



A G E N D A

Meeting of the Scotts Valley City Council

Date: March 16, 2016

Time: 6:00 p.m.

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5602	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted 3-11-16 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org .
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Elected Officials Donna Lind, Mayor Randy Johnson, Vice Mayor Stephany E. Aguilar, Council Member Dene Bustichi, Council Member Jim Reed, Council Member	City Staff Members Chuck Comstock, Interim City Manager Kirsten Powell, City Attorney Taylor Bateman, Acting Community Development Dir Scott Hamby, Public Works Director John Weiss, Chief of Police Tracy Ferrara, City Clerk
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Notice regarding City Council Meetings:

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

Agenda and Agenda Packet Materials:

The City Council agenda and the complete agenda packet are available for review by 5:00 pm the Friday before the Wednesday meeting on the Internet at the City's website: www.scottsvalley.org and in the lobby of City Hall at 1 Civic Center Drive, Scotts Valley, CA. Pursuant to Government Code §54957.5, materials related to an agenda item, submitted after distribution of the agenda packet, are available for public inspection in the lobby of City Hall during normal business hours, Monday-Friday, 8am-12 pm and 1-5 pm. In accordance with AB 1344, such documents will be posted on the City's website at www.scottsvalley.org.

Televised Meetings:

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

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

COMMITTEE REPORTS

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

Interjurisdictional Committees:

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

Standing Local Committees:

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

Project Specific Committees:

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

CITY MANAGER REPORT

PUBLIC COMMENT TIME

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

ALTERATIONS TO CONSENT AGENDA

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

CONSENT AGENDA

(The Consent Agenda is comprised of items which appear to be non-controversial. Persons wishing to speak on any item may do so by raising their hand to be recognized by the Mayor.)

- A. Approve City Council meeting minutes of 3-2-16
- B. Approve check register – 3-4-16
- C. Authorize the recruitment, hiring, and training of a Police Officer to replace retiring Police Officer Chris Culwell
- D. Approve Agreement for Professional Services between the City of Scotts Valley and Mesiti-Miller Engineering for design and construction administration services for the Mt. Hermon Road/Scotts Valley Drive/Whispering Pines Drive Intersection Operations Improvement Project
- E. Approve appointment of Ellen Campos to the Library Advisory Commission to represent the City of Scotts Valley

ALTERATIONS TO REGULAR AGENDA

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

REGULAR AGENDA

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

- 1. Consider reallocation of \$10,000 in Polo Ranch funds to be used for the resurfacing of the Scotts Valley High School tennis courts, and an additional allocation of \$2,000 for the Scotts Valley High School tennis courts (CityManager/Comstock)

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

- 2. Consideration of Planning Commission recommendation to approve the proposed "Enterprise Way" project, consisting of a Final Environmental Impact Report and planning permits to build 50 residential townhouse-style condominiums, a 120-room hotel, and related property improvements on a vacant 6.80-acre parcel located on the former "Borland Phase II" site at the end of Santa's Village Road, APN 024-031-17
(Planning/Fodge)

- Open public hearing
- Close public hearing
- Approve Resolution No. 1916
- Approve Resolution No. 1916.1
- Approve first reading and introduction of Ordinance No. 16-ZC-225
- Approve Resolution No. 1916.2
- Approve Resolution No. 1916.3
- Approve Resolution No. 1916.4

REGULAR AGENDA

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

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

CONVENE TO CLOSED SESSION

CLOSED SESSION

SUBJECT:

- (1) Conference with legal counsel regarding real property negotiations.
Legal Authority: Govt Code section 54956.8
APN: 056-28-112
Staff Present: Interim City Manager, City Attorney
- (2) City Manager Employment
Legal Authority: 54957
Staff Present: Interim City Manager, City Attorney, Chief of Police

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

ADJOURNMENT

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a City Council meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the City Clerk's office at (831) 440-5602 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk's Office. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

PROCEDURAL INFORMATION FOR THE PUBLIC

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

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

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

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

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

Unless otherwise determined by the presiding officer of the meeting:

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



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MINUTES

CONSENT AGENDA ITEM A

DATE: 3-16-2016

Meeting of the Scotts Valley City Council

Date: March 2, 2016

POSTING:

The agenda was posted on 2-26-16
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

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

Interim City Manager Comstock
City Attorney Powell
Acting Community Development Director Bateman
Public Wks Director Hamby
Police Chief Weiss
City Clerk Ferrara

SPECIAL SET MATTER

Presentation of Mayor's Proclamations:

- (1) American Red Cross Month, March 2016:
Russ Patterson accepted the Mayor's Proclamation on
behalf of the American Red Cross of Santa Cruz County.
- (2) Multiple Sclerosis Week, March 7-13, 2016

COMMITTEE REPORTS

CM Bustichi reported that the Santa Cruz Metropolitan SCMTD Board met and appointed a new Chair. He reported that the Board continues to discuss ongoing structural deficit issues that they are working on, and they also discussed concerns regarding the SCCRTC's proposed tax measure and their proposed expenditure plan.

CM Aguilar reported that the Affordable Housing Subcommittee met with the developer of the City Ventures project on Santa's Village Road regarding the required affordable element of the project. She stated that this will be coming before the City Council in March to make a final determination.

Mayor Lind reported that the Criminal Justice Council met and they received a presentation on the Parent Involvement/Papas Program and the film the Mask You Live In.

Mayor Lind reported that LAFCO met and they are working on the current year budget and a sphere of influence project that they are working on with Scotts Valley City staff.

Mayor Lind reported that the planning committee for Scotts Valley's 50 Year Anniversary met. She stated that the committee is working on several activities for 4th of July, and on August 2, the City's actual anniversary.

CITY MANAGER REPORT

PC Weiss spoke regarding the rash of burglaries that have occurred in the Scotts Valley community and stated that it is very important for citizens to report any concerns they see in the community. He also stated that the Scotts Valley Police Department has a Facebook page that is updated with current information, and recommended that anyone interested in a neighborhood watch program should contact Detective Sergeant Justin Milroy at 831-440-5670.

PUBLIC COMMENT

Leland Dahill, owner of Leland's Automotive, expressed concerns regarding the City's sign ordinance.

CM Bustichi announced that the Scotts Valley Host Lion's Club will be holding their 46th Annual Crab Cioppino feed at the CPDES Hall at Harvey West Park on March 5, 2016.

VM Johnson announced that the Scotts Valley High School Falcon Club will be holding a Texas Hold 'Em Tournament fundraiser on March 5, 2016 at Bruno's Barbecue to support Scotts Valley High School Athletics

ALTERATIONS TO CONSENT AGENDA

M/S: Aguilar/Johnson

To approve the Consent Agenda.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

Consent Agenda:

- A. Approve City Council meeting minutes of 2-17-16
- B. Approve check register – 2-23-16
- C. Approve non-collection of fees for the use of Skypark Park in the amount of \$1,200 for Relay for Life 24 Hour Cancer Walk being held on June 4-5, 2016
- D. Approve Contract for Professional Services between the City of Scotts Valley and Freitas + Freitas Engineering and Planning Consultants for 1440 Devco, LLC services

ALTERATIONS TO REGULAR AGENDA

M/S: Aguilar/Reed

To approve the Regular Agenda.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

REGULAR AGENDA

1. **Consider authorizing the City of Scotts Valley Sign Subcommittee to conduct a public workshop and spend up to \$500 for materials and supplies for the workshop**

Acting CDD Bateman presented the written staff report and responded to questions from Council.

M/S: Aguilar/Bustichi

To authorize the City of Scotts Valley Sign Subcommittee to conduct a public workshop and spend up to \$500 for materials and supplies for the workshop.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

2. **Future Council agenda items**

CM Bustichi requested a future agenda item to review our affordable housing ordinance.

CM Aguilar recommended including information regarding the supreme court ruling regarding inclusionary housing when the affordable housing ordinance is reviewed.

ADJOURNMENT

The meeting adjourned at 6:35 p.m.

Approved: _____

Donna Lind, Mayor

Attest: _____

Tracy A. Ferrara, City Clerk

MINUTES

Special Closed Session Meeting of the Scotts Valley City Council

Date: March 2, 2016

POSTING:

The agenda was posted on 3-1-16
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 6:37 p.m.

ROLL CALL

Present:	Donna Lind, Mayor	Chuck Comstock, Interim City Manager
	Randy Johnson, Vice Mayor	Kirsten Powell, City Attorney
	Stephany E. Aguilar, City Council Member	John Weiss, Chief of Police
	Dene Bustichi, City Council Member	Scott Hamby, Public Works Director
	Jim Reed, City Council Member	Taylor Bateman, Acting Community Development Dir
		Tracy Ferrara, City Clerk

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 6:38 p.m. to discuss the following item:

- (1) Pursuant to Government Code Section 54957, the City Council met in closed session to confer with their legal counsel regarding City Manager employment.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 6:55 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

The City Council directed City staff to continue with the recruitment.

ADJOURNMENT The meeting adjourned at 6:55 p.m.

Approved: _____

Donna Lind, Mayor

Attest: _____

Tracy A. Ferrara, City Clerk

CONSENT AGENDA ITEM B
DATE: 3-16-2016

SCOTTS VALLEY ACCOUNTS PAYABLE
03/04/2016 12:09:42 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.02 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 030416 COMMENT... A/P AS OF MARCH 4- 2016

DATA-JE-ID DATA COMMENT

W-03042016-592 A/P AS OF MARCH 4- 2016

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
L		01			N	S	6	066	10			

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
	003123 A T &T	106705	03/04/16	378.42
	003342 ACCENT CLEAN & SWEEP INC	106706	03/04/16	3,947.63
	003457 ADAMS/TROY	106707	03/04/16	30.00
	001626 AGUILAR/STEPHANY	106708	03/04/16	41.36
	001219 ALHAMBRA	106709	03/04/16	121.92
	001219 ALHAMBRA	106710	03/04/16	96.86
	003023 ALLEN & SONS/GEORGE	106711	03/04/16	95.00
	000620 ALVAREZ/TONY	106712	03/04/16	20.00
	000563 APPI	106713	03/04/16	177.10
	001009 ARD/KRISTIN	106714	03/04/16	30.00
	001670 AT &T	106715	03/04/16	1,083.57
	000097 AT&T	106716	03/04/16	464.41
	000205 BACK TO EDEN INC	106717	03/04/16	950.00
	001373 BAY TREE, LLC	106718	03/04/16	3,620.38
	001822 BC LABORATORIES INC.	106719	03/04/16	192.00
	001786 BECWICK/KENNETH	106720	03/04/16	45.00
	001066 BEHAVIORAL HEALTH CARE I	106721	03/04/16	120.00
	001954 BMI	106722	03/04/16	336.00
	000500 BOLANOS/DORENE	106723	03/04/16	20.00
	000437 BRASS KEY LOCKSMITH	106724	03/04/16	28.43
	000018 BRINK'S TROPHY SHOPPE	106725	03/04/16	1,069.38
	003088 CALIFORNIA COAST UNIFORM	106726	03/04/16	30.29
	003211 CARNU DDS/OANA	106727	03/04/16	248.00
	000435 CATTERA/MARK F.	106728	03/04/16	450.00
	003134 CRIME SCENE CLEANERS, INC	106729	03/04/16	325.00
	001664 CROP PRODUCTION SERVICES	106730	03/04/16	380.50
	003160 DIXON & SON TIRE	106731	03/04/16	1,417.84
	001362 DUNCAN AUTO TECH	106732	03/04/16	1,683.32
	001537 DYNAMIC PRESS	106733	03/04/16	88.07
	000426 ENTENMANN-ROVIN CO	106734	03/04/16	230.52
	003290 EVOQUA WATER TECHNOLOGIE	106735	03/04/16	315.00
	000054 EWING IRRIGATION PRODUCT	106736	03/04/16	537.94
	001991 FASTENAL	106737	03/04/16	12.54
	003352 FERNANDEZ DDS/PABLO	106738	03/04/16	955.00
	001392 FONG/MICHAEL DDS	106739	03/04/16	147.50
	001042 GOLDEN GATE PETROLEUM	106740	03/04/16	2,833.54
	001657 GOLDEN GATE TRUCK CENTER	106741	03/04/16	14.55
	001828 GONZALES/GABE	106742	03/04/16	20.00
	000895 GRANITE CONSTRUCTION CO	106743	03/04/16	146.11
	.15024 HAZEN CONSTRUCTION	106744	03/04/16	136.00
	000615 HOHMANN/PATRICK J.	106745	03/04/16	20.00
	003271 HOME DEPOT/THE	106746	03/04/16	1,044.19
	.15022 HUDSON/KIM	106747	03/04/16	50.00
	.15023 HUERTA-HERNANDEZ/CLAUDIA	106748	03/04/16	200.00
	003277 IMPERIAL SPRINKLER SUPPL	106749	03/04/16	5,873.39
	001902 INDEPENDENT ELECTRIC SUP	106750	03/04/16	227.33
	001246 JOINER DDS/MARK	106751	03/04/16	1,100.00
	001903 JONES/KIMARIE	106752	03/04/16	995.00

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
003402	KELINDA'S CUSTOMS	106753	03/04/16	400.59
001228	L & M FIRE PROTECTION	106754	03/04/16	623.58
003321	LOPEZ/RENE	106755	03/04/16	20.00
003403	MAR-KEN INTERNATIONAL PO	106756	03/04/16	650.00
001591	MARKELL/ROD	106757	03/04/16	1,974.00
001234	MC GRAW DDS/BERNARD	106758	03/04/16	388.60
002078	METRO MOBILE COMMUNICATI	106759	03/04/16	349.82
003171	MICHALAK/GENE	106760	03/04/16	110.00
000218	MID VALLEY SUPPLY	106761	03/04/16	338.64
000086	MOTION INDUSTRIES INC.	106762	03/04/16	438.38
003490	MOTION PICTURE LICENSING	106763	03/04/16	625.00
003491	MUNIQUEIP, LLC	106764	03/04/16	3,187.40
001779	MUSICAL ME, INC	106765	03/04/16	2,526.40
001989	NORTHERN SAFETY & INDUST	106766	03/04/16	433.51
001802	ONTRAC	106767	03/04/16	17.54
000101	PACIFIC GAS & ELECTRIC C	106768	03/04/16	32,273.03
003492	PACIFIC VETERINARY SPECI	106769	03/04/16	611.66
000098	PALACE ART & OFFICE	106770	03/04/16	2,894.05
001890	PARKSON CORPORATION	106771	03/04/16	68.29
002063	PATEL-CROSKREY/DARSHANA	106772	03/04/16	127.81
001787	PETRINI'S GARDENING SERV	106773	03/04/16	75.00
003165	PHENOVA	106774	03/04/16	663.25
001857	PHOENIX GROUP	106775	03/04/16	79.40
000102	PITNEY BOWES	106776	03/04/16	5,045.00
001876	POLITO/BRANDON	106777	03/04/16	742.50
003323	POMPETTE/NICOLE	106778	03/04/16	20.00
001233	PORTER DDS MS/BRENT J	106779	03/04/16	392.20
001097	PRODESSE PROPERTY GROUP	106780	03/04/16	3,523.52
001503	PRUDENTIAL INSURANCE CO/	106781	03/04/16	561.35
000463	RALEY'S	106782	03/04/16	271.50
001986	RICHARDS/ANDREA	106783	03/04/16	351.20
001563	ROBINSON DDS/RICHARD N	106784	03/04/16	232.80
000134	S.V. WATER DISTRICT	106785	03/04/16	95.41
001894	S.V. WATER DISTRICT - BU	106786	03/04/16	217.11
003407	SAN JOSE BMW VESPA	106787	03/04/16	138.20
000135	SAN LORENZO VALLEY WATER	106788	03/04/16	34.00
000790	SANCRA	106789	03/04/16	20.00
001919	SANTA CRUZ BEACH BOARDWA	106790	03/04/16	106.95
000127	SANTA CRUZ SENTINEL	106791	03/04/16	313.95
000130	SCOTTS VALLEY FIRE DISTR	106792	03/04/16	2,521.88
000133	SCOTTS VALLEY SPRINKLER	106793	03/04/16	29.34
003085	SHRED-IT US JV LLC	106794	03/04/16	70.45
.15025	SILVIA/DONNA	106795	03/04/16	420.96
001535	SKIP'S TIRE & AUTO CENTE	106796	03/04/16	667.50
000141	SNAP-ON AUTHORIZED DEALE	106797	03/04/16	258.34
002053	STEPFORD	106798	03/04/16	6,105.00
001933	THURINGER/JOE	106799	03/04/16	20.00
001560	TRITON CONSTRUCTION	106800	03/04/16	150.00

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	001106 VERIZON WIRELESS	106801	03/04/16	104.91	
	000151 VISION SERVICE PLAN	106802	03/04/16	1,165.60	
	000443 WALPOLE/STEVE	106803	03/04/16	290.40	
	001877 WATER ENVIRONMENT FEDERA	106804	03/04/16	235.00	
	001342 WELCH/JAMES	106805	03/04/16	20.00	
	003392 WENGER PAVING INC	106806	03/04/16	30,200.00	
	003008 WILLIAMS/JESSE	106807	03/04/16	20.00	
	003166 WISDOM/ANGIE	106808	03/04/16	290.00	
	GENERAL CHECKING ACCOUNT			135,860.11	***

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				135,860.11

RECORDS PRINTED - 000212

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
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001	GENERAL	43,908.22
002	RECYCLING/ENVIRONMENTAL	3,947.63
003	GAS TAX - SPECIAL STATE TRST	30,200.00
004	RECREATION	5,841.44
010	WASTEWATER OPERATIONS	33,785.71
011	TERTIARY TREATMENT PLANT	209.54
019	AFFORDABLE HOUSING	1,974.00
023	SVRDA SUCCESSOR AGENCY	7,143.90
028	SENIOR CENTER	2,044.45
050	PINEWOOD EST LNDSCP MAINT DT	44.51
077	SKYPARK MAINT ASSESS DIST	983.91
112	DENTAL INS INTERNAL SERV	5,080.70
123	COMMUNITY FACILITY CENTER	346.28
316	HOMELAND SECURITY GRANT	349.82
TOTAL ALL FUNDS		135,860.11

BANK RECAP:

BANK	NAME	DISBURSEMENTS
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BA	GENERAL CHECKING ACCOUNT	135,860.11
TOTAL ALL BANKS		135,860.11

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: March 16, 2016
TO: Honorable Mayor and City Council
FROM: John P. Weiss, Chief of Police
APPROVED BY: Chuck Comstock, City Manager
SUBJECT: **AUTHORIZATION TO HIRE POLICE OFFICER**

SUMMARY OF ISSUE

School Resource Officer Chris Culwell plans to retire this December 2016. His departure, and the past resignation of Officer Scott Mitchell, will reduce our sworn staff to 18 officers.

Recruitment and selection of a new police officer can take months. Subsequent academy and/or field training can require between 6 to 12 months. Accordingly, police staff request council approval to start the hiring and training process immediately.

Ideally, a new officer can be hired and trained prior to Officer Culwell's retirement in December. This will insure a smooth transition and preserve our School Resource officer position.

FISCAL IMPACT

The City currently enjoys salary savings from Officer Mitchell's resignation/unfilled position. Those savings can absorb the cost of hiring a new officer to replace Officer Culwell.

STAFF RECOMMENDATION

Authorize police staff to recruit, hire and train Officer Culwell's replacement.

TABLE OF CONTENTS

None.

City of Scotts Valley

INTEROFFICE MEMORANDUM

DATE: March 16, 2016

TO: Honorable Mayor and City Council

FROM: Scott Hamby, Public Works Director

SUBJECT: MOUNT HERMON ROAD/SCOTTS VALLEY DRIVE/WHISPERING PINES DRIVE INTERSECTION OPERATIONS IMPROVEMENT PROJECT – PROJECT DESIGN AGREEMENT

SUMMARY OF ISSUE:

In 2014, the City was awarded a Regional Transportation Improvement Program funding request by the Santa Cruz County Regional Transportation Commission (RTC) for the Mt. Hermon Road/Scotts Valley Drive/Whispering Pines Drive Intersection Operations Improvement Project. On November 18, 2015, based on the findings of the traffic engineer, City Council and the RTC approved a scope change to the project that eliminated an additional left turn onto Whispering Pines Drive to instead doubling the length of the existing left turn pocket from 140 feet to 280 feet and add a third through lane on Mount Hermon Road. Adding a third through lane and extending the left turn lane will allow the intersection to operate as a Level of Service (LOS) C where the previous scope will only bring the intersection to a LOS D. The project will also modify existing signals, add gutter, sidewalk, bicycle loop detectors, curb ramps, improve crosswalk safety, modify striping and pavement markings, landscaping and resynchronize intersection timing.

The resulting improvements will provide more efficient use of the transportation system by reducing vehicle stops; especially during peak commute hours. The improvements in traffic flow and progression also have corresponding reductions in vehicle emissions. These improvements are included as a mitigation measure for the Town Center Project.

Staff issued a Request for Proposals (RFP) for the project's Design and Construction Administrative Services on December 15, 2015. Five proposals were received before the January 15, 2016 deadline. Staff and the City Engineer reviewed the proposals and rated them based on responses to the criteria described in the RFP; scope, temporary signal modification, ADA access, landscape, stormwater, utilities, traffic control, erosion control, bicycle coordination, availability and cost. Below are the five firms that submitted proposals:

- W-Trans \$ 91,900
- RI Engineering \$137,000
- Mesiti-Miller Eng. \$139,800
- BFK Engineers \$156,823
- TJKM \$228,050

For design services the City is not required to take the lowest bid; however cost was a consideration in the overall decision. All firms submitting proposals are established and well known engineering firms, but based on the level of detail in the proposals, from pre-design work to grant reporting assistance, the Mesiti-Miller proposal provided the most detailed scope and reflected a comprehensive understanding of the project and the challenges that it presents.

Staff is recommending Mesiti-Miller Engineering (MME) as they were the best value based on their response to the criteria in the RFP. Attached is an Agreement for Professional Services including a Scope of Work, referred to as "Exhibit A," and Fee Estimate.

FISCAL IMPACT:

\$139,800 for Design and Construction Administration Services from Fund 8, Traffic Impact Mitigation (Street DIF)

Future project costs:

Construction	\$448,750
Permitting/other fees	\$100,000
Contingencies (30%)	<u>\$209,625</u>
Total	\$758,375 (\$392K RTC grant – balance from Street DIF)

STAFF RECOMMENDATION:

Approve Agreement for Professional Services with Mesiti-Miller Engineering for Design and Construction Administration Services for the Mt. Hermon Road/Scotts Valley Drive/Whispering Pines Drive Intersection Operations Improvement Project.

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CITY OF SCOTTS VALLEY AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement for Professional Services ("Agreement") is made and entered into as of **March 16, 2016**, by and between the City of Scotts Valley, a municipal corporation, hereinafter referred to as "CITY", and **Mesiti-Miller Engineering, Inc.** hereinafter referred to as "CONSULTANT".

RECITALS

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

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

AGREEMENT

- 1. **Employment of CONSULTANT:** CITY agrees to, and hereby does, retain and employ CONSULTANT to perform the professional services as outlined in the Scope of Work attached hereto and incorporated herein as Exhibit "A". CONSULTANT'S work product shall be performed pursuant to generally accepted standards of practice in effect at the time of performance.
- 2. **Responsible Personnel:** CITY has relied upon the professional training and ability of CONSULTANT to perform the services hereunder as a material inducement to enter into this Agreement. Primary personnel responsible for the completion of the work described in this Agreement shall be **Rodney Cahill, P.E., LEED AP, Principal, whose address is 224 Walnut Street, Suite B, Santa Cruz, CA 95060; telephone: (831) 426-3186; Email: rodney@m-me.com.**
- 3. **Scope of Work:** CONSULTANT shall perform the services as specified in Exhibit A in a professional manner.
- 4. **Time of Performance:** The services of CONSULTANT are to commence upon execution of this Agreement and shall continue until all authorized work is approved by the CITY. All such work shall be completed as soon as possible. Time is of the essence in the performance of this Agreement. No waiver by either party hereto of the nonperformance or any breach of any term, provision, or condition of this Agreement, or any default hereunder shall be considered to be or operate as a waiver of any subsequent nonperformance, breach or default.

5. **Compensation:** CONSULTANT shall accept compensation for services performed as set forth in Section 3 in an amount not to exceed **\$139,800**. Such compensation shall be paid upon the completion of the services set forth in Section 3.

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

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

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

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

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

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

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

All plans, studies, documents, charts, computations, and electronic files prepared by and for CONSULTANT, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the CITY upon payment to CONSULTANT for such work, and the CITY shall have the sole right to use such materials in its discretion without further compensation to CONSULTANT or to any other party. CONSULTANT shall, at CONSULTANT'S expense, provide such reports, plans, studies, documents and other writings to CITY upon written request.

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

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

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

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

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

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

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

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

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

WITNESS WHEREOF this Agreement is executed by CITY and by CONSULTANT on this **16th day of March, 2016**, at Scotts Valley, California.

CONSULTANT:

CITY OF SCOTTS VALLEY:

Rodney Cahill, P.E., LEED AP, Principle
Mesiti-Miller Engineering Inc.

Charles A. Comstock, Interim City Manager

APPROVED AS TO FORM:

ATTEST:

Kirsten M. Powell, City Attorney

Tracy Ferrara, City Clerk



Scope of Services

The scope of our services is based on a review of the Request for Proposal (RFP), observations made during a visit to the site, and discussions with you. Based on this information, we intend to provide the following basic services:

a. Pre-Design

1. Participate in correspondence with you, the Contract City Engineer, and members of the design team as may be required to accomplish the tasks identified during this phase.
2. Attend a kick-off meeting with you, the Regional Transportation Commission (RTC), and our Traffic Engineer to gather information about the project, the environment in which the project is situated and to establish the criteria to be used in developing the conceptual design of the alternatives.
3. Research, collect, review and study the traffic studies and other information available through the City, the RTC, information contained in our own library of past project files, and information made available to us by other members of the project team.
4. Prepare and deliver a Geotechnical Investigation of the project area in accordance with the attached proposal from Butano Geotechnical Engineering dated January 12, 2016.
5. Provide the administrative support necessary for us to perform these services.

b. Survey and Signal Coordination

1. Participate in correspondence with you, the Contract City Engineer, and members of the design team as may be required to accomplish the tasks identified during this phase.
2. Prepare and deliver a Topographic Survey of the project area in accordance with the attached proposal from Ifland Survey dated January 11, 2016.
3. Visit the project site with you and members of the project team to further our knowledge of the project site and its opportunities and constraints and supplement our existing conditions base map.
4. Traffic Signal Coordination analysis to verify the proposed project is coordinated with the Mt Hermon Road corridor of six signalized intersections and preparation of a technical memo in accordance with the attached proposal from Hatch Mott MacDonald dated January 15, 2016.
5. Provide the administrative support necessary for us to perform these services.



c. Design

1. 60% Design

1. Participate in correspondence with you, the Contract City Engineer, the staff of the regulatory agency having jurisdiction over this project and members of the design team as may be required to accomplish the tasks identified during this phase.
2. Prepare two conceptual design options to evaluate the benefits and impacts of each option and the effect on adjacent properties.
3. Attend a meeting with you and other members of the design team to review and discuss the previously submitted concepts to find consensus on the preferred layout option.
4. Prepare preliminary civil calculations for earthwork volumes, storm drainage systems, and other portions of the civil site improvements. We understand the project includes reconfiguration of the traffic islands, striping, signals, signage, and medians within the existing pavement footprint with some limited widening of the roadways along Mt Hermon Road matching the current roadway profile grades as illustrated in the RFP.

