts related to water demand, and wastewater and solid waste generation. The current project proposes 11 fewer residential units than analyzed in the EIR, which would reduce the new residential population by approximately 26 persons, and result in a correspondingly reduced demand for water, wastewater and solid waste services.					

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
<p>Mitigation Measures: None were identified in the EIR, as no significant impacts were identified, and none are required for the currently proposed project. See section 9 above (Hydrology) regarding the previously adopted drainage system mitigation that has been implemented with the currently proposed revision of the project drainage plan.</p> <p>Conclusion: The project results in a reduced number of residential units, and would not result in new significant impacts or substantially more severe impacts than the less-than-significant impacts related to water, wastewater and landfill service impacts that were analyzed in the certified EIR.</p>					
<p>18. Mandatory Findings of Significance.</p>					
<p>a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory?</p>	<ul style="list-style-type: none"> ▪ DEIR Section 4.3-BIOLOGICAL RESOURCES: pg.4-51 to 4-65 ▪ DEIR Section 4.4-CULTURAL RESOURCES: pg.4-76 to 4-79 	No	No	No	YES
<p>b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<p>DEIR Section 5.3 – CUMULATIVE IMPACTS: pg.5-1 to 5-16</p>	No	No	No	No
<p>c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<p>Initial Study: Appendix A in DEIR; pg. 10 & 29-31</p>	No	No	No	YES
<p>Discussion: The EIR identified potentially significant impacts related to special status species and archaeological resources as discussed and reviewed in sections 4 and 5 above, and mitigation measures were adopted that would reduce these impacts to a less than significant level. The EIR identified a potential significant impact related to noise exposure, which could be considered an adverse effect on human beings, although this was also mitigated; see section 12 above. The revised project results in a reduction of residential units and a reduction in the project’s incremental contribution to significant cumulative water supply impacts; the EIR concluded that the project’s contribution would not be cumulatively considerable, and thus, the reduced-size project’s contribution</p>					

Environmental Issue Area	Where Impact Was Analyzed in Prior Environmental Documents?	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Documents Implemented or Address Impacts?
<p>would also be less than cumulatively considerable. While the number and type of cumulative projects have changed (generally reduced from what was analyzed in the EIR), there are no new projects in the areas affected by this project that would result in a significant cumulative impact to which the project would potentially contribute, except for greenhouse gas emissions, which are discussed in section 7 above and concluded to be less than significant.</p> <p>Mitigation Measures: Biological resource, cultural resource and noise mitigations were identified in the EIR as discussed in previous sections and adopted for the previous project. These mitigation measures, as updated by current information, would continue to be applicable to the proposed project.</p> <p>Conclusion: The project results in a reduced number of residential units, and would not result in new significant cumulative impacts or substantially more severe project contribution to cumulative impacts that were analyzed in the certified EIR.</p>					

VI. REFERENCES

Donald Ballanti, Certified Consulting Meteorologist.

- December 15, 2010. Memorandum regarding “PM₁₀ Emission Analysis for the Branciforte Creek Residential Project Soil Remediation Plan.”
- October 18, 2010. Memo to Talli Robinson regarding “Greenhouse Gas Analysis for the Branciforte Creek Residential Project, Santa Cruz, California.”

Bay Area Air Quality Management District. June 2010. “California Environmental Quality Act Guidelines.” Online at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx>

Michael Brandman Associates. October 11, 2010. Letter to Talli Robinson, KB Homes regarding “Letter Report for Historic Building Evaluation of the Residence at 5 Isbel Drive, Santa Cruz, California.”

ENGEO, Inc.

- November 3, 2010. Letter to KB Home regarding “Response to Comments to questions from the City of Santa Cruz.
- July 8, 2010. “Supplemental Geotechnical Exploration, Branciforte Creek Subdivision, Santa Cruz, California.”

H.T. Harvey & Associates.

- January 26, 2011. Email to Jeff Olberding regarding remedial grading review.
- October 8, 2007. “Branciforte Creek Residential Development Robust Spineflower (Chorizanthe robusta var. robusta) Management and Monitoring Plan.”

HortScience, Inc.

- January 17, 2011. “Revised Arborist Report Addendum, Branciforte Site, Santa Cruz.”
- July 7, 2010. “Arborist Report Addendum, Branciforte Site, Santa Cruz.”

Olberding Environmental Inc. January 27, 2011. Letter to KB Home regarding “Remedial Grading Assessment.”

Ruggeri-Jensen-Azar. September 20, 2010. “Preliminary Stormwater Control Plan.”

ADDENDUM PREPARATION: Stephanie Strelow and Michael Ferry

VII. MITIGATION MONITORING & REPORTING PROGRAM

The following Mitigation Monitoring & Reporting Program (MMRP) was adopted as part of the project approvals in 2007. The MMRP has been updated to reflect current project studies and investigations, and also notes where some mitigation measures have been completed as part of the revised site plan. New text is shown in underlined typeface, and deleted text is shown with ~~strikeout~~ typeface.



MITIGATION MONITORING AND REPORTING PROGRAM

If the City approves the project application, CEQA Guidelines require adoption of a Mitigation Monitoring and Reporting Program (MMRP) for the project. CEQA requires that a MMRP be prepared and adopted at the time that a lead agency adopts findings pursuant to CEQA concerning significant effects identified in an EIR. In accordance with State law, the MMRP identifies specific actions that will be taken to implement each mitigation measure; the City departments and other parties responsible for implementation; the schedule for implementation; and the mechanism that verifies mitigation implementation, monitoring and/or reporting are complete. The outline below summarizes implementation timing; the full mitigation monitoring program is included on the attached table.

Summary of Mitigation Measures Implementation Timing

All mitigation measures will become project Conditions of Approval. An overview of implementation timing is provided below.

Revise Site Plan and Prepare Deed Restrictions Prior to Recordation of Final Map:

- Redesign of lots to avoid habitat areas (4.3-1a, 4.3-2a, 4.3-7, 4.3-8a). **COMPLETED**
- Prepare CC&Rs with deed restrictions to prohibit invasive plant species (4.3-2b), prohibit cats (4.3-2e), prohibit use of herbicides, pesticides and fertilizers in habitat area (4.3-2g)
- Drainage Plan & detention basin revisions (4.3-3a, 4.5-1). **COMPLETED**
- Prepare and complete Archaeological Monitoring and Data Recovery Plan (4.4-1d).
- Prepare Habitat Management Plan (4.3-2h, 4.3-2i). **DRAFT COMPLETED**

Incorporate/Complete Prior to Construction and/or Site Disturbance

- Drainage and Landscaping Plans' revisions to direct drainage away from sensitive plant area (4.3-2c).
- Fencing plan to prevent access to habitat areas and signage plan that provides habitat information (4.3-2d, 4.3-2f).
- Pre-construction surveys for wildlife species (4.3-4 [California red-legged frogs], 4-3.5 [bat surveys], 4.3-6a & 4.3-6b [woodrats], 4.3-9a & 4.3-9b [nesting birds])
- Letters verifying mitigation compliance from contractor (4.2-1b, 4.3-2d), biologist (4.3-2c), fishery biologist (4.3-3e), geotechnical engineer (IS-3).

Include Measure in Grading Plan & Construction Specifications

- Geotechnical recommendations (IS-3).
- Best Management Practices to control dust (IS-1 [4.2-1a]) and measures to reduce diesel emission (4.2-1b).
- Water quality and erosion control measures (4.3-3b, 4.3-3c, 4.3-3d, 4.3-3f, IS-4).
- Measures to protect retained trees during construction (IS-2).
- Installation of suitable barrier fencing to protect biological resources (4.3-1b) and archaeological resources (4.4-2).

Incorporate Measure Into Final Building Plans

- Archaeological review of engineering and construction plans (4.4-1a).
- Geotechnical recommendations (IS-3).
- Fire Department recommendations (IS-4).
- Noise Study recommendations (IS-6).



Implement and Monitor During Construction

- Construction crew training (4.3-3e).
- Archaeological resource protection and monitoring (4.4-1b, 4.4-1c).
- Woodrat nest habitat enhancement (4.3-6c).



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
Air Quality				
<p><u>Mitigation Measure IS-1 and EIR 4.2-1a:</u> Require implementation of "Best Management" construction practices that include the following measures:</p> <ul style="list-style-type: none"> Water all exposed graded areas daily and throughout the day during periods of high winds; Prohibit grading during periods of high winds; Cover stockpiles of debris, soil and other materials which can become windblown; Initiate re-vegetation and erosion control immediately upon completion of grading and prior to onset of the rainy season. Plant vegetative ground cover in disturbed areas as soon as possible. 	<ul style="list-style-type: none"> Include measure as Condition of Approval. Include measures in grading plans and construction specifications as part of building plans. 	<ul style="list-style-type: none"> Applicant is responsible for incorporating measures into grading plans and construction specifications. Building and Public Works Departments are responsible for review of grading plans and construction specifications and to periodically inspect the site during grading. 	<ul style="list-style-type: none"> Prior to issuance of grading permit. On-going site inspections during construction, at the discretion of the City. 	
<p><u>Mitigation Measure 4.2-1b:</u> In accordance with the recommendations of the MBUAPCD, either one of the following measures shall be required on heavy-duty equipment to reduce impacts from TAC and DPM.</p> <ul style="list-style-type: none"> The proposed project shall require that heavy-duty equipment use biodiesel fuel (B99 blend) or similar fuel to minimize emissions of diesel particulate matter (DPM) on all on-site equipment used during grading activities. The proposed project shall require that all on-site heavy duty equipment used during grading activities would not be older than the 2003 model. However, if equipment is installed on heavy-duty equipment to reduce acrolein emissions. 	<ul style="list-style-type: none"> Include measure as Condition of Approval. Incorporate measure as part of construction specifications on grading plans. Provide letter from the contractor stating that equipment meets one of the measures and submit with grading plans. 	<ul style="list-style-type: none"> Applicant is responsible for incorporating measures into grading plans and construction specifications and providing a letter of verification to the City. Building Dept. is responsible for review of grading plans and construction specifications. 	<ul style="list-style-type: none"> Prior to issuance of grading permits. 	
Biological Resources				
<p><u>Mitigation Measure IS-2:</u> Implement all measures in the James P. Allen & Associates arborist report (November 29, 2004), including updated and/or revised recommendations in the <u>2011 Arborist Report Revised Addendum (Hort Science, January 17, 2011)</u>, to protect existing retained heritage trees in order to minimize the damage to protected trees and their root zones during construction.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Incorporate measure as part of construction specifications on grading and building plans. 	<ul style="list-style-type: none"> Planning & Community Development Dept. and City Urban Forester are responsible for review of grading and building plans. 	<ul style="list-style-type: none"> City Urban Forester is responsible for periodic site visits during construction to ensure that tree protection measures are being 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p><u>Mitigation Measure 4.3-1a:</u> Reconfigure the project by adjusting lot 23 to avoid direct impacts to all areas where robust spineflower has historically been mapped and all additional grassland areas underlain by Baywood loamy sand or Elder "coarse" soil. Reduce the road width or realign the proposed Branciforte Creek Lane to minimize disturbance to areas of Baywood loamy sand or Elder "coarse" soil, except the formerly heavily disturbed areas in the east.</p> <p>NOTE: This mitigation measure has been implemented with revised site plan layouts as shown on the approved and currently proposed project site plans.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Submit revised site plan to Planning & Community Development Dept. for review. 	<ul style="list-style-type: none"> Applicant is responsible for revising project plans. Planning & Community Development Dept. and qualified biologist are responsible for review of revised site plan. 	<p>implemented.</p> <ul style="list-style-type: none"> City Urban Forester shall conduct monitoring prior to and during grading and construction activities in proximity to heritage trees. Prior to recordation of Final Map. 	<p>Complete per Planning Dept. staff review of 2010 revised site plans.</p>
<p><u>Mitigation Measure 4.3-1b:</u> Prior to the onset of all construction in proximity to robust spineflower, erect a suitable barrier perimeter 6-8 foot tall solid, drift fence (a temporary construction plastic, nylon or similar material mesh fencing) around the outer edge of the buffer area as shown on the revised site plans defined in measure 4.3-1a and all buffer areas (as described in measure 4.3-2a, below) to prevent encroachment by vehicles and other construction activity into spineflower habitat or buffer zones, and to protect the area from inadvertent erosion, <u>fugitive dust</u> or stockpiling of materials. The location and integrity of the fencing should be field checked by a biologist prior to the onset of construction and periodically during the construction period.</p> <p><u>Mitigation Measure 4.3-2a:</u> Provide a minimum buffer area of 30 feet beyond the maximum mapped historic extent of the</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Incorporate protective fencing plan as part of grading and building plans to Planning and Community Development Dept. for review. 	<ul style="list-style-type: none"> Planning & Community Development Dept. and qualified biologist are responsible for review of grading and building plans. A qualified biologist (approved by the City) is responsible for periodic site visits during construction to ensure that spineflower protection measures are being implemented. 	<ul style="list-style-type: none"> Conduct monitoring prior to and during grading and construction activities in proximity to robust spineflower, at the discretion of the biologist. 	<p>Complete per Planning Dept.</p>