We will design access improvements by specifying current ADA-compliant standard details for curb ramps, sidewalks and traffic island openings, including detectable warning surfaces. We will also include minor adjustments to drainage structure elevations or orientations as needed to match the structure with the finished grade.

We have not included design effort for major re-grading of the intersection, total sidewalk reconstruction, new retaining walls, new underground drainage piping or utility systems, or new landscaped and irrigated area. We anticipate specifying a colored and stamped concrete or cobble finish for the medians to match the surrounding improvements.

5. Prepare and deliver 60% Plans Specifications and Estimates (PS&E).
 - a) Drawings to be furnished will include:
 - i. Cover (MME)
 - ii. Demolition Plan (MME)
 - iii. Site plan (MME)
 - iv. Grading, Drainage and Utility Plan to Match Existing (MME)
 - v. Signing and Striping Plan (HMM)
 - vi. Traffic Signal Modification Plans (HMM)
 - vii. Rectangular Rapid Flashing Beacons Plans (HMM)
 - viii. Temporary Erosion Control Plan (MME)
 - ix. Topographic Survey (IS)



- b) Prepare a Table of Contents for the Technical Specifications
- c) Prepare an Engineer's Estimate with our opinion of probable construction cost.
- 6. Respond to a set of plan review comments comments in writing.
- 7. Provide the administrative support necessary for us to perform these services.

2. 90% Design

- 1. Participate in correspondence with you, the Owner, the staff of the regulatory agency having jurisdiction over this project and members of the design team as may be required to accomplish the tasks identified during this phase.
- 2. Attend a meeting with you and other members of the design team to review and discuss the previously submitted DD drawings and to resolve any identified conflicts between the various disciplines.
- 3. Prepare and deliver 90% Plans Specifications and Estimates (PS&E).
 - a) Plans
 - b) Technical Specifications
 - c) Engineer's Estimate with our opinion of probable construction cost
- 4. Respond to a set of plan review comments comments in writing.
- 5. Provide the administrative support necessary for us to perform these services.

3. 100% Design

- 1. Participate in correspondence with you, the Owner, the staff of the regulatory agency having jurisdiction over this project and members of the design team as may be required to accomplish the tasks identified during this phase.
- 2. Attend a meeting with you and other members of the design team to review and discuss the previously submitted DD drawings and to resolve any identified conflicts between the various disciplines.
- 3. Prepare final civil calculations.
- 4. Prepare and deliver 100% Plans Specifications and Estimates (PS&E).
 - a) Plans
 - b) Temporary Traffic Control Plans (HMM)
 - c) Temporary Signal Plans (HMM)
 - d) Technical Specifications
 - e) Engineer's Estimate with our opinion of probable construction cost
- 5. Respond to review comments comments and prepare minor plan revisions.
- 6. Provide the administrative support necessary for us to perform these services.



d. Bid Assistance

1. Participate in correspondence with you and members of the project team as may be required to accomplish the tasks identified during this phase.
2. Prepare an advertisement for bidding including a project narrative describing the scope of the work and a detailed bid item and quantity spreadsheet suitable for competitive bidding.
3. Assist in distributing the bid documents.
4. Coordinate and manage an on-site, pre-bid meeting with interested bidders, affected agencies and utility companies.
5. Collect bidder's questions and prepare and deliver a single Bid Addendum to all bidders.
6. Review and analyze the bids received and rank them in relative bid price order.
7. Check the qualifications of the apparent low bidder to verify the minimum requirements of the bid documents have been met.
8. Meet with you to review the results of our bid analysis and recommendation for award of contract.
9. Provide the administrative support necessary for us to perform these services.

e. Construction Administration

1. Participate in correspondence with you, the Contractor, and other members of the team as may be required to accomplish the tasks identified during this phase.
2. Lead a pre-construction meeting to answer questions about design intent or about interpretation of the documents and to examine the contractor's understanding of the project and its requirements.
3. Review submittals submitted through and checked by the General Contractor, for general compliance with the intent and requirements of the Construction Documents.
4. Prepare and issue responses to RFIs during construction, if needed, for clarification of our drawings or specifications.
5. Visit the construction site weekly to observe and document the progress of construction and its general conformance to the Construction Documents. We have assumed a 12 week active construction schedule. We anticipate there will be additional lead time needed in the overall schedule to allow for ordering the new galvanized signal poles and site observations will not be necessary during that period.
6. Prepare a final punch list of items not yet satisfactorily completed and make one visit to the project site to verify completion of those items.
7. Review and make recommendations for approval or revision of change order requests.



8. Review and make recommendations for approval or denials or revision of monthly applications for payment.
9. Prepare "Record" drawings based on "As-Built" drawings provided by the Contractor and information gathered during our site visits and information contained in our project file.
10. Provide the administrative support necessary for us to perform these services.

f. Grant Reporting Assistance

1. Participate in correspondence with you and other members of the team as may be required to accomplish the tasks identified during this phase.
2. Prepare a report of accounting for the City of Scotts Valley in accordance with Caltrans Local Assistance Procedures Manual.
3. Provide the administrative support necessary for us to perform these services.



Engineering Fee Estimate prepared for City of Scotts Valley Mt Hermon Rd / Scotts Valley Dr / Whispering Pines Dr Intersection Mesiti-Miller Engineering, Inc. MME Project Number: 15248 1/15/2016							
Item	Task Description	Personnel and Hourly Billing Rates					Total Fee
		Principal Engineer \$190	Project Engineer IV \$160	Project Engineer III \$140	Project Engineer II \$120	Admin Assistant \$75	
a. Pre Design							
1	Correspondence	2			2		\$620
2	Kickoff Meeting	4					\$760
3	Review Information	2			4		\$860
4	Review Geotechnical				2		\$240
5	Administration	2			2	2	\$770
In-House Subtotals:		10	0	0	10	2	\$3,250
Subconsultant Services							
1	Butano Geotechnical Engineering				\$ 6,545	1.1	\$7,200
						Task Total: \$10,450	
b. Survey and Signal Coordination							
1	Correspondence	2			2		\$620
2	Coordinate survey				2		\$240
3	Site Visit	4			4		\$1,240
4	Coordinate Traffic Signals	2			2		\$620
5	Administration	1			2	2	\$580
In-House Subtotals:		9	0	0	12	2	\$3,300
Subconsultant Services							
1	Ifland Survey				\$ 10,400	1.1	\$11,440
2	Hatch Mott MacDonald				\$ 8,846	1.1	\$9,731
						Task Total: \$24,471	
c.1 60% Design							
1	Correspondence	2			2		\$620
2	Concepts	2			4		\$860
3	Meeting	4					\$760
4	Prelim Calcs				2		\$240
5	60% PSE						\$0
	Cover				2		\$240
	Demo				4		\$480
	Site	2			6		\$1,100
	Grading Drainage Utility				2		\$240
	Erosion Control				2		\$240
	Specifications TOC	2			4		\$860
	Estimate	2			4		\$860
6	Respond Comments	2			6		\$1,100
7	Administration	2			2	2	\$770
In-House Subtotals:		18	0	0	40	2	\$8,370
Subconsultant Services							
1	Hatch Mott MacDonald				\$ 19,845	1.1	\$21,830
						Task Total: \$30,200	



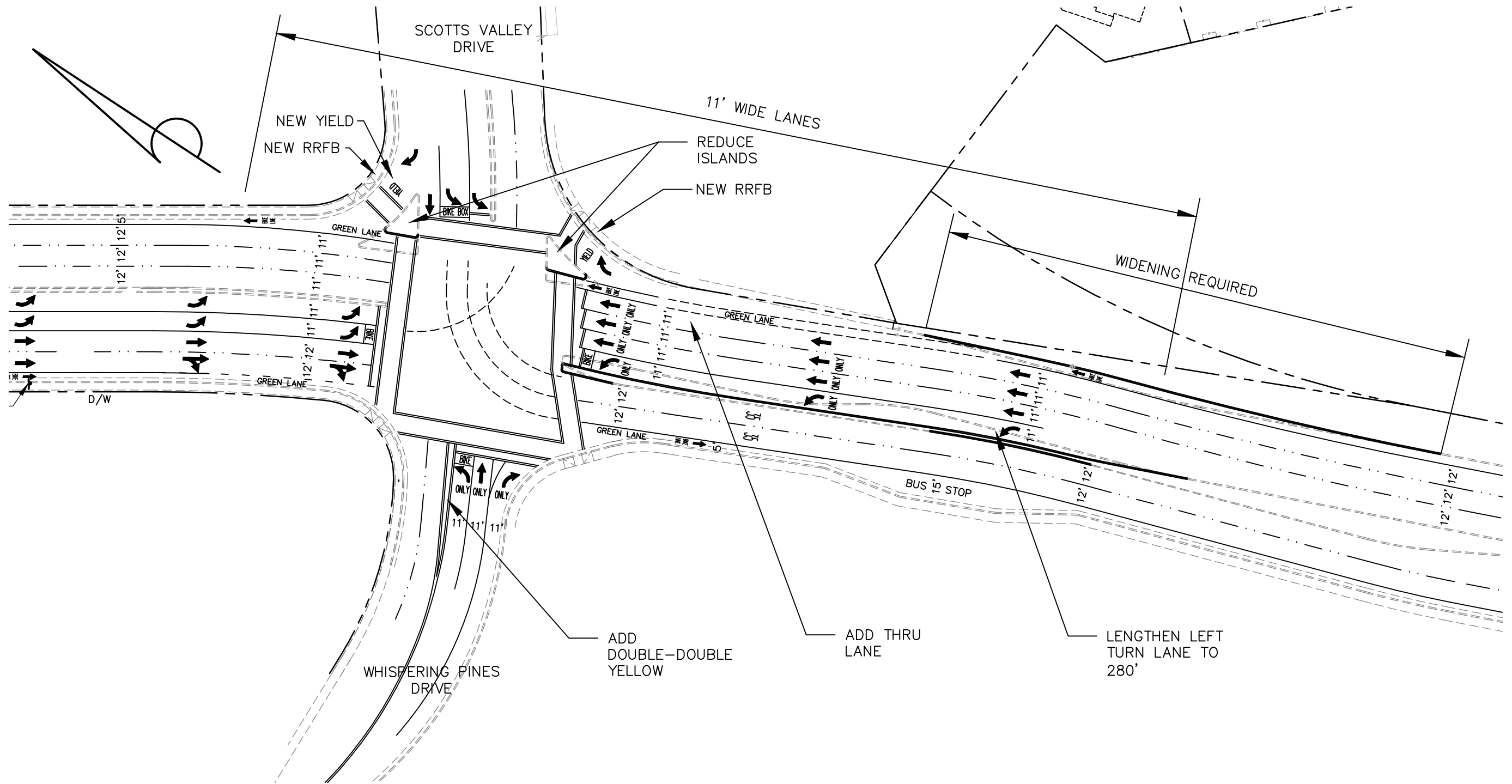
c.2 90% Design							
1	Correspondence	2			2		\$620
2	Meeting	4			4		\$1,240
3	90% PSE						\$0
	Cover				2		\$240
	Demo				4		\$480
	Site	4			8		\$1,720
	Grading Drainage Utility	2			2		\$620
	Erosion Control				2		\$240
	Specifications	2			8		\$1,340
	Estimate	2			4		\$860
4	Respond Comments	2			8		\$1,340
5	Administration	2			2	2	\$770
In-House Subtotals:		20	0	0	46	2	\$9,470
Subconsultant Services							
1	Hatch Mott MacDonald				\$ 8,294	1.1	\$9,123
						Task Total: \$18,593	
c.3 100% Design							
1	Correspondence	2			2		\$620
2	Meeting	4					\$760
3	Final Calcs	1			4		\$670
4	90% PSE						\$0
	Cover				2		\$240
	Demo				2		\$240
	Site	2			4		\$860
	Grading Drainage Utility				2		\$240
	Erosion Control				2		\$240
	Specifications	2			8		\$1,340
	Estimate	1			4		\$670
5	Respond Comments	2			6		\$1,100
6	Administration	2			2	2	\$770
In-House Subtotals:		16	0	0	38	2	\$7,750
Subconsultant Services							
1	Hatch Mott MacDonald				\$ 17,600	1.1	\$19,360
						Task Total: \$27,110	
d. Bid Assistance							
1	Correspondence	2			2		\$620
2	Advertisement				4		\$480
3	Distribute				4		\$480
4	Pre-bid	4					\$760
5	Addendum	2			4		\$860
6	Review and rank				2		\$240
7	Check quals				2		\$240
8	Meeting	4					\$760
9	Administration	1			2	2	\$580
In-House Subtotals:		13	0	0	20	2	\$5,020
						Task Total: \$5,020	



e. Construction Administration							
1	Correspondence	2			2		\$620
2	Pre-Con Meeting	4					\$760
3	Review Submittals				2		\$240
4	Issue RFI response	1			4		\$670
5	Weekly Visits (12)	6			36		\$5,460
6	Punch List	1			4		\$670
7	Review Change Orders	1			4		\$670
8	Review Invoices				8		\$960
9	Record Drawings	1			4		\$670
10	Administration	2			2	2	\$770
In-House Subtotals:		18	0	0	66	2	\$11,490
Subconsultant Services							
1	Hatch Mott MacDonald				\$ 8,165	1.1	\$8,982
						Task Total: \$20,472	
f. Grant Reporting Assistance							
1	Correspondence	2			2		\$620
2	Reporting	4			10		\$1,960
3	Administration	1			2	1	\$505
In-House Subtotals:		7	0	0	14	1	\$3,085
						Task Total: \$3,085	
Reimbursable Expenses							
1	Plotting and Delivery						\$300
2	Mileage						\$100
Subtotals:							\$400
						Total In-house Seivices:	\$52,135
						Total Subconsultant Services	\$87,665
						Total: \$139,800	

This is our best estimate at this time and some of the estimated hour requirements for specific tasks may increase, while others may not require the anticipated effort. This provides us a greater degree of confidence in the total rather than any given task. This estimate is based on hourly rates effective through December 2016

J:\&W\25400\25471 City of Scotts Valley City Engineer\25471-13 MHR-SVD\25471-13.dwg, 9/28/2015 10:19:01 AM, DWG To PDF.plt



BOWMAN & WILLIAMS

CONSULTING CIVIL ENGINEERS

1011 CEDAR STREET SANTA CRUZ CA 426-3560

SCALE 1" = 60'

DATE 9/28/15

DRAWN JFR

JOB NO. 25471.13

DWG NAME 25417-13

FILE NO. 25471.13

MT. HERMON RD/SCOTTS VALLEY DR./WHISPERING PINES DR.
INTERSECTION IMPROVEMENTS

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: March 16, 2016
TO: Honorable Mayor and City Council
FROM: Chuck Comstock, City Manager
SUBJECT: APPOINTMENT TO LIBRARY ADVISORY COMMISSION

SUMMARY OF ISSUES

The Library Joint Powers Agreement states that the Governing Board shall be advised by a Library Advisory Commission. The Commission is made up of seven members with one being a Scotts Valley resident appointed by the City Council. Ellen Campos has volunteered to serve on this Commission and Council Member Reed is recommending her.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

The City Council appoint Ellen Campos to serve as the City of Scotts Valley representative on the Library Advisory Commission.

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CITY OF SCOTTS VALLEY

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

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

I would like to be appointed to serve on the: Library Advisory Commission

NAME: Ellen Bell Campos DATE: March 10, 2016

HOME ADDRESS: PO Box 66206, Scotts Valley (I prefer to keep my home address confidential but will provide it if necessary)

Hm Phone: N/A Cell Phone: (831)818-9162 Work Phone: (831)636-4120

Email: ebellcampos@gmail.com

How long have you lived in the City of Scotts Valley? 18 years

Occupation: Deputy District Attorney Employer: San Benito County

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

I have been a life-long user of libraries as well as an advocate for them. I joined the Scotts Valley chapter of the Friends to help
raise money for the new branch. I was the SV liaison to the Santa Cruz Friends Board as well as a member of that
board. For many years I was responsible for organizing the book sales for both groups and assisted with other
programs and fundraisers. I strongly believe that good libraries greatly enhance the quality of life in a community.

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

Other cultural or civic activities:

Scotts Valley Code Enforcement Appeals Board; Mock Trial Coach SVHS, Girl Scouts Service Unit Cookie Manager

Board Member-Friends of the Santa Cruz Public Library, Member of Scotts Valley Chapter of Friends of the Library

Mentor - Teen Peer Court

Date of Application: March 10, 2016 Signature: _____

(OVER>>>>)

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

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

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

Presented to Council on: _____

STAFF REPORT

DATE: 26 February 2016

TO: Library Joint Powers Board

FROM: Janis O'Driscoll, Interim Library Director

RECOMMENDATION: Accept the report of the Interim Library Director in order to call the first meeting of the Library Advisory Commission.

SUMMARY Upon appointment of all seven commissioners to the Library Advisory Commission, the Interim Library Director will call the first meeting of the Commission to elect a chairperson and vice-chairperson, consider and adopt bylaws, establish a meeting schedule, and define rules and regulations for the conduct of its meetings. The Commissioners will also draw lots to establish the lengths of their respective terms as described in the Fourth Amendment to the Joint Powers Agreement. The Interim Director and the Commission will return to the Board to report on the results of its first meeting.

BACKGROUND The Fourth Amendment to the Joint Powers Agreement, Section 5B, states that "the Governing Board shall be advised by a Library Advisory Commission." Commissioners must be registered voters and are appointed as follows:

1. Three residents of unincorporated Santa Cruz County with one each appointed from Supervisorial Districts 1, 2, and 5
2. Two Santa Cruz City residents appointed by the Santa Cruz City Council
3. One Capitola resident appointed by the Capitola City Council
4. One Scotts Valley resident appointed by the Scotts Valley City Council

By March 2, 2016, it is expected that all seven appointments will have been made and the first meeting of the Library Advisory Commission can be scheduled.

The Commission is advisory only and is intended to be a voice of the community to provide advice and feedback to the Governing Board and the Director of Libraries.

The Commission shall meet at least quarterly to develop recommendations to the Governing Board on Library System hours, organization and services and will prepare an annual report for consideration by the Governing Board.

Each Commissioner shall serve a four-year term. The terms of the initial Commissioners shall be staggered to end at 36 months and 48 months, respectively, so as to ensure continuity among the Commissioners. Each Commissioner shall be limited to two terms.

The Commission shall be governed by the requirements of the Ralph M. Brown Act.

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: March 16, 2016
TO: Honorable Mayor and City Council
FROM: Chuck Comstock, City Manager
SUBJECT: REALLOCATION OF POLO RANCH FUNDS

SUMMARY OF ISSUES

At the August 20, 2014 City Council meeting, there was a discussion and approval of use of funds from the Polo Ranch project. Of several approved expenditures, one was for \$10,000 for the turf area at the Scotts Valley High School. The attached letter from the School Superintendent is asking that those funds be reallocated to resurfacing of the tennis courts. In addition, Council Member Johnson is asking that the amount be increased by an additional \$2,000 based upon the recent bids we received to resurface the tennis courts at Skypark.

FISCAL IMPACT

An additional \$2000 from Polo Ranch funds.

STAFF RECOMMENDATION

The City Council give staff direction on the reallocation of funds

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3. Discussion and approval of use of funds from Polo Ranch project

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

CM Aguilar recommended approving funds to repair the hillside erosion under the pool.

Wendy Brannan, Scotts Valley resident, requested that the City Attorney and City staff evaluate the appropriate use of these funds, and whether donating to separate foundations, non-profits, or the school district, is appropriate.

Lee Besse, Scotts Valley Community Theater Guild (SVCTG), stated that the SVCTG is currently attempting to raise funds, however, it is extremely difficult. He stated that the SVCTG is initially looking at opening the theater in 2015 with minimum facility upgrades, which they are calling PAC Lite. He stated that they are approximately \$100,000 short at this time and he requested a grant of \$100,000 so that they can open their doors six months from now. He stated that they have raised approximately \$15,000 to date and they have a large number of volunteer and labor donations lined up.

Debbie Muth, Scotts Valley Historical Society, requested funding for the painting of the Scott House. She also thanked Knox Roofing for donating the materials for the new roof on the Scott House.

Val Rebhahn, Scotts Valley Arts Commission, provided some detail regarding PAC Lite and spoke in support of funding for the SVCTG. He stated that schools and the city could use the facility.

CM Johnson made the following recommendations: repairing the hillside erosion under the pool, but possibly doing it partially in-house so that it does not cost \$20,000; chairs and tables at the Community Center as this is a rental facility; and repair of retaining walls at MacDorsa Park; \$25,000 toward the SVCTG; recreation van; replacing the pool cover; resurfacing the tennis courts; and possibly some money to the Historical Society for the Octagon building. He also recommended further study regarding the modular units before committing funds, and contributing \$10,000 to place turf on a 50 x 35 yard surface at the High School that is used by multiple athletic groups.

CM Lind made the following recommendations: repairing the hillside erosion under the pool; wheelchair access platforms; painting of the Scott House; seed money for the SVCTG; seed money for the Octagon building; ADA drinking fountains; and look into using some of the funds to hire a grant writer to help generate additional funds to be used for recreational purposes.

CM Aguilar agreed with the recommendations mentioned by CM Johnson and CM Lind and recommended \$25,000 for the Historical Society as seed money to do fundraisers and move forward. She also recommended approving the \$5,500 to add a back door and outside patio to the Senior Center.

Mayor Reed made the following recommendations: repairing the hillside erosion under the pool; painting of the Scott House; turf field at the high school as recommended by CM Johnson; figure out a long term strategy for the modulars; address safety concerns identified by Parks & Recreation Commissioner Brannan at parks and facilities; contribution to SVCTG; and, contribution to Historical Society for Octagon building.

CM Lind recommended including the Shugart Dog Park on the list of projects.

M/S: Bustichi/Aguilar

To approve the following expenditures: \$20,000 for the hillside erosion under the pool; \$2,500 for the retaining wall repairs at MacDorsa Park; \$7,000 for wheelchair entry/access ramps at MacDorsa, Siltanen, Hocus Pocus, and Skypark; funds to replace chairs at the Community Center with the possibility of tables; \$25,000 pledge to the Scotts Valley Community Theater Guild to be used for specific items to stay within the theater; \$12,500 pledge for the Octagon building for materials, Historical Society to come back to Council back as they move forward and have plans; \$10,000 for turf area at the high school; \$7,500 to replace the pool cover; \$35,000 for a new parks & recreation van to transport children. Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

4. Future Council agenda items

CM Aguilar recommended a future agenda item to look at possibly revising the City's current beekeeping ordinance.

Mayor Reed stated that he would not be able to attend the September 17 City Council meeting and requested a future agenda item to consider cancellation of the September 17 meeting.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 9:24 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations, APN's 022-211-36, 022-601-01, 022-721-06.
- (2) Conference with legal counsel regarding existing litigation.
Legal Authority: Govt Code Section 54956.9a
Name of Case: City of Scotts Valley vs. County of Santa Cruz, et al
Case No. CIV467230 San Mateo County Superior Court and
Case No. A126357 Court of Appeal, First District
Staff Present: City Manager, City Attorney, Community Development Director/
Deputy City Manager
- (3) Conference with legal counsel regarding existing litigation.
Legal Authority: Govt Code section 54956.9a
Name of Case: City of Scotts Valley vs. County of Santa Cruz, et al
Case No. CV177221
Staff Present: City Manager, City Attorney, Community Development Director/



SCOTTS VALLEY UNIFIED SCHOOL DISTRICT

4444 Scotts Valley Drive, Suite 5B

Scotts Valley, CA 95066-4529

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SUPERINTENDENT
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EDUCATIONAL SERVICES
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BUSINESS SERVICES
(831) 438-2312

PERSONNEL
(831) 438-1822

March 11, 2016

Randy Johnson, Vice Mayor
City Council
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, California 95066

RE: Request to Re-Purpose Funding

Dear Vice Mayor Johnson,

Please consider the District's request to re-purpose the \$10,000 in funding approved by the City Council on August 20, 2014 for rehabilitating the turf area at SVHS to resurfacing the tennis courts. The \$10,000, together with other donated funds, will provide much needed repair to the tennis courts which are used by students as well as our community.

Thank you for consideration of our request.

Sincerely,

Penny Weaver

Penny Weaver, Superintendent

City of Scotts Valley
INTER-OFFICE MEMORANDUM

Date: March 16, 2016

To: Honorable Mayor and Members of the City Council

From: Michelle Fodge, Senior Planner

Approved: Taylor Bateman, Acting Community Development Director

Request: CONSIDERATION OF PLANNING COMMISSION
RECOMMENDATION TO APPROVE THE PROPOSED
“ENTERPRISE WAY” PROJECT, CONSISTING OF A FINAL
ENVIRONMENTAL IMPACT REPORT AND PLANNING PERMITS TO
BUILD 50 RESIDENTIAL TOWNHOUSE-STYLE CONDOMINIUMS
AND A 120-ROOM HOTEL ON THE FORMER “BORLAND PHASE II”
SITE AT THE END OF SANTA’S VILLAGE ROAD / APN 024-031-17

SUMMARY OF ISSUE

On a vacant 6.80-acre parcel, the applicants propose to build 50 condominiums, a 120-room hotel, and related property improvements. In three-story buildings, the townhouses are approximately 1,700 square feet in size with three to four bedrooms, plus a 2-car garage. The four-story hotel has 87,000 square feet in floor area and would operate under a select-service, extended-stay model. The proposed projects would be built separately.