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>spineflower population around the entire perimeter of the robust spineflower habitat (See Figure 4.3-4: Robust Spineflower Habitat and Buffer Area). Incorporate this buffer area into the permanent open space area on the site. Within this buffer area, no development or other disturbance would occur. Maintain existing habitat conditions within the buffer area, or, with the assistance of a qualified specialist, attempt to enhance the buffer area by increasing the proportion of native species. Include the buffer area in the area to be fenced to prevent excessive trampling impacts (measure 4.3-2d).</p> <p>A minimum 30 foot buffer would include most of the grassland area occupied by Elder sandy loam "coarse" soils on the site (Alexander 2006), except the formerly heavily disturbed area in the east that is not in close proximity to any area known to have supported the spineflower since this population was first discovered. It would thus include most of the area potentially suitable for spineflower on the site, based on soil type, and would allow some area for potential southward expansion of the population. Given that spineflower has survived on the site in close proximity to historic heavy and repeated disturbance from agricultural operations, it is likely that a 30 foot buffer, combined with other monitoring and management activities (measures 4.3-2b-h; Appendix E) would provide an adequate level of protection for the population from indirect impacts.</p> <p>NOTE: This mitigation measure has been implemented with revised site plan layouts as shown on the approved and currently proposed project site plans.</p>	<p>Condition of Approval.</p> <ul style="list-style-type: none"> Submit revised site plan to Planning & Community Development Dept. for review. 	<p>responsible for review of revised site plans.</p>	<p>final map.</p>	<p>staff review of 2010 revised site plans.</p>
<p>Mitigation Measure 4.3-2b: Prohibit use of non-native, invasive plant species within the buffer area or landscaped portions of all developed areas. All species listed as potentially invasive by the California Invasive Plant Council (California Invasive Plant Council 2006) should be included on the prohibited list.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Incorporate list of non-native plants species not to be used as part of the landscaping plan, and in the 	<ul style="list-style-type: none"> Planning & Community Development Dept. and City Attorney are responsible for review of landscaping plan and CC&Rs. 	<ul style="list-style-type: none"> Record deed restrictions prior to recordation of Final Map. Include list of invasive plants not 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p><u>Mitigation Measure 4.3-2c:</u> With the assistance of a qualified hydrologist, design and engineer all improvements to direct excess surface and subsurface water flow away from the spineflower habitat, to the maximum extent feasible. Require that irrigation systems located in proximity to the spineflower habitat, particularly those along the proposed roadway to the east of the habitat area and on lots 30 and 32 38, 39, and possibly 44, be designed so as to minimize encroachment of irrigation water into spineflower habitat, either directly or indirectly.</p>	<ul style="list-style-type: none"> project CC&Rs as a deed restriction. Submit to Planning and Community Development Dept. for review. Include measure as Condition of Approval. Submit drainage and landscaping irrigation plans to Planning, Building and Public Works Dept. for review. Submit letter from qualified biologist stating that drainage and irrigation plans comply with mitigation. Requires Design Permits for construction of lots 38-44. 	<ul style="list-style-type: none"> Planning, Building and Public Works Dept. 	<ul style="list-style-type: none"> to use landscaping plan and in CC&Rs prior to recordation of Final Map. Prior to issuance of grading and building permit. 	
<p><u>Mitigation Measure 4.3-2d:</u> Erect fencing of an appropriate design to discourage human access to the spineflower habitat. The design of this fencing should be such that it does not hinder the passage of small mammals into and out of the protected area.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Submit fencing plan to Planning & Community Development Dept. for review. Submit letter from qualified biologist stating that fencing design complies with mitigation. 	<ul style="list-style-type: none"> Planning & Community Development Dept. 	<ul style="list-style-type: none"> Prior to issuance of grading and building permits. 	
<p><u>Mitigation Measure 4.3-2e:</u> Prohibit cats from all residential areas as part of permit conditions and homeowners' covenants, codes and restrictions (CC&Rs) with fines or penalties for enforcement.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Include in the project CC&Rs as a deed restriction. Submit homeowners' CC&Rs to Planning & Community Development Dept. for review. 	<ul style="list-style-type: none"> Planning & Community Development Dept. and City Attorney are responsible for review of CC&Rs. 	<ul style="list-style-type: none"> Prior to Final Map recordation. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
Mitigation Measure 4.3-2f: Prepare interpretive signage to be placed at strategic locations at the perimeter of the spineflower habitat areas. This signage should contain information about the spineflower, its rarity, and the need to protect it from direct human impact. Prepare a brochure to be given to all homeowners in the proposed development to educate them about the presence of the spineflower and the importance of protecting it.	<ul style="list-style-type: none"> Include measure as Condition of Approval. Submit signage plan to Planning & Community Development Dept. for review. Record Brochure for new lots with CC&Rs 	<ul style="list-style-type: none"> Planning & Community Development Dept. 	<ul style="list-style-type: none"> Prior to recordation of Final Map. 	
Mitigation Measure 4.3-2g: Prohibit all use of herbicides, pesticides, or fertilizers within spineflower habitat area and related buffer area.	<ul style="list-style-type: none"> Include measure as Condition of Approval. Include as part of CC&Rs and submit to Planning & Community Development Dept. for review. Record with new lots. 	<ul style="list-style-type: none"> Planning & Community Development Dept. and City attorney are responsible for review of CC&Rs. 	<ul style="list-style-type: none"> Prior to recordation of Final Map. 	
Mitigation Measure 4.3-2h: Include data on herbivory (browsing) in future monitoring data collection (measure 4.3-2h; Appendix E). If monitoring indicates that substantial reduction in seed production, or damage to the spineflower population, is occurring due to browsing, erect fencing surrounding the site that will exclude deer.	<ul style="list-style-type: none"> Include measure as Condition of Approval. Include as part of management plan for robust spineflower and submit to Planning & Community Development Dept. for review. 	<ul style="list-style-type: none"> Planning & Community Development Dept. is responsible for review of management plan. Applicant, HOA (once established), and/or other specified qualified management entity is responsible for on-going monitoring and enforcement as defined in a management plan for robust spineflower. 	<ul style="list-style-type: none"> Prepare Plan prior to issuance of grading permit. 	
Mitigation Measure 4.3-2i: Prepare and implement a habitat management plan for the robust spineflower population on the site. A habitat management plan for an endangered species summarizes relevant biological characteristics of the species (and related species as appropriate); identifies and discusses all known threats to the persistence of the species; defines goals and objectives of management; prescribes active management measures deemed necessary to protect the population or populations; prescribes a monitoring regime;	<ul style="list-style-type: none"> Include measure as Condition of Approval. Required measures are specified in measure and Appendix E, including resource management methods, timing, and scheduling; monitoring methods, procedures, and 	<ul style="list-style-type: none"> City and specified resource agencies are responsible for review and approval of the Habitat Management Plan. Applicant, HOA (once established), and/or other specified qualified management entity is responsible for on-going monitoring and enforcement 	<ul style="list-style-type: none"> Prepare plan prior to issuance of grading permit. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>defines success criteria to determine success of management; and prescribes remedial actions to be taken if success criteria are not met. The necessary components in a management plan for this population of robust spineflower are listed in Appendix E. The habitat management plan shall also specify the management entity, demonstrate its ability to assume the management functions outlined in the Management Plan and demonstrate guaranteed funding.</p> <p><u>NOTE: A draft plan was prepared and submitted to the City Planning Department in 2007.</u></p>	<p>personnel; reporting procedures and timing; a guarantee of full funding for implementation and monitoring; and specification of qualified management entity.</p> <ul style="list-style-type: none"> ▪ Monitoring and reporting shall be conducted annually for the first 5 years and every two years after 5 years or as specified in the Habitat Management Plan. ▪ Submit Habitat Management Plan and monitoring to the Planning & Community Development for review and approval and to other agencies specified by the City, including, but not limited to the U.S. Fish and Wildlife Service. 	<p>as defined in a management plan for robust spineflower.</p> <ul style="list-style-type: none"> ▪ Monitoring report shall be submitted to the Planning & Community Development Department after each required monitoring period to report the status of the spineflower. 		
<p>Mitigation Measure 4.3-3a: Redesign the weir, bioswale detention basin, and outfall structure to incorporate non-erodible bank protection and erosion control measures that do not impede fish migration or impact SRA habitat and submit plans to the National Oceanic Atmospheric Administration (NOAA) and California Department of Fish and Game (CDFG) for review and comment.</p> <p><u>NOTE: The measure has been implemented with the revised site plan layouts as shown on the currently proposed project site plans. Submittal to referenced agencies for review and comment is still required.</u></p>	<ul style="list-style-type: none"> ▪ Include measure as Condition of Approval. ▪ Submit revised drainage plan to Public Works Dept. for review. 	<ul style="list-style-type: none"> ▪ Applicant is responsible for submitting plans to NOAA and CDFG for review and comment. ▪ Public Works Dept. is responsible for review of grading and drainage plans. 	<ul style="list-style-type: none"> ▪ Prior to recordation of Final Map. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>Mitigation Measure 4.3-3b: Implement the following Best Management Practices to prevent inadvertent discharge of sediments, water and/or contaminants into Branciforte Creek.</p> <ul style="list-style-type: none"> Prohibit use of equipment in the live stream channel. Avoid construction along lower and upper banks of the stream channel during the wet season. Restrict the timing of construction of the detention basin and associated outfall along Branciforte Creek to the average low-flow period (after June 15 and before September 30). This is the period when there is generally minimal water in the creek channel, and when there is low chance of storm events, and when movement of steelhead within the project area is expected to be minimal. Install effective erosion control devices at the inland edge of construction zones adjacent to Branciforte Creek and prohibit equipment, stockpiling of materials, access and/or discharge of materials within this zone. Implement erosion control measures as set forth in Initial Study Mitigation 4, and include the following additional measures: apply weed-free mulch or revegetate all soil exposed as a result of the proposed action before 1 November of each construction year; protect disturbed areas during the rainy season; and contain and/or properly dewater accumulated construction-related runoff from disturbed areas or excavated areas (e.g., building pads or open trenches). Inspect and repair/maintain all erosion control measures prior to and after any rainfall event exceeding 1/2 inch, at 24-hour intervals during extended storm events, and a minimum of every two weeks after the winter storm season. Remove all artificial erosion control devices after the project area has fully stabilized. 	<ul style="list-style-type: none"> Include measure as Condition of Approval. Include measures in the required Storm Water Pollution Prevention Plan (SWPPP) that will be required pursuant to state and local regulations to specify erosion and water quality controls during construction. Include measures in grading plans and construction specifications and submit to Building and Public Works Departments. 	<ul style="list-style-type: none"> Building and Public Works Dept. are responsible for review of grading and drainage plans to ensure conformance with the City's Stormwater and Urban Runoff Pollution Control Ordinance. 	<ul style="list-style-type: none"> Prior to issuance of grading permit. 	
<p>Mitigation Measure 4.3-3c: Locate stockpiled soil and spoil sites as far from Branciforte Creek as practical and away from</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. 	<ul style="list-style-type: none"> Building and Public Works Dept. are responsible for 	<ul style="list-style-type: none"> Prior to issuance of grading permit. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>the protected spineflower habitat area so they do not erode directly into waterways or result in fugitive dust into the habitat area. Utilize the far southeastern portion of the site for soil stockpiling conducted as part of the proposed remedial soil grading with soil stockpiling on Lots 19 through 25 and a temporary construction sediment and drainage pond on Lots 1 and 2. Utilize areas immediately adjacent to these areas for soil stockpiling and sediment pond when remedial grading is conducted on these lots. Implement BMPs that include perimeter protection and surficial erosion controls to prevent sediment transport in to storm drains and/or Branciforte Creek or fugitive dust into the spineflower habitat area. Limit remedial grading during periods when prevailing winds are from the south or southwest.</p>	<ul style="list-style-type: none"> ▪ Include measures in the required Storm Water Pollution Prevention Plan (SWPPP) that will be required pursuant to state and local regulations to specify erosion and water quality controls during construction. ▪ Include measures in grading plans and construction specifications and submit to Building and Public Works Departments. ▪ Submit grading and drainage plans to Public Works Dept. for review. 	<p>review of grading and drainage plans to ensure conformance with the City's Stormwater and Urban Runoff Pollution Control Ordinance.</p>	<ul style="list-style-type: none"> ▪ Prior to issuance of grading permit. 	
<p><u>Mitigation Measure 4.3-3d:</u> Store equipment and materials at least 100 feet from watercourses, but within the project area. No debris such as trash and spoils should be deposited within 100 feet of sensitive resource areas. Locate staging and storage areas for equipment, materials, fuels, lubricants and solvents, outside of the stream channel and banks, and at least 100 feet from the watercourse. Position stationary equipment such as motors, pumps, generators, compressors and welders, located adjacent to the stream or anywhere on the project site over drip pans and/or absorbent material. Any equipment or vehicles driven and/or operated within or adjacent to the stream will be checked and maintained daily, to prevent leaks of materials potentially deleterious to aquatic life. Move vehicles away from the stream prior to refueling and lubrication. Locate oil absorbent and spill containment materials on site when mechanical equipment is in operation with 100 feet of the watercourse.</p>	<ul style="list-style-type: none"> ▪ Include measure as Condition of Approval. ▪ Include measures in grading plans and construction specifications and submit to Building and Public Works Departments. 	<ul style="list-style-type: none"> ▪ Building and Public Works Dept. are responsible for review of grading and drainage plans to ensure conformance with the City's Stormwater and Urban Runoff Pollution Control Ordinance. 	<ul style="list-style-type: none"> ▪ Prior to issuance of grading permit. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>Mitigation Measure 4.3-3e: Before beginning work, have each new work crewmember attend an environmental training lead by a qualified fisheries biologist. The training will present a brief discussion including the life history of steelhead, their habitat requirements, the importance of stream shading, and go over avoidance measures to prevent "take" of any individuals or impacting steelhead habitat. Each contractor must show evidence (e.g., sign-in sheet and/or hardhat sticker) their crew members have attended this training.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Specific actions are described in the measure. Contractor to submit letter to City Planning verifying compliance. 	<ul style="list-style-type: none"> Applicant is responsible for demonstrating training compliance. Planning & Community Development Dept. is responsible for monitoring compliance. 	<ul style="list-style-type: none"> On-going as part of grading activity. 	
<p>Mitigation Measure 4.3-3f: Prepare and implement a spill prevention plan (SPP) for potentially hazardous materials used for and during the project. The SPP will include the proper handling and storage of all potentially hazardous materials, procedures to follow in the event of a spill, and the proper procedures for cleaning up and reporting of any spills. If a spill occurs, no additional work will occur until the mechanical equipment leak has been repaired and is inspected by the contractor and biological monitor.</p> <p>Prior to construction, all mechanical equipment shall be thoroughly inspected and evaluated for the potential of fluid leakage. Replace all questionable motor oil, coolant, transmission fluid, and hydraulic fluid hoses, fitting, and seals. The contractor will document in writing all hoses, fittings, and seals replaced and shall keep this documentation until the completion of operations. All mechanical equipment used near the stream course will be inspected on a daily basis to ensure there are no motor oil, transmission fluid, hydraulic fluid, or coolant leaks. Repair all leaks will in the equipment staging area or other suitable location prior to resumption of construction activity. Maintenance and refueling will be conducted in an area meeting criteria set forth in the SPP and at least 100 feet away from the creek.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Include measures in grading plans and construction specifications and submit to Building and Public Works Departments. Submit grading and drainage plans to Public Works Dept. for review. 	<ul style="list-style-type: none"> Applicant is responsible for preparation and implementation of SPP. Building and Public Works Dept. are responsible for review of SPP to ensure conformance with the City's Stormwater and Urban Runoff Pollution Control Ordinance. 	<ul style="list-style-type: none"> Prior to issuance of grading permit. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p><u>Mitigation Measure 4.3-4:</u> A minimum of one-day and one-night of surveys for California red-legged frog (CRLF) shall be conducted no more than 48 hours prior to vegetation removal and initial ground-disturbing activities. If a CRLF is observed at any time before or during project activities, cease all activities and immediately contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). Capturing, handling, moving, or harassing CRLF is considered a violation of state and federal Endangered Species Acts. Coordinate with the appropriate agencies to develop avoidance measures before commencing project activities.</p>	<ul style="list-style-type: none"> ▪ Include measure as Condition of Approval. ▪ Conduct CRLF surveys; consult with USFWS and CDFG, as necessary; and implement appropriate capture, handling, moving measures, if necessary. ▪ Submit survey results to Planning & Community Development Dept. for review. ▪ Submit proof of implementation of avoidance measures, if needed, to Planning & Community Development Dept. 	<ul style="list-style-type: none"> ▪ Applicant is responsible for retaining a qualified biologist (approved by the City) to conduct surveys. ▪ USFWS and CDFG are responsible for coordinating implementation of appropriate capture, handling, moving measures, and consulting with Planning & Community Development Dept., as necessary. ▪ Planning & Community Development Dept. is responsible for review of survey results. 	<ul style="list-style-type: none"> ▪ Prior to initiation of vegetation removal and initial ground disturbing activities. 	
<p><u>Mitigation Measure 4.3-5:</u> Implement the following prior to tree removal or construction:</p> <ul style="list-style-type: none"> ▪ At a minimum, conduct bat surveys over at least four visits between late April and early May when bats are establishing maternity colonies but before females give birth. If roosting bats are found at this time, have a qualified biologist implement methods, approved by CDFG, to exclude bats from establishing maternity colonies. ▪ Protect maternity colonies that have young not yet able to fly (pre-volant). The project biologist must confirm there are no pre-volant young present before a colony is displaced. It is assumed that after September 1 colonies have no pre-volant young. ▪ For any trees/snags that could provide roosting space for bats, thoroughly evaluate the trees/snags to determine if a colony is present prior to trimming or cutting. Visual inspection, trapping, and acoustic surveys may be utilized 	<ul style="list-style-type: none"> ▪ Include measure as Condition of Approval. ▪ Conduct bat surveys; consult with CDFG, as necessary; and implement appropriate measures, if necessary. ▪ Submit survey results to Planning & Community Development Dept. and CDFG for review. ▪ Submit proof of implementation of exclusion measures, if needed, to Planning & Community Development Dept. 	<ul style="list-style-type: none"> ▪ Applicant is responsible for retaining a qualified biologist (approved by the City) to conduct surveys. ▪ CDFG is responsible for coordinating implementation of appropriate measures, and consulting with Planning & Community Development Dept., as necessary. ▪ Planning & Community Development Dept. and CDFG are responsible for review of survey results. 	<ul style="list-style-type: none"> ▪ Conduct bat surveys over four visits between late April and early May. ▪ Prior to initiation of tree removal and initial ground disturbing activities. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>as initial techniques.</p> <ul style="list-style-type: none"> ▪ If a tree is determined not to be an active roost site, it may be immediately trimmed or removed. If the tree is not trimmed or removed within four days of the survey, repeat night survey efforts. ▪ If a tree is an active roost site, immediately contact the CDFG to report what bat species occupies the roost, if possible. Active roost trees may still be trimmed after consulting with CDFG to obtain approval. ▪ Removal of any native riparian tree, if necessary, shall be preceded by a thorough visual inspection to reduce the risk of displacing or harming foliage-roosting bats. ▪ Removal of any occupied tree/snag, if necessary, shall be mitigated for by the creation of a snag or other artificial roost structure within suitable habitat located in the project area. 	<ul style="list-style-type: none"> ▪ Include measure as Condition of Approval. ▪ Conduct field surveys; consult with CDFG, as necessary; and implement appropriate measures, if necessary. ▪ Submit results of filed surveys to Planning & Community Development Dept. and CDFG. ▪ Submit proof of relocation measures, if needed, to Planning & Community Development Dept. and CDFG 	<ul style="list-style-type: none"> ▪ Applicant is responsible for retaining a qualified biologist (approved by the City) to conduct surveys. ▪ CDFG is responsible for coordinating implementation of appropriate avoidance measures, and consulting with Planning & Community Development Dept., as necessary. ▪ Planning & Community Development Dept. and CDFG are responsible for review of survey results. 	<ul style="list-style-type: none"> ▪ Prior to initiation of vegetation removal and initial ground disturbing activities. 	
<p><u>Mitigation Measure 4.3-6a:</u> Have a qualified biologist examine the project area before and during any initial vegetation, woody debris, and/or tree removal, or other initial ground disturbing activities. If a dusky footed woodrat nest/house structure is encountered in the area of disturbance, avoid disturbing the structure or evicting the individuals. Coordinate with California Department of Fish and Game (CDFG) to establish protective buffer widths around the structures and install exclusion zones around each structure before initiating tree/vegetation removal and ground disturbing activities. If a woodrat is incidentally encountered in the work area and does not voluntarily move out of the area, a biological monitor, with the appropriate CDFG permits, should be on call during project activities to relocate the animal out of the construction area to the nearest safe location (as approved and authorized by CDFG).</p>				



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>Mitigation Measure 4.3-6b: If project activities cannot avoid any existing, underground, or unidentified woodrat nest structure in the work area, notify and coordinate with CDFG to develop appropriate avoidance measures.</p>	<ul style="list-style-type: none"> ▪ Include measure as Condition of Approval. ▪ Develop appropriate avoidance measures with CDFG, if necessary. ▪ Submit results to Planning & Community Development Dept., if necessary, and CDFG 	<ul style="list-style-type: none"> ▪ Applicant is responsible for developing avoidance measures, if necessary, in coordination with CDFG. ▪ CDFG is responsible for coordinating implementation of appropriate avoidance measures, and consulting with Planning & Community Development Dept., as necessary. ▪ Planning & Community Development Dept and CDFG are responsible for review of measures. 	<ul style="list-style-type: none"> ▪ Prior to initiation of vegetation removal and initial ground disturbing activities. 	
<p>Mitigation Measure 4.3-6c: To the extent possible, utilize the trees and shrubs removed from the project area in order to enhance and create potential refuge and nesting habitat for woodrats potentially displaced from project activities. Create debris piles (approximately 5 to 10 feet wide) spaced along the project boundary or in undeveloped areas within the project site, and not occupied by other wildlife resources. These debris piles should be located 30 feet or greater from any existing or proposed structure to avoid potential fire hazard. With the input of a qualified biologist, develop a feasible monitoring plan that contains performance standards that verify the ensured success of woodrat activity within the created habitat over a period of 5 or more years. Coordinate with CDFG to develop the performance standards and acceptable solutions if the standards are not being met over 5 years.</p>	<ul style="list-style-type: none"> ▪ Include measure as Condition of Approval. ▪ Prepare plan by a qualified biologist for location and design of debris piles. Develop performance standards with CDFG, if necessary. ▪ Install debris piles under field supervision of a qualified biologist. ▪ Develop monitoring plan for woodrat debris piles. 	<ul style="list-style-type: none"> ▪ Applicant is responsible for preparation of plans. ▪ Planning & Community Development Dept. is responsible for review of plans. ▪ Fire Dept. is responsible for reviewing location and size of debris piles to avoid potential fire hazard. ▪ Applicant, HOA (once established), and/or specified qualified management entity is responsible for on-going monitoring as defined in a monitoring plan for woodrat debris piles. 	<ul style="list-style-type: none"> ▪ Prior to issuance of grading permit. ▪ Conduct on-going monitoring and provide proof of compliance with debris pile recommendations to Planning & Community Development Dept. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>Mitigation Measure 4.3-7: Redesign the proposed project footprint to eliminate construction within the riparian habitat, including: redesigning and moving the bioswale storm detention area, adjacent townhouses and parking area, and residential lots 15 – 23.</p> <p><u>NOTE: This mitigation measure has been implemented with revised site plan layouts as shown on the approved and currently proposed project site plans.</u></p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Submit revised site and drainage plans to Planning & Community Development Dept., and Public Works Dept. for review. 	<ul style="list-style-type: none"> Planning & Community Development Dept. is responsible for review of grading and building plans. Public Works is responsible for review of drainage plans. 	<ul style="list-style-type: none"> Prior to recordation of Final Map. 	<p>Complete per Planning Dept. staff review of 2010 revised site plans.</p>
<p>Mitigation Measure 4.3-8a: Maintain a development setback area of a minimum of 20 feet along the edges of the arroyo willow and California box elder riparian, consistent with overall recommendations throughout the City in the City-wide Creeks and Wetlands Management Plan (City of Santa Cruz, Department of Planning and Community Development, 2006) (See Figure 4.3-1: Watercourse Management Area) to provide dispersal and foraging opportunity for wildlife for the duration of the project and after project completion. Any fencing erected in this development setback area should allow for wildlife movement.</p> <p><u>NOTE: This mitigation measure has been implemented with revised site plan layouts as shown on the approved and currently proposed project site plans.</u></p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Incorporate as part of revised site plan and fencing plan (see also 4.3-2d). Submit fencing plan to Planning & Community Development Dept. for review. 	<ul style="list-style-type: none"> Planning & Community Development Dept. 	<ul style="list-style-type: none"> Prior to recordation of final map. 	<p>Complete per Planning Dept. staff review of 2010 revised site plans.</p>
<p>Mitigation Measure 4.3-8b: While no lighting is proposed into the riparian corridor, any permanent structural exterior lighting shall consist of low-intensity lights that focus light in a downward angle onto the developed area and minimizes lighting of adjacent natural areas. Future lighting during construction activities or permanent street lighting should be limited to the extent practical. Any temporary lighting should be directed away from the riparian corridor.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Incorporate as part of building plan and construction specifications. Submit building plan and construction specifications to Planning & Community Development Dept. for 	<ul style="list-style-type: none"> Planning & Community Development Dept. 	<ul style="list-style-type: none"> Prior to issuance of building permit. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>Mitigation Measure 4.3-9a: Have a qualified ornithologist and/or biologist conduct bird nesting surveys during the period from February through August before tree removal and/or before construction begins. Conduct these surveys for special-status birds, and all birds (and their nests) protected under the Migratory Bird Treaty Act (MBTA). Conduct tree removal activities between September 1 and January 1 unless no nesting birds are found.</p> <p>Surveys shall include the project site and a 200-foot-wide buffer to examine nearby tree stands and structures for nesting special-status avian species. If an active nest is found, consult with the appropriate resource agencies (CDFG, USFWS) to determine appropriate construction buffers or other avoidance measures. If nesting birds are not found, no further action would be necessary, and tree removal and construction may proceed.</p>	<p>review.</p> <ul style="list-style-type: none"> Include measure as Condition of Approval. Conduct bird nesting surveys; consult with USFWS and CDFG, as necessary; and implement appropriate construction buffers or avoidance measures, if necessary. Submit survey results to Planning & Community Development Dept. for review. Submit proof of implementation of construction buffers or avoidance measures, if needed, to Planning & Community Development Dept. 	<ul style="list-style-type: none"> Applicant is responsible for retaining a qualified biologist (approved by the City) to conduct surveys. USFWS and CDFG are responsible for coordinating implementation of appropriate avoidance measures, and consulting with Planning & Community Development Dept., as necessary. Planning & Community Development Dept. is responsible for review of survey results. 	<ul style="list-style-type: none"> Conduct surveys between February and August prior to initiation of tree removal and issuance of grading permit. 	
<p>Mitigation Measure 4.3-9b: A yellow warbler nest survey shall be conducted in the riparian habitat prior to construction. If nests are found within 200 feet of the project site, construction shall be delayed from April through July, or until the young have fledged. A qualified biologist shall monitor all active nest sites to determine when young have fledged.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Conduct yellow warbler nesting surveys; consult with USFWS and CDFG, as necessary; and implement appropriate measures, if necessary. Submit survey results to Planning & Community Development Dept. for review. Submit proof of implementation of 	<ul style="list-style-type: none"> Applicant is responsible for retaining a qualified biologist (approved by the City) to conduct surveys. USFWS and CDFG are responsible for coordinating implementation of appropriate avoidance measures, and consulting with Planning & Community Development Dept., as necessary. Planning & Community Development Dept. is 	<ul style="list-style-type: none"> Conduct surveys between February and August prior to initiation of tree removal and initial ground disturbing activities and issuance of grading permit. Monitor all active nest sites from April through July to determine when young have fledged, 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
Cultural Resources				
Mitigation Measure 4.4-1a: Require that all design-level engineering and construction drawings be prepared in consultation with an archaeologist acceptable to the City to ensure that the project is designed to avoid CA-SCR-276 to the extent possible. Mitigation for any impacts that cannot be physically avoided will be conducted as provided in Mitigation Measure 4.4-1c.	<ul style="list-style-type: none"> Include measure as Condition of Approval. Submit letter from archaeologist indicating compliance with measure to Planning & Community Development Dept. Submit letter from qualified archaeologist to Planning & Community Development Dept. that verifies compliance. 	<ul style="list-style-type: none"> Applicant is responsible for retaining a qualified archaeologist (approved by the City). Applicant is responsible for consulting with and incorporating recommendations from the archaeologist into the project plans. Planning & Community Development Dept. is responsible for review of final project plans. 	<ul style="list-style-type: none"> Prior to any ground disturbance. 	
Mitigation Measure 4.4-1b: To ensure that no inadvertent damage occurs to CA-SCR-276 during construction of subdivision improvements and the planned development portion of the project, cultural resource boundaries shall be marked as exclusion zones both on construction drawings and on the ground. Construction supervisory personnel shall be notified of the existence of these resources and shall be required to keep personnel and equipment away from these areas. The qualified archaeologist, acceptable to the City, shall be notified prior to initiation of construction activities. The qualified archeologist shall complete per monitoring during remedial grading and subdivision grading throughout the site of cultural resources to ensure that no inadvertent damage to cultural resources occur as a result of construction or construction-related activities. The timing and frequency of this monitoring shall be at the discretion of the qualified archaeologist. In addition, construction activities within 50 meters of a known cultural resource that is to be avoided shall be monitored by a qualified professional archaeologist.	<ul style="list-style-type: none"> Include measure as Condition of Approval. Specific actions are described in the measure. Notify Planning & Community Development Dept. regarding timing and duration of construction activities within 50 meters of known cultural resources. 	<ul style="list-style-type: none"> Applicant is responsible for retaining a qualified archaeologist (approved by the City). Archaeologist is responsible for monitoring of the project site to ensure cultural resources are not inadvertently damaged. Archaeologist is responsible for consulting with the Planning & Community Development Dept., as necessary. 	<ul style="list-style-type: none"> Conduct periodic monitoring during construction activities, at the discretion of the archaeologist. Conduct monitoring of construction activities within 50 meters of a known cultural resource, as necessary. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>Mitigation Measure 4.4-1c: If avoidance is determined to be infeasible during construction of subdivision improvements and the planned development portion of the project, the applicant shall retain a qualified archaeologist, acceptable to the City, to record, document, and curate the resource in accordance with all applicable laws, regulations, and accepted professional practice. This would include data recovery of archaeological data, including analysis and dissemination of results, in a manner consistent with the State of California Archaeological Resource Management Reports (ARMR): Recommended Contents and Format as identified in Mitigation Measure 4.4-1d.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Specific actions are described in the measure. 	<ul style="list-style-type: none"> Archaeologist is responsible for recording, documenting, and curating cultural resources, if necessary. Planning & Community Development Dept. is responsible for review and coordination of data recovery efforts, if necessary. 	<ul style="list-style-type: none"> On-going as part of project construction. 	
<p>Mitigation Measure 4.4-1d: Implement the mitigation recommendations set forth in the "Final Archaeological Report and Archaeological Mitigation Plan for Portions of CA-SCR-276, Santa Cruz, Santa Cruz County, California" (Archaeological Consulting, February 21, 2006) that includes procedures for analysis and recovery of resources that may be found during construction with submittal of a final report upon completion of construction. Prior to issuance of grading permit, map recordation, the archaeologist shall submit and complete an Archaeological Monitoring and Data Recovery Plan (AMDRP) to the City for approval, which addresses the following components:</p> <ul style="list-style-type: none"> The AMDRP will guide the treatment of the site during proposed project development (e.g., roadways) and future development of the northern lots (Lots 38-43). The AMDRP shall contain an analysis of various construction techniques (e.g., fill for house pads, slab construction) to minimize impacts to CA-SCR-276 that are acceptable to the City. The AMDRP shall define how the monitoring will be conducted and the protocol to be followed in the event that archaeological features and artifacts are discovered. The AMDRP will contain a site-specific research design, methods for monitoring and data recovery, construction technique analysis for minimizing impacts to the 	<ul style="list-style-type: none"> Include measure as Condition of Approval. Prepare AMDRP and submit to Planning & Community Development Dept. for review. 	<ul style="list-style-type: none"> Applicant is responsible for retaining a qualified archaeologist (approved by the City). Archaeologist is responsible for submitting the AMDRP to and coordinating with Planning & Community Development Dept., as necessary. Planning & Community Development Dept. is responsible for review of AMDRP. 	<ul style="list-style-type: none"> Prior to issuance of grading permit. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>resource, provisions for artifact cataloging, and analysis and curation.</p> <ul style="list-style-type: none"> ▪ Subsurface work within the boundaries of CA-SCR-276 will be conducted with the appropriate equipment and speed to allow for the recovery of archaeological materials. The equipment and technique(s) will be defined in the AMDRP. Deviations from equipment identified in the AMDRP may be allowed in consultation with the City. ▪ Prior to any ground disturbance or issuance of a grading permit, the qualified archaeologist shall conduct a sensitivity training to all contractors involved in subsurface work in the project area. Workers involved in ground disturbing activities shall be trained in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area), and procedures to report such discoveries, and other appropriate protocols to ensure that construction activities avoid or minimize impacts to potentially significant cultural resources. The archaeologist will have the authority to halt construction if substantial archaeological features or materials are uncovered. ▪ If substantial archaeological features or materials are discovered during monitoring, then data recovery of that feature or materials will be conducted. Provisions and methods for data recovery of finds found during the monitoring effort will be documented in the AMDRP. ▪ All recovered artifacts and features shall be analyzed sufficiently to address the research questions posed in the AMDRP. 				
<p><u>Mitigation Measure 4.4-2:</u> In order to minimize the potential for significant impacts on as of yet undiscovered cultural resources, the following measures would be required:</p> <ul style="list-style-type: none"> ▪ In the event that archaeological artifacts or cultural soil deposits are encountered during future grading, excavating, or other land alterations, stop all work in the immediate vicinity of the find until the discovery area can 	<ul style="list-style-type: none"> ▪ Include measure as Condition of Approval. ▪ Incorporate measure as part of construction specifications on grading plans. 	<ul style="list-style-type: none"> ▪ Archaeologist is responsible for consulting with the Planning & Community Development Dept., as necessary. ▪ The County Coroner and Native American Heritage 	<ul style="list-style-type: none"> ▪ On-going as part of project construction. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>be evaluated by an archaeologist. Depending on the extent and cultural composition of the discovered materials, it may be advisable to have subsequent excavation monitored by an archaeologist who would be ready to record, recover, and / or protect significant cultural materials from further damage.</p> <ul style="list-style-type: none"> In the event that human skeletal remains are discovered anywhere on the site, discontinue work in the vicinity of the discovery and contact the County Coroner. If skeletal remains are found to be prehistoric Native American (not modern), the Coroner shall call the Native American Heritage Commission in Sacramento within 24 hours who will identify the person(s) it believes to be the "Most Likely Descendant" of the deceased Native American. The Most Likely Descendant would be responsible for recommending the disposition and treatment of the remains. The Most Likely Descendant may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. 		Commission are responsible for coordination with Planning & Community Development Dept., as necessary.		
Geology and Soils				
<p><u>Mitigation Measure IS-3:</u> Require implementation of recommendations set forth at the July 2010 "Supplemental Geotechnical Exploration, Branciforte Creek Subdivision, Santa Cruz, CA," by Engco Incorporated regarding remedial grading, site preparation, cut and fill slopes, foundation design, drainage, and all other recommendations.</p>	<ul style="list-style-type: none"> Include measure as a Condition of Approval. Include as part of grading, drainage and building plans. Submit plan review letter from geotechnical engineer stating that plans comply with the report 	<ul style="list-style-type: none"> Applicant is responsible for incorporating geotechnical recommendations into the project design. Building and Public Works Dept. is responsible for review of grading, drainage and building plans to ensure that geotechnical recommendations are included in project design. 	<ul style="list-style-type: none"> Prior to issuance of grading and building permits. 	
<p><u>Mitigation Measure IS-4:</u> Prepare and implement an erosion control plan to include specific erosion control measures,</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. 	<ul style="list-style-type: none"> Applicant is responsible for preparing erosion control 	<ul style="list-style-type: none"> Prior to issuance of grading permit. 	<ul style="list-style-type: none">



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>including, but not limited to, the following:</p> <ul style="list-style-type: none"> Demarcate the outer edge of the riparian corridor and install temporary fencing and straw bales during construction activities to prevent inadvertent erosion and sedimentation onto offsite areas and Branciforte Creek. Prohibit construction activities, placement of spoils, and storage of materials and machinery in the corridor. Prohibit grading between November 1 and April 1 and protect distributed areas during these times with appropriate erosion control measures. Immediately revegetate disturbed areas with appropriate plant species that are compatible with surrounding vegetation and which do not adversely impact native riparian vegetation. Protect stockpiled soils and disturbed soils as set forth in Mitigation Measures 4.3-3b and 4-3-3c with inspection and maintenance of erosion and water quality controls as set forth in Mitigation Measure 4.3-3b. 	<ul style="list-style-type: none"> Include measures in the required Storm Water Pollution Prevention Plan (SWPPP) that will be required pursuant to state and local regulations to specify erosion and water quality controls during construction. Prepare and submit final erosion control plan to Building Public Works Dept. for review. Include as Construction specifications as part of grading, plan. 	<ul style="list-style-type: none"> Building and Public Works Dept. is responsible for review of erosion control plan. 	<ul style="list-style-type: none"> Building and Public Works Dept. staff shall conduct periodic site visits during grading operations and prior to the onset of the rainy season to ensure that measures are being implemented. 	
Hazards				
<p>Mitigation Measure IS-5: Require implementation of all Fire Department recommendations regarding provision of sprinklers, access, and preparation and implementation of a vegetation management plan.</p>	<ul style="list-style-type: none"> Include all Fire Dept. recommendations as Conditions of Approval. Prepare final building plans and vegetation management plan and submit to Fire Dept. for review. 	<ul style="list-style-type: none"> Applicant is responsible for incorporation recommendations into final building plans and preparation of vegetation management plan. Fire Dept. is responsible for review of building plans to ensure that all recommendations are included in site and structural designs. 	<ul style="list-style-type: none"> Prior to issuance of building permits. 	
Hydrology and Water Quality				
<p>Mitigation Measure 4.5-1: To avoid potential erosion and siltation impacts, prepare a revised detention basin plan that locates the basin further east, and incorporates a modified design that avoids the weir-type construction proposed. Stormwater discharge from the revised detention basin should</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Submit revised detention basin plan to Public Work Dept. for review. 	<ul style="list-style-type: none"> Applicant is responsible for preparing revised detention basin plan. Public Works Dept. is responsible for review of 	<ul style="list-style-type: none"> Prior to recordation of Final Map. 	



Mitigation Measure	Implementation Actions	Monitoring/Reporting Responsibility	Timing	Verification of Compliance
<p>be designed to not exceed a flow velocity of 1.5 feet per second during a 10-year storm event. This revised detention basin plan should include a controlled outlet adjacent to the creek, which incorporates an energy-dissipating structure (e.g., rip-rap) to minimize the potential for stream bank erosion. The revised detention basin plan shall be reviewed and approved by the City of Santa Cruz Public Works Department prior to issuance of a grading permit for the proposed project. (See also Biological Resource Mitigation Measure 4.3-3a.</p> <p><u>NOTE: This mitigation measure has been implemented with revised site plan layouts as shown on the approved and currently proposed project site plans.</u></p>	<ul style="list-style-type: none"> Coordinate this measure with Mitigation Measure 4.3-3a. 	<p>drainage plans.</p>		
<p>Noise</p> <p><u>Mitigation Measure IS-6:</u> Require preparation of an updated noise assessment for the revised project with implementation of all recommendations provided in the updated November 2004 project noise assessment (<u>Hingworth & Redkin, Inc.</u>) regarding building design and materials necessary for noise attenuation, if required.</p>	<ul style="list-style-type: none"> Include measure as Condition of Approval. Include recommendation in final building plans and construction specifications. Submit plan review letter from acoustical consultant stating that plans comply with the noise report. 	<ul style="list-style-type: none"> Applicant is responsible for incorporating recommendations into final building plans and construction specifications. Planning & Community Development Dept. is responsible for review of building plans and construction specifications. 	<ul style="list-style-type: none"> Prior to issuance of building permit. 	

VIII. FIGURES

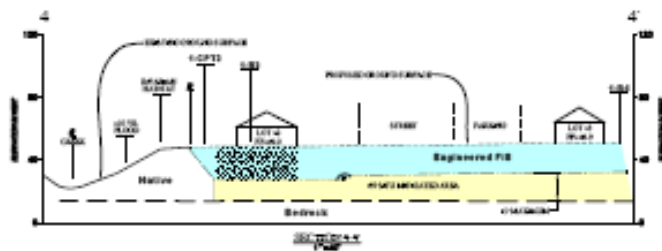
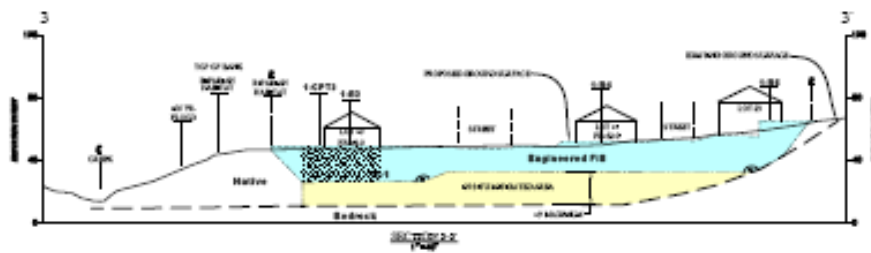
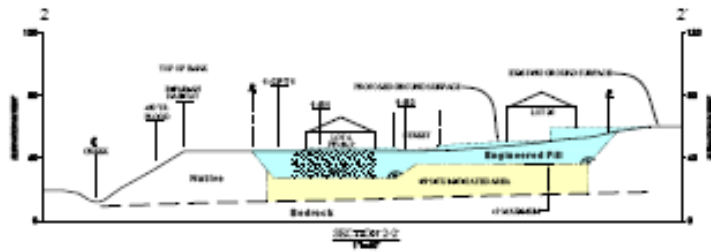
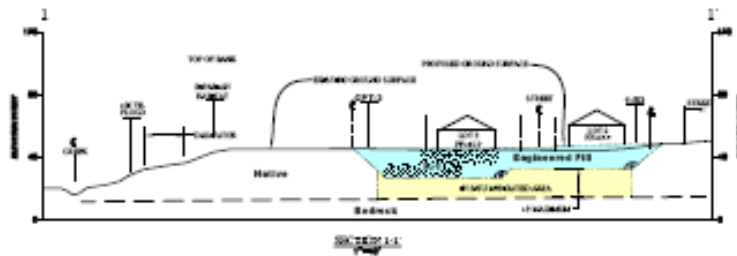
1. Project Location
2. Site Plan Analyzed in 2007 Certified EIR
3. Modified Site Plan Approved on October 10, 2007
4. 2010 Proposed Site Plan
5. Proposed Soil Remedial Grading Plan

FIGURE 1: PROJECT LOCATION



FIGURE 4: 2010 PROPOSED SITE PLAN





SETTLEMENT AGREEMENT

This Settlement Agreement (hereinafter "Agreement") is made by and between Thomas Rahe, Debra Rahe and Branciforte Creek, LLC (collectively "Branciforte"), the City of Santa Cruz and the City Council of the City of Santa Cruz (collectively "City") and the California Native Plant Society, a California non-profit corporation ("CNPS").

RECITALS

This Agreement is made with reference to the following facts:

A. On May 8, 2007 Branciforte Creek, LLC received approval from the City for a 40 unit subdivision ("Project").

B. On June 6, 2007 CNPS filed a Verified Petition for Writ of Mandate in the County of Santa Cruz, Santa Cruz County Superior Court, Case No. CV 157292 ("Action"). Thereafter, on June 11, 2007, CNPS filed a First Amended Petition for Writ of Mandate naming as defendants Thacher and Thompson, the architects for the Project. The parties have stipulated that Thacher and Thompson are not necessary parties to this Action, and they have been dismissed.

C. The Writ alleges that the decision of the City to certify an environmental impact report and approve the Project violated the provisions of the California Environmental Quality Act and caused significant unavoidable impacts to the endangered species on the Project site.

D. The parties now desire to resolve and settle the issues as set forth in the Action.

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

1. Modification of Project. Branciforte, at its sole cost and expense, shall make application to the City to modify the Project to (a) expand the buffer area for the Spineflower; (b) delete the planting of trees in the area along the roadway adjacent to the

Spineflower buffer; and, (c) reconfigure and/or relocate Lots 34 through 37, all as shown on the Map attached hereto and marked Exhibit "A" ("Modifications").

2. Condition Precedent. The final approval of the Modifications by City and other agencies with jurisdiction is a condition precedent to this Agreement. Should the City not approve the Modifications, this Agreement shall be null and void and of no force or effect. The signing of this agreement by the City shall not obligate the City in any way to approve any modification or condition of the Permit.

3. CC&R Conditions. Branciforte shall, at its cost and expense, include in its CC&Rs which it submits to the City for the Project the following conditions in the form attached hereto as Exhibit "B" ("Spineflower Regulations"). The CC&Rs shall provide that the City and CNPS will be third party beneficiaries of the MMP and the Spineflower Regulations and shall have the right to enforce the provisions of the MMP and the Spineflower Regulations. Prior to approval of the Spineflower Regulations, if the City requests changes to the Spineflower Regulations, then it shall notify and consult with CNPS regarding such changes to the Spineflower Regulations and such changes shall be approved by CNPS. .

4. Management Plan. Branciforte shall, at its cost and expense, revise the MMP as set forth in Exhibit "C" attached hereto ("Revised MMP"). Branciforte shall submit the Revised MMP to City pursuant to the Project conditions. Prior to approval of the Revised MMP, the City shall notify and consult with CNPS regarding such changes to the Revised MMP and the City shall use its best efforts to reach agreement with CNPS on such changes.

5. Dismissal of Action. Within five (5) days after the City's final decision approving the Modifications as described in paragraph 1, CNPS shall dismiss the Action with prejudice against all parties and Branciforte shall pay the sum of Fifteen Thousand Two Hundred and Fifty Dollars (\$15,250.00) to CNPS. Said amount shall be made payable to Wittwer & Parkin, LLP, attorneys for CNPS. Each party shall bear their own

attorney's fees as necessary to carry out the obligations and the terms of this Agreement (e.g., the filing of the dismissals, the withdrawal of any actions).

6. Release by CNPS. California Native Plant Society hereby releases and forever discharges Thomas Rahe, Debra Rahe, Branciforte Creek, LLC, the City of Santa Cruz, the City Council of the City of Santa Cruz and their principals, affiliates, officers, directors, agents, attorneys, employees, predecessors, successors and assigns from any and all causes of action, claims, demands, rights, damages, costs, suits, contracts, agreements, promises, liability claims (hereinafter collectively referred to as "Claims") which California Native Plant Society now has or may have against Thomas Rahe, Debra Rahe, Branciforte Creek, LLC, the City of Santa Cruz, the City Council of the City of Santa Cruz and their principals, affiliates, officers, directors, agents, attorneys, employees, predecessors, successors and assigns, arising out of, based upon, or related to the Action as well as matters, causes, or things whatsoever that were or have been or could in any way have been alleged in that certain Action.

7. Release by Branciforte. Branciforte Creek, LLC, Thomas Rahe, Debra Rahe, the City of Santa Cruz and the City Council of the City of Santa Cruz hereby release and forever discharge California Native Plant Society and any and all of its principals, affiliates, officers, directors, agents, attorneys, employees, predecessors, successors, and assigns, from any and all causes of action, claims, demands, rights, damages, costs, suits, contracts, agreements, promises, liability claims, (hereinafter collectively referred to as "Claims") which Branciforte Creek, LLC, Thomas Rahe, Debra Rahe, the City of Santa Cruz and the City Council of the City of Santa Cruz have or may have against California Native Plant Society and any and all of its principals, affiliates, officers, directors, agents, attorneys, employees, predecessors, successors, and assigns arising out of, based upon, or related to the Action as well as matters, causes, or things whatsoever that were or have been or could in any way have been alleged in that certain Action.

8. Acknowledgment of Release and Waiver of Section 1542.

a. As additional consideration and inducement to enter into this Agreement, the parties do hereby fully and finally release each other from all unknown and/or unanticipated injuries, losses, or damages arising out of the each of the matters being released referred to in the Action in paragraphs 6 and 7 above as well as those now known or disclosed. As a further consideration and inducement for this compromise settlement, each party waives all rights or benefits which they may now have, or in the future may have, that relate to any of the released matters referred to in paragraphs 6 and 7 above under the terms of Section 1542 of the Civil Code of the State of California. Each of the parties specifically and knowingly waives application of California Civil Code Section 1542.

b. The parties further certify that they have read the following provision of California Civil Code Section 1542:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

c. Each of the parties understand and acknowledge that, inter alia, the significance and consequence of this waiver of California Civil Code Section 1542 is that even if either or both should eventually suffer additional damages arising out of the matters referred to in paragraphs 6 and 7 respectively, they will not be able to make any claim for those damages. Furthermore, they acknowledge that each consciously intends these consequences, even as to claims for damages that may exist as of the date of this release but which such party does not know exist, and which, if known, would materially affect such party's decision to execute this release, regardless of whether such party's lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause.

Nothing in this paragraph shall be construed as limiting the right of either party to enforce the terms of this Agreement.

9. Other Claims. The parties agree that they will not commence, maintain, continue, or voluntarily assist in any way in the prosecution by any other person or entity of any claim against the other, any related corporate entity, or any present or former employee of the other, relating to the released matters referred to in paragraphs 6 and 7, other than to interpret or enforce this Agreement (which right of action is expressly hereby reserved by each of the parties).

10. No Prevailing Party. Except as otherwise provided for in paragraph 19, the parties to this Agreement acknowledge and agree that each is to bear his or her own costs and attorney's fees incurred in connection with the handling of this dispute and the negotiation, preparation and execution of this Agreement. The parties further acknowledge and agree that no party is a "prevailing party" for any purposes whatsoever, including, but not limited to any claim for statutory and/or contractual attorney's fees.

11. No Admission of Liability. The parties agree that this is a compromise settlement of a disputed claim and that neither this Agreement nor the furnishing of the consideration of this Agreement shall be deemed or construed as an admission of liability or wrongdoing on the part of any party to this Agreement. This Agreement shall not be used as evidence or for any other purpose in any future civil action, proceeding or dispute resolution process except as may be necessary to enforce the terms and covenants of the Agreement.

12. Cooperation. Each of the parties hereto shall execute all the documents that may be necessary to carry out the terms, covenants and conditions contained herein or to effectuate the purpose of this Agreement. Branciforte shall use its best efforts to obtain the City's and other responsible agency's approval of the Spineflower Regulations and the Revised MMP in the form attached hereto as Exhibits "B" and "C".

13. Binding Upon. This Agreement and each and all of the representations, warranties and covenants of the parties hereto shall be binding upon all agents, attorneys, successors, assigns, heirs, executors, administrators, personal representatives, trustees, successors-in-interest and other related parties as defined above of each of the parties to this Agreement. Branciforte warrants and agrees that it will duly inform any prospective purchaser of the Property, or any portion thereof, of the terms of this Agreement, including but not limited to the obligations set forth in paragraphs 3 and 4 above, and the purchaser's obligations under this Agreement.

14. Construction of Agreement. This Agreement is the product of negotiation and preparation by and among the parties and their respective attorneys. The parties acknowledge and agree that this Agreement shall not be deemed to have been prepared or drafted by one party or another, and will be construed accordingly. The headings are for convenience only and shall not be used to interpret this Agreement.

15. Waiver and Modification of Terms. No provision of this Agreement may be waived unless in writing signed by all parties. Waiver of any one provision shall not be deemed to be a waiver of any other provision. This Agreement may be modified or amended only by written agreement executed by all of the parties to this Agreement, or their authorized representatives, or by order of the court as allowed herein by law.

16. Entire Agreement. This Agreement represents the entire understanding between the parties in connection with the subject matter of this Agreement. There are no representations, warranties, agreements, arrangements, or undertakings, oral or written, between or among the parties hereto related to the subject matter of this Agreement that are not fully expressed herein. The terms of this Agreement are contractual and not mere recitals. This Agreement cannot be altered or varied except by a writing duly signed by the parties or their authorized representatives.

17. Severability. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity and binding effect of the remainder of this Agreement upon the parties.

J:\wpdata\Charlene\Branciforte Creek, LLC\SettlementAgreement Redlinedrevised10 8.doc

18. Jurisdiction. This Agreement shall be deemed to have been entered into in the State of California. All questions concerning the validity, interpretation, or performance of any of its terms or provisions, or any rights or obligations of the parties hereto shall be given by and resolved in accordance with the laws of the State of California as of the Effective Date of this Agreement.

19. Attorney's Fees. The parties agree that if any party to this Agreement commences, joins in, or in any manner seeks relief for any of the claims released hereunder or in any manner asserts against any party to this Agreement any of the claims released hereunder, or if any dispute arises among the parties to this Agreement concerning the subject matter or terms of this Agreement which results in litigation or arbitration, then the non-prevailing party or parties shall pay to the prevailing party or parties, in addition to all other damages, reasonable attorney's fees and costs incurred by the prevailing party or parties, including such fees and costs incurred on appeal.

20. Representation By Counsel. The parties have read and understand this Agreement and warrant and represent that this Agreement is executed voluntarily and without duress or undue influence on the part of or on behalf of any party hereto. The parties hereby acknowledge that they have been represented in negotiations and in the preparation of this Agreement by counsel of their own choice, that they have read this Agreement and have had it fully explained to them by counsel, and that they are fully aware of the contents of this Agreement and of the legal effect of each and every provision hereof.

21. Counterparts. The parties agree that this Agreement may be signed in counterparts, and will be effective upon the date of the last party signing it ("Effective Date"). Signatures which are facsimiles shall be deemed originals.