The Draft Environmental Impact Report (EIR) prepared for the proposed project analyzed potential project impacts and identified mitigation measures in accordance with California Environmental Quality Act (CEQA) Statutes and Guidelines. The Final EIR includes responses to written comments received on the Draft EIR, and clarifications in the EIR shown in strikeout and underlined text.

On March 3, 2016, the Planning Commission held a public hearing to consider the Final EIR and proposed project. After holding the hearing, they recommended City Council approval, in a 4/1/0 vote with four votes in favor and one in opposition.

The next step is for the City Council to conduct a public hearing, take public testimony, certify the Final EIR, adopt a Statement of Overriding Considerations for the two significant unavoidable traffic impacts, and approve the planning permit applications, subject to mitigation measures and conditions.

REQUESTED PLANNING PERMITS

The project requires the following planning permits (also known as entitlements):

- Environmental Impact Report - evaluates the potential environmental impacts;
- Cultural Resource Alteration Permit - protects potential artifacts;
- General Plan Amendment - changes the existing General Plan Land Use Designation of Research & Development (Planned Development) to High-Density Residential and Commercial Service;
- Zone Change - changes the existing zoning district of I-RD(PD) to R-H/PD and C-S/PD;
- Planned Development District Overlays and Permits (PD) - allows tailored development standards to fit the needs of the project and property;
- Land Division - subdivides the parcel into lots for the hotel and residential uses;
- Use Permits - allows townhouse-style condominiums in the R-H zone and a hotel in the C-S zone; and,
- Design Review - evaluates the architecture and related site improvements.

Please refer to the attached Planning Commission Staff Report dated March 3, 2016, for the following topics:

- Background and Key Dates;
- Environmental Review: Purpose; Project Impacts Found Not to Be Significant; Project Impacts Deemed Significant but Mitigated; Project Impacts Deemed Significant and Unavoidable; and Conclusions;
- Consistency with the City's General Plan and Zoning Ordinance;
- Use Permit and Design Review.

DISCUSSION

1. **Planning Commission Action:** At the March 3, 2016, public hearing, two (2) written comments from individuals (Lex Rau and Michael Shulman, attached to this staff report) were provided to the Commission and six (6) individuals and two (2) organizations spoke on the project. Comments included, but were not limited to, the following topics:

- Affordable housing for teachers, firefighters, and hotel workers;
- Bike lanes on Santa's Village Road;
- Design and landscape screening;
- Parking for residences and hotel;
- Planned Development purpose and application; and,
- Traffic delays

From a CEQA perspective, the expressed and written comments do not present new impacts which require further environmental review. The Draft EIR identified significant or potentially significant effects associated with: aesthetics, air quality, biological resources, cultural resources, geology & soils, noise & vibration, and transportation & circulation. However, implementing the recommended

mitigation measures will reduce all of these impacts to less than significant levels, with the exception of transportation & circulation, which would remain significant and unavoidable due to existing traffic conditions.

2. **Traffic / Project Impacts Deemed Significant and Unavoidable:** The Final EIR concluded that there are two significant traffic impacts which cannot be feasibly mitigated to less-than-significant levels. Although the impacts listed below would be reduced for Alternative A (Residential Only) and Alternative B (Existing Zoning), they would still remain significant and unavoidable. Certifying the FEIR requires the City to approve a Statement of Overriding Considerations for these two impacts.

- Increase congestion and travel delays on regional and local roadways or exceed an established LOS standard: The existing intersections of Santa's Village Road / Granite Creek Road / northbound Highway 17 (Intersection #3) and Scott's Valley Drive / Glenwood Drive / southbound Highway 17 (Intersection #5) already operate at unacceptable City levels during peak morning hours (7-9AM) and evening hours (5-7PM).

Therefore, any change, even a relatively minor one, is considered significant. The project would generate one project trip per 3 and 2 minutes in the AM and PM peak hours, respectively. The project would contribute less than an average of one (1) second of additional delay to Intersections #3 and #5. This additional delay would be a significant impact that cannot be feasibly mitigated because of the constraints of the existing intersections. Examples of improvements needed to address existing constraints include loss of church and school parking, building a new or widened Granite Creek Road overpass, and reconfiguring Intersections #3, #4, and #6. See Final EIR pages 2-7, 2-8, and 2-9.

- Contribute to cumulatively considerable transportation and circulation impacts: The project would contribute an average of less than one (1) second of additional delay to the cumulative Intersections #3 and #5, which already operate at unacceptable levels. This additional delay would be a significant impact that cannot be feasibly mitigated due to the constrained nature of the existing intersections.

Under Alternative B (Existing Zoning), new development would consist of a building approximately 50 feet in height, 160,000 square feet of office space, and 490 below-grade parking spaces to accommodate 900 employees. Traffic impacts at Intersections #2 and #5 would be more significant than the proposed project because there would be more office employee cars during the peak AM and PM hours.

Balancing new construction with existing traffic is an issue throughout the County. The project would add less than one (1) second of additional delay at Intersections #3 and #5, which currently operate below City standards in the peak morning and evening commute hours.

Because the proposed project would complete new development at the north end of the City, there would be no more building potential in this area. Once developed, further traffic impacts from the project site would not be anticipated. Please refer to Final EIR pages 2-7, 2-8, and 2-9 for a detailed discussion.

2. **Parking:** Regarding parking comments, project conditions will explore more parking along the main access road, to the extent feasible. Planned Development Permits allow exceptions to the City's requirements to meet the unique needs of a project and the City. Although the proposed residential parking (123 spaces) complies with the City's Municipal Code, concerns were raised that the 23 surface parking spaces will not be enough to serve the guests and multiple drivers of 50 condos. The proposed hotel parking (123 spaces) is four (4) spaces short of the required amount (127 spaces), which is a small portion (3%) of required parking.
3. **After Planning Commission Review:** After the March 3rd public hearing, staff has received written comments from two (2) individuals (Jane McCormick Crowley and Catherine Steele) and one (1) organization (Affordable Housing Now!), which speak to affordable housing and are all attached to this staff report.
4. **Affordable Housing Subcommittee:** Title 14 of the City's Municipal Code governs the affordable housing requirements for new residential projects. Project conditions require the residential applicant to comply with Title 14. Any new updates from the City's Affordable Housing Subcommittee will be provided to the City Council at the public hearing.

PUBLIC NOTICE AND COMMENT

On March 4, 2016, public hearing notices were posted at City Hall, the Senior Center, and the Scotts Valley Branch Public Library, and were mailed to surrounding property owners located within 600 feet from the subject property, which is twice the distance required by State law and the City's Municipal Code. Any new communication received will be provided to the City Council and public at the public hearing on March 16, 2016.

FISCAL IMPACT

The proposed residences are not expected to have a significant fiscal impact to the City. A homeowners association is required to manage and maintain the private streets, groundwater infiltration/drainage systems, and recycled water system. The hotel will provide annual transient occupancy tax (TOT) revenue to the City.

RECOMMENDATION

The Planning Commission recommends that the City Council certify Final EIR Mitigated Environmental Impact Report EIR15-001, adopt a Statement of Overriding Considerations, and approve Cultural Resource Alteration CRA15-001, General Plan Amendment GPA15-001, Zone Change ZC15-001, Planned Development Overlays & Permits PD15-001 & PD15-002, Land Division LD15-001, Use Permits U15-002 & U16-

001, Design Reviews DR15-001, DR15-009, and DR16-001, subject to the Mitigation Monitoring and Reporting Program, General Plan Land Use Designation Map, Zone Change Map, and Conditions of Approval, by adopting the attached resolutions and ordinance.

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7. Project Plans *	*Attached

* Please note that a hard-copy is available to review in the lobby at City Hall, Monday-Thursday 8AM-12PM and 1PM-5PM, at One Civic Center Drive, Scotts Valley.

An electronic copy is also available on this page of the City's website:
http://www.scottsvally.org/planning/Enterprise_Way.html

Please call the City at (831) 440-5630 if you have any questions.

RESOLUTION NO. 1916

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT EIR15-001 AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE “ENTERPRISE WAY” PROJECT CONSISTING OF 50 TOWNHOUSE-STYLE CONDOMINIUMS, 120-ROOM HOTEL, AND RELATED PROPERTY IMPROVEMENTS, ON A VACANT PARCEL LOCATED AT THE END OF SANTA’S VILLAGE ROAD (PREVIOUSLY APPROVED BORLAND PHASE II SITE) / APN 024-031-017

WHEREAS, the City of Scotts Valley has received an application and technical reports from CR&E Management and City Ventures (referred to together as the “applicant”), proposing to subdivide the parcel for development of a 50-unit residential development and 120-unit hotel, and related property improvements on a vacant 6.8-acre parcel, as shown on project plans dated January 19, 2016 (hotel), and December 2, 2015 (residential development) / APN 024-031-170; and

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

WHEREAS, the application is a “project” pursuant to the California Environmental Quality Act (“CEQA”), which requires the preparation and certification of an Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and

WHEREAS, the City selected Kimley-Horn and Associates, an independent environmental consultant (“consultant”) to prepare a Draft Environmental Impact Report (“Draft EIR”), paid for by the applicant; and

WHEREAS, the consultant prepared a Draft EIR (State Clearinghouse # 2015032086) in accordance with the State CEQA Guidelines and requirements. The Draft EIR was duly noticed, published, and distributed for a 45-day public review period from December 31, 2015 – February 16, 2016, and was made available for public review at City Hall, Planning Department; and

WHEREAS, the City’s consultant prepared a duly noticed and published Final Environmental Impact Report (EIR) on February 26, 2016, that was distributed to public agencies that commented on the Draft EIR, was made available at City Hall, Planning Department, the City’s website, and upon request at the Planning Department; and

WHEREAS, the Planning Commission held a duly published and noticed public hearing on March 3, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR and the requested planning permits (entitlements), take public testimony, and provide comments and

recommendations to the City Council; and, after which, they recommended approval of the Final EIR and project to the City Council, subject to the recommended mitigation measures and amended conditions; and

WHEREAS, the City Council held a duly published and noticed public hearing on March 16, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR, the entitlements, and all other information in the record including, but not limited to, public testimony; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley, that the City Council hereby:

SECTION 1: Affirms that the Final EIR has been completed in compliance with the requirements of CEQA and that the City Council has reviewed and considered the information within the Final EIR and other information in the record including the written and oral comments received at the public hearing on the Final EIR.

SECTION 2: Affirms that the Final EIR represents the independent judgement and analysis of the City.

SECTION 3: Certifies the Final EIR, based on the following findings, subject to the Mitigation Monitoring and Reporting program (MMRP) in Exhibit A, attached hereto and incorporated herein:

1. ***Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*** The Final EIR meets the requirement of this finding in that an MMRP (Pages 4-1 through 4-32 of the Enterprise Way Project Final EIR February 2016) has been prepared listing the environmental impacts, ways to substantially reduce many impacts to less than significant levels. All mitigation measures in the MMRP shall be included in any future resolutions approving the project, made fully enforceable as future planning permit conditions of approval, and are incorporated herein in their entirety by this reference. Although the City's independent environmental consultant concluded that Alternative A (Residential Only) is the "environmentally superior" alternative to the proposed project, this Alternative would still result in significant and unavoidable traffic impacts at the project and cumulative level because two of the six studied intersections already operate below City standards. As proposed, the project will add a less than one (1) second delay to existing intersection wait times.
2. ***The City has prepared a program to report on and monitor changes made to the project in order to mitigate or avoid significant effects on the environment.*** The Final EIR meets the requirement of this finding in that a Mitigation Monitoring and Reporting Program (MMRP) has been prepared, which lists all of the mitigation measures and identifies the parties responsible to monitor and report/track compliance of the mitigation measures. The MMRP will

ensure compliance during future project implementation and provide the timing for implementation.

3. ***The documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based will be located at the Department of Planning of the City of Scotts Valley in the custody of the Community Development Director.*** The Final EIR meets the requirement of this finding in that documents and other materials constituting the record of the proceedings upon which the City's decision and findings are located at the Planning Department of the City of Scotts Valley, One Civic Center Drive, Scotts Valley, CA, 95066, in the custody of the Community Development Director as part of the public record.

SECTION 4: Adopts a Statement of Overriding Considerations for the two significant unavoidable impacts of cumulative impacts to traffic of the project, as analyzed and discussed in the Draft and Final EIRs, based on the following finding:

4. ***To the extent that adverse or potentially adverse impacts set forth above have not been mitigated to a level of insignificance, that specific economic, social, legal, environmental, technological or other benefits of the project outweigh the significant effects on the environment.*** The project meets the requirements of this finding in that in deciding to approve the proposed project evaluated in the Final EIR, the City has considered the two unavoidable and significant environmental impacts identified below. Although the City believes that impacts identified in the EIR will be reduced to less than significant levels by the mitigation measures incorporated into the project, it recognizes that approval of the project will nonetheless result in two unavoidable and potentially irreversible effects, as summarized below.
- A. Increase congestion and travel delays on regional and local roadways or exceed an established LOS standard: The existing intersections of Santa's Village Road / Granite Creek Road / northbound Highway 17 (Intersection #3) and Scott's Valley Drive / Glenwood Drive / southbound Highway 17 (Intersection #5) already operate at unacceptable City levels during peak morning hours (7-9AM) and evening hours (5-7PM). Therefore, any change, even a relatively minor one like less the proposed project, is considered significant. The project would contribute less than one (1) second of additional delay to these two intersections. This additional delay would be a significant impact that cannot be feasibly mitigated due to the constrained nature of the existing intersections.
- B. Contribute to cumulatively considerable transportation and circulation impacts: The project would contribute less than one (1) second of additional to delay to the cumulative Intersections #3 and #5, which already operate at unacceptable levels. This additional delay would be a significant impact that cannot be feasibly mitigated due to the constrained nature of the existing intersections.

The City finds that any and each of the following considerations is sufficient to approve the project for any one or more of the unavoidable impacts identified and that each of the overriding consideration is adopted with respect to each of the impacts individually and that each consideration is severable from any other consideration should one consideration be shown to be legally insufficient for any reason. The following considerations support approval of the project:

- I. The project will serve the City's goal of adding to the supply of high-density townhouse-style condominiums in the City in order to accommodate regional population needs and employment growth in the City;
- II. Implementation of the project will result in the developer contributing to the financing of the improved school facilities in the area;
- III. The project will directly contribute to the tax base of the City through increases in transient occupancy tax (TOT) and in the assessed value of the project property. Indirect contributions will be from increased sales tax revenues from the hotel operator, hotel patrons, and future project residents.
- IV. Leaving the property in its current vacant state will not further the economic development goals of the City. Since 1991, when "Borland Phase II" was approved (192,555 square feet), development has always been intended on the subject parcel. Although the approval for Phase II expired in 2004, the City's hope was that this important research and development infill site would eventually be developed to bring additional jobs and services to the City, such as medical research, high technology, or software development.

Since then, the subject parcel has been vacant and underused. The last decade has been a difficult market for new commercial construction in the City. For years, Enterprise Technology Center (formerly Borland) had many tenant vacancies. Although new businesses have started to occupy the building, the current research and development zone of the subject parcel is no longer viable. However, residential construction is a continuous market because people want to live in a safe community with good schools and recreation programs. With the 1440 Foundation reuse of the former Bethany University campus and other new businesses locating in the City, the market has shown a demand for hotels.

The project would be a traditional land use transition between the single-family Polo Ranch subdivision to the east and the existing commercial office campus of Enterprise Technology Center (formerly Borland) to the south. The project will provide viable infill residential and commercial development of an underused lot.

Balancing new construction with existing traffic is an issue throughout the County. The project would add less than an average of one (1) second of additional delay at Intersections #3 and #5, which currently operate below City standards in the peak morning and evening commute hours. Although the impacts listed below would be reduced for Alternative A (Residential Only) and Alternative B (Existing Zoning), they would still remain significant and unavoidable. Under Alternative B (Existing Zoning), new development would consist of a building approximately 50 feet in height, 160,000 square feet of office space, and 490 below-grade parking spaces to accommodate 900 employees. Traffic impacts at Intersections #2 and #5 would be more significant than the proposed project because there would be more office employee cars during the peak AM and PM hours.

The proposed project would be the last puzzle piece of major development of the City's commercial/industrial corridor, which begins at Scotts Valley Drive at Mt. Hermon Road and ends at the north end of the City. Once developed, there would be no more building potential in this area; and, further traffic impacts from the project site would not be anticipated.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, the City Council certifies Final EIR EIR15-001 and adopts a Statement of Overriding Considerations for two traffic impacts of the project located at the end of Santa's Village Road / APN 024-031-17, subject to Mitigation Measures in the MMRP in Exhibit A, attached hereto and incorporated herein by this reference.

The above and foregoing Resolution was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 16th day of March, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Donna Lind, Mayor

Tracy Ferrara, City Clerk

Table 4-1: Mitigation Monitoring and Reporting Program for Hotel Development

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
AESTHETICS	<i>Mitigation Measures Identified in the Project EIR</i>			
Impact AES-2: The projects would introduce new light and glare to the project site and project area.	MM AES-1 Exterior Lighting Control Plan The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. To minimize the adverse impact associated with light and glare, the project applicants shall submit an exterior lighting control plan for review and approval by the Community Development Director prior to issuance of a building permit for vertical construction. The applicants shall design and install all permanent exterior lighting and all temporary construction lighting such that: (a) lamps and reflectors are not directly visible from beyond the project site, as is feasible; (b) lighting does not cause excessive reflected glare; (c) direct lighting does not illuminate the nighttime sky; (d) illumination of the project and its immediate vicinity is minimized; and (e) the lighting mitigation plan complies with all relevant local policies and ordinances. The exterior lighting control plan shall include the following: ▪ A photometric study that demonstrates spillover horizontal foot-candle (fc) levels do not exceed 1.0 fc at the project site boundary adjacent to the riparian area. ▪ Identification of the location and direction of light fixtures that take the lighting control requirements into account;	Community Development Department (CDD)	Review and approval of exterior lighting control plan prior to issuance of a building permit for vertical construction.	

[illegible]

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure. ■ Prohibit all grading activities during periods of high wind (more than 15 mph). ■ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). ■ Stabilize all disturbed soil areas not subject to using approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by the APCD. ■ Sow exposed ground areas that are planned to be reworked at dates greater than one month after initial grading with a fast germinating, non-invasive grass seed, and water until vegetation is established. ■ Plant vegetative ground cover in disturbed areas as soon as possible. ■ Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the project site. Reclaimed (non-potable) water should be used whenever possible; ■ Spray dirt stock pile areas daily as needed. ■ Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building		inspections	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used. - Not exceed a 15 mph vehicle speed for all construction vehicles on any unpaved surface at the construction site. - Cover or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) on all trucks hauling dirt, sand, soil, or other loose materials in accordance with California Vehicle Code Section 23114. - Limit unpaved road travel to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible. - Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the project site, and inspect vehicle tires to ensure free of soil prior to carry-out to paved roadways. - Sweep streets at the end of each day, or more frequently as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.			
	MM AQ-1.2 Designate a dust compliance monitor The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. The applicant shall require the contractor(s) or builder(s) to designate a person or persons to monitor the fugitive	CDD	Review and approve construction specifications prior to issuance of building permit; monitor complaint status with MBUAPCD	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. Their duties shall include monitoring during holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the MBUAPCD Compliance Division prior to the start of any grading, earthwork, or demolition. The applicant shall provide and post a publicly visible sign that specifies the telephone number and name to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the MBUAPCD shall also be visible to ensure compliance with Rule 402 (Nuisance).	Monterey Bay Unified Air Pollution Control District (MBUAPCD) Construction Dust Monitor	Record and investigate (as necessary) complaints Post signs; respond to complaints	
BIOLOGICAL RESOURCES	Mitigation Measures Identified in the Project EIR			
Impact BIO-2: The residential development would cause a direct and/or indirect adverse effect on native trees and associated nesting bird sites.	MM BIO-2.2 Preconstruction Bird Surveys The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. The applicant shall schedule all on-site tree removal and grading to occur between August 15th and February 1st of any given year to avoid the bird nesting season. If this schedule is not practical, the applicant shall hire a qualified biologist to conduct preconstruction nesting bird surveys no more than two weeks prior to removal of trees and grading. If nesting birds are observed, the biologist will establish a buffer zone where no tree removal or grading will occur until the biologist confirms that all chicks have fledged. The buffer zone may vary from 50 to 250 feet, depending upon the species of bird and exposure of the	CDD Qualified biologist	Construction specifications prior to issuance of grading permits. Preconstruction surveys	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	nest site.			
CULTURAL RESOURCES	<i>Mitigation Measures Identified in the Project EIR</i>			
Impact CR-1: The projects would cause a substantial adverse change to a known archeological resource.	MM CR-1.1 Archaeological Testing Program 1 The applicant for the hotel development shall implement this mitigation measure <u>on the hotel development property</u>. The applicant shall hire a qualified archaeologist to design and undertake an archaeological testing program. The program shall recommend that a qualified archaeologist be present and monitor all earthmoving activities. The program shall recommend protocols to be undertaken if potential historical or unique archaeological resources are discovered during construction. The program shall dictate procedures to be performed if an archaeological find is determined to be an historical or unique archaeological resource, and if avoidance of the resource would not be feasible. Such procedures shall be designed to result in the extraction of sufficient volumes of non-redundant archaeological data to address important regional research considerations. The archaeological testing program shall be reviewed and approved by the Community Development Director prior to issuance of the grading permit.	CDD Qualified archaeologist	Review and approve archaeological testing program prior to issuance of building permit Prepare and undertake archaeological testing program	
Impact CR-2: The projects would directly impact a paleontological resource or unique geologic feature.	MM CR-2 Paleontological Resource Monitoring The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. Prior to issuance of a grading permit, the applicant shall hire a qualified paleontologist to review the final grading plans and final geotechnical report for the project. Based	CDD Qualified paleontologist	Review memorandum prior to issuance of building permit Prepare memorandum; if necessary, conduct	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	upon a review of these documents, the paleontologist shall prepare a technical memorandum indicating the likelihood of encountering paleontological resources during construction and submit to the Community Development Director for review. If the likelihood is low, no further action is required and the mitigation shall be considered complete. If the likelihood is moderate-to-high, the paleontologist shall conduct intermittent monitoring during earth-moving activities. The paleontological monitor shall have the authority to temporarily (within one working day) divert or redirect grading to allow time to evaluate any exposed fossil material. During monitoring and salvage, any scientifically significant specimens shall be properly collected after evaluation by, and under the supervision of, the paleontologist. Specimens shall be prepared to the point of identification (not exhibition), stabilized, identified, and curated in a suitable repository that has a retrievable storage system. A final report shall be prepared at the end of earth moving activities, and shall include an itemized inventory of recovered fossils and appropriate stratigraphic and locality data. This report shall be sent to the City of Scotts Valley, signifying the end of mitigation. Another copy shall accompany any recovered fossils, along with field logs and photographs, to the designated repository.		monitoring, prepare report, and send to appropriate parties	
GEOLOGY, SOILS, AND SEISMICITY	<i>Mitigation Measures Identified in the Project EIR</i>			
Impact GEO-2: The projects would expose people or structures to substantial safety risks as a result of	MM GEO-2 Implement geotechnical report recommendations. The applicants for both the hotel development and the	CDD	Review geotechnical report and ensure recommendations are included in plans prior to	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
seismically induced ground shaking, liquefaction, settlement, lateral spreading, and/or surface cracking.	residential development shall implement this mitigation measure <u>on their respective development properties</u> . The project applicant shall consult with a registered geotechnical engineer to prepare a design-level geotechnical investigation that incorporates the recommendations in the <i>Draft Geotechnical Investigation on Proposed Residential and Hotel Development at Enterprise Way, Scotts Valley, California</i> (TMakdissy Consulting, 2014). The design-level geotechnical report shall address, but not be limited to, site preparation and grading, building foundations, and CBC seismic design parameters. A design-level geotechnical report shall be prepared and submitted in conjunction with Building Permit application(s) and reviewed and approved by the Community Development Director. Recommendations from the design-level geotechnical report shall be incorporated into the final project design and construction documents for each phase of the project.	Registered geotechnical engineer	issuance of building permits Prepare design-level geotechnical investigation	
NOISE	<i>Mitigation Measures Identified in the Project EIR</i>			
Impact N-1: The projects would cause a temporary or periodic increase in ambient noise levels during construction that would substantially disturb sensitive receptors.	MM N-1 Construction Noise Reduction The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u> . To reduce the effects of construction noise, the City of Scotts Valley shall ensure that the project applicants include the following on all construction <u>specifications</u> contracts for the proposed project: <u>Construction Equipment</u> . Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices	CDD Building Department Contractor	Review of and approval of construction plan prior to issuance of grading and building permits Prepare construction plan, including noise specifications; adhere to plan provisions during construction	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The applicants shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions. <u>Vehicle and Equipment Idling.</u> Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use. <u>Stationary Equipment.</u> All noise-generating stationary equipment, such as air compressors or portable power generators, shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 10 dBA. <u>Construction Route.</u> All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All construction-related heavy truck traffic in residential areas shall be prohibited where feasible. <u>Workers' Radios.</u> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity. <u>Construction Plan.</u> Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City of Scotts Valley Building Department for approval a detailed construction plan identifying the schedule for major noise-generating construction activity. <u>Disturbance Coordinator.</u> A "noise disturbance			

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	coordinator” shall be designated by the contractor and be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. The coordinator shall conspicuously post a name and telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.			
Impact N-3: The projects would expose project residents and hotel guests to existing and future noise levels in excess of standards established in the City of Scotts Valley General Plan.	MM N-3.1 Interior Noise Attenuation: Windows The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. To achieve compliance with the 45 dB DNL interior noise standard of the City of Scotts Valley Noise Element and Title 24, the following window controls shall be incorporated as part of the building plans and approved by the City prior to issuance of a building permit: ■ At habitable spaces within 110 ft. of the west property line with a direct or side view of Highway 17 (north, west and south facades) including the facades in between the buildings, provide mechanical ventilation which brings in fresh air from the outside of the unit, in conformance with Mechanical Code requirements. ■ For habitable spaces within 110 ft. of the west property line, the project applicants shall install operable windows and glass doors with a rated minimum Sound Transmission Class (STC) 36 and	CDD Building Department Qualified Acoustician	Construction documents check prior to issuance of building permits Review acoustical test report of all sound rated windows and approve of construction drawings prior to CDD and Building Department Review	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	entry doors rated minimum STC 32. - For habitable spaces between 110 ft. and 185 ft. of the west property line, the project applicants shall install windows and glass doors with a rated minimum STC 32 and entry doors rated minimum STC 28. - For habitable spaces between 185 ft. and 245 ft. of the west property line, the project applicants shall install windows, glass doors and entry doors with a rated minimum STC 28. - To ensure that the sound insulation features of project windows will be maintained, all window frames within 245 feet of the west property line shall be caulked to the wall opening around their entire perimeter with an acoustical sealant. The sliding window panels shall form an air-tight seal with the frame when in the closed position. - All other windows of the development and all bathroom windows may use any type of glazing and may be kept open as desired with the exception of bathroom windows that are an integral part of a living space and not separated by a closeable door. - Prior to issuance of a building permit, the acoustical test report of all sound rated windows shall be reviewed by a qualified acoustician to ensure that the chosen windows will adequately reduce traffic noise to acceptable levels.			
	MM N-3.2 Interior Noise Attenuation: Building Shell The applicants for both the hotel development and the	CDD Building	Review of construction documents prior to issuance of building	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	residential development shall implement this mitigation measure <u>on their respective development properties</u>. For all habitable spaces within 110 ft. of the west property line, the shall be incorporated as part of the building plans and submitted to the Community Development Director for review and approval prior to issuance of a building permit: ▪ Unshielded entry doors having a direct or side orientation toward the primary noise source must be 1-5/8" or 1-3/4" thick, insulated metal or solid-core wood construction, with effective weather seals around the full perimeter. Mail slots should not be used in these doors or in the wall of a living space, as a significant noise leakage can occur through them. ▪ Where penetrations in the building shell are required for vents, piping, conduit, etc., sound leakage around these penetrations shall be minimized by sealing all cracks and clearance spaces with a non-hardening caulking compound. ▪ Ventilation devices or openings shall not compromise the acoustical integrity of the building shell.	Department	permits	

Table 4-2: Mitigation Monitoring and Reporting Program for Residential Development

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
AESTHETICS	<i>Mitigation Measures Identified in the Project EIR</i>			
Impact AES-2: The projects would introduce new light and glare to the project site and project area.	MM AES-1 Exterior Lighting Control Plan The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. To minimize the adverse impact associated with light and glare, the project applicants shall submit an exterior lighting control plan for review and approval by the Community Development Director prior to issuance of a building permit for vertical construction. The applicants shall design and install all permanent exterior lighting and all temporary construction lighting such that: (a) lamps and reflectors are not directly visible from beyond the project site, as is feasible; (b) lighting does not cause excessive reflected glare; (c) direct lighting does not illuminate the nighttime sky; (d) illumination of the project and its immediate vicinity is minimized; and (e) the lighting mitigation plan complies with all relevant local policies and ordinances. The exterior lighting control plan shall include the following: ▪ A photometric study that demonstrates spillover horizontal foot-candle (fc) levels do not exceed 1.0 fc at the project site boundary adjacent to the riparian area. ▪ Identification of the location and direction of light fixtures that take the lighting control requirements into account; ▪ Lighting design that considers setbacks of project	Community Development Department (CDD)	Review and approval of exterior lighting control plan prior to issuance of a building permit for vertical construction.	

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Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure. ■ Prohibit all grading activities during periods of high wind (more than 15 mph). ■ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). ■ Stabilize all disturbed soil areas not subject to using approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by the APCD. ■ Sow exposed ground areas that are planned to be reworked at dates greater than one month after initial grading with a fast germinating, non-invasive grass seed, and water until vegetation is established. ■ Plant vegetative ground cover in disturbed areas as soon as possible. ■ Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the project site. Reclaimed (non-potable) water should be used whenever possible; ■ Spray dirt stock pile areas daily as needed. ■ Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding,			

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	soil binders, or frequent water application are used. - Not exceed a 15 mph vehicle speed for all construction vehicles on any unpaved surface at the construction site. - Cover or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) on all trucks hauling dirt, sand, soil, or other loose materials in accordance with California Vehicle Code Section 23114. - Limit unpaved road travel to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible. - Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the project site, and inspect vehicle tires to ensure free of soil prior to carry-out to paved roadways. - Sweep streets at the end of each day, or more frequently as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.			
	MM AQ-1.2 Designate a dust compliance monitor The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. The applicant shall require the contractor(s) or builder(s) to designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the	CDD	Review and approve construction specifications prior to issuance of building permit; monitor complaint status with MBUAPCD	

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Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	season between April 15th and October 15th to protect the riparian corridor of Carbonera Creek from grading impacts. However, limited grading may occur in winter, subject to review and approval by the Community Development Director. Replacement Prior to the disturbance of any riparian habitat associated with site clearing and grading associated with the construction of Buildings 1, 2, 3, 4, 9, or 10, a biological functions and values assessment (utilizing an accepted methodology such as the Hydrogeomorphic Approach) shall be conducted by a qualified biologist to establish a baseline for the overall biological value of the riparian habitats on the project site, <u>inclusive of any value provided by shade from trees or other mature vegetation on species within the remaining adjacent riparian corridor and Carbonera Creek.</u> The loss of approximately 0.43 acres of mixed riparian woodland as a result of development activities shall be mitigated through replacement of this habitat with that of similar functions and values to that being removed, as determined in the biological values and functions assessment and presented in a revegetation plan prepared by the qualified biologist. The replacement plan shall account for the expected failure of a number of seeds and plants to germinate and mature successfully. Plant species similar to those being removed shall serve as a basis for the vegetation replacement. The revegetation shall occur in such a way as to create large, contiguous blocks of habitat. Alternatively, existing riparian habitat on the project site that is considered of relatively low function and value can be enhanced and or restored such that the			

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Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
nesting bird sites.	Prior to approval of Improvement Plans, issuance of grading permits, and/or any clearing, grading, or excavation work on the project site, the project applicant shall: A. Provide for the planting of two trees for each “protected” tree removed, as defined by the City of Scotts Valley Municipal Code (Section 17.44.080). The location of each new tree to be planted shall be shown in the proposed project’s Vegetation Planting and Maintenance Plan submitted to the Community Development Director pursuant to Mitigation Measure MM BIO-1.2; or B. Hire a certified arborist to undertake an assessment to trees to be removed to determine whether any such trees are Heritage Trees, as defined in Municipal Code Section 17.44.080. Pay into the City’s Tree Replacement Fund at a rate of \$50 per protected tree, and \$535 per Heritage Tree, as indicated in the City’s “Criteria for Tree Removal,” or C. A combination of (A) and (B). <u>In addition, the project applicants shall be required to comply with the City’s Tree Protection Regulations (Chapter 17.44.080).</u> During project construction, <u>including grading</u>, the project applicant shall implement all recommended measures of the 2015 Tree Survey completed for the proposed project, repeated below: ▪ Identify a tree protection zone for all “protected” trees on the project site that would remain with implementation of the proposed project and install 6-foot orange fencing around the protected area.		protection zone is shown on applicable plans; prior to issuance of grading permits	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	In areas where installation of fencing is not feasible, wrap main stems in straw wattle.			
	MM BIO-2.2 Preconstruction Bird Surveys The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. The applicant shall schedule all on-site tree removal and grading to occur between August 15th and February 1st of any given year to avoid the bird nesting season. If this schedule is not practical, the applicant shall hire a qualified biologist to conduct preconstruction nesting bird surveys no more than two weeks prior to removal of trees and grading. If nesting birds are observed, the biologist will establish a buffer zone where no tree removal or grading will occur until the biologist confirms that all chicks have fledged. The buffer zone may vary from 50 to 250 feet, depending upon the species of bird and exposure of the nest site.	CDD Qualified biologist	Construction specifications prior to issuance of grading permits. Preconstruction surveys	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
CULTURAL RESOURCES	<i>Mitigation Measures Identified in the Project EIR</i>			
Impact CR-1: The projects would cause a substantial adverse change to a known archeological resource.	MM CR-1.2 Archaeological Testing Program 2 The applicant for the residential development shall implement this mitigation measure <u>on the residential development property</u>. The applicant shall hire a qualified archaeologist to design and undertake an archaeological testing program consisting of three hand-excavated 1 x 1 meter units to be carried out in the area of the quartzite lithic materials. The archaeologist shall summarize the results of this program in a report to be reviewed and approved by the Community Development Director prior to issuance of the grading permit.	CDD Qualified archaeologist	Review/ approval of archaeological report prior to issuance of grading permit Design and undertake an archaeological testing program	
Impact CR-2: The projects would directly impact a paleontological resource or unique geologic feature.	MM CR-2 Paleontological Resource Monitoring The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. Prior to issuance of a grading permit, the applicant shall hire a qualified paleontologist to review the final grading plans and final geotechnical report for the project. Based upon a review of these documents, the paleontologist shall prepare a technical memorandum indicating the likelihood of encountering paleontological resources during construction and submit to the Community Development Director for review. If the likelihood is low, no further action is required and the mitigation shall be considered complete. If the likelihood is moderate-to-high, the paleontologist shall conduct intermittent monitoring during earth-moving activities. The paleontological monitor shall have the	CDD Qualified paleontologist	Review memorandum prior to issuance of building permit Prepare memorandum; if necessary, conduct monitoring, prepare report, and send to appropriate parties	

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Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	grading, building foundations, and CBC seismic design parameters. A design-level geotechnical report shall be prepared and submitted in conjunction with Building Permit application(s) and reviewed and approved by the Community Development Director. Recommendations from the design-level geotechnical report shall be incorporated into the final project design and construction documents for each phase of the project.			
NOISE	<i>Mitigation Measures Identified in the Project EIR</i>			
Impact N-1: The projects would cause a temporary or periodic increase in ambient noise levels during construction that would substantially disturb sensitive receptors.	MM N-1 Construction Noise Reduction The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. To reduce the effects of construction noise, the City of Scotts Valley shall ensure that the project applicants include the following on all construction <u>specifications</u> contracts for the proposed project: <u>Construction Equipment</u>. Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The applicants shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions. <u>Vehicle and Equipment Idling</u>. Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.	CDD Building Department Contractor	Review of and approval of construction plan prior to issuance of grading and building permits Prepare construction plan, including noise specifications; adhere to plan provisions during construction	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	<u>Stationary Equipment</u>. All noise-generating stationary equipment, such as air compressors or portable power generators, shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 10 dBA. <u>Construction Route</u>. All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All construction-related heavy truck traffic in residential areas shall be prohibited where feasible. <u>Workers' Radios</u>. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity. <u>Construction Plan</u>. Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City of Scotts Valley Building Department for approval a detailed construction plan identifying the schedule for major noise-generating construction activity. <u>Disturbance Coordinator</u>. A "noise disturbance coordinator" shall be designated by the contractor and be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. The coordinator shall conspicuously post a name and telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.			

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
Impact N-3: The projects would expose project residents and hotel guests to existing and future noise levels in excess of standards established in the City of Scotts Valley General Plan.	MM N-3.1 Interior Noise Attenuation: Windows The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. To achieve compliance with the 45 dB DNL interior noise standard of the City of Scotts Valley Noise Element and Title 24, the following window controls shall be incorporated as part of the building plans and approved by the City prior to issuance of a building permit: ■ At habitable spaces within 110 ft. of the west property line with a direct or side view of Highway 17 (north, west and south facades) including the facades in between the buildings, provide mechanical ventilation which brings in fresh air from the outside of the unit, in conformance with Mechanical Code requirements. ■ For habitable spaces within 110 ft. of the west property line, the project applicants shall install operable windows and glass doors with a rated minimum Sound Transmission Class (STC) 36 and entry doors rated minimum STC 32. ■ For habitable spaces between 110 ft. and 185 ft. of the west property line, the project applicants shall install windows and glass doors with a rated minimum STC 32 and entry doors rated minimum STC 28. ■ For habitable spaces between 185 ft. and 245 ft. of the west property line, the project applicants shall install windows, glass doors and entry doors with a rated minimum STC 28.	CDD Building Department Qualified Acoustician	Construction documents check prior to issuance of building permits Review acoustical test report of all sound rated windows and approve of construction drawings prior to CDD and Building Department Review	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	- To ensure that the sound insulation features of project windows will be maintained, all window frames within 245 feet of the west property line shall be caulked to the wall opening around their entire perimeter with an acoustical sealant. The sliding window panels shall form an air-tight seal with the frame when in the closed position. - All other windows of the development and all bathroom windows may use any type of glazing and may be kept open as desired with the exception of bathroom windows that are an integral part of a living space and not separated by a closeable door. - Prior to issuance of a building permit, the acoustical test report of all sound rated windows shall be reviewed by a qualified acoustician to ensure that the chosen windows will adequately reduce traffic noise to acceptable levels.			
	MM N-3.2 Interior Noise Attenuation: Building Shell The applicants for both the hotel development and the residential development shall implement this mitigation measure <u>on their respective development properties</u>. For all habitable spaces within 110 ft. of the west property line, the shall be incorporated as part of the building plans and submitted to the Community Development Director for review and approval prior to issuance of a building permit: Unshielded entry doors having a direct or side orientation toward the primary noise source must be 1-5/8" or 1-3/4" thick, insulated metal or solid-core wood construction, with effective weather seals	CDD Building Department	Review of construction documents prior to issuance of building permits	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	around the full perimeter. Mail slots should not be used in these doors or in the wall of a living space, as a significant noise leakage can occur through them. - Where penetrations in the building shell are required for vents, piping, conduit, etc., sound leakage around these penetrations shall be minimized by sealing all cracks and clearance spaces with a non-hardening caulking compound. - Ventilation devices or openings shall not compromise the acoustical integrity of the building shell.			
TRANSPORTATION & CIRCULATION	<i>Mitigation Measures Identified in the project EIR</i>			
Impact TR-2: The residential development would substantially increase hazards due to a roadway design feature.	MM TR-2 Traffic Control Plan The applicant for the residential development shall implement this mitigation measure <u>for the residential development property</u>. The applicant shall hire a registered traffic engineer to prepare a Traffic Control Plan for review and approval by the Public Works Department and the Community Development Director prior to approval of the Final Subdivision Map. The Traffic Control Plan shall include: - Preparation of a detailed sight distance evaluation for all project roadways. - Installation of all-way stop control at connecting public and private streets to eliminate insufficient sight distance. - Designation and posting of a 25-mile-per-hour speed limit on the Santa's Village Road extension and project private roadways. <u>The speed limit may be further reduced based upon final engineering design of the</u>	CDD Public Works	Review and approve Traffic Control Plan prior to approval of Final Map	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	<u>roadway.</u>			

RESOLUTION NO. 1916.1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING GENERAL PLAN AMENDMENT GPA15-001 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM RESEARCH & DEVELOPMENT TO HIGH-DENSITY RESIDENTIAL AND COMMERCIAL SERVICE FOR THE “ENTERPRISE WAY” PROJECT CONSISTING OF 50 TOWNHOUSE-STYLE CONDOMINIUMS, 120-ROOM HOTEL, AND RELATED PROPERTY IMPROVEMENTS, ON A VACANT PARCEL LOCATED AT THE END OF SANTA’S VILLAGE ROAD (PREVIOUSLY APPROVED BORLAND PHASE II SITE) / APN 024-031-017

WHEREAS, the City of Scotts Valley has received an application and technical reports from CR&E Management and City Ventures (referred to together as the “applicant”), proposing to subdivide the parcel for development of a 50-unit residential development and 120-unit hotel, and related property improvements on a vacant 6.8-acre parcel, as shown on project plans dated January 19, 2016 (hotel), and December 2, 2015 (residential development) / APN 024-031-170; and

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

WHEREAS, the application is a “project” pursuant to the California Environmental Quality Act (“CEQA”), which requires the preparation and certification of an Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and

WHEREAS, the City selected Kimley-Horn and Associates, an independent environmental consultant (“consultant”) to prepare a Draft Environmental Impact Report (“Draft EIR”), paid for by the applicant; and

WHEREAS, the consultant prepared a Draft EIR (State Clearinghouse # 2015032086) in accordance with the State CEQA Guidelines and requirements. The Draft EIR was duly noticed, published, and distributed for a 45-day public review period from December 31, 2015 – February 16, 2016, and was made available for public review at City Hall, Planning Department; and

WHEREAS, the City’s consultant prepared a duly noticed and published Final Environmental Impact Report (Final EIR) on February 26, 2016, that was distributed to public agencies that commented on the Draft EIR, was made available at City Hall, Planning Department, the City’s website, and upon request at the Planning Department; and

WHEREAS, the Planning Commission held a duly published and noticed public hearing on March 3, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR and the requested planning permits (entitlements), take public testimony, and provide comments and recommendations to the City Council; and, after which, they recommended approval of the Final EIR and project to the City Council, subject to the recommended mitigation measures and amended conditions; and

WHEREAS, the City Council held a duly published and noticed public hearing on March 16, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR, the entitlements, and all other information in the record including, but not limited to, public testimony, and certified the Final EIR, adopted a Statement of Overriding Considerations for traffic impacts, and approved a Mitigation Monitoring and Reporting Program for the project in Resolution No. 1916; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley hereby approves, as further discussed in the City Council staff report dated March 16, 2016, as follows:

SECTION 1: Approve General Plan Amendment GPA15-001 based on the following findings, subject to the attached General Plan Amendment Map in Exhibit A:

1. ***The change in the General Plan land use designations are consistent with the General Plan.*** The project meets the requirements of this finding in that the project will change the existing General Plan Land Use Designation from Industrial-Research & Development to High-density Residential and Commercial Service, which are the appropriate land use designations for the 50 condominiums and hotel.
2. ***That the density is compatible with adjacent uses and densities.*** The project meets the requirements of this finding in that the residential density will be approximately 12 units/acre, which is within the allowed range of 9-15 units/acre in the High-density Residential land use designation. This density is an appropriate transition from the Medium-density Residential of 2-5 units/acre in the adjacent Polo Ranch subdivision to the existing commercial office campus of Enterprise Technology Center. Additionally, the project would be the last puzzle piece of major development of the City's commercial/industrial corridor, which begins at Scotts Valley Drive at Mt. Hermon Road and ends at the subject parcel. The proposed zoning will be a traditional land use transition between the single-family Polo Ranch subdivision and the existing commercial office campus of Enterprise Technology Center (formerly Borland Phase I) to the south. The project will provide viable infill residential and commercial development of an underused lot.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the City Council approves General Plan Amendment GPA15-001 to change land use designations on the project site located at the end of Santa's Village Road / APN 024-031-17, subject to the General Plan Amendment Map in Exhibit A, attached hereto and incorporated herein.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 16th day of March, 2016, by the following vote:

AYES:

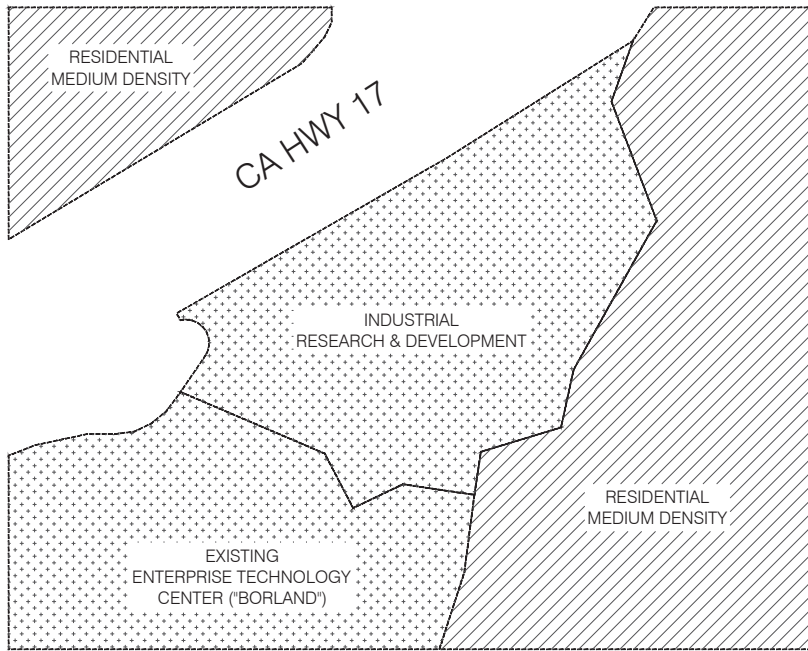
NOES:

ABSTAIN:

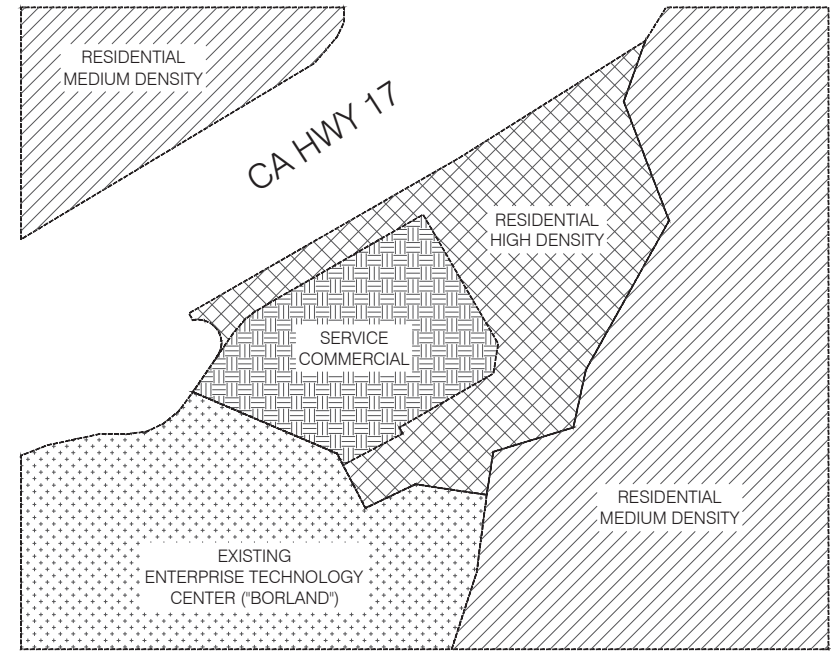
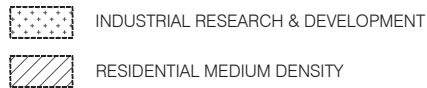
ABSENT:

Donna Lind, Mayor

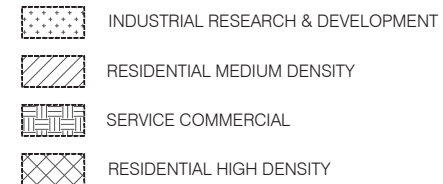
Tracy Ferrara, City Clerk



EXISTING GENERAL PLAN LAND USE



PROPOSED GENERAL PLAN LAND USE



ENTERPRISE WAY
CITY VENTURES
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Architecture | Planning | Interiors

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San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

GENERAL PLAN LAND USE MAP

LM

SCALE: N.T.S.
DATE: 12.02.2015
PROJECT: 317031

ORDINANCE NO. 16-ZC-225

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING ZONE CHANGE ZC15-001 AND PLANNED DEVELOPMENT (PD) DISTRICT OVERLAYS PD15-001 AND PD15-002 TO CHANGE THE EXISTING ZONING DISTRICT FROM I-RD(PD) (INDUSTRIAL-RESEARCH & DEVELOPMENT / PLANNED DEVELOPMENT) TO R-H/PD (HIGH-DENSITY RESIDENTIAL / PLANNED DEVELOPMENT) AND C-S/PD (COMMERCIAL-SERVICE / PLANNED DEVELOPMENT) FOR THE “ENTERPRISE WAY” PROJECT CONSISTING OF 50 TOWNHOUSE-STYLE CONDOMINIUMS, 120-ROOM HOTEL, AND RELATED PROPERTY IMPROVEMENTS, ON A VACANT PARCEL LOCATED AT THE END OF SANTA’S VILLAGE ROAD (PREVIOUSLY APPROVED BORLAND PHASE II SITE) / APN 024-031-017

WHEREAS, the City of Scotts Valley has received an application and technical reports from CR&E Management and City Ventures (referred to together as the “applicant”), proposing to subdivide the parcel for development of a 50-unit residential development and 120-unit hotel, and related property improvements on a vacant 6.8-acre parcel, as shown on project plans dated January 19, 2016 (hotel), and December 2, 2015 (residential development) / APN 024-031-170; and

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

WHEREAS, the application is a “project” pursuant to the California Environmental Quality Act (“CEQA”), which requires the preparation and certification of an Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and

WHEREAS, the City selected Kimley-Horn and Associates, an independent environmental consultant (“consultant”) to prepare a Draft Environmental Impact Report (“Draft EIR”), paid for by the applicant; and

WHEREAS, the consultant prepared a Draft EIR (State Clearinghouse # 2015032086) in accordance with the State CEQA Guidelines and requirements. The Draft EIR was duly noticed, published, and distributed for a 45-day public review period from December 31, 2015 – February 16, 2016, and was made available for public review at City Hall, Planning Department; and

WHEREAS, the City’s consultant prepared a duly noticed and published Final Environmental Impact Report (Final EIR) on February 26, 2016, that was distributed to public agencies that commented on the Draft EIR, was made available at City Hall, Planning Department, the City’s website, and upon request at the Planning Department; and

WHEREAS, the Planning Commission held a duly published and noticed public hearing on March 3, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR and the requested planning permits (entitlements), take public testimony, and provide comments and recommendations to the City Council; and, after which, they recommended approval of the Final EIR and project to the City Council, subject to the recommended mitigation measures and amended conditions; and

WHEREAS, the City Council held a duly published and noticed public hearing on March 16, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR, the entitlements, and all other information in the record including, but not limited to, public testimony, and certified the Final EIR, adopted a Statement of Overriding Considerations for traffic impacts, and approved a Mitigation Monitoring and Reporting Program for the project in Resolution No. 1916; and,

WHEREAS, the City Council approved General Plan Amendment GPA15-001 in Resolution No. 1916.1; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley hereby approves, as further discussed in the City Council staff report dated March 16, 2016, as follows:

SECTION 1: Approve Zone Change ZC15-001 based on the following findings and as shown in the Zone Change Map in Exhibit A, attached hereto and incorporated herein:

1. ***The change in the zoning districts are consistent with the General Plan and the densities are compatible with adjacent uses and densities.*** The project meets the requirements of this finding because the project will change the existing I-RD(PD) zone to R-H/PD and C-S/PD, which are the appropriate zones and sequence to transition from the R-1-10/PD zoning district to the east in the 40-lot Polo Ranch subdivision underway and the I-RD(PD) zone of the existing Enterprise Technology Center to the south.