IN WITNESS WHEREOF, the undersigned parties hereby state that they are duly authorized to sign this Agreement, including its effect on any real property affected thereby, having been fully advised by their respective legal counsel, and sign said

Agreement freely and willingly so as to render it effective.

Dated: Oct 9, 2007

Thomas Rahe
THOMAS RAHE

Debra Rahe
DEBRA RAHE

BRANCIFORTE CREEK, LLC.

By Thomas Rahe

Dated: _____, 2007

CALIFORNIA NATIVE PLANT SOCIETY,
a California non-profit corporation

By _____
Title _____

Dated: _____, 2007

CITY OF SANTA CRUZ

By _____
Title _____

Dated: _____, 2007

CITY COUNCIL OF THE CITY OF
SANTA CRUZ

By _____
Title _____

Agreement freely and willingly so as to render it effective.

Dated: _____, 2007

THOMAS RAHE

DEBRA RAHE

BRANCIFORTE CREEK, LLC.

By _____

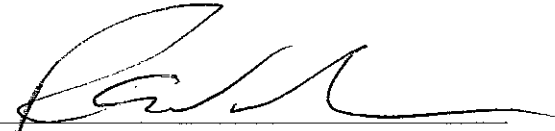
Dated: _____, 2007

CALIFORNIA NATIVE PLANT SOCIETY,
a California non-profit corporation

By _____
Title _____

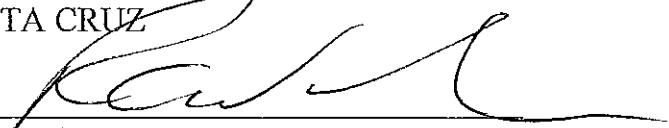
Dated: 10-10, 2007

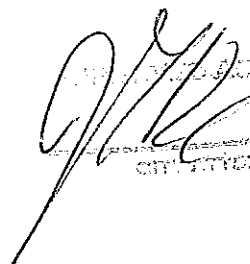
CITY OF SANTA CRUZ

By 
Title CITY MGR

Dated: 10-10, 2007

CITY COUNCIL OF THE CITY OF
SANTA CRUZ

By 
Title CITY MGR


10-10-07
CITY ATTORNEY

AGREEMENT REGARDING REAL PROPERTY AND PRIOR SETTLEMENT AGREEMENT

This AGREEMENT REGARDING REAL PROPERTY AND PRIOR SETTLEMENT AGREEMENT ("Agreement") dated as of March 1, 2010 is by and between California Native Plant Society, a California non-profit corporation ("CNPS"), and KB HOME South Bay Inc., a California corporation ("KBSB"). KBSB and CNPS may be collectively referred to as "parties" and individually as "party."

RECITALS

A. CNPS is a party to that certain Settlement Agreement (the "Settlement Agreement") among CNPS; Thomas Rahe, Debra Rahe, Branciforte Creek, LLC (collectively "Branciforte"); and the City of Santa Cruz and the City Council of Santa Cruz (collectively "City"), concerning, among other things: the City's May 8, 2007 approval of the development of a 40 unit residential subdivision proposed by Branciforte (the "Project"); CNPS's legal challenge to the Project; and the resolution of issues among Branciforte and CNPS with respect to the Project.

B. KBSB desires to purchase the Project and the real property on which the Project is proposed (the "Property"), and desires to seek the approval of modifications to the Project, consistent with the site plan (the "Proposed Site Plan") attached as Exhibit A hereto.

C. To avoid any dispute regarding KBSB's desired development of the Project and the Proposed Site Plan, CNPS and KBSB desire to enter this Agreement.

In consideration of the covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

AGREEMENT

1. This Agreement shall be effective upon execution of this Agreement by the Parties. If KBSB does not acquire fee title to the Property, this Agreement shall terminate.

2. Upon KBSB's acquisition of fee title to the Property, KBSB agrees to be bound by the terms and conditions of the Settlement Agreement to the extent the same apply to Branciforte, and CNPS agrees to recognize KBSB as the successor-in-interest to Branciforte with respect to the Project. In other words, the parties intend that KBSB shall step into the shoes of Branciforte under the Settlement Agreement, and be subject to all of the rights, obligations, burdens, covenants, waivers and releases therein, as though KBSB had been an original party to the Settlement Agreement. However, the Parties recognize that the Settlement Agreement is binding on successors-in-interest even without the terms of this paragraph 2.

3. The Proposed Site Plan will be incorporated into the Settlement Agreement in the form of an Addendum attached hereto as Exhibit B. The Parties agree to execute the Addendum within 5 days after KBSB's acquisition of the Property. KBSB agrees to provide notice to CNPS of the acquisition on the date the Property is acquired. The Addendum will be presented to the City for approval, and upon execution of the Addendum by the Parties *and* the City, the Addendum becomes fully effective. If for any reason the City does not execute the Addendum in the form attached hereto as Exhibit B, this Agreement shall terminate and the Settlement Agreement will remain in full force and effect as if the Addendum and this Agreement was never executed by the Parties.

4. Upon taking title to the Property, KBSB will promptly and expeditiously hire C12 Restoration, at a cost of \$1,600, to remove the invasive Tree of Heaven (*Alianthus*) on the Property. Said Tree of Heaven is a threat to the existence of the Spineflower on the property.

5. Within ten (10) business days of execution of this Agreement, KBSB will pay CNPS, through its attorneys Wittwer & Parkin, LLP, the sum of \$4,960.00 for costs and attorneys fees associated with the negotiation of this Agreement and the Addendum. This provision shall survive any termination of this Agreement as provided herein.

6. As soon as practical following KBSB's purchase of the property, KBSB shall allow access to the spineflower and buffer area to California Native Plant Society, in its discretion, to remove invasive species, collect seeds, mow and/or take other actions contemplated by the Revised Management and Monitoring Plan. Prior to entry onto the site, every person shall execute a hold harmless and indemnification agreement.

7. GENERAL PROVISIONS.

7.1. Counterparts. The parties may execute this Agreement in one or more counterparts, each of which shall be deemed an original and all counterparts taken together shall constitute the same instrument. To facilitate execution of this Agreement, the parties may exchange executed counterparts of the signature pages by facsimile or portable document format (pdf).

7.2. Further Assurances. Each of the parties shall execute and deliver any other instruments and perform any acts, in addition to the matters herein specified, as may be appropriate or necessary to carry out the agreements of the parties.

7.3. Entire Agreement. This Agreement, together with all Exhibits hereto and documents referred to herein, if any, constitute the entire agreement among the parties hereto with respect to the subject matter hereof, and supersede all prior understandings or agreements. The parties may only modify this Agreement by a writing signed by all parties.

7.4. Choice of Law. This Agreement and each related document is governed by, and shall be construed in accordance with, the laws of the State of California.

7.5. Legal Advice. Each party has received independent legal advice from its attorneys with respect to the advisability of executing this Agreement and the meaning of the provisions hereof. The provisions of this Agreement shall be construed as to the fair meaning and not for or against any party based upon any attribution of that party as the sole source of the language in question.

7.6. Time of the Essence. Time is of the essence as to all dates and times of performance, whether contained herein or contained in any escrow instructions to be executed pursuant to this Agreement, and all escrow instructions shall contain a provision to this effect.

7.7. Attorneys' Fees. If any party hereto institutes an action or proceeding for a declaration of the rights of the parties under this Agreement, for injunctive relief, for an alleged breach or default of, or any other action arising out of, this Agreement, or the transactions contemplated hereby, or if any party is in default of its obligations pursuant thereto, whether or not suit is filed or prosecuted to final judgment, the non-defaulting party or prevailing party shall be entitled to its actual attorneys' fees and to any court costs incurred, in addition to any other damages or relief awarded.

7.8. Addendum. This Agreement is solely entered into to facilitate execution of the Addendum by the Parties in anticipation of acquisition of the Property by KBSB and approval of the modifications to the Project by the City, and nothing herein alters, modifies, or shall be used to interpret the terms of the Settlement Agreement or the Addendum.

[continued on following page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CNPS:

California Native Plant Society
a California non-profit corporation

By: _____
Name: _____
Title: _____

KBSB:

KB HOME South Bay Inc.
a California corporation

By: [Signature]
Name: Jeffrey P. Middleton
Title: SVP

By: _____
Name: _____
Title: _____

ADDENDUM TO SETTLEMENT AGREEMENT

This ADDENDUM TO SETTLEMENT AGREEMENT ("Addendum") dated as of ^{April 7} March ___, 2010 is by and among California Native Plant Society, a California non-profit corporation ("CNPS"), KB HOME South Bay Inc., a California corporation ("KBSB"), and the City of Santa Cruz ("City"). KBSB, CNPS and the City may be collectively referred to as "parties" and individually as "party."

RECITALS

A. CNPS is a party to that certain Settlement Agreement (the "Settlement Agreement") among CNPS; Thomas Rahe, Debra Rahe, Branciforte Creek, LLC (collectively "Branciforte"); and the City, concerning, among other things: the City's May 8, 2007 approval of the development of a 40 unit residential subdivision proposed by Branciforte Creek LLC (the "Project"); CNPS's legal challenge to the Project; and the resolution of issues among Branciforte and CNPS with respect to the Project.

B. KBSB has acquired the Project and the real property on which the Project is proposed (the "Property"), and desires to seek the approval of modifications to the Project, consistent with the site plan attached hereto as Exhibit A and incorporated herein (the "Proposed Site Plan").

C. CNPS, City and KBSB desire to enter this Addendum.

In consideration of the covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

ADDENDUM

1. KBSB agrees to be bound by the terms and conditions of the Settlement Agreement to the extent the same apply to Branciforte, and CNPS agrees to recognize KBSB as the successor-in-interest to Branciforte with respect to the Project. In other words, the parties intend that KBSB shall step into the shoes of Branciforte under the Settlement Agreement, and be subject to all of the rights, obligations, burdens, covenants, waivers and releases therein, as though KBSB had been an original party to the Settlement Agreement. In this respect, CNPS represents that as of the date of this Addendum, the Settlement Agreement is in full force and effect and that CNPS is unaware of any defaults or breaches of the Settlement Agreement by Branciforte, nor aware of any unperformed obligations of Branciforte that, with the passage of time, could become a default or breach of the Settlement Agreement.

2. CNPS agrees to and approves the alterations in the site plan as set forth in the Proposed Site Plan. All provisions of Settlement Agreement not explicitly altered by this Addendum and its Exhibits will remain in full force and effect.

[continued on following page]

IN WITNESS WHEREOF, the parties have executed this Addendum as of the day and year first above written.

CNPS:

California Native Plant Society
a California non-profit corporation

By: [Signature]
Name: Executive Director
Title: Trustee

KBSB:

KB HOME South Bay Inc.
a California corporation

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

City:

City of Santa Cruz

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

IN WITNESS WHEREOF, the parties have executed this Addendum as of the day and year first above written.

CNPS:

California Native Plant Society
a California non-profit corporation

By: _____
Name: _____
Title: _____

City:

City of Santa Cruz

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

KBSB:

KB HOME South Bay Inc.
a California corporation

By: [Signature]
Name: Sally P. McMillen
Title: SVP

By: [Signature]
Name: PAQ PAMEL
Title: SVP

Exhibit A
Proposed Site Plan
[Attached]

the traffic study indicated traffic wouldn't be significantly impacted by this development, and that he supports the proposal.

Commissioner Schultz said this parcel is unique in that it's so close to downtown, and yet encompasses elements of grassland, a riparian habitat, the spineflower, and undetermined archaeological resources. He said it would be desirable to preserve this site for public use, but realizes it's not possible. He said he wanted feedback from the commissioners about how this project reconciles itself with the new General Plan, since this site is not on a major traffic corridor but is, instead, on a country road traditionally used as a short cut. He said he realizes this project will benefit the community with more housing, and that may be reason enough to support it, but he wanted the commissioners to think about how this fits in with the new General Plan goals and objectives.

Commissioner Quartararo said development may help to preserve some of the unique features of this site such as the riparian habitat, the hydrology, and the archaeological resources, but the tradeoff is an increase in traffic and a major change in the setting. He said he doesn't see this project significantly affecting traffic in the area, although he does wish the city could use it as open space. This project also helps to create a sense of urgency vis-à-vis the General Plan in that perhaps this will spur the City to move to acquire some of these large sites that appear from time to time; Frederick Street Park and its expansion comes to mind. He said every time we think there's no other parcel available in the City, another pops up, and the sense of urgency is to create a tax base soon that will afford the City the opportunity to acquire some of these before it really is too late.

Commissioner Warner said this is an incredible site, and that she's aware this is the oldest and most significant cultural area in the City. She said the work done on this regarding planning has been remarkable, and she will go with the staff recommendation.

Commissioner Kasparowitz said that if this site was given as a textbook problem in the classroom for a planning class, encompassing all of the details and unique features here, the solution would match very closely the plan that's before the Planning Commission now. The applicant has done the job they were asked to do, and the plan reflects careful thought and planning. He expressed regret the proposal didn't contain plans for the executive sites as well, especially since the lots are odd shapes. He said the Council would probably appreciate having some representation of what those houses will look like. He said this piece of the plan is the one that most concerns him, and he would like to have assurances that the people who buy these lots will know what they're buying into in terms of the management plan, but he agrees with the botanist that there's no real way to know what the proper buffer is for the spineflower, so he will accept that the proposed buffer seems reasonable given the soil change it encompasses. He said he's also very glad to see the houses on Market Street actually front Market Street, and that this is a nice part of the project. He said he's glad the condos are in here as well.

Chairperson Foster said he appreciates the small size of these units, as well as the design. He said he's also concerned about the executive lots in that the commission doesn't know what size houses will be built there, and suggested it might be good to impose a square footage limitation

on these proposed structures. He also indicated he'd like to see something in the area management plan about the solitary bee habitat, and also wondered if the riparian area shouldn't be included, as well as a plan to manage the heritage trees.

Commissioner Schultz said he has three concerns: 1) If the spineflower goes extinct, what happens to the open space? 2) He'd like to see deed restrictions on the two executive lots immediately above the spineflower habitat to assure everything is done to accommodate it, and 3) He'd like to see very stringent monitoring of the archeological resources on this site, since they will most probably uncover significant finds. He said he's comfortable allowing staff to address these concerns.

Staff responded that the Tentative Map shows the spineflower habitat as well as all of the riparian areas as "Permanent Open Space" subject to a Habitat Management Plan. Staff also read aloud Mitigation Measure 4.3-2c that specifically requires lots 38, 39 & 44 above the spineflower habitat to consult qualified hydrologists and engineers to design improvement that direct surface and subsurface water away from the spineflower habitat.

Staff added a Condition to have the archeological monitor present during all of the site grading and not limited to the known archeological site.

ACTION: Commissioner Schultz moved and Commissioner Quartararo seconded that the Planning Commission recommend to the City Council CERTIFICATION of the EIR and APPROVAL of the Planned Development, Design Permits, Road Abandonment, Heritage Tree removal and Tentative Subdivision Map for a 40-unit subdivision (Alternative 5) at the intersection of Market and Isbel in the R-1-5 zone district, based on the Findings and the revised Conditions of Approval.

**Excerpts of the Minutes
of the City Council
Meeting of May 8, 2007**

Public Hearings

18. 5 Isbel Drive 04-270 - APN 008-491-14, 15 Planned Development to Modify Site Area Standards and Lot Standards, Design Permit, Road Abandonment, Heritage Tree Removal Permit and a Tentative Subdivision Map. (PL400)

Mayor Reilly opened the public hearing at 7:32 p.m.

Associate Planner M. Ferry, Bill Wiseman, consultant with RBF Consulting, presented oral reports, and they, Assistant Director of Public Works C. Schneider, City Attorney J. Barisone, and Arborist James Allen responded to Council's questions.

APPLICANT SPEAKING FROM THE FLOOR IN SUPPORT OF THE PROJECT:

Charlie Eadie, Principal Associate with Hamilton Swift Land Use and Development Consultants, Inc. Mr. Eadie also responded to Council's questions.

Patrick Boursier, Senior Plant Ecologist with H.T. Harvey & Associates, responded to Council's questions.

Matthew Thompson, architect with Thacher and Thompson Architects, responded to Council's questions.

Council recessed at 9:18 p.m. and reconvened at 9:26 p.m.

SPEAKING FROM THE FLOOR IN OPPOSITION TO THE PROJECT AND/OR EXPRESSING CONCERNS:

Brett Hall, California Native Plant Society Local Chapter President
Peggy Water, California Native Plant Society Local Chapter Boardmember
Gary Cloud

Liz Pollock

Jim Strickland

Unidentified woman

Robin Haus

Marilyn Garrett

Eden Smith

Ken Slosberg

Tina Slosberg

Grey Hayes. Mr. Hayes also responded to Council's questions.

Ann Stanislavsky

Dylan Newbauer, California Native Plant Society Local Chapter member

SPEAKING FROM THE FLOOR IN SUPPORT OF THE PROJECT AND/OR EXPRESSING CONCERNS:

Ed Davidson

Ron Whiting. Mr. Whiting also responded to Council's questions.

Public Hearings (continued)

18. 5 Isbel Drive 04-270 - APN 008-491-14, 15 (continued). (PL400)

Mayor Reilly closed the public hearing at 10:17 p.m.

Action: *Councilmember Rotkin moved, seconded by Mayor Reilly, to adopt Resolution No. NS-27,525 certifying the Final Environmental Impact Report; Resolution No. NS-27,526 adopting Findings of Fact and the Mitigation Monitoring Program; and Resolution No. NS-27,527 approving a Planned Development, Design Permit, Road Abandonment, Heritage Tree Removal and Tentative Subdivision Map for a 40-unit subdivision (Alternative 5) at the intersection of Market and Isbel in the R-1-5 zone district, with the following direction: that staff ensure that there be fencing around the buffer area during construction, and that when the split rail fence or other kind of fencing is built, the riparian corridor be protected before construction begins on the site, and that there be appropriate protection around the trees to be preserved prior to construction; add a condition that makes it clear in the management plan that the design will include a way to limit the human footprint 10' out from the buffer in relation to lots 34, 35 and 40; to include in the Covenants, Conditions and Restrictions, that when a unit is rented out, it be rented through one management company; to add to Condition 17 to read: "The final landscape plan shall be reviewed and approved by the City arborist, with consideration of extending the coastal oak on Market Street if at all possible"; that trees be spaced appropriately for the mature size, that it is not crowded when they are planted and not planted on ten or fifteen foot centers, and that the area they are planted in allows for roots and trunk of a mature tree of that species; that there not be allowed any sprinkler irrigation on the six units above the spineflower area, and that the irrigation in the lower area be subject to approval in the management plan; Condition 23 will read: "The Habitat Management Plan shall be recorded with the Santa Cruz County Recorder for all lots in this development. All future tree removal, landscaping, vegetation maintenance including the care, clean-up and continued maintenance..."; add a condition that speaks to the creek and riparian areas as separate issues; that staff provide the Habitat Plan for public review prior to issuance of the final permits; and Condition 47 will read: "The applicant shall create a brochure for future homeowners concerning the cultural resources in this area. The brochure should inform people of the significance of the area and also indicate what should be done if they come across materials in or around the properties. The brochure shall be developed in consultation with a certified archaeologist and interested community groups. The brochure shall be developed, reviewed and approved with no additional cost to the applicant." The motion carried unanimously.*



October 11, 2010

Talli Robinson
KB Homes
6700 Koll Center Pkwy, #200
Pleasanton, CA 94566

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

Subject: Letter Report for Historic Building Evaluation of the Residence at 5 Isbel Drive, Santa Cruz, California

Dear Ms. Robinson:

Following is a letter summary report for the evaluation of the building at 5 Isbel Drive in the City of Santa Cruz, California. This report and the attached Department of Parks and Recreation form serve as documentation for this project.

Initial Project Objectives and Sources Consulted

The initial email communication with KB Homes explained that City of Santa Cruz staff determined that the subject building was over 100 years of age. City staff requested that KB Homes complete a historic evaluation of the structure to determine if it is historically significant. The building is proposed for demolition. KB Homes contacted Michael Brandman Associates to conduct the historic evaluation.

Several local history resources were consulted to establish a basis for evaluation for the property. These included John Chase's Sidewalk Companion to Santa Cruz Architecture, Leon Rowland's Santa Cruz, The Early Years, Margaret Koch's Santa Cruz County: Parade of the Past, Donald Thomas Clark's Santa Cruz County Place Names and the City of Santa Cruz's Historic Context Statement. Additionally, the City of Santa Cruz's Historic Building Survey and Historic Building Survey Update and the California State Office of Historic Preservation Historic Properties database were consulted to determine if the building had been previously evaluated. These sources indicated that the structure has not been previously evaluated.

Several map sources were consulted as well. Historic Sanborn Fire Insurance maps dating back to 1907 were consulted, however the subject structure lies just outside of the maps' area. The structure does appear on USGS Santa Cruz Topographic Maps from 1954 and 1968. Both the topographic maps, as well as the Sanborns (though they do not include the structure itself), indicate that the area around the structure was a mostly rural area just outside the city's more densely populated areas through the 1960s.

In addition to the historic research, a site visit was conducted on September 28, 2010 to record and evaluate the structure's significance and integrity.

Results of Historic/Chain of Ownership Research

Following is a summary of the results of research and title searches conducted at the County of Santa Cruz Assessor's Office and Records Office on September 28 and October 5, 2010.

- Leland Zeidler owned the property at 5 Isbel Drive before selling to a corporation in 2002. Mr. Zeidler purchased the property from William and Arlen Sharp in 1988.
- The Sharps were the trustees for Doris S. Lorenz and took ownership as trustees in 1985. Frank D. and Doris S. Lorenz took joint ownership in 1955.