SECTION 2: Approve the Planned Development District Overlays PD15-001 based on the following findings and as shown in the Zone Change Map in Exhibit A, attached hereto and incorporated herein:

2. ***That the Planned Development Zoning District Overlays (PD) further the policies of the General Plan.*** The project meets the requirement of this finding in that the overall building locations, landscaping, and fencing/walls will ensure compatibility between commercial uses and their adjacent uses, per General Plan Land Use Element Objective LO-37. Rezoning the vacant and underused infill site to appropriate high-density encourages development of the underused parcel, consistent with Land Use Element Action LA-7. The hotel will be concentrated at the end of the urban core of the City, pursuant to Land Use Element Policy LA-45.

3. ***The proposed Planned Development District Overlays (PD) are consistent with the underlying land use designations and zoning districts and the of the City of Scotts Valley General Plan.*** The project meets the requirements of this finding because the PD district overlay will be combined with the base zoning districts. The resulting R-H/PD and C-S/PD zones allow specific development standards to address the constraint of an access easement crossing the property and to retain suitable trees that qualify for protection per City's Municipal Code.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the City Council approves Zone Change ZC15-001 and Planned Development District Overlays PD15-001 and PD15-002 to change the zoning district on the project site located at the end of Santa's Village Road / APN 024-031-17, subject to the Zone Change Map / Planned Development Map in Exhibit A, attached hereto and incorporated herein.

THE ABOVE AND FOREGOING ORDINANCE was introduced for a first reading on the 16th day of March 2016, and passed and adopted on the 6th day of April 2016, at a duly held meeting of the City Council of the City of Scotts Valley by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Approved: _____

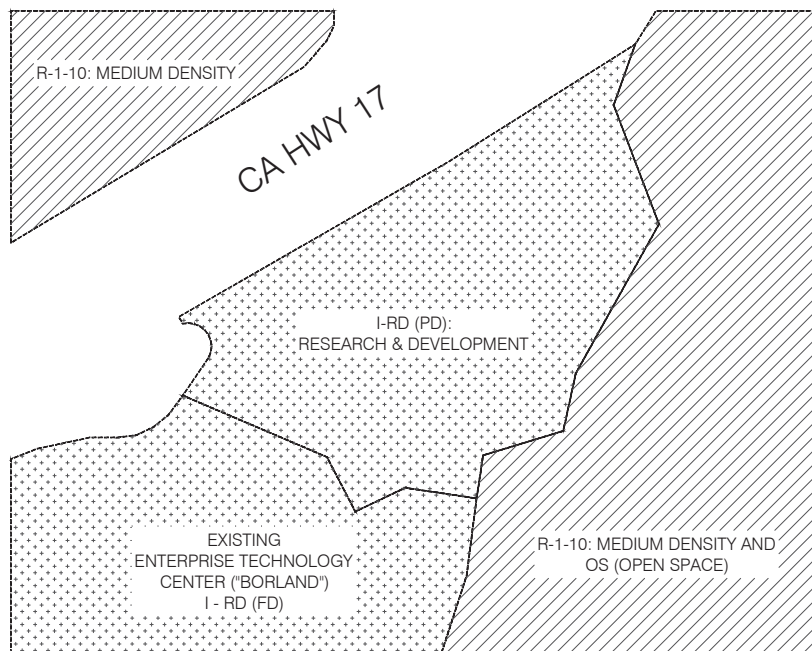
Donna Lind, Mayor

Attest:

Tracy Ferrara, City Clerk

Approved as to Form:

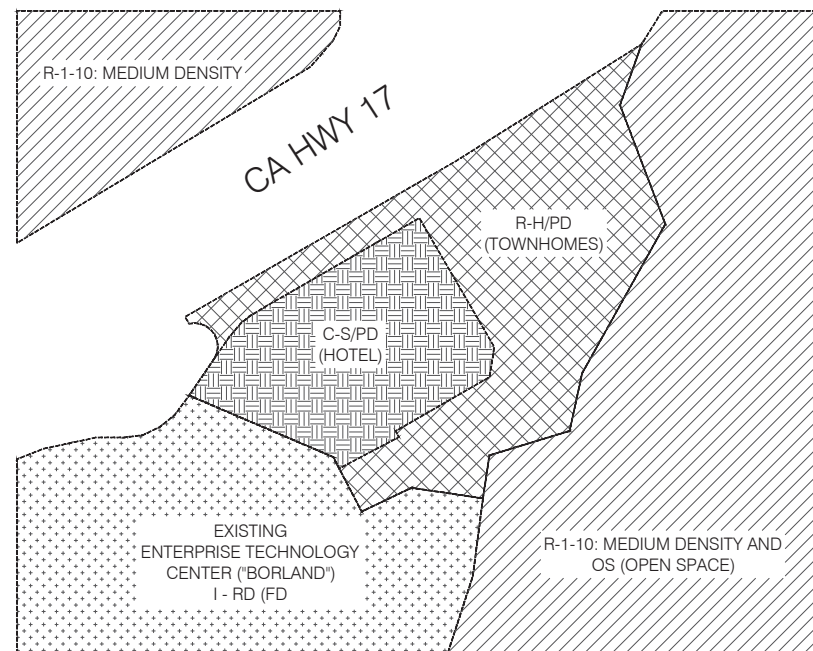
Kirsten Powell, City Attorney



EXISTING ZONING CLASSIFICATION

CITY OF SCOTTS VALLEY ZONING MAP 2007

-  I-RD (PD): RESEARCH & DEVELOPMENT
-  R-1-10: MEDIUM DENSITY



PROPOSED ZONING CLASSIFICATION

CITY OF SCOTTS VALLEY ZONING MAP 2007

-  I-RD (PD): RESEARCH & DEVELOPMENT
-  R-1-10: MEDIUM DENSITY
-  C-S/PD : SERVICE
-  R-H/PD : HIGH DENSITY



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t. 415-512-1300
f. 415-288-0288

ZONING MAP
ZM

SCALE: N.T.S.
DATE: 12.02.2015
PROJECT: 317031

RESOLUTION NO. 1916.2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING LAND DIVISION LD15-001 FOR THE “ENTERPRISE WAY” PROJECT CONSISTING OF 50 TOWNHOUSE-STYLE CONDOMINIUMS, 120-ROOM HOTEL, AND RELATED PROPERTY IMPROVEMENTS, ON A VACANT PARCEL LOCATED AT THE END OF SANTA’S VILLAGE ROAD (PREVIOUSLY APPROVED BORLAND PHASE II SITE) / APN 024-031-017

WHEREAS, the City of Scotts Valley has received an application and technical reports from CR&E Management and City Ventures (referred to together as the “applicant”), proposing to subdivide the parcel for development of a 50-unit residential development and 120-unit hotel, and related property improvements on a vacant 6.8-acre parcel, as shown on project plans dated January 19, 2016 (hotel), and December 2, 2015 (residential development) / APN 024-031-170; and

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

WHEREAS, the application is a “project” pursuant to the California Environmental Quality Act (“CEQA”), which requires the preparation and certification of an Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and

WHEREAS, the City selected Kimley-Horn and Associates, an independent environmental consultant (“consultant”) to prepare a Draft Environmental Impact Report (“Draft EIR”), paid for by the applicant; and

WHEREAS, the consultant prepared a Draft EIR (State Clearinghouse # 2015032086) in accordance with the State CEQA Guidelines and requirements. The Draft EIR was duly noticed, published, and distributed for a 45-day public review period from December 31, 2015 – February 16, 2016, and was made available for public review at City Hall, Planning Department; and

WHEREAS, the City’s consultant prepared a duly noticed and published Final Environmental Impact Report on February 26, 2016, that was distributed to public agencies that commented on the Draft EIR, was made available at City Hall, Planning Department, the City’s website, and upon request at the Planning Department; and

WHEREAS, the Planning Commission held a duly published and noticed public hearing on March 3, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR and the requested planning permits (entitlements), take public testimony, and provide comments and recommendations to the City Council; and, after which, they recommended approval of

the Final EIR and project to the City Council, subject to the recommended mitigation measures and amended conditions; and

WHEREAS, the City Council held a duly published and noticed public hearing on March 16, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR, the entitlements, and all other information in the record including, but not limited to, public testimony, and certified the Final EIR, adopted a Statement of Overriding Considerations for traffic impacts, and approved a Mitigation Monitoring and Reporting Program for the project in Resolution No. 1916; and,

WHEREAS, the City Council approved General Plan Amendment GPA15-001 for the project in Resolution No. 1916.1; and,

WHEREAS, the City Council approved Zone Change ZC15-001 and Planned Development District Overlays PD15-001 and PD15-002 for the project in Ordinance No. 16-ZC-225; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley hereby approves, as further discussed in the City Council staff report dated March 16, 2016, as follows:

SECTION 1: Approve Land Division LD15-001 based on the following findings, and as shown on the plans submitted to the City Council, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein:

1. ***That the location of the uses are in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.*** The project meets the requirements of this finding in that the project provides fencing/walls and landscaping between the residential development and the hotel. The condominiums will be located in proximity to the adjacent Polo Ranch residential subdivision to the east, while the hotel will be located to the existing commercial campus to the south. As proposed and conditioned, the two uses and multiple building locations will provide adequate space to meet the needs of an extended-stay hotel while protecting the adjacent residential uses, consistent with the purposes and objectives of the C-S and R-H and zoning districts, respectively.
2. ***That the proposed tentative map/land division, together with the provisions for its design and improvement, is consistent with the General Plan.*** The project meets the requirements of this finding in that the design of the land division and its related property improvements are consistent with many goals and objectives of the General Plan, as described in the Draft and Final EIRs. The Public Works Department has reviewed the project and recommended approval subject to conditions.

3. ***That the project site is physically suitable for the density of the land division.*** The project meets the requirement of this finding in that the 6.8-acre site contains sufficient land area for the 50 condominiums and related site improvements, while providing passive outdoor areas for future project residents. The hotel will provide sufficient parking, required landscaping, and outdoor amenities for customers. Public services are available and utilities are of adequate capacity to accommodate the project including build-out under the General Plan. Mitigation measures will reduce impacts of the project grading and construction.
4. ***That the design of the land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*** The project meets the requirements of this finding in that the Final EIR includes extensive mitigation measures to reduce impacts associated with: Aesthetics: Light and glare; Air Quality: Fugitive dust emissions from construction activities; Biological Resources: Impacts to riparian habitat and existing vegetation, nesting birds; impacts from tree removal; Geology, Soils, and Seismicity: Risks associated with liquefaction, lateral spreading, and differential fill settlement; Noise: Construction noise and noise from Highway 17; Paleontological Resources: Earth disturbance and construction; Prehistoric/Archaeological Resources: Earth disturbance & construction; and, Transportation and Circulation: Site circulation hazards and traffic control. All impacts would be reduced to less than significant levels with the exception of transportation & circulation because Intersections #3 and #5 already operate at below City standards regarding LOS (Level of Service) during the peak morning and evening hours.
5. ***That the design of the land division or the type of improvements is not likely to cause serious public health problems.*** The project meets the requirement of this finding in that the project will not generate hazardous emissions nor be a storage facility for hazardous/ combustible materials. The proposed main access road was designed to accommodate existing chemical delivery trucks traveling to and from the Scotts Valley Water District's Orchard Run Water Treatment Plant located to the north. The Final EIR concluded that the project is not expected to cause serious public health problems.
6. ***That the design of the land division will not conflict with easements acquired by the public at large (for access through or use of property within the land division).*** The project meets the requirement of this finding in that the project will continue to provide access through the site to the known existing access easement holders to the north (an approximate total of 13 parcels, including but not limited to: Scotts Valley Water District's Orchard Run Water Treatment Plant, Mr. and Mrs. Beagle, John Yacco, Todd Creamer & family, and future Polo Heights and Timber Ridge Lane subdivision residents, and two existing residences at the end of Timber Ridge Lane). The hotel site will provide a secondary emergency vehicle access through the parking lot. The Public Works Department has reviewed the project and recommended approval subject to conditions.

SECTION 2: This resolution is subject to the approved Mitigation Measures in the Mitigation Monitoring and Reporting Program in Resolution No. 1916, General Plan Amendment GPA15-001 in Resolution No. 1916.1, and Ordinance No. 16-ZC-225 for Zone Change ZC15-001 and Planned Development Zoning District Overlays PD15-001 and PD15-002 becoming effective.

SECTION 3: Land Division LD15-001 shall lapse and shall be come void two (2) years from the date of this resolution unless prior to the expiration date, a building permit is issued and construction has diligently commenced to completion, or an extension of this approval is granted by the City.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, City Council approves Land Division LD15-001 for the "Enterprise Way" project located at the end of Santa's Village Road / APN 024-031-17, subject to Mitigation Measures in approved Resolution No. 1916 and amended Conditions of Approval in Exhibit A, attached hereto and incorporated herein.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 16th day of March 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Donna Lind, Mayor

Tracy Ferrara, City Clerk

Exhibit A
Land Division Conditions of Approval
(#1 - #56)

LEGAL

1. The Developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. The property owner shall sign the Conditions of Approval agreeing to the Conditions of Approval prior to issuance of any grading/building permits, transfer of title, or within 30 days of approval of these planning permits, whichever occurs first.
3. The developer shall obtain all required demolition, grading, improvement plans, and building permits and pay all appropriate required fees before starting any grading/earth disturbance on the property.

PLANNING DEPARTMENT

4. The approved planning permits include Land Division LD15-001, as shown in the plans stamped approved, which are on file in the Planning Department.
5. All site improvements shall be in conformance with the plans stamped approved, unless otherwise conditioned in this Exhibit A, to the satisfaction of the Community Development Director.
6. Any future changes to the approved plans that the developer and/or other reviewing agencies initiate and/or propose, shall require prior review and approval by the Community Development Director and Community Development Director confirmation regarding the level of environmental review and planning permits required before any earth disturbance. As determined by the Community Development Director, minor changes may be approved by the Community Development Director while major changes may require review and approval by the Planning Commission and/or City Council, paid by the applicant.
7. The developer ~~and future project residents~~ shall comply with the Mitigation Measures in Final Environmental Impact Report and Mitigation Monitoring and Reporting Program, which in Exhibit A of City Council Resolution No. 1916.

8. Before grading permit issuance, the developer shall submit a mitigation measure compliance monitoring fee deposit for ten (10) hours of staff time at the existing rate. Any unused time shall be refunded at a final building inspection.

Grading

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

Streets

10. To the extent feasible the applicant shall widen the Santa's Village Road extension from 24' to 36' to allow parking on both sides (from existing Santa's Village Road cul-de-sac to curve in proposed road). The final road plan shall be reviewed and approved by the Public Works Director and Community Development Director prior to Final Map approval.
11. All future street names shall be reviewed and approved by the City. Prior to Final Map approval, the project applicant shall work with the City to establish street names that reflect the history and character of Scotts Valley. Approved street names shall be shown on the Final Map.

Trees

12. Tree removal shall not occur until a grading or building permit has been issued for the project.
13. The final grading plans and improvement plans shall be reviewed and approved by the project arborist to the satisfaction of the Community Development Director prior issuance of a grading or building permit.
14. The project arborist shall place a monetary value on trees preserved on development sites and a surety bond in an amount equal to the value of the preserved trees shall be deposited with the city prior to issuance of a grading or building permit for the project. The monetary value shall be reviewed and approved by the Community Development Director. If damage occurs to the preserved trees during development and/or construction, funds will be drawn from the deposited amount. Funds remaining in the account will be returned to the applicant upon final inspection of the project.
15. During the pre-construction phase of development the project arborist shall inspect tree protection fencing and the completion of pre-construction treatments. This inspection shall be completed prior to the issuance of any grading or building permits.
16. The project arborist shall routinely inspect the development site through the term of the project.

Fencing & Gate(s)

17. The fencing located along the property line with Highway 17 (behind units 41 & 42 and the common outdoor) shall be an acoustic design with no air gaps to reduce noise. Fence specifications shall be reviewed and approved by the Community Development Director prior to installation.
18. The materials, locations and heights of the retaining walls and fences shall be approved by the Community Development Director prior to issuance of grading or building permit
19. The EVA access gate between the residences and the hotel shall be designed to provide the maximum amount of privacy for the residences while providing necessary access for emergency vehicles. The property owners of both the hotel and the residential subdivision shall work with the City and emergency responders to achieve these objectives prior the first building permit final for residential units #5 and #6.

CC&R's

20. The CC&Rs shall be reviewed and approved by the City, executed by the property owner, and recorded prior to the issuance a building permit for the project. The CC&Rs shall:
 - a. Provide on-going management and maintenance for the project;
 - b. Contain a parking plan that specifies parking stall designations for residents and guests, fire lanes, and "No Parking" areas, and no semi-truck parking, to the extent feasible; and,
 - c. Alert project residents of the potential odor, noise, and periodic chemical truck delivery nuisances from the Scotts Valley Water District's Orchard Run Treatment Plant located in the vicinity to the north on the Lennar Homes "spur" emergency access road off Highway 17.
21. The property owner shall pay for all CC&R recording costs and City Attorney review.

BUILDING DEPARTMENT

22. The developer shall obtain any required grading permit(s) and pay applicable fees.
23. The developer shall pay all applicable City development impact fees per the Scotts Valley Municipal Code.

24. The applicant shall comply with the City's standard erosion control measures. The plans submitted for a building permit must include best management practices (e.g. erosion control practices and procedures) during construction, which include complying with Regional Air Quality Control Board emissions for construction equipment.
25. Site drainage erosion control plans shall be reviewed and approved by a soils engineer.
26. Grading permit plans shall include separate full-sized sheets listing the required Mitigation Measures and Conditions of Approval.
27. An engineered grading permit shall be required.
28. To ensure that City requirements are met, the developer shall specify to the Building Official the off-site disposal location of any exported soil material at a pre-construction meeting or before grading permit issuance. If the disposal site is located outside the City, the site shall be a legal facility such as a licensed landfill or permitted fill site.

PUBLIC WORKS DEPARTMENT- ENGINEERING DIVISION

29. A final subdivision or parcel map in conformance with the California Government Code, Section 66410 *et seq*, and with the City Subdivision Ordinance, and including the conditions of the tentative subdivision map, shall be filed to the satisfaction of the Public Works Director/City Engineer.
30. All required documents, final or parcel map sheets, covenants, developer and city improvement agreements and bonds, shall be provided to the satisfaction of the Public Works Director/City Engineer prior to the recordation of any final map or application for any building permit. (Applicant should be advised that officials of Santa Cruz County, such as the Auditor-Controller, Recorder and Clerk of the Board have requirements, such as payment of taxes and present title guarantee, which precede recordation of the map.)
31. Engineered Improvement Plans shall be submitted for all on site and off site work and will be approved by the Public Works Director/City Engineer. On-site and off-site (encroachment) civil engineering permits must be issued by the City prior to commencing any work. Improvement Plans shall include any necessary grading, drainage, masonry retaining walls, driveway, sanitary sewer, water, street lights, street signs, mailboxes, street trees, street lights, electric, telephone, gas, cable television, and any other proposed utility, utility pole relocation, frontage improvement and/or repair of sidewalk, curb and gutter or similar facilities required to satisfy tentative map conditions to the satisfaction of the Public Works Director/City Engineer. All improvements shall conform to the design standards contained in text and illustration in the "City of Scotts Valley Standard Details", latest revision adopted by the City Council.

32. Applicant shall construct street improvements in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.
33. Engineered improvement plans for all work, signed and prepared under the direction of a registered civil engineer, shall be approved by the Public Works Director/City Engineer prior to commencing work.
34. All work in the public right-of-way will require an encroachment permit application made to the satisfaction of the Public Works Director/City Engineer. The civil on-site work, as plan reviewed by the Public Works Department, will require an on-site civil engineering permit and inspection.
35. All public improvements shall be guaranteed by written Agreement with the city, Faithful Performance Bond, and Labor and Material men's Bond, to the satisfaction of the Public Works Director/City Engineer.
36. All signing and striping shall be approved and completed as required by the Public Works Department, and shall be in conformance with current editions of Transportation and Traffic Engineering Handbook, by the Institute of Transportation Engineers, and the State Department of Transportation "Standard Specifications".
37. The project shall connect to the sanitary sewer system and existing septic systems, if any, shall be properly abandoned to the satisfaction.
38. Applicant shall request a sewer allocation for the project from the City Engineer. Sewer allocations expire within 90 days, therefore the applicant should make the sewer allocation request no earlier than 90 days prior to the start of construction. The request shall be in writing and may be approved or denied by the City Engineer, depending on the availability of sewer hook-ups.
39. Applicant shall construct storm drain facilities in conformance with data and analysis and current City regulations for water quality and waste discharge that are in effect at the building permit stage, as determined and required by the Public Works Director/City Engineer.
40. Developer shall pay the cost to accomplish the utility design and construction to underground any telephone, electric power, and television cables in each project contained easement, private or public road frontage. This undergrounding of utilities to remove utility poles comes in addition to the state required undergrounding of transmission for the project and any new service connections, to the satisfaction of the Public Works Director/City Engineer.
41. A registered civil engineer shall provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts. The design shall follow the criteria contained in the City

of Scotts Valley Standard Details and the data and analysis contained in the latest adopted City of Scotts Valley Storm Drainage Master Plan. Development shall not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.

42. The final map shall be submitted to the City's Public Works Department on an Auto CAD drawing up to version 2004 electronic version prior to recording. 1The final map shall be submitted to the Planning Department in an AutoCAD drawing using version 14 or greater, or a DXF file, formatted on a 3.5" diskette, or CD-R, for review and acceptance by the City prior to a final sign-off. There shall be no gaps between the lines. All parcel lines should intersect with single-family lots, right-of-ways, or parcel lines. There shall be no undershoots or overshoots. The applicant shall be responsible for all changes to the file that are required.
43. Applicant shall submit a completed "segregation of assessment" form for each assessment district in which the subdivision participates.
44. Prior to the filing of the final/parcel map, applicant shall contact the Santa Cruz County Assessor's Office or the Local Agency Formation Commission (LAFCO) to ensure that the subdivided property is within a single tax code.
45. Before a Final Map is recorded, the applicant shall provide any necessary easements for PG&E and other utilities to provide new services.
46. If any work is proposed in the Caltrans right-of-way (Highway 17), the developer shall obtain a prior encroachment permit from Caltrans before any work begins, and shall obtain prior review and approval by the Community Development Director of such work.
47. Pre-Construction Meeting: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property, with the exception of archeological excavation in alignment with the MMRP, installation of temporary construction fencing demarcating the disturbance envelope, tree protection fencing, and silt fencing, the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: the applicant, the grading contractor supervisor, the project biologist, the project arborist, project archaeologist, the Civil Engineer, the City of Scotts Valley Environmental Planning staff, a representative from the California Department of Fish and Wildlife, the City Engineer, and the Public Works Director. The temporary construction fencing demarcating the disturbance envelope, tree protection fencing, and silt fencing will be inspected at that time.
48. Provide profiles of all proposed roads, driveways, retaining walls, storm drains, sewers, and water lines.

49. To ensure that the developer repairs any damage to City-maintained streets that is caused by project construction, the developer shall provide a set of current (pre-project) photos of Santa's Village Road to the Public Works Director for review and approval.
- a. After project construction and before occupancy, the Public Works Director shall inspect the road and determine if any repairs are required to restore the road to the pre-project condition; and,
 - b. The developer shall complete any required repairs to the road to the satisfaction of the Public Works Director before City sign-off on the building permit(s) and occupancy of any unit.

City Public Works Department - Wastewater Division

50. All sanitary sewer mains, laterals, manholes, and pump stations inside all of the facilities shall be private except for the main trunk line and manholes in the Santa's Village Road / Enterprise Way right-of-ways.
51. Every sewer lateral crossing a curb line shall be marked with an "S" stamped in the face of the curb.
52. Water softeners shall only be permitted if they are exchange-base systems, where a vendor comes and picks up columns of brine and exchanges them for new ones. Systems that back-flush and discharge brine to the sewer are not permitted since the City of Scotts Valley recycles water for irrigation.

Scott Valley Fire Protection District

53. All development must comply with the California Fire Code as amended by the Scott Valley Fire Protection District.

Scott Valley Water District (SVWD)

54. A Main Extension Agreement will need to be executed between City Ventures and SVWD.
55. Future improvement plans and construction documents shall address specific comments made on SVWD letter dated February 17, 2016.
56. All recycled water systems must be designed according to the SVWD Rules and Regulations and must conform to the [Recycled Water Irrigation Systems Standard Notes and Details](#).