- Before Frank and Doris Lorenz, the property was owned by Annie G. Lorenz. Frank may have been her son, since he appears on other documents at the executor of her estate. The document that conveys this property from Annie (or her estate) to Frank was not found, but it is reasonable to assume that she died sometime between 1950 and 1952. She appears in the 1950 Polk's city directory as living at the "end of Market" in Santa Cruz and Frank appears as executor of her estate on documents dated in 1952. She also appears in the 1930 Santa Cruz city directory on Market. She and Frank were both living there in 1941 according to that year's City directory. The directories do not list occupations for either Frank or Annie.
- J.P. Parker and his wife Minnie B. Parker conveyed the property to Annie G. Lorenz in 1920. J.P. Parker is listed in the 1925 City directory as a dentist living on Laurel Street in Santa Cruz. There was no documentation as to when the property was conveyed to the Parkers but the deed conveying the property to Annie Lorenz lists the following information about the land: "the western part of a tract purchased by Phillips from F.A. Hihn and Boole . . . being the same land conveyed by Archibald McKenzie to William S. Chapman by deed February 25, 1871".
- F.A. Hihn was a locally significant person, but he owned land throughout the county and there's no indication he ever lived at or near 5 Isbel Drive. Hihn's residence was the on the site of today's city hall and his offices were mostly located downtown (Chase, 52).
- The land was originally part of the Rancho Carbonero, granted to English sailor William Buckle (also Bocle) in 1837 (Rowland, 42). Buckle and his brother Samuel were among the first "foreigners" to settle in Santa Cruz. For unknown reasons, they both changed their name to Thompson in the 1840s. William lived with his family on what is now the Pasatiempo Golf Course and Samuel remained a bachelor who died near Glenwood in 1872 (Rowland, 108). Annie Lorenz and J.P. Parker may have been relations of William Buckle, additional research would need to be conducted to confirm this. Annie Lorenz appears in county records with a Rolla Thompson as the administrator of the estate of a Decater W. Thompson, and Rancho Carbonero estate was conveyed to J.P. Parker in 1916. This possibly indicates that these people were related and descendants of William Buckle (aka Thompson). Minnie and J.P. Parker both appear many times in the county recorder's books, as does Annie Lorenz and other members of the Lorenz family.
- The land was within the original boundaries of the Villa de Branciforte (Villa), a Spanish civilian settlement established in 1797. Most structures associated with the Villa were built on the bluffs above the Branciforte Creek and San Lorenzo River until the American period in the 1840s and 1850s when a small number of structures were built on the flats. The greatest concentration of structures was along Branciforte Avenue with the town center at the corner of present-day Branciforte Avenue and Water Street. Since the house on the subject property is dated to ca. 1900, it postdates the existence of the Villa, but the land that the house sits on may have been used by the Villa residents for farming or ranching. Phil Reader reports that Villa settler Jose Maria Perez had his grazing lands on the flats of Ocean, May, and Market Streets, which is in the vicinity of the subject property.

References:

Koch, Margaret. "The Villa Was Lively," Santa Cruz Sentinel, 1975, republished by the Villa de Branciforte Preservation Society, <http://villadebranciforte.org/history.htm>. Accessed October 5, 2010.

McMahon, Daniel. "History of Floods on the San Lorenzo River in the City of Santa Cruz," Santa Cruz Public Libraries Local History Articles, 1997. <http://www.santacruzpl.org/history/articles/289/>. Accessed October 5, 2010.

Reader, Phil. "A History of the Villa de Branciforte," Mid-County Post, June 27, 2006. <http://www.mcpost.com/article.php?id=266>. Accessed October 5, 2010.

Reader, Phil. "Timeline for the Establishment of the Villa de Branciforte," Santa Cruz Public Libraries Local History Articles, 1996. <http://www.santacruzpl.org/history/articles/250/>. Accessed October 5, 2010.

Site Visit Results

The property is located in the vegetated area at the end of a driveway that begins at the intersection of Branciforte Drive and Isbel Drive. It is not visible from either of these streets. The house is located on the hillside near Branciforte Creek. The resource is a one and two story, T-shaped, Folk Vernacular, single-family house. The house has a one-story wing with a side-gabled, low-pitched roof. The two-story portion of the house is attached to the one-story portion's north side. The two-story part of the house also has a side-gabled, low-pitched roof. Both the east and west sides of the two story portion of the house have one square, wood-framed window symmetrically placed in the center of the wall on each story. On both sides of the gabled portion of the two-story part of the house, there are two of these square, wood-framed windows flanking a smaller window. One of these windows is a six-paned, single sash window indicating that the rest of the windows may have been similar. On the first story, there are two square windows in the two-story portion of the house and one square window on the gabled end of the single-story portion of the house. The front of the single-story portion of the house has four square windows with three of these windows on the north side of the door and one window on the south side of the door. The back of the house has four more square windows and a door that leads to a wooden deck. The deck appears to be a modern addition. The house has board-and-batten wooden siding. Simple, horizontal boards serve as friezes on the gabled ends of the house at the base of the gable. The two-story portion of the house has two of these friezes, one at the base of the gable and the second separating the first and second stories. The house also has a short door at its northwest side that may lead to a basement or cellar. The house also appears to have some modern elements including a composition roof, metal gutters, and the modern deck. Overall, the house is in poor condition. Most of the windows are boarded up, and most of the ones that are not are missing their glass and/or glazing. The roof appears to be deteriorating. The area overall is overgrown and strewn with debris.

Evaluation

There is no federal nexus for this project and therefore no need evaluate the build under Section 106 of the National Historic Preservation Act, therefore, the property was evaluated under the California Register of Historical Resources (California Register). Evaluating the resource under California Register Criterion 1 for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history, the property does not appear to be associated with any events that have contributed to the broad pattern of local or regional development, or with any of the significant themes or contexts identified in the Historic Context Statement for the City of Santa Cruz.¹ Therefore, the property does not appear to qualify for the California Register under Criterion 1. The property is located in east Santa Cruz, part of the the former Villa de Branciforte. This area developed initially between 1900 and 1910 with the arrival of streetcars that connected the area with downtown and the beach area.² Though this house was constructed at this time, it is not representative of this development. The house is located more than a half-mile away from the closest streetcar lines (on Water Street and Morrissey Boulevard) and its location and design do not share characteristics with the houses built in response to the coming of the streetcar. Unlike the houses built on the hill nearer the streetcar lines, this house is isolated and built in a Folk Vernacular style more typical of rural residences. Indeed, even as late at 1968, topographic maps show that this house fell outside of the city's densely developed area.³ The house is also located near what was once Isbel Grove, a popular picnic area from the 1860s through the turn of the century.⁴ The area around the house still retains some of the feeling of the picnic area whose trees, rolling hills and creek attracted picnickers, however there is no evidence to suggest that the house itself was associated with the picnic grounds. Additionally, the picnic area was located outside of the areas that contributed to

1. Lehmann, Susan. *Historic Context Statement for the City of Santa Cruz*. Prepared for the City of Santa Cruz Planning and Community Development Department, Oct. 20, 2000.

2. Lehmann, 21.

3. United States Geological Survey. *1968 Santa Cruz 5x11 Minute Topographic Quadrangle*. Washington D.C.: USGS, 1968.

4. Clark, Donald Thomas. *Santa Cruz County Place Names*. Santa Cruz: Santa Cruz County Historical Society, 1986, 165.

the development of tourism in Santa Cruz. No other evidence that associates this house with the broad patterns of history were located, thus, this building appears to be ineligible for the California Register under Criterion 1.

This property also is not associated with any persons significant in our past, therefore it does not appear to be eligible for the California Register under Criterion 2. No evidence was found that associated this house with a person important to local, state, or national history. Isbel Drive and Isbel Grove were named for Dr. and Mrs. James Chauncey Isbel who settled in Santa Cruz in 1850. Dr. Isbel served under General Fremont while Mrs. Isbel is credited with starting one of the first American schools in California. Though the Isbels owned the property around the present structure, their sale of the property and subsequent departure pre-dates the house's construction.⁵

The building was evaluated under Criterion 3 for embodying the distinctive characteristics of a type, period, or method of construction, or representing the work of a master, possessing high artistic values, or representing a significant and distinguishable entity whose components lack individual distinction. The house does embody some of the characteristics typical of contemporary rural houses, but does not retain sufficient integrity to be considered eligible for the California Register under Criterion 3. The house's simple design, rough, board and batten wooden siding, unadorned façade, and square windows are characteristic of rural houses, barns, and outbuildings constructed in the early 1900s. However, the alteration of the house's features including the roof and gutters, and the removal of most of the window glazing have made the house no longer fully representative of the Folk Vernacular style. The roof is now a modern composition roof while the gutters have been replaced with modern metal gutters. The addition of a deck at the rear of the building also detracts from its historic feeling. Overall, the building does not retain sufficient integrity to convey an association with its historic style and construction method. There are also better examples of this style of structure that are still extant, such as the Cowell Ranch structures located on the University of California, Santa Cruz campus. Thus, this residence does not appear to be eligible for the California Register under Criterion 3.

The building was considered for Criterion 4 for the potential to yield or likelihood to yield information to prehistory or history. In order for buildings, structures, and objects to be eligible for this criterion, they would need to "be, or must have been, the principal source of important information." This is not the case with this building. Therefore, it does not appear to qualify for the CRHR under Criterion 4.

Additionally, the house does not appear in John Chase's *Sidewalk Companion to Santa Cruz Architecture* or in the City of Santa Cruz's *Historic Building Survey* or *Survey Update*.⁶

Conclusion

The research and site visit conducted for this project revealed that the property is not eligible for the California Register of Historic Resources, nor is the property a historic resource for CEQA purposes. The property could not be linked with any event or person significant in local, regional, state or national history. Additionally, though the property does have some of the features characteristic of a vernacular rural building, it is not a particularly unique or outstanding example of this type of property. Also, deterioration and modern additions and alterations to the building have led to a loss of integrity that further renders the building insignificant under any criterion.

5. Clark, 168.

6. Chase, John. *The Sidewalk Companion to Santa Cruz Architecture, 3rd Edition*. Santa Cruz: The Museum of Art and History, 2005.

Talli Robinson
October 11, 2010
Page 5

If I can be of further assistance, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Carrie D. Wills".

Carrie D. Wills, MA, RPA
Senior Project Archaeologist
Michael Brandman Associates
2633 Camino Ramon, Suite 460
San Ramon, CA 94583
Phone 925.830.2733

Enc: DPR Forms

PN2385.0048

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
 HRI #
 Trinomial
 NRHP Status Code

Other Listings
 Review Code

Reviewer

Date

Page 1 of 2

*Resource Name or #: 5 Isbel Dr.

P1. Other Identifier:

*P2. Location: Not for Publication Unrestricted

*a. County: Santa Cruz

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Santa Cruz

Date: 1947 photorevised 1983; M.D. B.M.

c. Address: 5 Isbel Drive City: Santa Cruz Zip: 95060

d. UTM: Zone: 10 ; 587783.04 mE/ 4094264.60 mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation: APN 008-491-14

*P3a. **Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)
 The resource is a one and two story, T-shaped, Folk Vernacular, single-family house. The house has a one-story wing with a side-gabled, low pitched roof. The two-story portion of the house is attached to the one-story portion's north side. The two-story part of the house also has a side-gabled, low pitched roof. Both the east and west sides of the two story portion of the house have one square, wood-framed window symmetrically placed in the center of the wall on each story. On both sides of the gabled portion of the two-story part of the house, there are two of these square, wood-framed windows flanking a smaller window. One of these windows is a six-paned, single sash window indicating that the rest of the windows may have been similar. On the first story, there are two square windows in the two story portion of the house and one square window on the gabled end of the single-story portion of the house. The front of the single-story portion of the house has four square windows with three of these windows on the north side of the door and one window on the south side of the door. The back of the house has four more square windows and a door that leads to a wooden deck. The deck appears to be a modern addition. The house has board-and-batten wooden siding. Simple, horizontal boards serve as friezes on the gabled ends of the house at the base of the gable. The two-story portion of the house has two of these friezes, one at the base of the gable and the second separating the first and second stories. The house also has a short door at its northwest side that may lead to a basement or cellar. The house also appears to have some modern elements including a composition roof, metal gutters, and the modern deck. Overall, the house is in poor condition. Most of the windows are boarded up, and most of the ones that are not are missing their glass and/or glazing. The roof appears to be deteriorating. The area overall is overgrown and strewn with debris.

*P3b. **Resource Attributes:** (List attributes and codes) HP02 - Single Family Residence

*P4. **Resources Present:** Building Structure Object Site District Element of District Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo: (View, date, accession #)
 View of front of house looking northwest, 9/28/10

*P6. **Date Constructed/Age and Sources:** Historic
 Prehistoric Both
 c.1900

*P7. **Owner and Address:**
 KB Homes

*P8. **Recorded by:** (Name, affiliation, and address)
 Erin McMurry, M.A.
 Michael Brandman Associates
 2633 Camino Ramon, Suite 460
 San Ramon, CA 94583

*P9. **Date Recorded:** 9/28/10

*P10. **Survey Type:** (Describe)
 Intensive

*P11. **Report Citation:** Letter Report for Historic Building Evaluation of the Residence at 5 Isbel Drive, Santa Cruz, California, Carrie D. Wills, M.A., RPA Michael Brandman Associates, 2633 Camino Ramon, Suite 460 San Ramon, CA 94583

*Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List): **21.-124** *Required information

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3

*NRHP Status Code

*Resource Name or # (Assigned by recorder) 5 Isbel Drive

B1. Historic Name: N/A

B2. Common Name: N/A

B3. Original Use: Residence

B4. Present Use: Vacant

*B5. Architectural Style: Folk Vernacular

*B6. Construction History: (Construction date, alterations, and date of alterations)

Originally constructed in the early 1900s, composition roof, metal gutters, and deck added at later dates.

*B7. Moved? No Yes Unknown Date:

Original Location:

*B8. Related Features: None

B9a. Architect: Unknown

b. Builder: Unknown

*B10. Significance: Theme:

Area:

Period of Significance: Property Type:

Applicable Criteria:

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

There is no federal nexus for this project and therefore no need evaluate the build under Section 106 of the National Historic Preservation Act, therefore, the property was assessed under the California Register of Historical Resources (California Register).

The property was assessed under California Register Criterion 1 for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history. This property does not appear to be associated with any events that have contributed to the broad pattern of local or regional development, or with any of the significant themes or contexts identified in the *Historic Context Statement for the City of Santa Cruz*.¹ **Therefore the property does not appear to qualify for the California Register under Criterion 1.** The property is located in east Santa Cruz, part of the former Villa de Branciforte. This area developed initially between 1900 and 1910 with the arrival of streetcars that connected the area with downtown and the beach area.² Though this house was constructed at this time, it is not representative of this development. The house is located more than a half-mile away from the closest streetcar lines (on Water Street and Morrissey Boulevard) and its location and design do not share characteristics with the houses built in response to the coming of the streetcar. Unlike the houses built on the hill nearer the streetcar lines, this house is isolated and built in a Folk Vernacular style more typical of rural residences. Indeed, even as late as 1968, topographic maps show that this house fell outside of the city's densely developed area.³ The house is also located near what was once Isbel Grove, a popular picnic area from the 1860s through the turn of the century.⁴ The area around the house still retains some of the feeling of the picnic area whose trees, rolling hills and creek attracted picnickers, however there is no evidence to suggest that the house itself was associated with the picnic grounds. Additionally, the picnic area was located outside of the areas that contributed to the development of tourism in Santa Cruz. No other evidence that associates this house with the broad patterns of history were located, thus, this building appears to be ineligible for the California Register under Criterion 1.

This property also is not associated with any persons significant in our past, **therefore it does not appear to be eligible for the California Register under Criterion 2.** No evidence was found that associated this house with a person important to local, state or national history. Isbel Drive and Isbel Grove were named for Dr. and Mrs. James Chauncey Isbel who settled in Santa Cruz in 1850. Dr. Isbel served under General Fremont while Mrs. Isbel is credited with starting one of the first American schools in California. Though the Isbels owned the property around the present structure, their sale of the property and subsequent departure pre-dates the house's construction.⁵

The building was evaluated under Criterion 3 for embodying the distinctive characteristics of a type, period, or method of construction, or representing the work of a master, possessing high artistic values, or representing a significant and distinguishable entity whose components lack individual distinction. The house does embody some of the characteristics typical of contemporary rural houses, but does not retain sufficient integrity to be considered eligible for the California Register under Criterion 3. The house's simple design, rough, board and batten wooden siding, unadorned façade, and square windows are characteristic of rural houses, barns, and outbuildings constructed in the early 1900s. However, the alteration of the house's features including the roof and gutters, and the removal of most of the window glazing have made the house no longer fully representative of this particular style. The roof is now a modern composition roof while the gutters have been replaced with modern metal gutters. The addition of a deck at the rear of the building also detracts from its historic feeling. Overall, the building

(This space reserved for official comments.)

does not retain sufficient integrity to convey an association with its historic style and construction method. There are also better examples of this style of structure that are still extant, such as the Cowell Ranch structures located on the University of California, Santa Cruz campus. **Thus, this residence does not appear to be eligible for the California Register under Criterion 3.**

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3 Resource Name or #* (Assigned by recorder) _____

The building was considered for Criterion 4 for the potential to yield or likelihood to yield information to prehistory or history. In order for buildings, structures, and objects to be eligible for this criterion, they would need to "be, or must have been, the principal source of important information." This is not the case with this building. **Therefore, it does not appear to qualify for the CRHR under Criterion 4.**

Additionally, the house does not appear in John Chase's *Sidewalk Companion to Santa Cruz Architecture* or in the City of Santa Cruz's Historic Building Survey or Survey Update.

Thus, the resource is not eligible for the California Register under any criterion and is not a historical resource for purposes of CEQA.

B11. Additional Resource Attributes: (List attributes and codes)

***B12. References:**

1. Lehmann, Susan. *Historic Context Statement for the City of Santa Cruz*. Prepared for the City of Santa Cruz Planning and Community Development Department, Oct. 20, 2000.
2. Lehmann, 21.
3. United States Geological Survey. *1968 Santa Cruz 5x11 Minute Topographic Quadrangle*. Washington D.C.: USGS, 1968.
4. Clark, Donald Thomas. *Santa Cruz County Place Names*. Santa Cruz: Santa Cruz County Historical Society, 1986, 165.
5. Clark, 166.

Additional References:

Chase, John. *The Sidewalk Companion to Santa Cruz Architecture, 3rd Edition*. Santa Cruz: The Museum of Art and History, 2005.
City of Santa Cruz, Department of Planning and Community Development. *Santa Cruz Historic Building Survey, Vol. II*, Santa Cruz: City of Santa Cruz, May 1989.
Koch, Margaret. *Santa Cruz County: Parade of the Past*. Santa Cruz: Valley Publishers, 1973.
Charles Hall Page and Associates. *Santa Cruz Historic Building Survey*. City of Santa Cruz, 1976.
Rowland, Leon. *Santa Cruz: The Early Years*. Santa Cruz: Paper Vision Press, 1980.
Santa Cruz County Assessor's Database. "Parcel Information." <http://sccounty01.co.santa-cruz.us/ASR>.

B13. Remarks:

***B14. Evaluators:** Erin McMurry, M.A. and Carrie D. Wills, M.A., RPA

***Date of Evaluation:** 9/28/10



January 17, 2011

Talli Robinson
 KB Home
 6700 Koll Center Parkway, Suite 200
 Pleasanton CA 94566

Subject: City of Santa Cruz response letter
 Branciforte site, Santa Cruz

Dear Talli:

KB Homes is planning to develop the subject property in Santa Cruz. HortScience, Inc. prepared a **Revised Arborist Report** addendum letter (dated January 17, 2011). The City asked that KB Homes have the Project Arborist clarify the changes made to the **Arborist Report** addendum letter, the status of Heritage trees, and review impacts to specific trees in an effort to see if they can be preserved. This letter responds to that request.

The following changes were made to the July 2010 **Arborist Report** addendum letter and are reflected in the January 17, 2011 **Revised Arborist Report** addendum letter:

- Trees #42, 81 and 82 were mistakenly omitted from the July 2010 Table 3 (trees to be removed). They were reflected in the totals described in the body of the report but not in Table 3.
- The improvements adjacent to trees #14 and 161 were adjusted to provide sufficient room for their preservation.
- Five (5) dead trees, including #122, 123, 132, 133 and 143 are now recommended for preservation as they are outside the development area and will not be at risk of damaging people or property should they fail.
- Four (4) trees in poor condition, including #75 and 173-175, have been recommended for preservation.
- The trench for the storm water detention basin could not be routed around tree #224 and it is recommended for removal.
- The July 2010 **Arborist Report** addendum letter identified 130 trees for removal, 89 due to construction impacts and 41 due to poor health and structure. The January 17, 2011 **Revised Arborist Report** addendum letter identifies 123 trees for removal, 115 due to construction impacts. This change reflects the City requesting clarification of if the trees were being recommended for removal due solely to poor condition or construction related impacts.

The following describes impacts to trees from the current development plan, with a focus on Heritage trees:

- A total of 238 trees were surveyed, including 12 dead trees and six (6) trees that were removed between 2004 and 2010 (#52, 65, 102, 103, 108 and 148).
- A total of 118 Heritage trees were surveyed.
- One hundred and twenty-three (123) trees have been identified for removal and 109 can be preserved. The six (6) removed trees are not included in these totals.
- Forty-eight (48) Heritage trees are recommended for removal, including 17 that were in poor condition, two (2) that were dead, and four (4) that are considered invasive (all trees of heaven).
- Seventy (70) Heritage trees can be preserved, including 45 with diameters of 18" or larger.

As part of the preparation of our January 17 **Revised Arborist Report** addendum letter, I worked closely with George Duran of Ruggeri~Jensen~Azar, the project engineer. Together, we reviewed impacts to the following specific trees the City requested be preserved.

- The sidewalk adjacent to tree #14 was re-aligned to provide 5' from the trunk of the tree and it is recommended for preservation.
- Tree #20 was approximately 2' behind the sidewalk in an area where the sidewalk location could not be adjusted.
- Tree #21 would be located within the sidewalk in an area where the sidewalk location could not be adjusted.
- Tree #44, a 24" coast live oak would be located approximately 8' from the Lot 28 building pad and 6' to 7' from retaining walls. To preserve this tree would require moving the Lot 28 pad north. This would require the removal of tree #54, a 42" and 38" diameter coast redwood we worked hard to preserve in the front yard of Lot 28.
- Tree #92, a 30" coast live oak would be located approximately 4' from 2' cut for the Lot 31 building pad, and 4' from a swale. Preservation of tree #92 would require moving the Lot 31 pad 11' minimum and significantly pruning the canopy. Due to the location and configuration of the lot there is not sufficient space to move the pad and still have a functional yard.
- The road adjacent to tree #161 was re-aligned to provide 5' from the trunk of the tree and it is recommended for preservation.

If you have any questions regarding my observations or recommendations, please contact me.

Sincerely,



John Leffingwell
Board Certified Master Arborist #WE-3966B
Registered Consulting Arborist #442



January 17, 2011

Talli Robinson
KB Home
6700 Koll Center Parkway, Suite 200
Pleasanton CA 94566

Subject: **Revised Arborist Report** addendum
Branciforte site, Santa Cruz

Dear Talli:

KB Home is planning to develop the subject property in Santa Cruz. HortScience, Inc. was asked to prepare an addendum to the **Construction Impact Assessment** report prepared for the project by James P. Allen and Associates (dated November, 2004). This letter responds to that request.