Signature of Phil Kerr, Applicant, City Ventures, LLC

Date

RESOLUTION NO. 1916.3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING PLANNED DEVELOPMENT PERMIT PD15-001, USE PERMIT U15-002, DESIGN REVIEW DR15-001, AND CULTURAL RESOURCE ALTERATION CRA15-001 FOR THE RESIDENTIAL PART OF THE ENTERPRISE WAY PROJECT AND RELATED PROPERTY IMPROVEMENTS ON A VACANT PARCEL LOCATED AT THE END OF SANTA'S VILLAGE ROAD (PREVIOUSLY APPROVED BORLAND PHASE II) / APN 024-031-017

WHEREAS, the City of Scotts Valley has received an application and technical reports from CR&E Management and City Ventures (referred to together as the "applicant"), proposing to subdivide the parcel for development of a 50-unit residential development and 120-unit hotel, and related property improvements on a vacant 6.8-acre parcel, as shown on project plans dated January 19, 2016 (hotel), and December 2, 2015 (residential development) / APN 024-031-170; and

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

WHEREAS, the application is a "project" pursuant to the California Environmental Quality Act ("CEQA"), which requires the preparation and certification of an Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act ("CEQA") and

WHEREAS, the City selected Kimley-Horn and Associates, an independent environmental consultant ("consultant") to prepare a Draft Environmental Impact Report ("DEIR"), paid for by the applicant; and

WHEREAS, the consultant prepared a DEIR (State Clearinghouse # 2015032086) in accordance with the State CEQA Guidelines and requirements. The DEIR was duly noticed, published, and distributed for a 45-day public review period from December 31, 2015 – February 16, 2016, and was made available for public review at City Hall, Planning Department; and

WHEREAS, the City's consultant prepared a duly noticed and published Final Environmental Impact Report on February 26, 2016, that was distributed to public agencies that commented on the DEIR, was made available at City Hall, Planning Department, the City's website, and upon request at the Planning Department; and

WHEREAS, the Planning Commission held a duly published and noticed public hearing on March 3, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR and the requested planning permits (entitlements), take public testimony, and provide comments and

recommendations to the City Council; and, after which, they recommended approval of the Final EIR and project to the City Council, subject to the recommended mitigation measures and amended conditions; and

WHEREAS, the City Council held a duly published and noticed public hearing on March 16, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR, the entitlements, and all other information in the record including, but not limited to, public testimony, and certified the Final EIR, adopted a Statement of Overriding Considerations for traffic impacts, and approved a Mitigation Monitoring and Reporting Program for the project in Resolution No. 1916; and,

WHEREAS, the City Council approved General Plan Amendment GPA15-001 for the project in Resolution No. 1916.1; and,

WHEREAS, the City Council approved Zone Change ZC15-001 and Planned Development District Overlays PD15-001 and PD15-002 for the project in Ordinance No. 16-ZC-225; and,

WHEREAS, the City Council approved Land Division LD15-001 for the project in Resolution No. 1916.2; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley hereby approves, as further discussed in the City Council staff report dated March 16, 2016, as follows:

SECTION 1: Approve Planned Development Permit PD15-001 based on the following findings, and as shown on the plans submitted to the City Council, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein:

1. ***That the Planned Development Zoning District Permit (PD) furthers the policies of the General Plan.*** The project meets the requirement of this finding in that the overall building locations, landscaping, and fencing/walls will ensure compatibility between commercial uses and their adjacent uses, per General Plan Land Use Element Objective LO-37. Rezoning the vacant and underused infill site to appropriate high-density encourages development of the underused parcel, consistent with Land Use Element Action LA-7.
2. ***The proposed Planned Development District Permit (PD) is consistent with the underlying land use designations and zoning districts and the of the City of Scotts Valley General Plan.*** The project meets the requirements of this finding because the PD district overlay will be combined with the base zoning districts. The resulting R-H/PD zone allows specific development standards to address the constraint of an access easement crossing the property and to retain suitable trees that qualify for protection per City's Municipal Code.

3. ***That the PD conforms in all respects to the planned development zoning of the property.*** The “PD” will be an overlay zone to the proposed R-H base zoning district. The project design meets the requirement of this finding in that approval of the Planned Development Permit will allow the project to vary from some of the development standards of R-H zone, while still allowing for the underused site to be developed. The PD will include exceptions to: building heights of approximately 42-45+/- feet for the townhouses (where 35 feet is the maximum, and given how building height is calculated in the Municipal Code); reduced garage sizes of 20 feet x 20 feet (where 22 feet x 22 feet is only required for single-family houses).
4. ***That the inter-relationship between the orientation, location, mass and scale of building volumes, and elevations of buildings, structures, and other uses on-site are appropriate, compatible, and aesthetically harmonious.*** The project meets the requirements of this finding in that the overall siting and design of the residential buildings are well-designed in and of themselves. The 3-story design townhouse-style condominiums will have increased building heights of approximately 42-45 feet, but the overall effect will be compatible with the adjacent proposed hotel and the existing Enterprise Technology Center to the south. The architecture, quality exterior materials/ finishes/colors, and landscaping will create a visually harmonious project.
5. ***The environmental impacts of the project have been reviewed and considered.*** The project meets the requirement of this finding in that the Draft EIR identified significant or potentially significant effects associated with: aesthetics, air quality, biological resources, cultural resources, geology & soils, noise & vibration, and transportation & circulation. With the implementation of recommended mitigation measures, all impacts would be reduced to less than significant levels with the exception of transportation & circulation, which would remain significant and unavoidable due to existing traffic conditions. As such, the City has adopted a Statement of Overriding Consideration for the two traffic-related impacts that will be significant and unavoidable in Resolution No. 1916.

SECTION 2: Approve Use Permit U15-002 based on the following findings, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein:

6. ***The locations of the condominiums are in accordance with the objectives of the zoning ordinance and the purposes of the zoning district in which the site is located.*** Condominiums require use permits in any zone. The proposed project meets the requirements of this finding in that the locations of the use will be appropriate for the site and in relation to the adjacent residential Polo Ranch subdivision being graded, the proposed adjacent hotel, and the existing commercial office campus of Enterprise Technology Center. The residences will provide more housing opportunities in the City.

7. ***The establishment, maintenance, or operation of condominiums will not, under any circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.*** The proposed project meets the requirements of this finding in that mitigation measures will reduce identified project impacts to less than significant levels and conditions of approval will finesse some of the design aspects of the project. As such, the project will be compatible with the adjacent Polo Ranch residential subdivision under construction, the adjacent proposed hotel, and the existing commercial office campus of Enterprise Technology Center.

SECTION 3: Approve Design Review DR15-001 based on the following findings, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein:

8. ***The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood is appropriate.*** The project meets the requirement of this finding in that the overall siting of residential buildings are suited to the property, setting, and zoning context. The buildings are appropriately sited around the previously approved 50-foot wide access road for the adjacent Polo Ranch subdivision. Buildings locations will preserve trees like Polo Ranch and will provide appropriate distances from the proposed adjacent hotel.
9. ***The materials, colors, proportion, mass and detail of all structures shall be in good proportion, have simplicity of mass and detail and be compatible in appearance with surrounding structures. There shall be an appropriate use of materials. Colors shall be appropriate within the context of use and should blend with surrounding structures.*** The project meets the requirements of this finding in that the proposed residences and related property improvements are compatible with the massing, architectural style and materials of the approved adjacent Polo Ranch residential project. The proposed roof lines and forms will provide visual interest. The variety of quality materials, exterior treatments, finishing details and exterior colors building colors are appropriate.
10. ***Landscaping and irrigation plans shall be required on the site. Landscaping shall be in keeping with the character or design of the building. Existing trees shall be preserved wherever possible.*** The project meets the requirements of this finding in that the project will provide extensive new landscaping for the condominiums. Connection to recycled water will be required. Preliminary landscaping details have been reviewed. A condition of approval will require exploring additional landscaping along the north/Hwy 17

property line to enhance the main entrance to the site, to the extent feasible. Final determination of trees to be preserved and protection measures to be implemented during construction will be finalized at the building permit stage, consistent with the City's tree regulations.

11. ***The size, location and arrangement of on-site parking and paved areas shall be appropriate.*** The project meets the requirements of this finding in that the residences will provide a total of 123 parking spaces (50 two-car garages and 23 uncovered surface parking spaces), which exceeds the minimum 110 spaces required by 13 spaces. The locations of the surface parking will allow easy access for many residents, while the arrangements are appropriate to the project layout. To supplement the parking features of the project, to the extent feasible, project conditions will explore additional parking (and landscaping) along the main access road (extension of Santa's Village Road).
12. ***For ingress, egress and internal traffic circulation, all the above factors shall be related to the setting or established character of the neighborhood or surrounding area.*** The project meets the requirements of this finding in that, on August 7, 2002, the City approved the project entrance/exit from Santa's Village Road through the Borland Phase II site to the project site's west property line before Carbonero Creek. Internal streets will lead to a private emergency vehicle access easement through the hotel site. The road widths are appropriate for the site to minimize grading and tree removal.
13. ***For fences and walls over eight feet tall or fences over three feet tall in front yards when across from Hwy 17, consider height and access to sunlight, setbacks, landscaping and use of materials for articulation and visual relief.*** There may be some walls with fencing located directly above that may exceed 8 feet in height. These walls/fences will provide physical separation and buffer from Hwy 17 and internal vehicular circulation. The project meets the requirements of this finding in that project conditions will provide acoustical fencing where appropriate, and staff will review final heights, designs, materials, and context as formal development plans are submitted, to the extent feasible.

SECTION 4: Approve Cultural Resource Alteration Permit CRA15-001, based on the following findings, subject to Mitigation Measures in the MMRP of Resolution No. 1916, referenced herein:

14. ***The project is consistent with the purposes of this cultural resource preservation as set forth in this title.*** The project meets the requirements of this finding in that the MMRP requires the appropriate mitigation, consistent with State law and the City's Municipal Code.
15. ***The project retains archaeological value and significance of the cultural resource.*** The project meets the requirements of this finding in that the specific mitigation in the MMRP will ensure that the appropriate steps are taken to retain the value and significance, in accordance with State law and City regulations.

SECTION 5: This resolution is subject to approved Mitigation Measures in the Mitigation Monitoring and Reporting Program in Resolution No. 1916, General Plan Amendment GPA15-001 in Resolution No. 1916.1, and Ordinance No. 16-ZC-225 for Zone Change ZC15-001 and Planned Development Zoning District Overlay PD15-001 becoming effective, and Land Division LD15-001 in Resolution 1916.2.

SECTION 6: Planned Development Permit PD15-001, Use Permit U15-001, and Design Review DR15-001 shall lapse and shall be come void two (2) years from the date of this resolution unless prior to the expiration date, a building permit is issued and construction has diligently commenced to completion, or an extension of this approval is granted by the City.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, City Council approves Planned Development Permit PD15-001, Use Permit U15-002, Design Review DR15-001, and Cultural Resource Alteration CRA15-001 for the "Enterprise Way" project located at the end of Santa's Village Road / APN 024-031-17, subject to Mitigation Measures in approved Resolution No. 1916 and amended Conditions of Approval in Exhibit A, attached hereto and incorporated herein.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 16th day of March 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Donna Lind, Mayor

Tracy Ferrara, City Clerk

Exhibit A
Residential Conditions of Approval
(#1 - #65)

LEGAL

1. The Developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. The property owner shall sign the Conditions of Approval agreeing to the Conditions of Approval prior to issuance of any grading/building permits, transfer of title, or within 30 days of approval of these planning permits, whichever occurs first.
3. The developer shall obtain all required demolition, grading, improvement plans, and building permits and pay all appropriate required fees before starting any grading/earth disturbance on the property.

PLANNING DEPARTMENT

4. The approved planning permits include Planned Development Permit PD15-001, Use Permit U15-002, and Design Review DR15-001 for 50 townhouse-style condominiums and related site improvements, as shown in the plans prepared by C2G Engineers and Hunt Hale Jones Architects stamped approved, which are on file in the Planning Department.
5. All site improvements shall be in conformance with the plans stamped approved, unless otherwise conditioned in this Exhibit A, to the satisfaction of the Community Development Director.
6. Any future changes to the approved plans that the developer and/or other reviewing agencies initiate and/or propose, shall require prior review and approval by the Community Development Director and Community Development Director confirmation regarding the level of environmental review and planning permits required before any earth disturbance. As determined by the Community Development Director, minor changes may be approved by the Community Development Director while major changes may require review and approval by the Planning Commission and/or City Council, paid by the applicant.

7. The developer and future project residents shall comply with the Mitigation Measures in Final Environmental Impact Report and Mitigation Monitoring and Reporting Program in City Council Resolution No. 1916.
8. Before grading permit issuance, the developer shall submit a mitigation measure compliance monitoring fee deposit for ten (10) hours of staff time at the existing rate. Any unused time shall be refunded at a final building inspection.

Grading

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

Trees

10. The landscape plan shall be amended to provide shrubs instead of trees between units 6 & 7 and 12 & 13 to avoid future foundation damage from invasive roots.
11. Tree removal shall not occur until a grading or building permit has been issued for the project.
12. The final grading plans and improvement plans shall be reviewed and approved by the project arborist to the satisfaction of the Community Development Director prior issuance of a grading or building permit.
13. The project arborist shall place a monetary value on trees preserved on development sites and a surety bond in an amount equal to the value of the preserved trees shall be deposited with the city prior to issuance of a grading or building permit for the project. The monetary value shall be reviewed and approved by the Community Development Director. If damage occurs to the preserved trees during development and/or construction, funds will be drawn from the deposited amount. Funds remaining in the account will be returned to the applicant upon final inspection of the project.
14. During the pre-construction phase of development the project arborist shall inspect tree protection fencing and the completion of pre-construction treatments. This inspection shall be completed prior to the issuance of any grading or building permits.
15. The project arborist shall routinely inspect the development site through the term of the project.

Landscaping

16. To the extent feasible, the applicant shall extend the proposed landscaping along the property line (between Santa's Village Road extension and Highway 17) from the common outdoor area to the existing Santa's Village Road cul-de-sac. The maintenance and irrigation of this landscaping area shall be the responsibility of HOA and provisions shall be included in the project CC&R's and/or a maintenance agreement with the City for the ongoing maintenance and irrigation. The Community Development Director shall review and approve the landscape plan.
17. The landscaping improvements shall be permanently maintained and irrigated.

Fencing & Gate(s)

18. The fencing located along the property line with Highway 17 (behind units 41 & 42 and the common outdoor) shall be an acoustic design with no air gaps to reduce noise. Fence specifications shall be reviewed and approved by the Community Development Director prior to installation.
19. The materials, locations and heights of the retaining walls and fences shall be approved by the Community Development Director prior to issuance of grading or building permit
20. The EVA access gate between the residences and the hotel shall be designed to provide the maximum amount of privacy for the residences while providing necessary access for emergency vehicles. The property owners of both the hotel and the residential subdivision shall work with the City and emergency responders to achieve these objectives prior the first building permit final for residential units 5 and 6.

Lighting

21. The final lighting plan shall be reviewed and approved by the Community Development Director prior to issuance of building permit.
22. To ensure that the project lighting is consistent with City policies and design guidelines and to minimize project light & glare on adjacent properties, all exterior lighting shall be at the lowest level for security, aesthetics, safety and identification without interfering with adjacent properties. High-intensity outdoor lighting shall be prohibited. Additionally, all exterior lighting on future residences shall be low-profile, low-intensity directed downward with shields/guards, subject to review and approval by the Community Development Director.

CC&R's

23. The CC&Rs shall be reviewed and approved by the City, executed by the property owner, and recorded prior to the issuance a building permit for the project. The CC&Rs shall:
 - a. Provide on-going management and maintenance for the project;
 - b. Contain a parking plan that specifies parking stall designations for residents and guests, fire lanes, and "No Parking" areas, and no semi-truck parking, to the extent feasible; and,
 - c. Alert project residents of the potential odor, noise, and periodic chemical truck delivery nuisances from the Scotts Valley Water District's Orchard Run Treatment Plant located in the vicinity to the north on the Lennar Homes "spur" emergency access road off Highway 17.
24. The property owner shall pay for all CC&R recording costs and City Attorney review.

Affordable Housing

25. The developer shall comply with Title 14 of the City's Municipal Code.

BUILDING DEPARTMENT

26. The developer shall obtain any required grading and/or building permit(s) and pay applicable fees.
27. The developer shall pay all applicable City development impact fees per the Scotts Valley Municipal Code.
28. The developer shall pay school impact fees to the Scotts Valley Unified School District before building permit issuance.
29. All trades of electrical, plumbing and mechanical will be issued under one building permit for said project (General Contractor permittee).
30. All buildings shall be designed to comply with the current codes in effect at the time of building permit issuance.
31. The building permit plans must comply with the current California Building Code (CBC) for water-conserving fixtures and fittings and with the CA Energy Commission Building Energy Efficiency Standards, which includes energy-saving fixtures and appliances to be used throughout the building.
32. All structures shall comply with the most current California Energy Commission Standards (Title 24).

33. All new construction shall comply with the City's current Green Building Guidelines, which requires various low-impact-development and resource efficient techniques, to the satisfaction of the Community Development Director.
34. Structural calculations shall be submitted and wet-signed by the Engineer of record.
35. Provide names of Special Inspectors with certifications as required.
36. A soils report by a qualified geologic engineer shall be submitted with the application for any building permits.
37. The applicant shall comply with the City's standard erosion control measures. The plans submitted for a building permit must include best management practices (e.g. erosion control practices and procedures) during construction, which include complying with Regional Air Quality Control Board emissions for construction equipment.
38. Site drainage erosion control and foundation plans must be reviewed and approved by a soils engineer.
39. Grading and building permit plans shall include separate full-sized sheets listing the required Mitigation Measures and Conditions of Approval.
40. An engineered grading permit shall be required.
41. Retaining walls shall require an engineered design.
42. The developer shall submit a plan review letter from the project Geotechnical Engineer confirming that the construction documents comply with the project geotechnical engineer's recommendations.
43. To ensure that City requirements are met, the developer shall specify to the Building Official the off-site disposal location of any exported soil material at a pre-construction meeting or before grading permit issuance. If the disposal site is located outside the City, the site shall be a legal facility such as a licensed landfill or permitted fill site.
44. Building permit plans and related construction documents shall be consistent with Land Division LD15-001 Conditions of Approval in City Council Resolution No. 1916.2.

PUBLIC WORKS DEPARTMENT- ENGINEERING DIVISION

45. Engineered Improvement Plans shall be submitted for all on site and off site work and will be approved by the Public Works Director/City Engineer. On-site and off-site (encroachment) civil engineering permits must be issued by the City prior to commencing any work. Improvement Plans shall include any necessary grading, drainage, masonry retaining walls, driveway, sanitary sewer, water, street lights, street signs, mailboxes, street trees, street lights, electric, telephone, gas, cable television, and any other proposed utility, utility pole relocation, frontage improvement and/or repair of sidewalk, curb and gutter or similar facilities required to satisfy tentative map conditions to the satisfaction of the Public Works Director/City Engineer. All improvements shall conform to the design standards contained in text and illustration in the "City of Scotts Valley Standard Details", latest revision adopted by the City Council.
46. Applicant shall construct street improvements in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.
47. All work in the public right-of-way will require an encroachment permit application made to the satisfaction of the Public Works Director/City Engineer. The civil on-site work, as plan reviewed by the Public Works Department, will require an on-site civil engineering permit and inspection.
48. All public improvements shall be guaranteed by written Agreement with the city, Faithful Performance Bond, and Labor and Material men's Bond, to the satisfaction of the Public Works Director/City Engineer.
49. All signing and striping shall be approved and completed as required by the Public Works Department, and shall be in conformance with current editions of Transportation and Traffic Engineering Handbook, by the Institute of Transportation Engineers, and the State Department of Transportation "Standard Specifications".
50. The project shall connect to the sanitary sewer system and existing septic systems, if any, shall be properly abandoned to the satisfaction.
51. Applicant shall request a sewer allocation for the project from the City Engineer. Sewer allocations expire within 90 days, therefore the applicant should make the sewer allocation request no earlier than 90 days prior to the start of construction. The request shall be in writing and may be approved or denied by the City Engineer, depending on the availability of sewer hook-ups.
52. Applicant shall construct storm drain facilities in conformance with data and analysis and current City regulations for water quality and waste discharge that are in effect at the building permit stage, as determined and required by the Public Works Director/City Engineer.

53. Developer shall pay the cost to accomplish the utility design and construction to underground any telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections, to the satisfaction of the Public Works Director/City Engineer.
54. A registered civil engineer shall provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts. The design shall follow the criteria contained in the City of Scotts Valley Standard Details and the data and analysis contained in the latest adopted City of Scotts Valley Storm Drainage Master Plan. Development shall not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.
55. If any work is proposed in the Caltrans right-of-way (Highway 17), the developer shall obtain a prior encroachment permit from Caltrans before any work begins, and shall obtain prior review and approval by the Community Development Director of such work.
56. Pre-Construction Meeting: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property, with the exception of archeological excavation in alignment with the MMRP, installation of temporary construction fencing demarcating the disturbance envelope, tree protection fencing, and silt fencing, the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: the applicant, the grading contractor supervisor, the project biologist, the project arborist, project archaeologist, the Civil Engineer, the City of Scotts Valley Environmental Planning staff, a representative from the California Department of Fish and Wildlife, the City Engineer, and the Public Works Director. The temporary construction fencing demarcating the disturbance envelope, tree protection fencing, and silt fencing will be inspected at that time.
57. Provide profiles of all proposed roads, driveways, retaining walls, storm drains, sewers, and water lines.
58. To ensure that the developer repairs any damage to City-maintained streets that is caused by project construction, the developer shall provide a set of current (pre-project) photos of Santa's Village Road to the Public Works Director for review and approval.
 - a. After project construction and before occupancy, the Public Works Director shall inspect the road and determine if any repairs are required to restore the road to the pre-project condition; and,
 - b. The developer shall complete any required repairs to the road to the satisfaction of the Public Works Director before City sign-off on the building permit(s) and occupancy of any unit.

City Public Works Department - Wastewater Division

59. All sanitary sewer mains, laterals, manholes, and pump stations inside all of the facilities shall be private except for the main trunk line and manholes in the Santa's Village Road / Enterprise Way right-of-ways.
60. Every sewer lateral crossing a curb line shall be marked with an "S" stamped in the face of the curb.
61. Water softeners shall only be permitted if they are exchange-base systems, where a vendor comes and picks up columns of brine and exchanges them for new ones. Systems that back-flush and discharge brine to the sewer are not permitted since the City of Scotts Valley recycles water for irrigation.

Scott Valley Fire Protection District

62. All development must comply with the California Fire Code as amended by the Scott Valley Fire Protection District.

Scott Valley Water District (SVWD)

63. A Main Extension Agreement shall be executed between developer and SVWD.
64. Future improvement plans and construction documents shall address specific comments made on SVWD letter dated February 17, 2016.
65. All recycled water systems must be designed according to the SVWD Rules and Regulations and must conform to the [Recycled Water Irrigation Systems Standard Notes and Details](#).

Signature of Phil Kerr, Applicant, City Ventures, LLC

Date

RESOLUTION NO. 1916.4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING PLANNED DEVELOPMENT PERMIT PD15-002, USE PERMIT U16-001, DESIGN REVIEWS DR15-009 AND DR16-001, AND CULTURAL RESOURCE ALTERATION CRA15-001 FOR THE HOTEL OF THE ENTERPRISE WAY PROJECT AND RELATED PROPERTY IMPROVEMENTS ON A VACANT PARCEL LOCATED AT THE END OF SANTA'S VILLAGE ROAD (PREVIOUSLY APPROVED BORLAND PHASE II) / APN 024-031-017

WHEREAS, the City of Scotts Valley has received an application and technical reports from CR&E Management and City Ventures (referred to together as the "applicant"), proposing to subdivide the parcel for development of a 50-unit residential development and 120-unit hotel, and related property improvements on a vacant 6.8-acre parcel, as shown on project plans dated January 19, 2016 (hotel), and December 2, 2015 (residential development) / APN 024-031-170; and

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

WHEREAS, the application is a "project" pursuant to the California Environmental Quality Act ("CEQA"), which requires the preparation and certification of an Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act ("CEQA") and

WHEREAS, the City selected Kimley-Horn and Associates, an independent environmental consultant ("consultant") to prepare a Draft Environmental Impact Report ("Draft EIR"), paid for by the applicant; and

WHEREAS, the consultant prepared a Draft EIR (State Clearinghouse # 2015032086) in accordance with the State CEQA Guidelines and requirements. The Draft EIR was duly noticed, published, and distributed for a 45-day public review period from December 31, 2015 – February 16, 2016, and was made available for public review at City Hall, Planning Department; and

WHEREAS, the City's consultant prepared a duly noticed and published Final Environmental Impact Report on February 26, 2016, that was distributed to public agencies that commented on the Draft EIR, was made available at City Hall, Planning Department, the City's website, and upon request at the Planning Department; and

WHEREAS, the Planning Commission held a duly published and noticed public hearing on March 3, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR and the requested planning permits (entitlements), take public testimony, and provide comments and

recommendations to the City Council; and, after which, they recommended approval of the Final EIR and project to the City Council, subject to the recommended mitigation measures and amended conditions; and

WHEREAS, the City Council held a duly published and noticed public hearing on March 16, 2016, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR, the entitlements, and all other information in the record including, but not limited to, public testimony, and certified the Final EIR, adopted a Statement of Overriding Considerations for traffic impacts, and approved a Mitigation Monitoring and Reporting Program for the project in Resolution No. 1916; and,

WHEREAS, the City Council approved General Plan Amendment GPA15-001 for the project in Resolution No. 1916.1; and,

WHEREAS, the City Council approved Zone Change ZC15-001 and Planned Development District Overlays PD15-001 and PD15-002 for the project in Ordinance No. 16-ZC-225; and,

WHEREAS, the City Council approved Land Division LD15-001 for the project in Resolution No. 1916.2; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley hereby approves, as further discussed in the City Council staff report dated March 16, 2016, as follows:

SECTION 1: Approve Planned Development Permit PD15-002 based on the following findings, and as shown on the plans submitted to the City Council, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein:

1. ***That the Planned Development Zoning District Permit (PD) furthers the policies of the General Plan.*** The project meets the requirement of this finding in that the overall hotel building location, landscaping, and fencing/walls will ensure compatibility between commercial uses and their adjacent uses, per General Plan Land Use Element Objective LO-37. Rezoning the vacant and underused infill site to appropriate high-density encourages development of the underused parcel, consistent with Land Use Element Action LA-7. The hotel is a commercial use and will be concentrated at the end of the urban core of the City, pursuant to Land Use Element Policy LA-45.
2. ***The proposed Planned Development District Permit (PD) is consistent with the underlying land use designations and zoning districts and the of the City of Scotts Valley General Plan.*** The project meets the requirements of this finding because the PD district overlay will be combined with the base zoning districts. The resulting C-S/PD zone allows specific development standards to address the constraint of an access easement crossing the property and to retain suitable trees that qualify for protection per City's Municipal Code.

3. ***That the PD conforms in all respects to the planned development zoning of the property.*** The “PD” will be an overlay zone to the proposed C-S base zoning district. The project design meets the requirement of this finding in that approval of the Planned Development Permit will allow the project to vary from some of the development standards of R-H zone, while still allowing for the underused site to be developed. The PD will include exceptions to: building heights of approximately 39-50 feet to accommodate the elevator (where 35 feet is the maximum, and given how building height is calculated in the Municipal Code); and, reduced 123 parking spaces (where 127 spaces are required).
4. ***That the inter-relationship between the orientation, location, mass and scale of building volumes, and elevations of buildings, structures, and other uses on-site are appropriate, compatible, and aesthetically harmonious.*** The project meets the requirements of this finding in that the overall siting and design of the hotel building is well-designed in and of themselves. The hotel will have increased building heights, but the overall effect will be compatible with the existing Enterprise Technology Center to the south. The architecture, quality exterior materials/ finishes/colors, and landscaping will create a visually harmonious project.
5. ***The environmental impacts of the project have been reviewed and considered.*** The project meets the requirement of this finding in that the Draft EIR identified significant or potentially significant effects associated with: aesthetics, air quality, biological resources, cultural resources, geology & soils, noise & vibration, and transportation & circulation. With the implementation of recommended mitigation measures, all impacts would be reduced to less than significant levels with the exception of transportation & circulation, which would remain significant and unavoidable due to existing traffic conditions. As such, the City has adopted a Statement of Overriding Consideration for the two traffic-related impacts that will be significant and unavoidable in Resolution No. 1916.