Description of Trees

We visited the site on June 16, 2010. A total of 238 trees with diameters of 6" or greater were surveyed. Descriptions of individual trees are provided in the **Tree Survey Forms**, and locations are shown on the **Tree Survey Map** (see attachments).

Following is a brief comparison between the November 2004 survey and the current survey.

- Currently, 238 trees were surveyed, as compared to 228 trees surveyed as part of the 2004 survey. This represents the addition of 10 trees which had grown to a size of 6" or greater.
- In 2004, four (4) of the surveyed trees were considered to be in good condition, 79 in fair, and 139 in poor. Currently, 50 trees were in good condition, 109 fair and 61 poor.
- In 2004, six (6) dead trees were surveyed (#30, 58, 123, 132, 143 and 194). Currently, a total of 12 dead trees were surveyed (#30, 58, 91, 122, 123, 132, 133, 143, 194, 195, 212 and 215).
- Six (6) of the trees surveyed in 2004 had been removed (52, 65, 102, 103, 108 and 148).

The variability in condition between the 2004 survey and the current survey may reflect changes in tree health, differences in the rating systems or differences in the surveyor's experience with the species.

For instance, in addition to rating the health and structural condition of each tree, we rated the suitability for preservation as "good", "moderate" or "poor". Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come. Twenty-one (21) of the trees were of good suitability for preservation, 81 moderate and 130 poor, which is more reflective of the 2004 survey and may reflect differences in the rating systems. Suitability ratings for individual trees are provided in the **Tree Survey Forms**.

Evaluation of Impacts

The **Tree Survey Form** was the reference point for tree health and condition. I referred to the Preliminary Grading Plan, prepared by RJA (dated June 18, 2010) to assess the impacts to trees from the proposed changes. The plan included accurate trunk locations and canopy outlines.

The plan proposes to construct 32 single-family residences across the site. Two new roads would be installed, connecting the residents to Isbel Dr. at the north end of the site. A sidewalk would be constructed along Isbel Dr. and Market Street, where none currently exists. A large portion of the site, Parcel D, would be preserved and protected as spine flower habitat.

Potential impacts from grading and drainage were estimated for each tree. The most significant impacts to trees would be from grading for the roads, driveways, houses and installation of the sidewalks. Based on the current design, 123 trees would require removal (Table 1, following page). Included among the trees identified for removal were 48 Heritage trees, 43 that were in poor health, seven (7) of the dead trees, and 13 invasive (all trees of heaven). The six (6) trees that were removed between 2004 and 2010 (#52, 65, 102, 103, 108 and 148) are not included in any of these totals.

One-hundred and nine (109) trees can be preserved under the current design, including 70 Heritage trees. Several trees are being recommended for preservation in close proximity to improvements, requiring specific design approaches, such as pre-construction root pruning, placement of roads, driveways and building pads on native, uncompacted grade, and pier based retaining walls. All of the trees are expected to tolerate the impacts, but some may show signs of decline, such as twig and branch dieback, as a result of the adjacent changes. Table 2 (page 6) provides a list of trees where special design approaches are recommended to minimize root loss. Preservation is predicated on establishing a **Tree Protection Zone** and other recommendations listed in the **Tree Preservation Guidelines** (page 7).

In addition, where dead trees or trees in poor condition are outside of the development area or will not be at risk of damaging people or property should they fail, they were recommended for preservation.

Twenty-one (21) of the trees recommended for preservation have been identified for pruning based on their proximity to proposed improvements (Table 3, page 7). Pruning guidelines are provided in the **Tree Preservation Guidelines** (page 7). Tree #159 should have the ivy removed from the trunk. Tree #178, an over-mature Monterey cypress with a thinning canopy, has been recommended for monitoring to watch for changes in its health and structure. Tree #202 was recommended for cabling to minimize the failure potential associated with its narrow attachment.

A comparison of the tree impacts from the previously approved tentative map and the current proposed plan reveals the following facts:

- The 2004 tentative map impacted 100 trees, requiring their removal. Eighty-nine (89) of these were from unavoidable construction impacts and 11 due to poor health and structure.
- The current plan impacts 123 trees, 115 of which would be impacted by construction. Forty-three (43) of these were of poor health and structure and seven (7) were dead.
- The 2004 tentative map impacted 26 Heritage trees.
- The current plan impacts 48 Heritage trees, 17 of which were in poor health and condition and two were dead.
- In my professional opinion, KB and RJA have worked diligently to minimize impacts to trees and preserve as many trees as possible within constraints of the site.

Mitigation Requirements

Per the City of Santa Cruz Tree Ordinance, mitigation is required for the approved removal of all Heritage trees. For each Heritage tree approved for removal, the applicant shall plant three (3) 15-gallon replacement trees, one (1) 24" box tree, or pay an in-lieu fee for each 15-gallon replacement tree.

In the case of the Branciforte project, 19 of the Heritage trees recommended for removal were dead or in poor health and condition. In general, we do not recommend mitigation for trees that are dead or in poor condition, as these trees are not seen as contributing significantly, aesthetically or environmentally, to the site. Based on the current City of Santa Cruz standard mitigation measure, the Branciforte project would be required to plant 144 15-gallon replacement trees, as mitigation for the removal of 48 Heritage trees. If the removal of the 19 Heritage trees that were dead or in poor condition was not mitigated, the project would be required to plant 87 15-gallon replacement trees, as mitigation for the removal of 29 Heritage trees in fair to good condition.

**Table 1: Trees recommended for removal
 Branciforte site, Santa Cruz**

Tree No.	Species	Trunk Diameter (in.)	Heritage?	Impacts
11	Incense cedar	13	No	Within sidewalk
20	Coast live oak	8	No	2' from sidewalk
21	Coast live oak	17	Yes	Within sidewalk
22	Bailey acacia	15,12,9	Yes	Within sidewalk
24	Coast live oak	13	No	Within slope grading
25	Coast live oak	12	No	Within slope grading
26	Coast live oak	12	No	Within drive
27	Coast live oak	19,17	Yes	Within drive
30	Monterey pine	30	Yes	6' from road
31	Coast live oak	8	No	Within bldg footprint
32	Coast live oak	15,12	Yes	Within bldg footprint
33	Coast live oak	12	No	Impacted by Lots 26 and 27
34	Coast live oak	9,7	No	Within bldg footprint
35	Coast live oak	9	No	Within bldg footprint
36	Madrone	13	No	Within bldg footprint
37	Coast live oak	8	No	Within Lot 27
38	Coast live oak	12,10	No	Within bldg footprint
39	Coast live oak	14,11	Yes	Within bldg footprint
40	Coast live oak	11	No	Within Lot 26
41	Coast live oak	14	Yes	Within swale
42	Coast live oak	multi	No	Impacted by bldg footprint
43	Coast live oak	14	Yes	Within swale
44	Coast live oak	24	Yes	Impacted by Lot 28 pad and retaining walls
45	Coast live oak	14,11	Yes	4' from bldg footprint
48	Coast live oak	12	No	Within road
51	Bailey acacia	20	Yes	Within sidewalk
53	Coast redwood	20,18	Yes	Within bldg footprint
55	Coast live oak	18	Yes	Within slope grading
56	Coast redwood	27	Yes	Within road
57	Coast redwood	22	Yes	Impacted by road
58	Coast redwood	14	Yes	Within drive
62	Coast redwood	19,15,8	Yes	Within road
63	Coast redwood	10	No	Within road

(Continued on next page)

**Table 1: Trees recommended for removal, cont.
 Branciforte site, Santa Cruz**

Tree No.	Species	Trunk Diameter (in.)	Protected?	Impacts
64	Coast redwood	16,10,9	Yes	Within road
67	Coast live oak	14	Yes	Within road
69	Coast live oak	10	No	Within road
70	Coast live oak	10,10,9	No	Within road
71	Coast live oak	12	No	Within road
73	Coast live oak	18	Yes	Within road
78	Coast live oak	12	No	Within road
79	Coast live oak	9	No	6' from road, 4' from Lot 30 bldg.
81	Coast live oak	15	Yes	Impacted by road
82	Coast live oak	12	No	Impacted by road
83	Coast live oak	10	No	Impacted by retaining wall
84	Coast live oak	13,12,7	No	5' from bldng. footprint
85	Coast live oak	Group	No	Within Lot 30
86	Coast live oak	11,5	No	Impacted by bldng. footprint
87	Coast live oak	10	No	5' from bldng. footprint
88	Coast live oak	12	No	2' from swale & bldng. footprint
89	Coast live oak	11	No	4' from bldng. footprint
90	Coast live oak	13	No	Within bldg footprint
91	Coast live oak	7	No	Within Lot 31
92	Coast live oak	30	Yes	4' from 2' cut for bldg footprint, 4' from swale
93	Coast live oak	19	Yes	Within bldg footprint
94	Coast live oak	15,13	Yes	2' from bldng. footprint
95	California bay	Group	No	Within Lot 32
96	California bay	Group	No	Within Lot 32
97	California bay	Group	No	2' from bldng. footprint
98	Giant sequoia	44	Yes	Impacted by Lot 32
99	Coast live oak	12	No	Within bldg footprint
100	Coast live oak	14	Yes	Within bldg footprint
101	Tree of heaven	8	No	Impacted by Lot 32
104	Tree of heaven	6,5	No	Within road
105	Tree of heaven	8,8,6	No	Within road
106	Tree of heaven	7,8	No	Within Lot 32
107	Tree of heaven	14	Yes	Impacted by Lot 32
116	Tree of heaven	7	No	Outside impacts
117	Tree of heaven	8	No	Outside impacts
118	Tree of heaven	20	Yes	Invasive species
119	Tree of heaven	14,11	Yes	Outside impacts
120	Tree of heaven	14	Yes	Invasive species
121	Tree of heaven	10	No	Outside impacts
124	Tree of heaven	12,10	No	Outside impacts
125	Tree of heaven	9,9	No	Outside impacts
176	Giant sequoia	34	Yes	Within road
177	Coast live oak	14	Yes	Within road
187	Coast live oak	15	Yes	Within road
188	Interior live oak	11	No	Within road
189	Madrone	20	Yes	Within road
190	Coast live oak	11	No	Within road
191	Coast live oak	14	Yes	Within road

(Continued on next page)

**Table 1: Trees recommended for removal, cont.
 Branciforte site, Santa Cruz**

Tree No.	Species	Trunk Diameter (in.)	Protected?	Impacts
192	Coast live oak	22,18	Yes	Within road
193	Coast live oak	9,5	No	Within road
194	California pepper	multi	No	Within road
195	California pepper	multi	No	Within road
196	Coast live oak	12,12	No	Within road
197	Coast live oak	8	No	Within fill
198	Coast live oak	8,5	No	Within fill
199	Blue gum	33	Yes	Within road
200	Coast live oak	13	No	Within sidewalk
201	Coast live oak	12	No	Within sidewalk
203	Blue gum	24	Yes	Within road
204	Blue gum	36	Yes	Within road
205	Blue gum	24,16	Yes	Within road
206	Interior live oak	8	No	Within sidewalk
207	Blue gum	Group	No	Within road
208	Blue gum	Group	No	Within road
209	Coast live oak	10	No	Within road
210	Coast live oak	11	No	Within road
211	Coast live oak	12	No	Within fill
212	Bailey acacia	10	No	Impacted by grading
213	Coast live oak	11	No	Within grading
214	Blue gum	18,11	Yes	Within road
215	Boxelder	multi	No	Within road
216	Blue gum	11,11,10	No	Within road
217	Blue gum	15	Yes	Within road
218	Boxelder	9,8,7	No	Within sidewalk
219	Blue gum	10,9,8,7,5	No	Within road
220	Bailey acacia	16,14,12	Yes	Within road
221	Blue gum	Group	No	Within fill
223	Monterey pine	8	No	Within detention basin
224	Monterey pine	25	Yes	Impacted by detention basin trench
225	Avocado	43	Yes	Impacted by grading
227	Bailey acacia	7	No	Within road
228	Coast live oak	7	No	Within bldg footprint
229	Bailey acacia	11	No	Within road
230	Bailey acacia	7	No	Within road
231	Coast live oak	6	No	Within fill
232	Coast live oak	7	No	Within fill
233	Coast live oak	6	No	Within fill
221A	Blue gum	42	Yes	Within grading
221B	Blue gum	28	Yes	Within grading
221C	Blue gum	22	Yes	Within fill

**Table 2: Trees requiring specific design approaches
 Branciforte site, Santa Cruz**

Tree No.	Species	Trunk Diameter (in.)	Protected?	Design approach
1	Interior live oak	23	Yes	Root prune & place sidewalk on grade
2	Coast live oak	39	Yes	Root prune & place sidewalk and road on grade
3	Coast live oak	18	Yes	Root prune & place sidewalk and road on grade
4	Coast live oak	26,26	Yes	Root prune & place road on grade
6	Incense cedar	8,7,6,6	No	Root prune & place sidewalk on grade
7	Coast live oak	19,18	Yes	Root prune & place sidewalk on grade
8	Incense cedar	16	Yes	Root prune & place sidewalk on grade
9	Coast live oak	28	Yes	Root prune & place sidewalk on grade
12	Coast live oak	32	Yes	Root prune & place sidewalk on grade
13	Coast live oak	14	Yes	Root prune & place sidewalk on grade
14	Coast live oak	12	No	Root prune & place sidewalk on grade
15	Coast live oak	23	Yes	Root prune & place sidewalk on grade
16	Coast live oak	17	Yes	Root prune & place sidewalk on grade
17	Coast live oak	27	Yes	Root prune & place road on grade
18	Coast live oak	22	Yes	Root prune & place road on grade
19	Coast live oak	16	Yes	Root prune & place sidewalk on grade
23	Coast live oak	17,11	Yes	Root prune & place drive on grade
28	Coast live oak	23	Yes	Root prune & place road on grade
29	Coast live oak	8	No	Root prune & place road on grade
46	Coast live oak	25	Yes	Pier based retaining wall & root prune for swale
47	Coast live oak	38	Yes	Pier based retaining wall & root prune for swale
49	Coast live oak	29	Yes	Root prune & place road on grade
54	Coast redwood	42,38	Yes	Root pruning, pier and above grade beam foundation & irrigation
59	Coast redwood	24,22	Yes	Root pruning & irrigation
61	Coast redwood	22,22,20	Yes	Root prune & place road and drive on grade
66	Coast live oak	21	Yes	Root pruning & irrigation
68	Coast live oak	19,17	Yes	Root prune & place road on grade
76	Coast live oak	20	Yes	Root prune & place roads on grade
80	Coast live oak	15	Yes	Root prune & place parking on grade
161	Coast live oak	15	Yes	Root prune & place road on grade
178	Monterey cypress	50,48	Yes	Root prune & place road on grade
186	Coast live oak	22	Yes	Root prune & place road on grade
202	Coast live oak	13	No	Root prune & place sidewalk on grade
222	Coast live oak	7,6	No	Place parking on grade

**Table 3: Trees recommended for pruning
 Branciforte site, Santa Cruz**

Tree No.	Species	Trunk Diameter (in.)	Recommendation
7	Coast live oak	19,18	Prune
12	Coast live oak	32	Prune
13	Coast live oak	14	Prune
14	Coast live oak	12	Prune
15	Coast live oak	23	Prune
17	Coast live oak	27	Prune
18	Coast live oak	22	Prune
19	Coast live oak	16	Prune
23	Coast live oak	17,11	Prune
28	Coast live oak	23	Prune
49	Coast live oak	29	Prune
54	Coast redwood	42,38	Prune and monitor
59	Coast redwood	24,22	Prune and monitor
66	Coast live oak	21	Prune
77	Coast live oak	17	Prune
80	Coast live oak	15	Prune
159	Coast live oak	19	Remove ivy
161	Coast live oak	15	Prune
178	Monterey cypress	50,48	Monitor
202	Coast live oak	13	Cable
222	Coast live oak	7,6	Prune

Tree Preservation Guidelines

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty for many years. Trees retained on sites that are either subject to extensive injury during construction or are inadequately maintained become a liability rather than an asset. The response of individual trees will depend on the amount of excavation and grading, the care with which demolition is undertaken, and the construction methods. Coordinating any construction activity inside the **Tree Protection Zone** can minimize these impacts.

The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing, grading and construction phases.

Design recommendations

1. A **TREE PROTECTION ZONE** shall be established around each tree to be preserved. No grading, excavation, construction or storage of materials shall occur within that zone. Trees not listed below shall have the **TREE PROTECTION ZONES** established at the dripline in all directions. The **TREE PROTECTION ZONES** for all other trees are provided on the following page.
2. All plans affecting trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, grading and utility plans, landscape and irrigation plans.
3. Underground services including utilities, sub-drains, water or sewer shall be routed around the **TREE PROTECTION ZONE**. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.
4. **Tree Preservation Notes**, prepared by the Consulting Arborist, should be included on all plans.

Specific Tree Protection Zones

Tree #	Species	Diameter	Tree Protection Zone
1	Interior live oak	23	10' E., dripline in all other directions
2	Coast live oak	39	9' N., 18' W., dripline in all other directions
3	Coast live oak	18	7' N., 11' W., dripline in all other directions
4	Coast live oak	26,26	15' E., dripline in all other directions
6	Incense cedar	8,7,6,6	3' E., dripline in all other directions
7	Coast live oak	19,18	4' E., dripline in all other directions
8	Incense cedar	16	4' E., dripline in all other directions
9	Coast live oak	28	13' E., dripline in all other directions
12	Coast live oak	32	4' E., dripline in all other directions
13	Coast live oak	14	4' E., dripline in all other directions
14	Coast live oak	12	4' E., dripline in all other directions
15	Coast live oak	23	4' E., dripline in all other directions
16	Coast live oak	17	5' E., dripline in all other directions
17	Coast live oak	27	3' W., dripline in all other directions
18	Coast live oak	22	8' W., dripline in all other directions
19	Coast live oak	16	9' E., dripline in all other directions
23	Coast live oak	17,11	7' N., dripline in all other directions
28	Coast live oak	23	6' S., 18' E., dripline in all other directions
29	Coast live oak	8	4' E., dripline in all other directions
46	Coast live oak	25	6' SE., 11' NW., dripline in all other directions
47	Coast live oak	38	13' S., 9' NW., dripline in all other directions
49	Coast live oak	29	4' W., 7' NE., dripline in all other directions
50	Coast live oak	11	10' SW., dripline in all other directions
54	Coast redwood	42,38	4' E., 11' N., 11' S., dripline W.
59	Coast redwood	24,22	4' E., dripline in all other directions
60	Coast redwood	12,9	7' W., dripline in all other directions
61	Coast redwood	22,22,20	11' SE., 11' NE., dripline in all other directions
66	Coast live oak	21	6' NW., 13' SW., dripline in all other directions
68	Coast live oak	19,17	4' E., dripline in all other directions
74	Coast live oak	15	6' W., dripline in all other directions
75	Coast live oak	16	6' W., dripline in all other directions
76	Coast live oak	20	18' E., 18' W., dripline in all other directions
77	Coast live oak	17	12' NE., dripline in all other directions
80	Coast live oak	15	8' SW., dripline in all other directions
109	Interior live oak	24,17	15' E., dripline in all other directions
159	Coast live oak	19	13' NE., dripline in all other directions
161	Coast live oak	15	5' E., dripline in all other directions
178	Monterey cypress	50,48	15' NE., dripline in all other directions
186	Coast live oak	22	7' NE., dripline in all other directions
202	Coast live oak	13	2' E., dripline in all other directions
222	Coast live oak	7,6	3' NW., dripline in all other directions

5. Irrigation systems must be designed so that no trenching will occur within the **TREE PROTECTION ZONE**.
6. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees should be designed to withstand differential displacement.
7. No underground services including utilities, sub-drains, water or sewer shall be placed in the **TREE PROTECTION ZONE**.
8. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.

Pre-construction treatments and recommendations

1. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
2. Establish a monitoring schedule with the Consulting Arborist prior to commencing the demolition and construction. Scheduling of regular site visits will help identify tree related issues proactively and reduce the likelihood of tree damage. We recommend monitoring following the establishment and fencing of **TREE PROTECTION ZONES**, at the time of any root pruning, and whenever construction will encroach into the **TREE PROTECTION ZONES** (as listed on page 8). **Monitoring visits must be requested a minimum of 48 hours in advance.**
3. Fence all trees to be retained to completely enclose the **TREE PROTECTION ZONE** prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by the City. Fences are to remain until all grading and construction is completed.
4. Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain must be removed by a qualified arborist and not by demolition or construction contractors. The qualified arborist shall remove the tree in a manner that causes no damage to the tree(s) and understory to remain. Stumps shall be ground below grade.
5. Pruning trees to provide construction and access clearance will be required. Table 3, page 7 provides a list of trees preliminarily identified for pruning based on their proximity to proposed improvements. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the *Tree Pruning Guidelines* of the International Society of Arboriculture. Brush shall be chipped and spread beneath the trees within the **TREE PROTECTION ZONE**.
6. All down brush and trees shall be removed from the **TREE PROTECTION ZONE** either by hand, or with equipment sitting outside the **TREE PROTECTION ZONE**. Extraction shall occur by lifting the material out, not by skidding across the ground.
7. Structures and underground features to be removed within the **TREE PROTECTION ZONE** shall use the smallest equipment, and operate from outside the **TREE PROTECTION ZONE**. The Consulting Arborist shall be on-site during all operations within the **TREE PROTECTION ZONE** to monitor demolition activity.
8. Apply and maintain 4-6" wood chip mulch within the **TREE PROTECTION ZONE**.

Recommendations for tree protection during construction

1. Prior to beginning work, all contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.
3. No grading, construction, demolition or other work shall occur within the **TREE PROTECTION ZONE**. Any modifications must be approved and monitored by the Consulting Arborist.
4. Do not lime within 50' of any tree. Lime is toxic to tree roots.
5. Fences have been erected to protect trees to be preserved. Fences define a specific **TREE PROTECTION ZONE** for each tree or group of trees. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Consulting Arborist.

6. Construction trailers, traffic and storage areas must remain outside fenced areas at all times.
7. Prior to grading, pad preparation, excavation for foundations/footings/walls, trenching, trees may require root pruning outside the **TREE PROTECTION ZONE** by cutting all roots cleanly to the depth of the excavation. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, or other approved root pruning equipment. The Consulting Arborist will identify where root pruning is required and monitor all root pruning.
8. All underground utilities, drain lines or irrigation lines shall be routed outside the **TREE PROTECTION ZONE**. If lines must traverse through the protection area, they shall be tunneled or bored under the tree as directed by the Consulting Arborist.
9. Supplemental irrigation may be required and shall be specified by the Consulting Arborist.
10. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
11. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **TREE PROTECTION ZONE**.
12. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

Maintenance of impacted trees

Preserved trees will experience a physical environment different from that pre-development. As a result, tree health and structural stability should be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, annual inspection for hazard potential is recommended.