SECTION 2: Approve Use Permit U16-001 based on the following findings, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein:

6. ***The locations of the condominiums are in accordance with the objectives of the zoning ordinance and the purposes of the zoning district in which the site is located.*** Hotels are conditional uses in the C-S zone and require use permits. The proposed project meets the requirements of this finding in that the locations of the use will be appropriate for the site and in relation to the adjacent existing office campus of Enterprise Technology Center.
7. ***The establishment, maintenance, or operation of condominiums will not, under any circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to property and improvements in the***

neighborhood or to the general welfare of the city. The proposed project meets the requirements of this finding in that mitigation measures will reduce identified project impacts to less than significant levels and conditions of approval will finesse some of the design aspects of the project. The use will be a compatible transition between the adjacent condominiums of the whole project and the existing commercial office campus of Enterprise Technology Center.

SECTION 3: Approve Design Reviews DR15-009 and DR16-001 based on the following findings, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein:

- 8. *The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood is appropriate.*** The project meets the requirement of this finding in that the overall siting of hotel building is suited to the property, setting, and in relationship to the location zoning context, given the existing, orientation, and distance from the street as the adjacent commercial office campus of Enterprise Technology Center.
- 9. *The materials, colors, proportion, mass and detail of all structures shall be in good proportion, have simplicity of mass and detail and be compatible in appearance with surrounding structures. There shall be an appropriate use of materials. Colors shall be appropriate within the context of use and should blend with surrounding structures.*** The project meets the requirements of this finding in that the proposed hotel and related property improvements are compatible with the massing, architectural style and materials of the existing Enterprise Technology Center and the proposed townhouses. The proposed roof lines and forms will provide visual interest. The variety of quality materials, exterior treatments, finishing details and exterior colors building colors are appropriate.
- 10. *Landscaping and irrigation plans shall be required on the site. Landscaping shall be in keeping with the character or design of the building. Existing trees shall be preserved wherever possible.*** The project meets the requirements of this finding in that the project will provide extensive new landscaping. Connection to recycled water will be required. Preliminary landscaping details have been reviewed. A condition of approval will require exploring additional landscaping along the north/Hwy 17 property line to enhance the main entrance to the site, to the extent feasible. Final determination of trees to be preserved and protection measures to be implemented during construction will be finalized at the building permit stage, consistent with the City's tree regulations.

- 11. *The size, location and arrangement of on-site parking and paved areas shall be appropriate.*** The project meets the requirements of this finding in that the hotel will provide a total of standard-sized 123 parking spaces, which is only 4 spaces short or 3% of the required amount of parking. Parking spaces wrap around the front, left wing, and rear of the building for easier and direct access to the building, for appropriate locations and arrangement. To supplement the parking features of the project, to the extent feasible, project conditions will explore additional parking (and landscaping) along the main access road (extension of Santa's Village Road).
- 12. *For ingress, egress and internal traffic circulation, all the above factors shall be related to the setting or established character of the neighborhood or surrounding area.*** The project meets the requirements of this finding in that, on August 7, 2002, the City approved the project entrance/exit from Santa's Village Road through the Borland Phase II site to the project site's west property line before Carbonero Creek. Internal streets will lead to a private emergency vehicle access easement through the hotel site. The road widths are appropriate for the site to minimize grading and tree removal.
- 13. *For fences and walls over eight feet tall or fences over three feet tall in front yards when across from Hwy 17, consider height and access to sunlight, setbacks, landscaping and use of materials for articulation and visual relief.*** There may be some walls with fencing located directly above that may exceed 8 feet in height. These walls/fences will provide physical separation and buffer from Hwy 17 and internal vehicular circulation. The project meets the requirements of this finding in that project conditions will provide acoustical fencing where appropriate, and staff will review final heights, designs, materials, and context as formal development plans are submitted, to the extent feasible.

SECTION 4: Approve Cultural Resource Alteration Permit CRA15-001, based on the following findings, subject to Mitigation Measures in the MMRP of Resolution No. 1916, referenced herein:

- 14. *The project is consistent with the purposes of this cultural resource preservation as set forth in this title.*** The project meets the requirements of this finding in that the MMRP requires the appropriate mitigation, consistent with State law and the City's Municipal Code.
- 15. *The project retains archaeological value and significance of the cultural resource.*** The project meets the requirements of this finding in that the specific mitigation in the MMRP will ensure that the appropriate steps are taken to retain the value and significance, in accordance with State law and City regulations.

SECTION 5: This resolution is subject to approved Mitigation Measures in the Mitigation Monitoring and Reporting Program in Resolution No. 1916, General Plan Amendment GPA15-001 in Resolution No. 1916.1, and Ordinance No. 16-ZC-225 for

Zone Change ZC15-001 and Planned Development Zoning District Overlay PD15-002 becoming effective, and Land Division LD15-001 in Resolution 1916.2.

SECTION 6: Planned Development Permit PD15-002, Use Permit U16-001, and Design Reviews DR15-009 and DR16-001 shall lapse and shall be come void two (2) years from the date of this resolution unless prior to the expiration date, a building permit is issued and construction has diligently commenced to completion, or an extension of this approval is granted by the City.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, City Council approves Planned Development Permit PD15-002, Use Permit U16-001, Design Reviews DR15-009 and DR16-0011, and Cultural Resource Alteration CRA15-001 for the "Enterprise Way" project located at the end of Santa's Village Road / APN 024-031-17, subject to Mitigation Measures in approved Resolution No. 1916 and amended Conditions of Approval in Exhibit A, attached hereto and incorporated herein.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 16th day of March 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Donna Lind, Mayor

Tracy Ferrara, City Clerk

Exhibit A
Hotel Conditions of Approval
(#1 - #70)

LEGAL

1. The Developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. The property owner shall sign the Conditions of Approval agreeing to the Conditions of Approval prior to issuance of any grading/building permits, transfer of title, or within 30 days of approval of these planning permits, whichever occurs first.
3. The developer shall obtain all required demolition, grading, improvement plans, and building permits and pay all appropriate required fees before starting any grading/earth disturbance on the property.

PLANNING DEPARTMENT

4. The approved planning permits include Planned Development Permit PD15-002, Use Permit U16-002, and Design Reviews DR15-009 and DR16-001 for a hotel, signage, and related site improvements, as shown in the plans prepared by Ifland Engineers and Rhys Architects (stamp dated 1/19/2016) stamped approved, which are on file in the Planning Department.
5. All site improvements shall be in conformance with the plans stamped approved, unless otherwise conditioned in this Exhibit A, to the satisfaction of the Community Development Director.
6. Any future changes to the approved plans that the developer and/or other reviewing agencies initiate and/or propose, shall require prior review and approval by the Community Development Director and Community Development Director confirmation regarding the level of environmental review and planning permits required before any earth disturbance. As determined by the Community Development Director, minor changes may be approved by the Community Development Director while major changes may require review and approval by the Planning Commission and/or City Council, paid by the applicant.

7. The developer shall comply with the Mitigation Measures in Final Environmental Impact Report and Mitigation Monitoring and Reporting Program in City Council Resolution No. 1916.
8. Before grading permit issuance, the developer shall submit a mitigation measure compliance monitoring fee deposit for ten (10) hours of staff time at the existing rate. Any unused time shall be refunded at a final building inspection.
9. All requirements of the Santa Cruz County Environmental Health shall be met prior to operation of the facility.

Use

10. The maximum stay for any guest shall be no more than 29 days. When a guest stay reaches 29 days the guest shall check out for at least two days before returning as a guest.

Design

11. All mechanical equipment shall be screened from public view.
12. To the extent feasible all mechanical equipment shall be enclosed to muffle noise.
13. The trash enclosures shall be reviewed and approved by the Community Development Director to ensure consistency with Section 17.44.20(C)10 of the Scotts Valley Municipal prior to trash enclosure construction.
14. Green Waste shall review the trash enclosure to ensure functionality prior to construction of the enclosure.
15. The outdoor storage of material is prohibited.

Landscaping

16. The final landscape design shall be reviewed and approved by the Community Development Director.
17. All landscape irrigation shall be installed to recycled water plumbing standards as prescribed by the Scotts Valley Water District.
18. The landscaping improvements shall be permanently maintained and irrigated.

Fencing and Walls

19. The materials, locations and heights of the retaining walls and fences shall be approved by the Community Development Director prior to issuance of grading or building permit

Streets

20. The EVA access gate between the residences and the hotel shall be designed to provide the maximum amount of privacy for the residences while providing necessary access for emergency vehicles. The property owners of both the hotel and the residential subdivision shall work with the City and emergency responders to achieve these objectives prior to building permit final for residential units 5 and 6.

Signs

21. Sign lighting shall be minimized to reduce light leakage beyond sign perimeters and to minimize ambient light pollution. To the extent feasible light sources shall not be directly visible.
22. The proposed "Beacon Light" shall be reviewed and approved by the Community Development Director for consistency with City's design standards prior to full operation.

Lighting

23. The final lighting plan shall be reviewed and approved by the Community Development Director prior to issuance of building permit.
24. Lighting impacts to adjacent residences shall be minimized. Where feasible, property owner shall use dimmers or other sensors that lower lighting levels when exterior lighting is not in use.
25. To ensure that the project lighting is consistent with City policies and design guidelines and to minimize project light & glare on adjacent properties, all exterior lighting shall be at the lowest level for security, aesthetics, safety and identification without interfering with adjacent properties. High-intensity outdoor lighting shall be prohibited. Additionally, all exterior lighting on future residences shall be low-profile, low-intensity directed downward with shields/guards, subject to review and approval by the Community Development Director.

Grading

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

BUILDING DEPARTMENT

27. The developer shall obtain any required grading and/or building permit(s) and pay applicable fees.
28. The developer shall pay all applicable City development impact fees per the Scotts Valley Municipal Code.
29. The developer shall pay school impact fees to the Scotts Valley Unified School District before building permit issuance.
30. All trades of electrical, plumbing and mechanical will be issued under one building permit for said project (General Contractor permittee).
31. All buildings shall be designed to comply with the current codes in effect at the time of building permit issuance.
32. The building permit plans must comply with the current California Building Code (CBC) for water-conserving fixtures and fittings and with the CA Energy Commission Building Energy Efficiency Standards, which includes energy-saving fixtures and appliances to be used throughout the building.
33. All structures shall comply with the most current California Energy Commission Standards (Title 24).
34. All new construction shall comply with the City's current Green Building Guidelines, which requires various low-impact-development and resource efficient techniques, to the satisfaction of the Community Development Director.
35. Structural calculations shall be submitted and wet-signed by the Engineer of record.
36. Provide names of Special Inspectors with certifications as required.
37. A soils report by a qualified geologic engineer shall be submitted with the application for any building permits.
38. The applicant shall comply with the City's standard erosion control measures. The plans submitted for a building permit must include best management practices (e.g. erosion control practices and procedures) during construction, which include complying with Regional Air Quality Control Board emissions for construction equipment.
39. Site drainage erosion control and foundation plans must be reviewed and approved by a soils engineer.

40. Grading and building permit plans shall include separate full-sized sheets listing the required Mitigation Measures and Conditions of Approval.
41. An engineered grading permit shall be required.
42. Retaining walls shall require an engineered design.
43. The developer shall submit a plan review letter from the project Geotechnical Engineer confirming that the construction documents comply with the project geotechnical engineer's recommendations.
44. To ensure that City requirements are met, the developer shall specify to the Building Official the off-site disposal location of any exported soil material at a pre-construction meeting or before grading permit issuance. If the disposal site is located outside the City, the site shall be a legal facility such as a licensed landfill or permitted fill site.
45. Building permit plans and related construction documents shall be consistent with Land Division LD15-001 Conditions of Approval in City Council Resolution No. 1916.2.

PUBLIC WORKS DEPARTMENT- ENGINEERING DIVISION

46. Engineered Improvement Plans shall be submitted for all on site and off site work and will be approved by the Public Works Director/City Engineer. On-site and off-site (encroachment) civil engineering permits must be issued by the City prior to commencing any work. Improvement Plans shall include any necessary grading, drainage, masonry retaining walls, driveway, sanitary sewer, water, street lights, street signs, mailboxes, street trees, street lights, electric, telephone, gas, cable television, and any other proposed utility, utility pole relocation, frontage improvement and/or repair of sidewalk, curb and gutter or similar facilities required to satisfy tentative map conditions to the satisfaction of the Public Works Director/City Engineer. All improvements shall conform to the design standards contained in text and illustration in the "City of Scotts Valley Standard Details", latest revision adopted by the City Council.
47. Applicant shall construct street improvements for the full parcel frontage in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.
48. Engineered improvement plans for all work, signed and prepared under the direction of a registered civil engineer, shall be approved by the Public Works Director/City Engineer prior to commencing work.

49. All work in the public right-of-way will require an encroachment permit application made to the satisfaction of the Public Works Director/City Engineer. The civil on-site work, as plan reviewed by the Public Works Department, will require an on-site civil engineering permit and inspection.
50. All public improvements shall be guaranteed by written Agreement with the city, Faithful Performance Bond, and Labor and Material men's Bond, to the satisfaction of the Public Works Director/City Engineer.
51. All signing and striping shall be approved and completed as required by the Public Works Department, and shall be in conformance with current editions of Transportation and Traffic Engineering Handbook, by the Institute of Transportation Engineers, and the State Department of Transportation "Standard Specifications".
52. The project shall connect to the sanitary sewer system and existing septic systems, if any, shall be properly abandoned to the satisfaction.
53. Applicant shall request a sewer allocation for the project from the City Engineer. Sewer allocations expire within 90 days, therefore the applicant should make the sewer allocation request no earlier than 90 days prior to the start of construction. The request shall be in writing and may be approved or denied by the City Engineer, depending on the availability of sewer hook-ups.
54. Applicant shall construct storm drain facilities in conformance with data and analysis and current City regulations for water quality and waste discharge that are in effect at the building permit stage, as determined and required by the Public Works Director/City Engineer.
55. Developer shall pay the cost to accomplish the utility design and construction to underground any telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections, to the satisfaction of the Public Works Director/City Engineer.
56. A registered civil engineer shall provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts. The design shall follow the criteria contained in the City of Scotts Valley Standard Details and the data and analysis contained in the latest adopted City of Scotts Valley Storm Drainage Master Plan. Development shall not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.

57. Applicant shall pay the cost to accomplish the utility design and construction to underground the telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections.
58. If any work is proposed in the Caltrans right-of-way (Highway 17), the developer shall obtain a prior encroachment permit from Caltrans before any work begins, and shall obtain prior review and approval by the Community Development Director of such work.
59. Pre-Construction Meeting: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property, with the exception of installation of temporary construction fencing demarcating the disturbance envelope and silt fencing, the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: the applicant, the grading contractor supervisor, the project biologist, the Civil Engineer, the City of Scotts Valley Planning staff, the City Engineer, and the Public Works Director. The temporary construction fencing demarcating the disturbance envelope and silt fencing will be inspected at that time.
60. Provide profiles of all proposed roads, driveways, retaining walls, storm drains, sewers, and water lines.
61. To ensure that the developer repairs any damage to City-maintained streets that is caused by project construction, the developer shall provide a set of current (pre-project) photos of Santa's Village Road to the Public Works Director for review and approval.
 - a. After project construction and before occupancy, the Public Works Director shall inspect the road and determine if any repairs are required to restore the road to the pre-project condition; and,
 - b. The developer shall complete any required repairs to the road to the satisfaction of the Public Works Director before City sign-off on the building permit(s) and occupancy of any unit.

City Public Works Department - Wastewater Division

62. All sanitary sewer mains, laterals, manholes, and pump stations inside all of the facilities shall be private except for the main trunk line and manholes in the Santa's Village Road / Enterprise Way right-of-ways.
63. Every sewer lateral crossing a curb line shall be marked with an "S" stamped in the face of the curb.

64. Plans do not currently indicate a water softener. Commercial water softeners are only permitted if they are exchange-base systems, where a vendor comes and picks up columns of brine and exchanges them for new ones. Systems that back-flush and discharge brine to the sewer are not permitted since the City of Scotts Valley recycles water for irrigation
65. All trash enclosures are required to have overhead coverage. It is not indicated if the trash enclosure will have overhead coverage. If the trash enclosure has a drain it shall be routed to the sanitary sewer. This drain shall not be connected to the storm drain
66. Please contact the Environmental Compliance Inspector at (831) 706-7384 to inspect after construction is complete to ensure compliance.

Scott Valley Fire Protection District

67. All development must comply with the California Fire Code as amended by the Scott Valley Fire Protection District.

Scott Valley Water District

68. A Main Extension Agreement shall be executed between developer and SVWD.
69. Future improvement plans and construction documents shall address specific comments made on SVWD letter dated February 17, 2016.
70. All recycled water systems must be designed according to the SVWD Rules and Regulations and must conform to the [Recycled Water Irrigation Systems Standard Notes and Details](#).

Signature of Bijal Patel, Applicant

Date

City of Scotts Valley
PLANNING COMMISSION
STAFF REPORT

Date: March 3, 2016

Applicants: City Ventures, LLC
Coast Redwood Hospitality

Property Owner: City Ventures, LLC

Applications: Environmental Impact Report EIR15-001, Cultural Resource Alteration CRA15-001, General Plan Amendment GPA15-001, Zone Change ZC15-001, Planned Development Overlays & Permits PD15-001 & PD15-002, Land Division LD15-001, Use Permits U15-002 & U16-001, Design Reviews DR15-001, DR15-009, and DR16-001

Location / APN: No situs/address; former Borland Phase II site at the end of Santa's Village Road north of Granite Creek Road) / 024-031-17

General Plan / Zoning: Industrial-Research & Development / I-RD(PD)

Request: Consideration of a recommendation of approval to the City Council of a Final Environmental Impact Report and planning permit applications to subdivide the parcel and build 50 townhouses, a 120-room hotel, and related property improvements.

Staff Planner: Michelle Fodge, AICP, Senior Planner

STAFF RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, hear public testimony, consider the Final Environmental Impact Report (FEIR) and proposed project, and recommend that the City Council adopt a Statement of Overriding Considerations for the significant unavoidable impacts of the project, certify the FEIR, and approve planning permit applications, subject to mitigation measures and conditions in the attached Exhibits A and B.

BACKGROUND AND KEY DATES

A brief summary of key land use dates is provided below:

In 1991	On the subject 6.8-acre parcel, City approved Borland Phase II approximately 192,555 square feet of commercial office space, at the same time as Phase I (approximately 370,000 square feet, now called Enterprise Technology Center) located on the adjacent parcel to the south.
In 2002	City approved the access road that crosses the subject parcel which will serve access easement holders and the approved 40-lot Polo Ranch subdivision to the east.
In 2004	Borland Phase II planning permits and development agreement expired. Since then, the infill site has been vacant.
In 2013	City Ventures, local and regional developer, bought the parcel.
March 2015	Notice of Intent of an Environmental Impact Report was filed.
Dec. 31, 2015 to Feb. 16, 2016	Draft EIR was published for a 45-day public review period; document available at City Hall and City website.
March 3, 2016	Planning Commission will hold a public hearing to consider the Final EIR and proposed development and make a recommendation to the City Council.
March 16, 2016	Tentative date for City Council to hold a public hearing to consider the Final EIR and proposed development.

PROJECT DESCRIPTION

On the vacant 6.80-acre site, the applicants propose to build 50 residential townhouse-style condominiums on 4.32 acres and a 120-room hotel (approximately 87,000 square feet) on the remaining 2.48 acres. The hotel is a four-story complex and would operate under a select-service, extended-stay model. In three-story buildings, the 50 residential townhouses are approximately 1,700 square feet in size with three to four bedrooms, plus a 2-car garage. The proposed projects would be built separately.

REQUESTED PLANNING PERMITS (ENTITLEMENTS)

The project requires the following planning permits:

- Environmental Impact Report: To evaluate the potential environmental impacts;
- Cultural Resource Alteration Permit: To protect potential artifacts (this permit is processed before and separately from the entitlements listed below);

- General Plan Amendment: To change the existing General Plan Land Use Designation of Research & Development (Planned Development) to High-Density Residential and Commercial Service;
- Zone Change: To change the existing zoning district of I-RD(PD) to R-H/PD and C-S/PD;
- Planned Development District Overlays and Permits (PD): To allow tailored development standards to fit the needs of the project and properties
- Land Division: To subdivide the parcel into lots for the hotel and residential uses;
- Use Permits: To allow townhouse-style condominiums in the R-H zone and a hotel in the C-S zone; and,
- Design Review: To evaluate the architecture and related site improvements.

ENVIRONMENTAL REVIEW

1. **Purpose**: The level of environmental review required for the proposed project is called an Environmental Impact Report (EIR). Under the Planning Department's management, the City's independent environmental consultant has prepared the Draft EIR (DEIR), responses to comments received on the DEIR, and the Final EIR (FEIR). The FEIR is an informational document, the purpose of which is to identify and disclose potential significant impacts of the proposed project and recommend ways to reduce the impacts to less than a significant level, as established under the California Environmental Quality Act (CEQA). An important function of the FEIR is that it will serve as the basis for future conditions of approval of the proposed project.
2. **Project Impacts Found Not to Be Significant**: The DEIR concluded that the following summary of key environmental topics would not be significant for the proposed project:
 - Aesthetics: Project would not substantially alter visual character or change scenic vistas, including in a State scenic highway;
 - Agricultural/Forestry Resources: No such resources on the site;
 - Air Quality: Project would not result in significant long-term criteria air pollutant or toxic air contaminant emissions; no odor-generating uses;
 - Biological Resources: Project does not interfere with wildlife movement corridors or an adopted Habitat Conservation Plan;
 - Cultural Resources: Project would not affect historic architectural resources or inadvertently disturb human remains;
 - Geology & Soils: Project would not trigger or accelerate soil loss or erosion or result in exposure to fault rupture or landslides; no septic systems would be installed;
 - Greenhouse Gases: Project would not contribute considerably to greenhouse gas emissions;
 - Hazards: Project does not include substantial use of hazardous materials; site is not in proximity to airport or listed on State hazardous site lists;
 - Hydrology & Water Quality: Project would not contribute to depletion of local groundwater, substantially increase runoff, alter drainage patterns, or result in exposure to floods;

- Land Use: Project would not disrupt or divide an established community or conflict with applicable plans adopted for the purpose of avoiding or mitigating and environmental effect, including habitat conservation plans;
- Mineral Resources: Project site is not an active mineral recovery site;
- Noise: Project would not result in substantial permanent increase in noise or expose people to airport noise or excessive ground borne vibration;
- Population and Housing: Project is consistent with regional projections and would not displace housing or people;
- Public Services & Utilities: The project's police, fire protection, schools, water, wastewater, stormwater, and solid waste service demand would not exceed capacity; no conflict with solid waste regulations;
- Recreation: Project would not result in substantial deterioration of existing facilities; and,
- Transportation and Circulation: No parking impacts, changes in air traffic patterns, lack of emergency access, or conflict with policies promoting alternative transportation.

3. Project Impacts Deemed Significant but Mitigated: The DEIR concluded that the following summary of key significant impacts would be mitigated to less-than significant levels for the proposed subdivision design:

- Aesthetics: Light and glare;
- Air Quality: Fugitive dust emissions from construction activities;
- Biological Resources: Impacts to riparian habitat and existing vegetation, nesting birds; impacts from tree removal;
- Geology, Soils, and Seismicity: Risks associated with liquefaction, lateral spreading, and differential fill settlement;
- Noise: Construction noise and noise from Highway 17;
- Paleontological Resources: Earth disturbance and construction;
- Prehistoric/Archaeological Resources: Earth disturbance & construction; and,
- Transportation and Circulation: Site circulation hazards and traffic control.

4. Project Impacts Deemed Significant and Unavoidable: The FEIR concluded that the significant impacts cannot be feasibly mitigated to less-than-significant levels. The impacts listed below would be reduced for Alternative A (Residential Only) and Alternative B (Existing Zoning) but would still remain significant and unavoidable. Certifying the FEIR requires the City to approve a Statement of Overriding Considerations for these impacts.

- Increase congestion and travel delays on regional and local roadways or exceed an established LOS standard: The existing intersections of Santa's Village Road / Granite Creek Road / northbound Highway 17 (Intersection #3) and Scott's Valley Drive / Glenwood Drive / southbound Highway 17 (Intersection #5) already operate at unacceptable City levels during peak morning hours (7-9AM) and evening hours (5-7PM). Therefore, any change, even a relatively minor one like less the proposed project, is considered significant. The project would contribute less than one (1) second of additional delay to these two intersections. This additional delay would be a significant

impact that cannot be feasibly mitigated due to the constrained nature of the existing intersections; and,

- Contribute to cumulatively considerable transportation and circulation impacts: The project would contribute less than one (1) second of additional delay to the cumulative Intersections #3 and #5, which already operate at unacceptable levels. This additional delay would be a significant impact that cannot be feasibly mitigated due to the constrained nature of the existing intersections.

5. **FEIR Conclusions:** The Draft EIR identified significant or potentially significant effects associated with: aesthetics, air quality, biological resources, cultural resources, geology & soils, noise & vibration, and transportation & circulation. With the implementation of recommended mitigation measures, all impacts would be reduced to less than significant levels with the exception of transportation & circulation, which would remain significant and unavoidable due to existing traffic conditions. Adopting a Statement of Overriding Consideration is required.

To certify an FEIR per CEQA Guidelines Section 15090, the City must certify that the FEIR has been completed in compliance with the California Environmental Quality Act; was presented to the decision-making body of the City and that the decision-making body reviewed and considered the information contained in the FEIR prior to approving the project; and, the FEIR reflects the City's independent judgment and analysis.