Sincerely,



John Leffingwell
Board Certified Master Arborist #WE-3966B
Registered Consulting Arborist #442

Attached: *Tree Survey Form*
 Tree Survey Map

Tree Survey

Branciforte Creek
Santa Cruz, California
June 2010



Tree No.	Species	Trunk Diameter (inches)	Condition 5=excellent 1= poor	Suitability for Preservation	Comments
1	Interior live oak	23	3	Moderate	Twig and branch dieback; trunk wound.
2	Coast live oak	39	4	Moderate	Twig dieback.
3	Coast live oak	18	3	Moderate	Suppressed; one-sided N.
4	Coast live oak	26,26	4	Good	Codominant at base; minor twig dieback.
5	Coast live oak	20,18,16,16	3	Moderate	No tag; multiple attachments at 3'; thin canopy.
6	Incense cedar	8,7,6,6	3	Moderate	Suppressed.
7	Coast live oak	19,18	3	Moderate	Codominant at base; stems lean to road.
8	Incense cedar	16	3	Moderate	Suppressed.
9	Coast live oak	28	3	Moderate	Trunk wound at 7' on E.; twig and branch dieback.
10	Coast live oak	14,8	3	Moderate	Codominant at base; leans N.
11	Incense cedar	13	3	Moderate	No tag; suppressed.
12	Coast live oak	32	4	Moderate	Multiple attachments at 8'; spreading form; trunk wound W.
13	Coast live oak	14	3	Moderate	Suppressed; one-sided W.
14	Coast live oak	12	3	Poor	Suppressed; leans E. over road.
15	Coast live oak	23	4	Moderate	Upright form; pruned for utility clearance.
16	Coast live oak	17	3	Poor	High crown; leans N.
17	Coast live oak	27	3	Moderate	Thinning crown; one-sided W.
18	Coast live oak	22	3	Moderate	One-sided N.; branch wound.
19	Coast live oak	16	3	Moderate	Slight lean W.
20	Coast live oak	8	2	Poor	Suppressed.
21	Coast live oak	17	3	Poor	Crook at 10'; poor form and structure.
22	Bailey acacia	15,12,9	1	Poor	All but dead; topped for utility clearance.
23	Coast live oak	17,11	3	Moderate	Pruning wounds; codominant at 2'.
24	Coast live oak	13	4	Moderate	Basal wound; slight lean NE.
25	Coast live oak	12	4	Moderate	Basal wound; minor twig dieback.
26	Coast live oak	12	2	Poor	Suppressed; bowed E.
27	Coast live oak	19,17	3	Poor	Codominant at 3'; twig and branch dieback.
28	Coast live oak	23	3	Moderate	High crown; epicormic growth; heavy lateral limb N. needs to be pruned.
29	Coast live oak	8	5	Good	Good young tree.

Tree Survey

Branciforte Creek
Santa Cruz, California
June 2010



Tree No.	Species	Trunk Diameter (inches)	Condition 5=excellent 1= poor	Suitability for Preservation	Comments
30	Monterey pine	30	0		Dead.
31	Coast live oak	8	3	Moderate	Twig and branch dieback; suppressed.
32	Coast live oak	15,12	4	Moderate	Codominant at 4'; thinning crown.
33	Coast live oak	12	2	Poor	Heavy lean N.; remove.
34	Coast live oak	9,7	3	Poor	High, small crown.
35	Coast live oak	9	3	Moderate	Slight lean N.; crooks.
36	Madrone	13	4	Moderate	Sun scald wounds on S.; slight lean N.
37	Coast live oak	8	2	Poor	Suppressed.
38	Coast live oak	12,10	3	Moderate	Asymmetric crown; codominant at base.
39	Coast live oak	14,11	4	Moderate	Codominant at 2'; twig dieback; included bark
40	Coast live oak	11	2	Poor	Poor form and structure; high, narrow crown.
41	Coast live oak	14	3	Moderate	Upright form; weak branch attachment W.; prune.
42	Coast live oak	multi	3	Poor	Suppressed.
43	Coast live oak	14	3	Poor	Small crown; leans SW.
44	Coast live oak	24	4	Good	Codominant at 8'; good form and structure; minor twig dieback.
45	Coast live oak	14,11	3	Moderate	Codominant at 1'; one-sided and leaning W.
46	Coast live oak	25	4	Moderate	Leans S.; trunk wound at 5'.
47	Coast live oak	38	3	Moderate	Codominant at 8'; good form and structure; minor twig dieback; adding wood in lower trunk.
48	Coast live oak	12	4	Moderate	Good young tree; fair structure.
49	Coast live oak	29	3	Moderate	Codominant at 10'; asymmetric crown; one-sided N.
50	Coast live oak	11	3	Moderate	No tag; upright; form; over head utilities.
51	Bailey acacia	20	1	Poor	All but dead; 8" stem from base leans over road, remove.
52	Bailey acacia	--			Removed
53	Coast redwood	20,18	4	Moderate	Codominant at base; pruned for utility clearance.
54	Coast redwood	42,38	4	Good	Codominant at 6'; good form and structure.
55	Coast live oak	18	4	Moderate	Multiple attachments at 12'; trunk wound at 6'.
56	Coast redwood	27	3	Moderate	Good form and structure; thin on upper canopy.
57	Coast redwood	22	3	Moderate	Thin crown.
58	Coast redwood	14	0		Dead.

Tree Survey

Branciforte Creek
Santa Cruz, California
June 2010



Tree No.	Species	Trunk Diameter (inches)	Condition 5=excellent 1= poor	Suitability for Preservation	Comments
59	Coast redwood	24,22	4	Good	Codominant at 4'; good form and structure.
60	Coast redwood	12,9	3	Poor	Suppressed.
61	Coast redwood	22,22,20	4	Moderate	Thin upper canopy; multiple attachments at 4'.
62	Coast redwood	19,15,8	3	Poor	Thin crown; multiple attachments at base; stump sprout.
63	Coast redwood	10	3	Poor	Suppressed and one-sided W.; topped.
64	Coast redwood	16,10,9	3	Poor	Topped for overhead utilities.
65	Monterey pine	--			Removed.
66	Coast live oak	21	3	Moderate	Codominant at 6'; pruned for overhead utilities.
67	Coast live oak	14	1	Poor	Suppressed; little live material remains.
68	Coast live oak	19,17	4	Moderate	Codominant at 5'; good form and structure; seam in attachment.
69	Coast live oak	10	2	Poor	Suppressed; bowed W. to horizontal.
70	Coast live oak	10,10,9	3	Moderate	One-sided W.; twig branch dieback.
71	Coast live oak	12	3	Poor	Suppressed; crown bowed W.
72	Coast live oak	10,6	3	Poor	Codominant at base; one stem failed from 10"; other stem leans W.
73	Coast live oak	18	3	Moderate	Slight lean W.; twig and branch dieback.
74	Coast live oak	15	3	Poor	Heavy lean W.
75	Coast live oak	16	2	Poor	High, thin crown bowed W.
76	Coast live oak	20	4	Good	Codominant at 12'; upright form.
77	Coast live oak	17	3	Moderate	Pruned for overhead utilities; twig and branch dieback.
78	Coast live oak	12	3	Moderate	High crown; one-sided W.
79	Coast live oak	9	2	Poor	Suppressed.
80	Coast live oak	15	4	Moderate	Narrow crown.
81	Coast live oak	15	3	Moderate	One-sided W.; twig and branch dieback.
82	Coast live oak	12	3	Poor	Very one-sided W.; engulfed in ivy.
83	Coast live oak	10	1	Poor	Suppressed; poor form and structure.
84	Coast live oak	13,12,7	3	Moderate	Multiple attachments at base; topped for overhead utilities.
85	Coast live oak	Group	2	Poor	Group of 10 sprouts 2"-8"; suppressed; poor form and structure.
86	Coast live oak	11,5	3	Poor	Codominant at base; topped for overhead utilities.
87	Coast live oak	10	3	Poor	High crown; topped for overhead utilities.
88	Coast live oak	12	3	Moderate	High crown.

Tree Survey

Branciforte Creek
Santa Cruz, California
June 2010



Tree No.	Species	Trunk Diameter (inches)	Condition 5=excellent 1=poor	Suitability for Preservation	Comments
89	Coast live oak	11	3	Poor	High crown; twig dieback.
90	Coast live oak	13	3	Poor	One-sided W.; topped for overhead utilities.
91	Coast live oak	7	0		Dead.
92	Coast live oak	30	3	Poor	Heavy bleeding from N. stem; possible SOD.
93	Coast live oak	19	3	Moderate	High, asymmetric crown.
94	Coast live oak	15,13	4	Moderate	Codominant at base; one stem upright; one bowed W.
95	California bay	Group	2	Poor	Group of 6 sprouts 2"-5"; topped at 4'.
96	California bay	Group	2	Poor	Group of 5 sprouts 4"-6"; topped at 4'.
97	California bay	Group	3	Poor	Group of 5 sprouts 5"-7"; topped for overhead utilities.
98	Giant sequoia	44	2	Poor	Declining; 80% dead; extensive decay.
99	Coast live oak	12	3	Poor	Trunk wounds from hatchet damage; bleeding.
100	Coast live oak	14	4	Good	Codominant at 7'; minor twig dieback.
101	Tree of heaven	8	2	Poor	One-sided N.
102	Tree of heaven	--			Removed.
103	Tree of heaven	--			Removed.
104	Tree of heaven	6,5	2	Poor	Trunk wounds; poor form and structure.
105	Tree of heaven	8,8,6	2	Poor	Multiple attachments at base; trunk wounds; poor form and structure.
106	Tree of heaven	7,8	1	Poor	Topped at 6'.
107	Tree of heaven	14	2	Poor	Topped at 6'.
108	Tree of heaven	--			Removed.
109	Interior live oak	24,17	5	Good	Codominant at 4'; trunk wound; good form and structure.
110	Coast live oak	55,30,14	2	Poor	Very thin crown; beetle activity; hypoxylon.
111	Red flowering gum	26	2	Poor	Extensive trunk decay at 20'.
112	Coast live oak	16	3	Poor	Poor form and structure; multiple crooks.
113	Coast live oak	12	3	Poor	High crown bowed W.
114	California bay	11	4	Good	Upright form.
115	California bay	12,2	3	Moderate	Slight lean SW.; twig dieback.
116	Tree of heaven	7	2	Poor	Poor form and structure.
117	Tree of heaven	8	2	Poor	Poor form and structure.
118	Tree of heaven	20	3	Poor	Big tree; upright form.

Tree Survey

Branciforte Creek
Santa Cruz, California
June 2010



Tree No.	Species	Trunk Diameter (inches)	Condition 5=excellent 1= poor	Suitability for Preservation	Comments
119	Tree of heaven	14,11	2	Poor	Suppressed; bowed NW.
120	Tree of heaven	14	3	Poor	One-sided S.
121	Tree of heaven	10	2	Poor	Suppressed.
122	California bay	9	0		Dead.
123	California bay	8	0		Dead.
124	Tree of heaven	12,10	2	Poor	Poor form and structure; twig and branch dieback.
125	Tree of heaven	9,9	2	Poor	Trunk wound; declining.
126	Coast live oak	15,14	3	Moderate	Multiple attachments at 3'; thin crown; small leaves.
127	Coast live oak	15,15	2	Poor	Very thin crown; upright form.
128	Coast live oak	23	2	Poor	Very thin crown; upright form.
129	Coast live oak	27	3	Poor	Multiple attachments at 7'; crown bowed W. to horizontal.
130	Coast live oak	22	1	Poor	Hypoxylon; declining; possible SOD.
131	Coast live oak	17	3	Poor	Growing W. to horizontal.
132	Coast live oak	8	0		Dead.
133	Coast live oak	16	0		Dead.
134	Coast live oak	16	3	Poor	Upright form; thin crown.
135	Coast live oak	23	4	Moderate	Codominant at 10'; upright form; twig and branch dieback.
136	California bay	8	4	Moderate	Upright form.
137	Coast live oak	26,18	3	Poor	Codominant at 2'; thin crown.
138	Coast live oak	27	3	Moderate	Twig and branch dieback.
139	Coast live oak	31	4	Moderate	Codominant at 10'; heavy lateral limb S.
140	Coast live oak	20	3	Poor	Codominant at 7'; crown bowed S.
141	Interior live oak	25	3	Poor	Codominant at 10'; trunk decay.
142	California bay	14,14,7	4	Moderate	Multiple attachments at base; upright form.
143	California bay	51	0		Dead.
144	California buckeye	11,5,5	3	Moderate	Multiple attachments at base; 8" stem leans E.
145	California buckeye	8,8	4	Good	Codominant at 1'; fair structure.
146	Coast live oak	45	1	Poor	Failed at base and laying on ground.
147	Coast live oak	26	2	Poor	Codominant at 6'; thin crown.
148	Tree of heaven	--			Removed

Tree Survey

Branciforte Creek
Santa Cruz, California
June 2010



Tree No.	Species	Trunk Diameter (inches)	Condition 5=excellent 1= poor	Suitability for Preservation	Comments
149	Coast live oak	24	4	Moderate	Codominant at 5'; one-sided N.
150	Coast live oak	22	3	Moderate	Asymmetric crown; twig and branch dieback.
151	Coast live oak	11,10,10	3	Poor	Multiple attachments at 3'; crown bowed W.
152	Coast live oak	13	3	Poor	One-sided N; twig and branch dieback; epicormics.
153	Coast live oak	25,19	4	Moderate	Codominant at 1' and 6'; one-sided W.; seam in attachment.
154	Coast live oak	10,7	3	Poor	Codominant at base; crown bowed E. to horizontal.
155	Coast live oak	21	4	Moderate	Heavy lateral limb S.
156	Coast live oak	11,9	3	Poor	Codominant at base; bowed W. to horizontal.
157	Coast live oak	9	3	Poor	Suppressed form; one-sided W.
158	Coast live oak	7	3	Poor	Suppressed; leans E.
159	Coast live oak	19	3	Moderate	Twig and branch dieback; engulfed in ivy.
160	Coast live oak	11	2	Poor	Suppressed; engulfed in ivy.
161	Coast live oak	15	3	Moderate	Engulfed in ivy; twig dieback.
162	Coast live oak	15	2	Poor	Codominant at 6'; suppressed and leaning E.
163	Coast live oak	38	3	Poor	Codominant at 7'; adding wood at attachment; cavities.
164	Coast live oak	14,12	4	Moderate	Codominant at 5'; crook at 15'; leans W.
165	Coast live oak	24	3	Moderate	Thinning crown; seam in attachment; engulfed in ivy.
166	Coast live oak	8	1	Poor	All but dead.
167	Coast live oak	13,13	3	Poor	Codominant at 3'; suppressed form.
168	Coast live oak	14	2	Poor	Small, high crown.
169	Coast live oak	10,6	2	Poor	Suppressed; dieback; poor form and structure.
170	Coast live oak	7	2	Poor	Heavy lean W.
171	Coast live oak	8	3	Poor	One-sided W.; twig and branch dieback.
172	Monterey cypress	multi	4	Good	8 stems 22"-38"; multiple attachments at base; good form and structure; central stem has little live material.
173	Coast live oak	12	2	Poor	Engulfed in ivy; little live material
174	Coast live oak	13	2	Poor	Suppressed form; engulfed in ivy.
175	Coast live oak	16	2	Poor	Poor form and structure; engulfed in ivy.
176	Giant sequoia	34	3	Moderate	Dieback in lower branches; engulfed in ivy.
177	Coast live oak	14	3	Moderate	Crown bowed NE.; fair structure.

Tree Survey

Branciforte Creek
Santa Cruz, California
June 2010



Tree No.	Species	Trunk Diameter (inches)	Condition 5=excellent 1= poor	Suitability for Preservation	Comments
178	Monterey cypress	50,48	3	Poor	Very thin canopy; crown separating.
179	Coast live oak	22	3	Moderate	Codominant at 6'; crown bowed SW.
180	Coast live oak	15,12	4	Moderate	Codominant at 3'; good form and structure; hangs low SW.
181	Coast live oak	8	3	Poor	Suppressed; small crown.
182	Coast live oak	12	3	Poor	Thin crown; one-sided S.
183	Coast live oak	10	3	Moderate	Slight lean S.
184	Coast live oak	8	3	Poor	Suppressed; leans S.
185	Coast live oak	16	2	Poor	Very thin crown.
186	Coast live oak	22	3	Poor	Heavy lean S.; recent branch failure.
187	Coast live oak	15	3	Poor	Poor form and structure; crook at 15'; asymmetric crown.
188	Interior live oak	11	3	Moderate	Crown bowed N.
189	Madrone	20	2	Poor	Large trunk wound NE.; possible sulphur fungus; dieback.
190	Coast live oak	11	3	Poor	Suppressed; crown bowed S.
191	Coast live oak	14	5	Good	Good form and structure.
192	Coast live oak	22,18	4	Moderate	Multiple attachments at 3'; good form and structure; pruned for overhead utilities.
193	Coast live oak	9,5	3	Moderate	Topped for overhead utilities.
194	California pepper	multi	0		Dead
195	California pepper	multi	0		Dead
196	Coast live oak	12,12	3	Moderate	Topped for overhead utilities.
197	Coast live oak	8	3	Poor	Suppressed; bowed N.
198	Coast live oak	8,5	3	Poor	Suppressed.
199	Blue gum	33	2	Poor	Topped for overhead utilities; poor form and structure.
200	Coast live oak	13	4	Moderate	One-sided SW.
201	Coast live oak	12	3	Moderate	One-sided S.; thin crown.
202	Coast live oak	13	4	Good	Good form; narrow attachment.
203	Blue gum	24	2	Poor	Topped for overhead utilities; poor form and structure.
204	Blue gum	36	2	Poor	Topped for overhead utilities; poor form and structure.
205	Blue gum	24,16	2	Poor	Topped for overhead utilities; poor form and structure.
206	Interior live oak	8	4	Good	Good young tree.

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Tree Survey

Branciforte Creek
Santa Cruz, California
June 2010



Tree No.	Species	Trunk Diameter (inches)	Condition 5=excellent 1= poor	Suitability for Preservation	Comments
207	Blue gum	Group	2	Poor	11 stems 5"-17"; topped for overhead utilities; poor form and structure.
208	Blue gum	Group	2	Poor	6 stems 6"-16"; topped for overhead utilities; poor form and structure.
209	Coast live oak	10	3	Poor	One-sided W.
210	Coast live oak	11	4	Moderate	Suppressed; trying to be upright.
211	Coast live oak	12	4	Good	Good form and structure.
212	Bailey acacia	10	0		Dead; failed at base.
213	Coast live oak	11	5	Good	Good form and structure; upright.
214	Blue gum	18,11	2	Poor	Topped for overhead utilities; poor form and structure.
215	Boxelder	multi	0		Dead.
216	Blue gum	11,11,10	2	Poor	Topped for overhead utilities; poor form and structure.
217	Blue gum	15	2	Poor	Stump sprout; decay at base.
219	Blue gum	10,9,8,7,5	2	Poor	Topped for overhead utilities; poor form and structure.
220	Bailey acacia	16,14,12	2	Poor	Topped for overhead utilities; poor form and structure.
221	Blue gum	Group	3	Poor	8 stems 9"-15"; upright form.
221A	Blue gum	42	2	Poor	Topped for overhead utilities; poor form and structure.
221B	Blue gum	28	2	Poor	Topped for overhead utilities; poor form and structure.
221C	Blue gum	22	3	Poor	Poor form and structure; codominant at 5'; trunks twisted around each other.
222	Coast live oak	7,6	5	Good	Codominant at 1'; good form and structure.
223	Monterey pine	8	3	Poor	Topped at 5'; poor form and structure.
224	Monterey pine	25	3	Moderate	Sweeps from base.
225	Avocado	43	2	Poor	Very thin canopy; extensive dieback; poor color.
226	California bay	7	3	Moderate	Near tree #47; suppressed with basal sprouts.
227	Bailey acacia	7	3	Poor	Near tree #55; twisted trunk; pruned for overhead utilities.
228	Coast live oak	7	3	Moderate	Near tree #94; suppressed; leans N.
229	Bailey acacia	11	2	Poor	Topped for overhead utilities.
230	Bailey acacia	7	2	Poor	Topped for overhead utilities.
231	Coast live oak	6	5	Good	Good young tree.
232	Coast live oak	7	4	Good	Codominant at 8' with seam.
233	Coast live oak	6	4	Moderate	One-sided N.

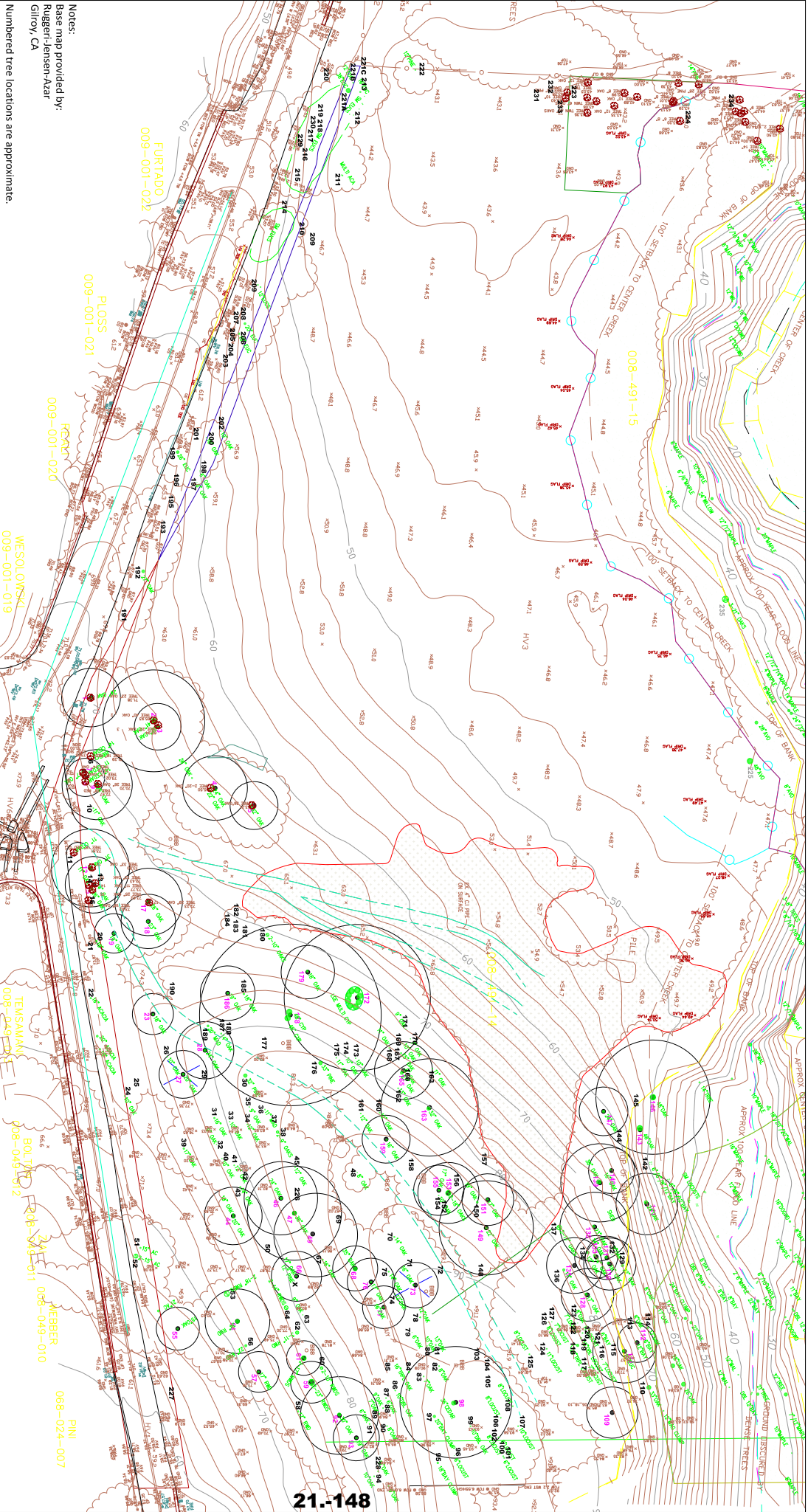
Tree Survey

Branciforte Creek
 Santa Cruz, California
 June 2010



HORT SCIENCE

Tree No.	Species	Trunk Diameter (inches)	Condition 5=excellent 1= poor	Suitability for Preservation	Comments
234	Coast live oak	8,6	5	Good	Good young tree.
235	Coast live oak	10	5	Good	Good young tree.



Notes:
 Base map provided by:
 Rügger-Jensen-Azar
 Gilroy, CA

Numbered tree locations are approximate.



2150 Rheem Drive, Suite A
 Pleasanton, CA 94588
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 www.hortscience.com

Tree Survey Map
 Brancliffe Creek
 Santa Cruz, CA

Prepared for:
 KB Home
 Pleasanton, CA

June 2010
 No Scale

OLBERDING ENVIRONMENTAL, INC.

Wetland Regulation and Permitting

January 27, 2011

Ms. Talli Robinson
KB Home South Bay Inc.
6700 Koll Center Parkway, Suite 200
Pleasanton, California 94566

Subject: Branciforte Creek Development - Remedial Grading Plan Assessment

Dear Ms. Robinson:

Olberding Environmental, Inc. has completed a review of the remedial grading plan prepared for the Branciforte Creek Residential Development Project (Project), located in the City of Santa Cruz, California. Based on our review of Engeo's response to site grading concerns generated by Strelow Consulting to the City of Santa Cruz (attached), a review of Engeo's grading exhibits (Sheets G-1, G-2, and G-3, attached), and review of the Management and Monitoring Plan prepared by H.T. Harvey & Associates for the final CNPS Settlement Agreement (attached), it is our opinion that the proposed remedial grading plan for the Branciforte Creek Development Project will not impact existing populations of robust spineflower (*Chorizanthe robusta* var. *robusta*), which is a Federally endangered and California Native Plant Society (CNPS) List 1B.1 species.

Our conclusions are based on the following:

- 1) Review of the robust spineflower's biology and habitat preferences; and
- 2) Landscape position of the 2.49 acre Plant Conservation Area (including Buffer Zone) in relation to the proposed project footprint and microwatershed conditions.

Spineflower Biology and Habitat Preferences

Because it is an annual plant, the Branciforte population of robust spineflower varies from year to year, with survey estimates varying generally between 250 to over 1000 individual plants. It is also a disturbance-dependent species that benefits from periodic disturbances to the edaphic layer in which it occurs. The most significant threat to the population is from an increase in soil moisture. This tends to favor less drought-tolerant plant species to become established which not only outcompete the spineflower, but an increase in vegetative cover produces more shade in the groundlayer, effectively eliminating the species as well.

Robust spineflower appears to be generally restricted to the sandiest, southwest-facing upland area of the Plant Conservation Area (PCA) that contains the course, well-drained sandy or gravelly Baywood sandy loam soils. Presumably, the species cannot occur on the finer Elder sandy loam underlying the toeslope grasslands to the south of the PCA and Buffer Zone because these soils lack excessive drainage and coarse substrate texture favorable to this species.

3170 Crow Canyon Place, Suite 260 · San Ramon, CA 94583 · Office: (925) 866-2111 · Fax: (925) 866-2126
Email: Olberding@netmagic.net

Landscape Position of the PCA versus Project Footprint

Based on the PCA's position in the landscape relative to the proposed project footprint, the lowest elevations of the PCA occur along the southern Buffer Zone boundary. All grading activities proposed along this portion of the project are at a suitable distance away from the edge of the Buffer Zone and at an elevation that effectively minimizes the potential for stormwater runoff onto the PCA. The only portion of the PCA that could potentially pond water for short periods during high rainfall events could be in the extreme southwest corner of the designated Buffer Zone. However, robust spineflower has not been detected in this area, and would therefore not be impacted by short periods of saturation/inundation within this portion of the Buffer Zone, which was intended to absorb and mitigate indirect impacts such as these.

Based on the microwatershed profile along the interface between the southern boundary of the Buffer Zone and construction line limit along the northern boundary of the proposed development, there is no point in the proposed development which the elevation is higher than the core portion of the 0.49-acre PCA area where the spineflower population occurs (i.e., the upper portion of the southwest-facing hillslope). Therefore, the proposed grading plan and final engineered drainage plan (including keyway drains, engineered swales) within the construction footprint would not contribute increased surface and/or subsurface moisture into the PCA, potentially impacting the population. Primary hydrologic inputs into the PCA come from direct precipitation and sheetflow runoff from surrounding uplands, all of which occur north and northeast of the population and outside the designated construction footprint.

Construction activities conducted during the remedial grading construction phase (e.g., dewatering activities downslope of the population) will not likely modify subsurface drainage patterns within the spineflower population, nor once the project is completed (e.g., an increase in subsurface moisture in the PCA from increased subsurface impoundment associated with hardscape surface runoff, etc.).

I have also included a copy of the response I received from Patrick Boursier, a Principal and Senior Plant Ecologist with H.T. Harvey & Associates. Mr. Boursier was involved in the development of the Management and Monitoring Plan prepared for the robust spineflower. A copy of the e-mailed response has been included as an attachment to this letter.

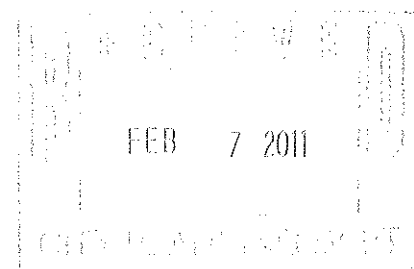
If you have any questions, please feel free to contact me at (925) 866-2111.

Sincerely,



Jeff Olberding
Wetland Regulatory Scientist

Cc: Mike Ferry, City of Santa Cruz Planning Department
Pat Boursier, H.T. Harvey & Associates



**BRANCIFORTE CREEK
REMEDIAL GRADING PLAN REVIEW BY H.T. HARVEY ASSOCIATES**

From: Patrick Boursier [mailto:pboursier@harveyecology.com]
Sent: Wednesday, January 26, 2011 1:38 PM
To: Jeff Olberding
Cc: Mike Ferry ; steph@strelowconsulting.com
Subject: RE: Branciforte grading

Jeff,

In terms of assessing the potential negative impacts of the proposed remedial grading activities at the Branciforte Creek on the existing robust spineflower population, I reviewed three exhibits prepared by ENGEO, including:

- Remedial Grading Plan, Sheet G-1 (October 2010)
- Remedial Grading Plan-Details Sheet, G-2 (October 2010), and
- Remedial Grading Plan-Cross Sections, Sheet G-3 (October 2010).

I also looked back over the Mitigation and Monitoring Plan we prepared for the spineflower in October 2007; the most pertinent section of our Plan is that describing the plant's microhabitat preferences and management concerns/threats related to potential hydrological alterations.

In brief, the robust spineflower prefers free-draining soils, generally on the side slopes, underlain by soils that are characterized as either sandy or a sandy loam. The most significant threat to the populations is from an increase in soil moisture that tends to favor less drought-tolerant plants to become established and outcompete the spineflower. The spineflower is particularly sensitive to increases in shade. During development of the current site plan, there was a lot of discussion with the City and representatives of the CNPS regarding potential alterations to the existing hydrologic regime of the spineflower arising from proposed modifications to the grading, surface runoff, subsurface drainage and land use practices upslope of the populations. The current site plan has addressed all of those concerns. The current populations of the robust spineflower on site appear to receive the vast majority of their soil moisture from incident rainfall and subsurface flows in the surrounding watershed upslope of the plants; all of which occurs between 50 and 90 feet elevation on the project site north and northeast of the plants.

My point is bringing all of this up is to clarify that surface runoff and/or subsurface flows occurring within the areas designated for remedial grading do not contribute any moisture to the robust spineflower populations. The grading areas generally occur well downslope (approx. 2-4 feet) or at the same elevation as the plant populations but far removed (i.e. 60 feet) to the south of the plants. In short, the work is not likely to impact the upslope watershed for the robust spineflower populations.

Similarly, activities conducted during the remedial grading construction phase, and once the development is constructed, are unlikely to modify subsurface drainage characteristics within the robust spineflower populations, via dewatering from the downslope side, that might reduce the existing level of soil moisture, or that might increase subsurface moisture in the plant preserve area from additional subsurface impoundment.

Thus, after reviewing the site remedial grading plans I conclude that the hydrology during and after construction activities won't be negatively affected. Having said that, the one issue that should be tracked and solved via implementation of appropriate BMP's, is the potential deposition of fugitive dust during the remedial grading activities. Allowing even a fine layer of fine soil particles to drift onto the plant populations could potentially cover leaves of the young germinated plants, thereby significantly reducing their ability to photosynthesize and grow; any ungerminated plants might be prevented from doing so by the additional layer of fugitive dust on the soil surface. Also, the chemical characteristics of such dust could have negative consequences to the robust spineflower populations as any imbalance in the current nutrient make-up of the soils could favor the establishment and growth of competitive weed species. Lastly, disturbing the seed bank in the upper 6 inches of soil within the adjacent grassland (within the remedial grading areas) could trigger the release of seeds into the adjacent spineflower populations.

I believe these potential threats can be overcome by putting in place a perimeter 6-8 foot tall solid, drift fence (plastic, nylon or similar), disallowing grading on the infrequent days when winds are from the south or southwest, restricting grading to the morning hours prior to development of the common NW-prevailing winds, stripping the topsoil during calm weather conditions and removing it off site or stockpiling it well away from the spineflower populations, and keeping the graded areas wetted down with water trucks to control dust.

Let me know if you would like additional information. Thanks--Pat

Patrick J. Boursier, Ph.D.
Principal, Senior Plant Ecologist
H.T. Harvey & Associates
Ecological Consultants
985 University Avenue, Bldg D
Los Gatos, CA 95032
pboursier@harveyecology.com
408.458.3204



**PUBLIC WORKS DEPARTMENT
MEMORANDUM**

DATE: February 28, 2011
TO: Michael Ferry
FROM: Assistant Director/City Engineer
CC: Fire and Police Departments
SUBJECT: Isbel Market Proposed Major Modification to Approved Project – Bicycle,
Pedestrian and Traffic Circulation

The following information is meant to consolidate the questions and concerns we have received from the public for the major modification to an approved project at 5 Isbel Drive. Some of this is based on emailed comments and a meeting with several members of the public.

The proposed project is required to install a five foot wide sidewalk along both the Market and Isbel frontages and connect to the existing sidewalk to the south (under the Highway 1 Bridge). Directional access ramps are required at the private road intersection on Market and at the Market/Isbel/Goss intersection. The driveway on the Isbel connection requires a level accessible crossing. LED street lighting is required on both frontages.

The project includes widening the street to provide the required left-turn lane into the project, a bike lane southbound and a transition to the existing striping at the intersection. The project provides on-street parking and therefore widening the street further into the property.

Can the sidewalk be widened on Market?

The development has a 2 foot landscape strip between the back of sidewalk and the property fence. The use of this 2 foot strip would allow the sidewalk to be widened to 7-feet. The municipal code allows bike riding on sidewalks in noncommercial areas. Widening further into the development will impact front yards.

Can the curb radii at the private road connection be changed to 10 feet?

The minimum at this location, to maintain fire access, is 15 feet and is a project requirement.

Can directional access ramps be used?

This is a project requirement.

Can other public improvements be added to the project, such as utility undergrounding, removing the east side drainage swale, and add a northbound bike lane, a crosswalk and eastside sidewalk improvements?

No improvements are currently proposed on the eastside of Market. There is insufficient pavement width to provide a northbound bike lane on Market (across the street from the project). To maintain a safe intersection alignment and the oak trees on the project frontage, additional widening would have to take place on the east side of the street to provide the bike lane and sidewalk. There is sufficient public right-of-way, though a retaining wall, utility relocation and drainage improvements would be needed to accommodate the sidewalk and bike lane.

Can a 2-way bike facility be provided on Market Street?

There is insufficient width for a 2-way bike facility on Market without additional widening and/or parking removal. Staff recommends against this type of solution for safety reasons, as this segment is short, has difficult end constraints, an intersection in the middle and possible conflicts with parking.

If a future trail is eventually constructed through to Lee Street, can the applicant be provided the option of securing and improving an easement for a trail on the adjacent Caltrans right-of-way rather than through private property?

The project is required to provide an easement for this connection and it is shown on the project plans. This idea is physically feasible and may be possible, though difficult to accomplish within the time frame of the project development.

Can bicycle parking be added to the trail adjacent to the Spineflower habitat?

That idea has been forwarded to the applicant for consideration.

Can the left-turns from the Isbel driveway be restricted?

The traffic study for the approved project projected 20 vehicles using the driveway during the PM peak hour, of which 5 were making the left. Based on the 200 PM peak hour vehicles using this segment of Isbel, it's not likely that 5 vehicles will be noticeable when compared to existing conditions. There are about 2000 vehicles per day on Isbel. Approximately 75% of the development will be closer to the Market Street intersection.

Should left-turn restrictions be considered, it will not likely to be enforced due to other enforcement priorities. This can be very frustrating for those who want to turn left and for those who don't want them to turn left. A very good example of this is the left-turn restriction at the Reed Street development at Water and Reed, where there are ongoing complaints from both sides of the issue. The Isbel driveway (Creekside Lane) is only 20 feet wide and cannot be reduced further without impacting Fire and Refuse/Recycling access.

Mike Ferry

From: Theresia Rogerson [trogerso@health.co.santa-cruz.ca.us]
Sent: Tuesday, February 22, 2011 4:08 PM
To: Mike Ferry
Cc: Christophe Schneiter
Subject: Branciforte Creek recommendations
Attachments: Recommendations for Branciforte Creek Development.doc

Hi Mike - I'm writing on behalf of several individuals who formed a concerned group of pedestrians and bicyclists with previous experience in transportation facility design to formulate recommendations for the Branciforte Creek development. The individuals included members of the Community Traffic Safety Coalition, Mission: Pedestrian, and the Bicycle Committee of the RTC. We met on site and with Christopher Schneiter and have the following recommendations to include in the final project approval (see attachment). We're aware that this will be going to the City Council soon and would appreciate your response to our recommendations as soon as possible. Please respond to Rick Hyman at bikerick@att.net after Monday, February 28th as I will be on leave after that date.

Sincerely -

Theresia

Theresia L. Rogerson, MPH, LCI #1672
Health Educator
Santa Cruz County - Health Services Agency
Chronic Disease and Injury Prevention
1070 Emeline Avenue
Santa Cruz, CA 95060
TEL: (831) 454-4312 FAX: (831) 454-5048
WEB: www.sctrafficsafety.org

Recommendations for Branciforte Creek Development
February 22, 2011

- 1) To safely accommodate children walking and bicycling from the Grant Street neighborhood to DeLaveaga Elementary as a Safe Routes to School route, we recommend widening the sidewalk to at least 7 feet for mixed use even if this requires elimination of on-street parking.
- 2) To increase safety for bicyclists and pedestrians and slow traffic, we recommend reducing the curb radii on all entrances/exits to the development to a 10 foot residential radii standard.
- 3) To increase safety for pedestrians, we recommend installation of directional curb ramps wherever curb ramps are planned.
- 4) To improve safety for all road users, we recommend further safety improvements to the intersection of Market/Goss/Isabel, including crosswalks, undergrounding and paving over drainage at southeast corner, leveling shoulder along east side of Market, etc.
- 5) To accommodate bicyclists, we recommend at least maintaining the width of the shoulder on the northbound section of Market Street (designated currently by a shoulder stripe). If the through northbound traffic lane has to be shifted to accommodate the new turn lane into the project, then the Caltrans slope on the opposite side of the road needs to be cut back an equal or greater distance and improved to continue to allow through bicycle access.
- 6) To provide more direct and convenient public access, eventually through to Emeline Avenue, we recommend giving the applicant the option of securing and improving an easement for a trail on the adjacent Caltrans right-of-way rather than through private property.
- 7) To accommodate public use, we recommend adding bicycle parking along the easement for the trail adjacent to the Spineflower habitat.

bethpm65@gmail.com<mailto:bethpm65@gmail.com>
Subject: Hi Dannettee, it's Beth

Hi Dannette,

I have been working with some folks regarding the new housing development planned for Market St at Isbel. I have no opinion of building houses there because there are so many pros and cons (I lean in favor of it). However, they are considering whether to construct a bike lane, two bike lanes, or no bike lanes at all along Market St between the overpass and Isbel. Since this is the route Seth and I (and hopefully Lydia, too, when she's older) ride to school on, I am very aware of the need for better bicycle and pedestrian safety along that route. It's very dangerous, I feel, currently, and am excited that changes are coming.

I started sending out an informal plea to friends and classmates, asking how they felt about the existing route and what kinds of changes would really enhance their ability to utilize this route by bike and foot. The reason I'm emailing YOU is that a few people have mentioned that they would love to see a better bike route along that path in order to access Delaveaga Park, particularly the walk/bike trail. One woman who lives on Avalon said that she feels foolish loading their bikes in their car to drive 1/4 mile up Market St just to get to the park and unload the bikes all over again! She doesn't feel comfortable riding with her kids along Market St now and in fact her son refuses to do so, and says it's too scary.

I know that City Council is going to discuss this next month, and I thought that you could use this neighborhood type perspective. We might see increased pedestrian and bike traffic to Delaveaga Park should they correctly address the problem now on Market St between the RT 1 overpass and Isbel.

Have a great weekend!

Beth Moorehead

Mike Ferry

From: Norman Schwartz [norman@boltonhill.net]
Sent: Tuesday, February 22, 2011 3:11 PM
To: Mike Ferry
Subject: Branciforte Creek Sidewalks/Bike Lanes

Dear Beth,

Dannettee forwarded your email to me as I am the person who's been the most involved with the bike and ped issues related to this project. There has been some mis-information floating around about this housing project's bike and ped access, and I can understand why. The developer is changing an already approved project, though from a public works perspective, it's not changing much.

The project will be contributing to better access, especially to DeLaveaga school and partially to the park. The project proposes a sidewalk and a bike lane along the Market frontage (sidewalk on Isabel as well) as we have asked them to do. The other side of Market requires widening within the public row to accommodate a bike lane northbound. That's a future project from my perspective. I met with 4 bike-ped people, of which Connie Wilson was one of them, and we discussed this. There is no room for a 2-way bike facility on Market, nor would one be safe considering the end constraints and driveway. I've suggested that if kids want to ride the wrong way they can use the sidewalk, which is allowed under the muni code in non-commercial areas. The sidewalk will now connect to the south. The sidewalk could be widened from 5 to 7 feet to help this along. The developer seems to be ok with this idea. It does not have a significant impact on the development. Any additional widening would.

Between Goss and DeLaveaga there are bike lanes on Branciforte all the way to the park (correction needed here). We put them in when we paved the road a couple of years ago and connected to the County bikelanes. A sidewalk exists on the east side of the street, but then it ends at the city park property edge. There is no feasible way to provide more sidewalk all the way to the park entrance. It is possible to provide it to the fire road that starts past the informal parking, but then where to go from there? A sidewalk may impact drainage as well. A possible project is to pave a path through the City property and to the ball fields, but that would cost a bunch of money. Not as high a priority as other projects, though an interesting concept!

I will be in my office tomorrow. Call me at 420-5422 if you have any questions.

Chris Schneider
Assistant Director/City Engineer

From: Beth Moorehead [mailto:bethpm65@gmail.com]
Sent: Friday, February 18, 2011 3:15 PM
To: Dannettee Shoemaker
Cc: <mailto:bethpm65@gmail.com>

Mike Ferry

From: ylo185@comcast.net
Sent: Monday, February 28, 2011 2:53 PM
To: Mike Ferry
Subject: 5 Isbel Building Proposal- Lovejoy's

Lovejoy Residents
185 Isbel Drive
Santa Cruz, CA 95060

To: Mike Ferry City Planner
& Santa Cruz City Counsel.

Regarding: 5 Isbel Building Development Proposal.

We live on the North Border of the proposed building project at 185 Isbel Drive. We share property lines with lots 29,31 & 32.

After reviewing the new proposed plan by **KB homes**, we have a list of concerns that will effect our neighborhood permanently.

Propose removal of all trees on lot 31 to accommodate a 2500 square feet house on a Sub-Standard 4500 square feet lot, that is 39 feet tall. With the extreme height of the proposed 39 foot tall building on lot 31, it will forever shadow our home. This home would be directly adjacent to our existing home at 185 Isbel Drive with a meager 8 foot setback . It will eliminate our solar option. A two story home would not forever shadow or home and would be more compatible with the surrounding residential area.

We are not apposed to the development. However, we want KB to take into account the trees, set back, and the size of the building on lot 31. Perhaps a revised design that more suit the neighborhood.

Sincerely

Dan & Yolonda Lovejoy