DISCUSSION

Staff has reviewed the project for compliance with the City's requirements. An analysis of the issues for Planning Commission consideration is described below:

1. **Consistency with the City's General Plan:** The City's General Plan is the policy document that provides goals, objectives, policies, and specific action steps to carry-out the City's vision for new development. The proposed project requires a change in the existing General Plan Land Use Designation from Industrial-Research & Development to High-density Residential and Commercial Service.

Consistency with all of the General Plan policies is not a mandate for any project. However, CEQA requires that consistency with the General Plan be evaluated for projects requiring an EIR. As proposed, the project is consistent with the City's General Plan except for Circulation Element Action CA-150 which calls for LOS "C" or better and road intersections other than Scotts Valley Drive/Mt. Hermon Road and Scotts Valley Drive/Granite Creek Road. This inconsistency is because existing traffic conditions at Santa's Village Road / Granite Creek Road / Hwy 17 NB Ramps (Intersection #3) and Scotts Valley / Glenwood Drive / Hwy 17 SB Ramps (Intersection #5) are already below LOS "C". The proposed project will add less than one (1) second delay at these two intersections. For clarity, FEIR page 12-10 will be corrected as "inconsistent" for Policy CA-150.

2. **Consistency with the City's Zoning Ordinance:** The project will change the

existing I-RD(PD) zone to R-H/PD and C-S/PD, which are the appropriate zones. The Planned Development District Overlay and Permit (PD) allow development to be designed to meet the needs of the project and property. The “PD” will be an overlay zone to the proposed R-H and C-S base zoning districts. The PD will include exceptions to: building heights of approximately 42-45+/- feet for the townhouses and 39-50 feet for the hotel with elevator (where 35 feet is the maximum); reduced garage sizes of 20 feet x 20 feet (where 22 feet x 22 feet is only required for single-family houses); and, reduced 123 parking spaces for the hotel (where 127 spaces are required).

3. **Traffic and Land Use:** Since 1991, when “Borland Phase II” was approved (192,555 square feet), development has always been intended on the subject parcel. Although the approval for Phase II expired in 2004, the City’s hope was that this important research and development infill site would eventually be developed to bring additional jobs and services to the City, such as medical research, high technology, or software development.

Since then, the subject parcel has been vacant and underused. The last decade has been a difficult market for new commercial construction in the City. For years, Enterprise Technology Center (formerly Borland) had many tenant vacancies. Although new businesses have started to occupy the building, the current research and development zone of the subject parcel is no longer a viable.

However, residential construction is a continuous market because people want to live in a safe community with good schools and recreation programs. With the 1440 Foundation reuse of the former Bethany University campus and other new businesses locating in the City, the market has shown a demand for hotels. The proposed rezone combines residential and a hotel for a viable use of the site.

Balancing new construction with existing traffic is an issue throughout the County. The project would add less than one (1) second of additional delay at Intersections #3 and #5, which currently operate below City standards in the peak morning and evening commute hours.

Because the proposed project would complete new development at the north end of the City, there would be no more building potential in this area. Once developed, further traffic impacts from the project site would not be anticipated.

4. **Use Permit and Design Review:** Condominiums require use permits in any zone, while hotels are conditional uses in the C-S zoning district, which also require use permits. As proposed, mitigated and conditioned, the project will be an appropriate use for the project site and adjacent uses that will be compatible with the surrounding office and residential uses.

The R-H and C-S zoning districts require Design Review for new construction and signage. The project will be consistent with the City's design criteria, in that, the proposed residences and related property improvements are compatible with the massing, architectural style and materials of the approved Polo Ranch residences.

As proposed, the hotel shares similar massing, layout and proximity to commercial corridors as the existing office building adjacent to the site. To supplement the design features of the project, to the extent feasible, project conditions will explore additional parking and landscaping along the main access road (extension of Santa's Village Road), ensure project lighting is consistent with City standards, and provide acoustical fencing where appropriate.

5. **Affordable Housing Update:** The Affordable Housing Subcommittee is reviewing the application and their recommendation will be forwarded to the City Council for consideration at the public hearing tentatively scheduled on March 16, 2016.

PUBLIC NOTICE AND PUBLIC COMMENT

Consistent with state law and the City's requirements, the City sent a public notice of the scheduled Planning Commission public hearing to all property owners located within 600 feet from project site, which is 300 feet greater than the standard 300 feet required. Public notices were also posted at City Hall, Senior Center and Scotts Valley Branch Library, and the DEIR was posted on the City's website. The applicants posted two large notice signs on the project site and held an open house in early February.

To date, the City has received various general information phone calls and 10 written comments on the DEIR, to which the FEIR responds. Any additional comments received will be provided to the Planning Commission and public for review at the Planning Commission Public Hearing on March 3, 2016.

REQUIRED FINDINGS

Based on the FEIR, submitted reports, plans, and analysis, staff believes that the required findings to certify the FEIR and to approve the proposed project can be made, as shown in the attached Resolution No. 1700, subject to mitigation measures and conditions of approval.

CONCLUSION

The proposed project would be the last puzzle piece of major development of the City's commercial/industrial corridor, which begins at Scotts Valley Drive at Mt. Hermon Road and ends at the subject parcel. The project would be a traditional land use transition between the single-family Polo Ranch subdivision to the east and the existing commercial office campus of Enterprise Technology Center (formerly Borland) to the south. The project will provide viable infill residential and commercial development of an underused lot.

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Exhibit B - General Plan Land Use Designation Map	51
Exhibit C - Zone Change Map	52
Exhibit D - Residential Conditions of Approval	53
Exhibit E - Hotel Conditions of Approval	63
Final Environmental Impact Report (FEIR)	* Attached
Project Plans	* Attached

- * Please note that a hard-copy is available to review in the lobby at City Hall, Monday-Thursday 8AM-12PM and 1PM-5PM, at One Civic Center Drive, Scotts Valley. An electronic copy is also available on this page of the City's website: http://www.scottsvally.org/planning/Enterprise_Way.html
Please call the City at (831) 440-5630 if you have any questions.

Michelle Fodge

Add-on Agenda Item #3
PC/CRPC Special Mtg 3/3/16

From: Michelle Fodge
Sent: Thursday, March 03, 2016 3:14 PM
To: 'lex rau'
Cc: russel_petterson@sbcglobal.net; debbie.muth@sbcglobal.net; dtimm@montalvohomes.com; carcangeli@me.com; steve.horlock@sbcglobal.net; Corey Caletti; dlindsind@earthlink.com; Randy Johnson (EXT); Stephany E. Aguilar (EXT); dene@butichi.com; Jim Reed (EXT); Taylor Bateman
Subject: RE: FEIR Enterprise Way - Planning Commission Advisory Review Tonight

Hello Lex,

Staff will provide to the Planning Commission a hard-copy of your email requesting more time to review the FEIR of the proposed development. They will address the request at the public hearing tonight at 6PM.

Please note that the Commission's review tonight of the proposed development is only advisory. City Council review is tentatively scheduled on March 16th; therefore, you have until then to comment.

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



City of Scotts Valley

Planning Department
One Civic Center Drive
Scotts Valley, CA 95066
Office: (831) 440-5630
Fax: (831) 438-2793
Website: www.scottsvalley.org

From: lex rau [mailto:lexrau@sbcglobal.net]
Sent: Thursday, March 03, 2016 1:06 PM
To: Michelle Fodge
Cc: russel_petterson@sbcglobal.net; debbie.muth@sbcglobal.net; dtimm@montalvohomes.com; carcangeli@me.com; steve.horlock@sbcglobal.net; Corey Caletti; dlindsind@earthlink.com; Randy Johnson (EXT); Stephany E. Aguilar (EXT); dene@butichi.com; Jim Reed (EXT)
Subject: Re: FEIR Enterprise Way - Proposed Hotel and Townhouses - Planning Commission Review March 3 @ 6PM

Michelle,

I object to the staff's taking the subject project to Planning Commission for their review and consideration.

With the said planning commission meeting of March 3 around the corner, the City is not extending the courtesy of providing adequate time to its resident to have a meaningful review/investigation of the response to the comments given the fact your e-mail below has been received late in the day on March 1. I also would like to express my concerns with the fact the project's review and approval will have been taken place during a time when the City is short staffed, administered by an acting City Manager (part time?), and more importantly, Acting Planing Director.

Please make sure you have obtained a written document from the City Attorney approving the City staff's protocol and conduct in review and approval of this project. Otherwise, I recommend pulling the staff report.
Regards,
Lex Rau

Sent from my iPhone

On Mar 1, 2016, at 4:53 PM, Michelle Fodge <mfodge@scottsvalley.org> wrote:

Dear Rex,

The Final Environmental Impact Report for the proposed application responds to comments received; see link below.

This Thursday March 3 at 6PM in the Council Chambers at City Hall (One Civic Center Drive, Scotts Valley) the Planning Commission will review the proposed 50 townhouse-style condos and 120-room hotel.

Here are handy links to the PC agenda packet:

- FEIR http://www.scottsvalley.org/downloads/planning/Enterprise_Way_Final_EIR_2016-02-26.pdf
- Planning Commission Meeting Agenda
<http://www.scottsvalley.org/downloads/planning/PC/Agendas/PlanningCommissionAgenda2016-03-03%20Special%20Mtg.pdf>
- Planning Commission Staff Report
http://www.scottsvalley.org/downloads/planning/Enterprise_Way_Planning_Commission_Staff_Report_2016-03-03_Website.pdf
- MMRP http://www.scottsvalley.org/downloads/planning/Enterprise_Way_MMRP_2016-02-03-03.pdf
- Residential Conditions
http://www.scottsvalley.org/downloads/planning/Enterprise_Way_Planning_Commission_Conditions_Residential_2016-02-28.pdf
- Hotel Conditions
http://www.scottsvalley.org/downloads/planning/Enterprise_Way_Planning_Commission_Conditions_Commercial_2016-02-28.pdf
- CRPC Staff Report
http://www.scottsvalley.org/downloads/planning/Enterprise_Way_Cultural_Resources_Preservation_Commission_Staff%20Report_2016-02-28.pdf
- Website: http://www.scottsvalley.org/planning/Enterprise_Way.html

The tentative date for City Council review is Wednesday, March 16, 2016, at 6:30PM.

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

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Website: www.scottsvalley.org

-----Original Message-----

From: Michelle Fodge

Sent: Tuesday, February 16, 2016 3:50 PM

To: 'lex rau'

Subject: RE: Planned hotel development project

Thank you Rex; comments received.

Michelle Fodge, AICP

Senior Planner

Direct: (831) 440-5632

Email: mfodge@scottsvalley.org

City of Scotts Valley

Planning Department

One Civic Center Drive

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Website: www.scottsvalley.org

-----Original Message-----

From: lex rau [<mailto:lexrau@sbcglobal.net>]

Sent: Tuesday, February 16, 2016 3:44 PM

To: Michelle Fodge

Subject: Planned hotel development project

The EIR is does not adequately address concerns and issues with respect to traffic impacts, drainage and water.

Traffic:

1. The traffic distribution must be shown graphically and compared with the one prepared for the original Borland.
2. Intersections located on the southern side of the City including Mt. Hermon/Scotts Valley Dr. should be included in the study since portion of the traffic generated by the development would potentially be using commercial, school, other governmental services and/or residential neighborhood located in the said areas.
3. Level of Service calculations should study the intersection as coordinated signals. Synchro program should be available for public review. Isolated intersection study ignore potential delay spill over between closely spaced intersections.
4. No development should be approved for as long as the existing level of service for the intersections shows to be running below the City's threshold: Scotts Valley Dr./Glenwood/SB Ramps and NB Ramps/Granite Creek/Santa's Village is shown to be operating deficiently, D and E respectively.
5. There are inadequate information as to how the Significant and unavoidable Impact declaration has been arrived and/or why the author believes the intersection operations cannot be improved. The Study should provide feasibility study of improvements needed to improve operations of deficient intersections.

6. The study dose not adequately study the original project, Borland phase II alternative. Simply stating the traffic would be just as bad or worse should not acceptable. The original Borland study appears to be indicating more traffic loads at intersection 1.
7. Intersection # 1 study as an stop intersection only is inadequate. Should include freeway on/off ramp study.
8. The cumulative traffic presentations should be verifiable. Appendix should include supporting documents, figures, tables and calculations shown the cumulative numbers have been arrived at and must be easily comparable with the original Borland study.
9. There are concerns with deferring other engineering concerns such as potentially required geometric changes to the roadway networks, sight distance issues and etc.
10. The report must include/bear the City Engineer's signature and stamp to signify it has been adequately reviewed and approved by the City as required by law.
11. The impacts of the 1440 Bethany Hotel and the hotel on Scotts Valley Drive and the proposed Hotel: the study should include lunch time and weekend level of services analysis.

Water: There are concerns with excessive use of water by the Hotel guests and by the residential development. There has been concerns that the long drought has resulted in reduction in ground water and the aquifer.

Drainage: the study should include a complete Drainage Study Report per City Standards.

Sent from my iPhone

Begin forwarded message:

From: lex rau <lexrau@sbcglobal.net>
Date: January 20, 2016 at 10:25:50 PM GMT+3:30
To: "lexrau@sbcglobal.net" <lexrau@sbcglobal.net>, Majid Yamin <majidyamin@yahoo.com>
Subject: Fwd: Environmental Reports

Sent from my iPhone

Begin forwarded message:

From: lexrau@sbcglobal.net
Date: September 16, 2015 at 1:24:50 PM PDT
To: Scotts Valley Planning Corrie <ckates@scottsvalley.org>
Subject: Environmental Reports

Corrie,
Please provide a copy of environmental reports, EIR or NEG Declaration on all projects under consideration and/or in the future.

Lex Rau

Sent from my iPhone

Sent from my iPhone

Michelle Fodge

From: Donna Lind [dlindslind@earthlink.net]
Sent: Sunday, March 06, 2016 8:02 PM
To: Michelle Fodge; Taylor Bateman; Tracy Ferrara
Subject: Affordable Housing in Scotts Valley Development

FYI

Begin forwarded message:

From: Catherine Steele <steele.cat.heron@gmail.com>
Subject: Affordable Housing in Scotts Valley Development
Date: March 5, 2016 at 1:22:08 AM PST
To: seajems@pacbell.net, dene@bustichi.com, rlj12@comcast.net, dlindslind@earthlink.net, jimreedSV@gmail.com
Cc: Catherine Steele <steele.cat.heron@gmail.com>

It is my understanding that on Wednesday, March 16, 2016, the Scotts Valley City Council will consider a new development project which will include a four-story 120 room hotel and 50 market rate town houses located at 100 Enterprise Way in Scotts Valley. The draft EIR for the project included the following statement:

"Pursuant to a development agreement between the City and the project applicant, the townhouse development is not required to meet any inclusionary or affordable housing obligation, or any other costs associated with the provision of home at below market value."

I can not attend your council meeting but I do feel that your council on behalf of the City of Scotts Valley should do your share to assure affordable housing in our county by requiring that the developer meet your City's 15% Inclusionary Program requirement, with 8 units at sales price restricted for low to moderate income households.

During the past 20 years of my life in Santa Cruz County, I have been able to help five (5) different adults over the age of 50 years stay off the streets by renting a bedroom for under \$300. These tenants were marginally employed and/or returning to school for higher education and could not afford the going rentals.

Thank you, in advance, for doing your part

Catherine Steele
224 Mountain View Avenue #1
Santa Cruz, CA 95062
831-420-7515
steele.cat.heron@gmail.com

Comments on the Enterprise Way Project

Submitted to the SV Planning Commission
March 3, 2016
Michael Shulman, SV Resident

RECEIVED
MAR 03 2016

CITY OF SCOTTS VALLEY

I submit the following issues for further consideration in the EIR process.

Noise

Figure 1 of the Noise study (appendix 6) shows a different building layout than as shown elsewhere in the EIR. The study findings thus require some form of translation to the actual building locations. This needs to be addressed or new measures taken that align with the actually planned building locations.

Page 2 states: "Because of the close proximity of the project to Highway 17 and the limited use of upper floor balconies, the exterior noise requirements are not applied to the balconies." This has long been known as a noisy site and hence it has been zoned for commercial development which has more relaxed standards. If residential is proposed then it must be designed to conform to those stricter standards. As would be expected for multi-story residential, balconies are provided and these must be usable as livable outdoor spaces. Also, windows in upper floor bedrooms should be usable for ventilation, given SV's climate. It is reasonable for a hotel, with transient guests, to keep windows closed as a mitigation measure. This is not a reasonable mitigation for home ownership or long term rental; those residents have a right to expect the full, peaceful use of their property. The city should not set itself up for its residents to be continually dissatisfied with the noise levels experienced in dwellings built under the auspices of an EIR that identifies this non-compliance (76 db) with a longstanding adopted city ordinance that limits exposure to 60 db. Impact N-3 does not meet the threshold for less than significant.

After the Borland building was constructed, the Vineyards residential project across the highway suffered from a very noticeable and unanticipated increase in sound levels, which was subsequently understood as due to the rebound of traffic noise against the building. This abated over the course of years as the trees fronting the building grew to screen the building. Given this history and the similarity of circumstances that render it likely to be repeated here, Impact N-2 needs to address this and propose appropriate mitigations.

Land Use

Better segregation between the hotel and the residential components needs to be considered. It is quite rare to see residential units so close to a hotel; there is no such similar adjacency in Scotts Valley. The uses have certain inherent incompatibilities relative to noise and security. Hotel occupants often arrive late at night and are generally unconcerned about making noise; they also care little about neighborhood values or security. While hotel residents should not be assumed to be inconsiderate or have criminal intent, a large population of transient persons in close proximity to a residential neighborhood creates increased challenge for addressing noise complaints, burglaries or property damage incidents. These issues should be better analyzed, in association with LU-1, compatibility of land uses, and PSU-1, impact on police services.

One option would be to reverse the hotel / parking arrangement, constraining all outdoor guest activity (entry and parking) to the area between the building and the highway. Allowing the building to serve as a barrier between the commercial and residential zones could effectively limiting transient activity within the neighborhood.

Public Services

The residential component will have an impact on our schools. Page 14 -17 states that SVUSD has had years of declining enrollment, but 2015-2016 showed a significant enrollment increase, due in part to the occupancy of new residential construction. The impact of this new proposed residential construction will be offset by payment of the required fees, but PSU-2 should not state "less than significant" with no mitigation required, but rather "less than significant with mitigation", through payment of the statutory fees.

Aesthetic

Page 3-7 identifies two building mounted signs, above the 4th story and facing west and south, but it does not declare whether these are to be illuminated or not. This issue must be addressed at the EIR stage and not be deferred to a simple sign permit application. The western-facing sign will be visible for the many residents in the Glenwood and Hacienda neighborhoods; they are currently plagued by the SHELL sign that predates SV's sign height ordinance. The viewership for the southern facing sign would seem to be only trees or the residents of the Navarra neighborhood, so its value seems questionable. Impacts AES-1 and -3 should address the impact of commercial signage of this nature on the otherwise tree-saturated viewshed. The topography and site location will preclude building mounted signage from being visible from any Hwy 17 approach; a monument sign along the Hwy frontage would seem far more practical and, if desired by the applicant, should be addressed at this stage of the process. It is worth noting that neither the SV Hilton or the new hotel on SV Drive (under construction) has signage visible from the highway; the Best Western (across Hwy 17 from this site) has signage that likely predates adoption of the SV sign ordinance.

Traffic

The peak hour of traffic at the SVD/Glenwood intersection is driven by SVHS and not by typical business hours. It is well known that the afternoon peak is when school is dismissed, between 3 and 3:30, but counts were apparently taken only between 4:00 and 5:45 pm and the peak period declared as 4:45 – 5:00 pm. The significant difference in counts between these numbers and the morning peak (443 vs. 597, a full 35% difference) should have been a clue to the traffic engineering firm. This should be further reviewed. Note that the City may have data for this intersection from approximately the same timeframe (spring 2014) due to traffic counts taken in association with the removal of the stop sign at Glenwood and Casa Way.

Page 15-6 of the draft EIR, under section 15.2.8, states that the city provided a cumulative projects list used for establishing cumulative traffic estimates, and that this list is included in Appendix 5. But the list was not included in the 126 pages posted as Appendix 5. This is a serious omission and precludes public assessment of the analysis.

Impact TR-1 is identified as "significant and unavoidable", but no mitigations are noted. Acceptance of this unmitigated impact will require the City to make overriding considerations for accepting this environmental degradation without mitigation. This could put the entire project at risk because there is

no apparent basis for such an override – an additional hotel and market rate townhomes do not fulfill any significant identified needs of the community that can be used to support such a finding. While the added delays associated with this project to the identified intersections are modest, CEQA does not permit the lead agency to just throw up its hands.

Planned Development (PD) Zoning

The City adopted PD zoning to allow a systems approach to dealing with variances to the underlying zoning criteria, where specific deviations can be permitted if the adverse impact is offset by some other site criteria. For example, higher building heights can be permitted where shielded by a hillside, or smaller private yards permitted where there is convenient public open space usable for similar purposes. PD zoning is not intended to simply set aside community norms and expectations, and approval of projects that do so will place in jeopardy the community's willingness to maintain a PD zone designation. It must be used with due diligence and restraint.

In this DEIR, there are several circumstances where PD zoning is used as an alternative to mitigation measures. For example, page 15-14 talks about parking as follows:

"The proposed project would provide 122 parking spaces for the hotel component and 119 parking spaces for the residential component for a total of 241 parking spaces. The Scotts Valley Municipal Code (17.44.030) requires 126 parking spaces for the hotel component and 110 parking spaces for the residential component for a total of 236 parking spaces. The proposed Planned Development (PD) district would resolve the parking space requirements for the project site."

Therefore, there would be no parking impact."

PD zoning resolves non-compliance issues by identifying measures that offset the negative impacts of non-compliance. In the above case, this would presumably either be fewer hotel rooms and/or residential units, or some means to ensure that a certain percentage of hotel guests or residents not concurrently have cars onsite. Such measures should be addressed at the DEIR stage, so both the applicant and city agencies can consider their viability in the context of the project.

Another example is at the top of page 12-5, where it states: *"Although building heights are limited to 35 feet, development standards would be resolved through the PD process."* One reason SV has a building height limit is to preclude the adverse visual and aesthetic impacts of excessively tall buildings. Exceptions have and can be made (through a variance or PD zoning) where adequate mitigations are provided. The DEIR should identify the mitigations that would offset the visual impacts of the proposed 50 foot structure, rather than declare that PD zoning will "resolve" them. PD zoning may allow them, but it would do so for a reason or under certain conditions. These visual and aesthetic impacts, and their potential mitigations, should be addressed during the EIR process.

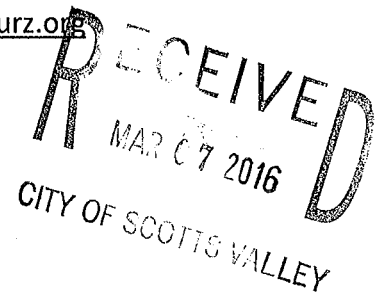


Affordable Housing NOW!

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March 7, 2016

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Bruce Van Allen

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

Subject: Enterprise Way Project Inclusionary Requirement

Dear City Council Members:

Affordable Housing NOW! (AHN!) appreciates the opportunity to comment on the proposed Enterprise Way development project. While AHN! supports the many attractive elements of this project as detailed in the Environment Impact Report (EIR), especially the attention to the energy conserving and environmentally sustainable features of the proposed townhouses and hotel, we are very concerned about the affordability of the housing for very-low and low income residents of Scotts Valley. As you are aware, page 3-5 of the initial draft EIR released included the following statement:

"Pursuant to a development agreement between the City and the project applicant, the townhouse development is not required to meet any inclusionary or affordable housing obligation, or any other costs associated with the provision of homes at below market value."

*Working to create
more affordable
housing options for
moderate to low
income people who
live and work in
Santa Cruz County.*

This statement directly conflicts with the City of Scotts Valley Inclusionary Housing Program, detailed in Municipal Code Chapter 14.01 "Redevelopment Agency Affordable Housing Production Requirements". While the draft EIR language has since been revised, it remains unclear what the housing unit affordability mix and level of affordability will be for this project. AHN feels strongly that no exceptions should be made for this project and the Developer should be required to comply with the City's existing 15% Inclusionary Housing requirement.

Subject: Enterprise Way Project

Page 2

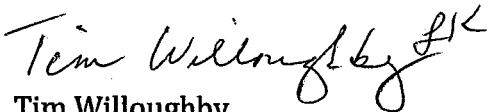
AHN! believes it is worth noting the "Findings" that precede the regulations of Scotts Valley Inclusionary Housing ordinance:

"The city council finds that housing for persons of very-low-, low- and moderate income serves and enhances the public health, safety and welfare, and particularly finds that provision of very-low-, low- and moderate-income housing is fundamental to maintenance of an adequate, growing workforce and marketplace for the local economy."

AHN! wholeheartedly agrees with these "Findings" and we urge your Council to require the Developers of the Enterprise Way project to comply with the City's 15% Inclusionary Program providing eight affordable units in the proposed 50 townhouse development. We further recommend a balanced distribution of four (4) units sales price restricted for Very-Low income households, and four (4) units sale price restricted for Low Income households. We think these levels of affordability best meet the spirit and intent of the Inclusionary Housing Program, as the remaining 42 market rate units in the project are likely to be "attainable" by moderate income households.

Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script that reads "Tim Willoughby". To the right of the signature is a small handwritten mark that appears to be "SLK".

Tim Willoughby
Chair, Affordable Housing NOW!

Michelle Fodge

From: Tracy Ferrara
Sent: Tuesday, March 08, 2016 2:03 PM
To: Taylor Bateman; Michelle Fodge; Kirsten Powell
Subject: FW: Affordable Housing

Tracy A. Ferrara

City Clerk
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, CA 95066
Phone: 831-440-5600
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From: Jane mccormick crowley [<mailto:janemccc4@gmail.com>]
Sent: Tuesday, March 08, 2016 1:45 PM
To: SVCH-cityhall
Subject: Affordable Housing

Dear Mayor Lind and City Council Members,

The development project agreement between Scott's Valley to build 50 market rate townhouses at 100 Enterprise Way appears to ignore the community's concern for the dearth of affordable housing. To make any inroads on this countywide, statewide crisis there should be no exceptions. The developer of this project must be required to meet the City's 15% Inclusionary Program requirement, with 8 units sales price restricted for low to moderate income households.

Thank you for your attention.

Jane McCormick Crowley.